DRAFT

Environmental Impact Report

San Juan Capistrano Skatepark and Trail Project Draft

AUGUST 2023

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AB	Assembly Bill
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
AUF	acoustical usage factor
BMP	best management practice
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards
CARB	California Air Resources Board
CBC	California Building Code
CBSP	Commuter Bikeways Strategic Plan
CDC	California Department of Conservation
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFM	cubic feet per minute
CGS	California Geological Survey
CH_4	methane
CHRIS	California Historical Resources Information System
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CP	Community Park
CRHR	California Register of Historical Resources
dB	decibels
DEIR	Draft Environmental Impact Report
DOC	California Department of Conservation
DPM	diesel particulate matter
EIR	environmental impact report
EIS	environmental impact statement
EO	Executive Order
EPP	Emergency Preparedness Plan
FEMA	Federal Emergency Management Agency
FESA	federal Endangered Species Act
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration

Acronym/Abbreviation	Definition
GHG	greenhouse gas
GPD	gallons per day
GPS	Global Positioning System
GWP	global warming potential
HCP	habitat conservation plan
ips	inches per second
ISO	International Organization for Standardization
LOS	level of service
LST	localized significance threshold
MBTA	Migratory Bird Treaty Act
MHP	Mobile Home Park District
MLD	Most Likely Descendant
MM	Mitigation measure
MT	metric ton
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	natural community conservation plan
NO_2	nitrogen dioxide
NOP	Notice of Preparation
NO_x	oxides of nitrogen
NRHP	National Register of Historic Places
NSLU	Noise Sensitive Land Use
NSR	noise sensitive receptor
OCFA	Orange County Fire Authority
OCSSHCP	Orange County Southern Subregion Habitat Conservation Plan
OCTA	Orange County Transportation Authority
OPR	Office of Planning and Research
PDF	project design feature
PPV	peak particle velocity
PRD	Planned Residential Development District
RCNM	Roadway Construction Noise Model
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCS	Sustainable Communities Strategy
SOCWA	South Orange County Wastewater Authority
SO_x	sulfur oxides

Acronym/Abbreviation	Definition
SP	Specific Plan
SPL	Sound Pressure Level
TAC	toxic air contaminant
TCA	Transportation Corridor Agencies
TCR	Tribal Cultural Resource
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	urban water management plan
VMT	vehicle miles traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program

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1 Executive Summary

This Draft Environmental Impact Report (EIR) for the proposed San Juan Capistrano Skatepark and Trail Project (referred to throughout this EIR as "proposed project" or "project") has been prepared on behalf of the City of San Juan Capistrano (City) in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Public Resources Code, Section 21000 et seq. and California Code of Regulations, Title 14, Section 15000, et seq.). The City is the public agency that "has the principal responsibility for carrying out or approving the project" and, as such, is the "lead agency" for this project under CEQA (State CEQA Guidelines, Section 15367). The proposed project constitutes a "project" as defined by State CEQA Guidelines Section 15378. The purpose of this Draft EIR is to evaluate and disclose the potential environmental consequences of the proposed project.

1.1 Proposed Project

The proposed project analyzed within this EIR is the approval and development of a proposed recreational space that would consist of a new skatepark, new playground area, new restroom building, raised berm seating, and landscaping. The proposed project also includes the related discretionary approvals, including an amendment to the Kinoshita Farm Specific Plan (SP) 85-01 and rezone of the project property from Agri-Business (A)/Specific Plan (SP) to Specific Plan (SP).

1.1.1 Project Location

The project site is located within the southwestern part of the City in Orange County, California. The project site is located adjacent to the City's Sports Park and within the City-owned 28-acre parcel known as the Kinoshita Farm Property located at Camino del Avion and Alipaz Street. The proposed project site is located on Assessor's Parcel Number (APN) 121-190-57.

The proposed project would encapsulate approximately 1.75 acres of land at 26095-26119 Camino Del Avion, San Juan Capistrano, California (hereafter referred to as "project site"). The project site is currently undeveloped land used for agricultural purposes. Surrounding land uses include Kinoshita Farm and a single-family residential development (referred to as "The Farm") to the north; Camino Del Avion and single-family residential to the south; Kinoshita Farm, the Ecology Center, and single-family residential to the east; and the City's Sports Park and Community Center to the west. Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel (Kinoshita Farm) has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01. The surrounding parcels have a land use designation of Specific Plan/Precise Plan (SP/PP) to the north, Medium High Density to south and east, and Community Park to the west (City of San Juan Capistrano 2002, 2019).

1.1.2 Project Overview

The project proposes approximately 42,575 square feet of recreational space that would consist of a new skatepark, new playground, restroom building, raised berm seating, and landscaping. The perimeter of the 42,575-square-foot recreational space would be fenced (Figure 3-6, Draft Site Plan). The proposed skatepark, totaling approximately 20,000 square feet, would be located in the northern portion of the project site and would include a 5,300-square-foot flow bowl area, a 4,200-square-foot pool bowl area, and a 10,500-square-foot street

skating area for skateboarding. The street skating area includes numerous rails, ledges, banks, and other features. The proposed skatepark and playground hours would be 8:00 a.m. to sunset, year-round, with an option to extend operation to 10:00 p.m. in a future phase of the project. The proposed playground, totaling approximately 1,123 square feet, would be located in the southern portion of the project site and would include a new playground structure, a water fountain, a restroom building and wrap around concrete bench-style seating. An open area grass seating space and shade structures would diagonally divide the north and south areas of the project site separating the proposed skatepark from the proposed playground and restroom building.

In addition to the recreation area, the project would include a new 20-foot-wide decomposed granite multi-use public trail, with 6-foot-high fencing on the farm-side of the trail and segments of split rail fencing, and open access to the Community Center/Sports Fields on the other, along Via Positiva and the western edge of the Kinoshita Farm property that would connect The Farm residential development to the new skatepark and Camino Del Avion (Figure 3-7, Proposed Multi-Use Trail). The trail would be approximately 1,700 linear feet and 33,988 square feet.

Trash receptacles would be located throughout the site. Additionally, a doggy waste station would be provided on the proposed trail near the proposed skatepark. The project would include landscaping around the perimeter of the proposed skatepark and proposed play park. The proposed restroom building would be surrounded by dwarf citrus trees.

1.1.3 Project Objectives

The objectives of the proposed project are as follows:

1. Fulfill a long-standing need for a skatepark facility in the community to address the express interest of residents and stakeholders as reflected in the City's 2007 recreational needs assessment.
2. Create a destination skatepark facility for City and surrounding residents to encourage safe skating in a designated area rather than on public and private property where skating may be prohibited.
3. Develop a skatepark facility in a location that is easily accessible, highly visible, and provides a safe environment for park users.
4. Develop a skatepark facility that is contiguous to other recreational facilities in order to maximize cohesive recreational land use patterns that encourage community engagement, functionality, and convenience.
5. Optimize the development and use of City-owned property with an emphasis on meeting community needs.
6. Develop a skatepark facility that includes a restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate.

1.2 Summary of Effects Found Not to Be Significant

CEQA provides that an EIR shall focus on the significant effects on the environment and discuss potential environmental effects with emphasis in proportion to their severity and probability of occurrence. During preparation of this EIR, the City conducted an analysis of the project's effect on specific environmental topic areas, included as part of the Environmental Checklist form presented in CEQA Guidelines Appendix G. Through the course of this evaluation, certain resource areas were identified as "less than significant" or "no impact" due to the inability of a project of this scope and nature to yield such impacts or the absence of project characteristics producing effects of this type. These effects are briefly assessed in Chapter 6, Other CEQA Considerations, and

include the following resource areas: Aesthetics; Air Quality; Energy; Forestry Resources, Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems; and Wildfire.

1.3 Summary of Environmental Impacts and Mitigation Measures

Table 1, Summary of Impacts and Proposed Mitigation, summarizes the results of the environmental analysis, including the potentially significant environmental impacts of the proposed project and proposed mitigation measures to reduce or avoid these impacts. Impacts and mitigation measures in this table are organized by issue areas addressed in Chapter 4, Environmental Analysis. Chapter 5, Cumulative Impacts, includes an analysis of cumulative impacts of the proposed project for each issue. Chapter 6, Other CEQA Considerations, includes a brief analysis of the effects found not to be significant.

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Aesthetics			
Would the project have a substantial adverse effect on a scenic vista?	Less Than Significant	No mitigation 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?	No Impact	No mitigation required	No Impact
Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings in non-urbanized areas? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact	No mitigation required	No Impact
Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on aesthetics?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Agricultural Resources			
Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Significant	**MM-AG-1: Contribution to Agricultural Preservation Fund.** Prior to issuance of a grading permit, the City shall mitigate for the loss of Prime Agricultural Land by depositing payment of fees into the City's Agricultural Preservation Fund and in accordance with Section 3-3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code. The fee payment shall be equivalent to cost of acquisition of Prime Farmland in the region at a	Significant and Unavoidable

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		ratio of 1:1 (i.e., 1.75 acres) or comparable open space land that could be converted to Prime Farmland. The fee payment shall be used for agricultural mitigation purposes, including but not limited to farmland acquisition, agricultural conservation easements, and/or farmland deed restrictions, with priority given to prime agricultural farmlands.	
Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	Less Than Significant	No mitigation required	Less Than Significant
Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	Potentially Significant	**MM-AG-1** (see above)	Significant and Unavoidable
Would the project have a cumulative effect on agriculture and forestry resources?	Cumulatively Considerable	**MM-AG-1** (see above)	Cumulatively Significant and Unavoidable
Air Quality			
Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less Than Significant	No mitigation required	Less Than Significant
Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less Than Significant	No mitigation required	Less Than Significant
Would the project expose sensitive receptors to substantial pollutant concentrations?	Less Than Significant	No mitigation required	Less Than Significant
Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Would the project have a cumulative effect on air quality?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Biological Resources			
Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant	**MM-BIO-1: Nesting Bird Survey.** In conformance with the requirements of the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code, should vegetation clearing, cutting, or removal activities be required during the nesting season (i.e., February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 7 calendar days before such activities take place. The survey shall consist of full coverage of the project footprint and an appropriate buffer, as determined by the qualified biologist. If no occupied nests are found, no additional steps shall be required. If nests are found that are being used for breeding or rearing young by a native bird, the qualified biologist shall recommend further avoidance measures, including establishing an appropriate buffer around the occupied nest. Appropriate buffers may be 300 feet for passerine species and 500 feet for raptor species; however, the buffer shall be determined by the qualified biologist based on the species present, surrounding habitat, and existing environmental setting/level of disturbance. No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing.	Less-Than-Significant Impact with Mitigation Incorporated
Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	No Impact	No mitigation required	No Impact

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Would the project 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?	No Impact	No mitigation required	No Impact
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?	Less Than Significant	No mitigation required	Less Than Significant
Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less Than Significant	No mitigation required	Less Than Significant
Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on biological resources?	Less than Cumulatively Considerable	**MM-BIO-1** (see above)	Less than Cumulatively Considerable
Cultural Resources			
Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	Less Than Significant	No mitigation required	Less Than Significant
Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Potentially Significant	**MM-CUL-1: Workers Environmental Awareness Program Training.** All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and	Less-Than-Significant Impact with Mitigation Incorporated

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of and legal basis for the protection of archaeological resources and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological resources and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor. **MM-CUL-2: Cultural and Tribal Cultural Resources Monitoring and Inadvertent Discovery of Archaeological Resources.** An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground-disturbing activities. An archaeological monitor shall be present on the project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils. In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's	

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		Professional Qualification Standards, can evaluate the significance of the unanticipated resource. If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource. The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).	
Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	Potentially Significant	**MM-CUL-3: Inadvertent Discovery of Human Remains.** In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains,	Less-Than-Significant with Mitigation Incorporated

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains. All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.	
Would the project have a cumulative effect on cultural resources and tribal cultural resources?	Less than Cumulatively Considerable	**MM-CUL-1, MM-CUL—2, and MM-CUL-3** (see above)	Less than Cumulatively Considerable
Energy			
Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
consumption of energy resources, during project construction or operation?			
Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on energy?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Forestry Resources			
Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact	No mitigation required	No Impact
Would the project result in the loss of forest land or conversion of forest land to non-forest use?	No Impact	No mitigation required	No Impact
Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?	No Impact	No mitigation required	No Impact
Would the project have a cumulative effect on forestry resources?	No Impact	No mitigation required	No Impact
Geology and Soils			
Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			
A. 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	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
a known fault? Refer to Division of Mines and Geology Special Publication 42?			
B. Strong seismic ground shaking?	Less Than Significant	No mitigation required	Less Than Significant
C. Seismic related ground failure including liquefaction?	Less Than Significant	No mitigation required	Less Than Significant
D. Landslides?	Less Than Significant	No mitigation required	Less Than Significant
Would the project result in substantial soil erosion or the loss of topsoil?	Less Than Significant	No mitigation required	Less Than Significant
Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less Than Significant	No mitigation required	Less Than Significant
Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No mitigation required	No Impact
Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant	**MM-GEO-1: Retention of a Qualified Paleontologist.** If excavations below a depth of five feet below the original ground surface are planned for the proposed project a qualified Orange County certified paleontologist meeting the Society of Vertebrate Paleontology's 2010 standards must be retained to oversee the implementation of all paleontological resources mitigation requirements for the project. The qualified paleontologist shall prepare an	Less Than Significant Impact with Mitigation Incorporated

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		inadvertent discovery clause to be added to all construction plans associated with ground disturbing activities. **MM-GEO-2: Paleontological Resources Sensitivity Training.** Prior to the start of excavations, the Qualified Paleontologist, or their designee, shall conduct paleontological resources awareness training for onsite personnel. The training session shall focus on how to identify paleontological resources that may be encountered during excavations and the procedures to be followed in the event of their discovery. The City shall ensure onsite personnel are made available for and attend the training and retain documentation demonstrating attendance. **MM-GEO-3: Paleontological Resources Monitoring.** If excavations below a depth of five feet below the original ground surface are planned for the proposed project, the qualified paleontologist shall determine when and where paleontological monitoring is warranted based on the paleontologists understanding of the construction plan and the lithologic character and age of the sediments that could be exposed during excavation. The qualified paleontologist or a qualified paleontological monitor meeting the Society of Vertebrate Paleontology's 2010 standards under the direction of the qualified paleontologist must conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist can reduce or terminate monitoring per the Society of Vertebrate Paleontology's 2010 guidelines and based on the excavations remaining for the proposed Project. The paleontological monitor should complete daily monitoring logs for each day	

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		monitoring is conducted documenting construction activities and geological and paleontological observations. The qualified paleontologist must produce a final paleontological monitoring report that discusses the paleontological monitoring program, any paleontological discoveries, and the preparation, curation, and accessioning of the fossils into a suitable paleontological repository with retrievable storage. The report shall be submitted to the City to signify the satisfactory completion of required paleontological mitigation measures. If significant fossils are discovered, the report shall also be submitted to the appropriate repositories. **MM-GEO-4: Paleontological Resource Treatment and Disposition.** If paleontological resources are discovered, significant fossils shall be prepared to the point of identification and cataloged. Significant fossils shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, then the fossils may be donated to a local museum, historical society, school, or other institution for educational purposes. Accompanying notes, reports, maps, and photographs shall also be filed with the final repository.	
Would the project have a cumulative effect on geology and soils resources?	Less than Cumulatively Considerable	**MM-GEO-1, MM-GEO—2, MM-GEO-3, and MM-GEO-4** (see above)	Less than Cumulatively Considerable
Greenhouse Gas Emissions			
Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
environment?			
Would the project generate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on greenhouse gas emissions?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Hazards and Hazardous Materials			
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less Than Significant	No mitigation required	Less Than Significant
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?	Less Than Significant	No mitigation required	Less Than Significant
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?	Less Than Significant	No mitigation required	Less Than Significant
Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less Than Significant	No mitigation required	Less Than Significant
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in	No Impact	No mitigation required	No Impact

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
a safety hazard or excessive noise for people residing or working in the project area?			
Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less Than Significant	No mitigation required	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?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on hazards and hazardous materials?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Hydrology and Water Quality			
Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less Than Significant	No mitigation 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?	Less Than Significant	No mitigation 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 or river or through the addition of impervious surfaces, in a manner which would:			
A. result in substantial erosion or siltation on or off site;	Less Than Significant	No mitigation required	Less Than Significant
B. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;	Less Than Significant	No mitigation required	Less Than Significant
C. create or contribute runoff water which would exceed the capacity of existing or	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			
D. impede or redirect flood flows?	Less Than Significant	No mitigation required	Less Than Significant
In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?	Less Than Significant	No mitigation required	Less Than Significant
Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on hydrology and water quality?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Land Use and Planning			
Would the project physically divide an established community?	No Impact	No mitigation required	No Impact
Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on land use resources?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Mineral Resources			
Would the project 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?	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on mineral resources?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Noise			
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?	Potentially Significant	**MM-NOI-1: Construction Noise Reduction.** In addition to adherence to the City of San Juan Capistrano's policies found in the City's General Plan Noise and Safety Element and Municipal Code limiting the construction hours of operation, the following measures shall be implemented to reduce construction noise emanating from the project: i. The project contractor shall, to the extent feasible, schedule construction activities to avoid concurrent operation of several pieces of construction equipment proximate to an offsite noise-sensitive receiver. ii. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained engine exhaust mufflers. iii. Based on feasibility and/or practicality, the project contractor shall apply the following onsite equipment noise control and sound abatement methods: a. shutting off idling engines of vehicles and stationary engine-driven equipment when not in use; b. orient operating stationary equipment so that audibly or measurably louder cabinet surfaces or	Less Than Significant with Mitigation Incorporated

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
		penetrations (e.g., air intake or discharge vents) are facing away from nearest offsite noise-sensitive receptors; and c. apply factory-approved enclosures, vent shrouds, and other equipment-mounted features to attenuate (via dissipative acoustical absorption, south path occlusion or redirection, etc.) noise emission. iv. During the site preparation and excavation phases of the Project, the project contractor shall install a minimum 7-foot-tall temporary noise barrier (e.g., vertical installation of adjoining plywood sheeting [minimum ½-thick], a frame-suspended outdoor acoustical blanket, or other materials/assembly that demonstrates a minimum of sound transmission class [STC] 20) along the full southern extent of the project boundary. v. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented, and a report of the action provided to the reporting party.	
Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Less Than Significant	No mitigation required	Less Than Significant
For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people	No Impact	No mitigation required	No Impact

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
residing or working in the project area to excessive noise levels?			
Would the project have a cumulative effect on noise resources?	Less than Cumulatively Considerable	**MM-NOI-1** (see above)	Less than Cumulatively Considerable
Population and Housing			
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)?	No Impact	No mitigation required	No Impact
Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact	No mitigation required	No Impact
Would the project have a cumulative effect on population and housing?	No Impact	No mitigation required	No Impact
Public Services			
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?	Less Than Significant	No mitigation required	Less Than Significant
Police Protection?	Less Than Significant	No mitigation required	Less Than Significant
Schools?	No Impact	No mitigation required	No Impact
Parks?	Less Than Significant	No mitigation required	Less Than Significant
Other public facilities?	No Impact	No mitigation required	No Impact

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Would the project have a cumulative effect on public services?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Recreation			
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?	No Impact	No mitigation required	No Impact
Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on recreation?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Transportation			
Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less Than Significant	No mitigation required	Less Than Significant
Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less Than Significant	No mitigation required	Less Than Significant
Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less Than Significant	No mitigation required	Less Than Significant
Would the project result in inadequate emergency access?	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
Would the project have a cumulative effect on transportation resources?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Tribal Cultural Resources			
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			
A. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	Potentially Significant	**MM-CUL-1**, **MM-CUL-2**, and **MM-CUL-3** (see above)	Less Than Significant with Mitigation Incorporated
B. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on tribal cultural resources?	Less than Cumulatively Considerable	**MM-CUL-1, MM-CUL—2, and MM-CUL-3** (see above)	Less than Cumulatively Considerable
Utilities and Service Systems			
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	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
construction or relocation of which could cause significant environmental effects?			
Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less Than Significant	No mitigation required	Less Than Significant
Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less Than Significant	No mitigation required	Less Than Significant
Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less Than Significant	No mitigation required	Less Than Significant
Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on utilities and service systems?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable
Wildfire			
Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	Less Than Significant	No mitigation required	Less Than Significant
Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less Than Significant	No mitigation required	Less Than Significant

Table 1. Summary of Impacts and Proposed Mitigation

Environmental Topic	Impact?	Mitigation Measure(s)	Level of Significance After Mitigation
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?	Less Than Significant	No mitigation required	Less Than Significant
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?	Less Than Significant	No mitigation required	Less Than Significant
Would the project have a cumulative effect on wildfire?	Less than Cumulatively Considerable	No mitigation required	Less than Cumulatively Considerable

1.4 Alternatives

Section 15126.6(a) of the CEQA Guidelines states that an EIR shall describe "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project," as well as provide an evaluation of "the comparative merits of the alternatives." Under CEQA Guidelines Section 15126.6(a), an EIR does not need to consider alternatives that are not feasible, nor does it need to address every conceivable alternative to the project. The range of alternatives "is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice" (14 CCR 15126.6[f]).

Alternative 1: No Project

This alternative assumes the project would not occur and the project site would remain under its current condition.

Alternative 2: Develop Skatepark with a 500-Foot Setback from Camino Del Avion

Alternative 2 would result in the same scale, site plan layout, and design of the proposed skatepark facility and trail as the proposed project; however, the project footprint would be set back 500 feet north of Camino del Avion Road. The entrance to the skatepark would be accessible from Camino del Avion Road or Via Positiva Road via the proposed trail located west of the project site. Operation of Alternative 2 would occur consistent with operation of the proposed project and the same project approvals would be required for Alternative 2 as for the proposed project.

Alternative 3: Develop Skatepark at San Juan Capistrano Community Gardens

Alternative 3 would consist of development of the same size skatepark facility, operations, and trail alignment as the proposed project. However, the site design and layout of the skatepark facility would be altered and the proposed playground, including the restroom building, would no longer be proposed due to spacing concerns to accommodate the different shape and smaller size of the Alternative 3 site. Implementation of Alternative 3 would include demolition of the existing community garden and associated parking area to allow for development of the skatepark facility. The community garden site is designated as Community Park and is designated as Urban and Built-Up Land under the Farmland and Mapping and Monitoring Program (FMMP) [see Figure 4.1-1]. Although the site would be located off Via Positiva, it is anticipated vehicles would access the site from Camino Del Avion because Via Positiva does not provide onstreet parking, does not have adequate road width for cars to pull over to drop visitors off, and is located farther from available parking options (i.e., Community center lot and onstreet parking along Camino Del Avion).

1.4.1 Environmentally Superior Alternative

Section 15126.6 of the California Code of Regulations (CCR) suggests that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Alternative 1 (No Project Alternative) is the environmentally superior alternative, because all of the impacts of the project would be avoided. However, Alternative 1 would not meet any of the project's objectives.

Compared to the project, Alternative 2 would result in similar impacts to agricultural resources, biological resources, cultural resources, paleontological resources, and tribal resources. However, this alternative would reduce construction-related noise impacts due to the site distance from residential sensitive receptors. Therefore, Alternative 2 would be environmentally superior to the project. This alternative would also meet most of the project's objectives but would not entirely meet Objectives 3 and 4 because the location of Alternative 2 is at least 500 feet from a public roadway and associated sidewalks. The increased distance would make the Alternative 2 site less visible from public streets, more difficult for patrol vehicles to monitor activity at the skatepark, and would reduce ease in accessibility, functionality, and convenience of the facility for the public in comparison to the proposed project.

Compared to the project and Alternative 2, Alternative 3 (Develop Skatepark at San Juan Capistrano Community Gardens) would result in greater short-term construction noise impacts for nearby residential noise sensitive receptors. And similar to the project and Alternative 2, Alternative 3 would not avoid the significant and unavoidable impacts to agricultural resources (project and cumulative). However, Alternative 3 would result in reduced environmental impacts to agricultural resources, biological resources, cultural resources, paleontological resources, and tribal resources. Therefore, Alternative 3 would be considered environmentally superior to the proposed project and Alternative 2 overall. Alternative 3 would also meet most of the project objectives; however, it should be noted that this alternative would fall short in meeting objectives related to accessibility, functionality, and convenience. This would be due to Alternative 3's lack of an onsite restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate and its location along Via Positiva Way, a road that does not provide on street parking or adequate space to drop off visitors due to road width and is located farther from available parking options (i.e., Community center lot and onstreet parking along Camino Del Avion).

1.5 Areas of Known Controversy

Pursuant to Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was released for public review from February 2, 2023, to March 3, 2023. The City held a public scoping meeting on February 23, 2023, at 6:00 p.m. in the San Juan Capistrano Community Center, to provide information on the proposed project to the public and to solicit input from interested parties regarding environmental issues to be addressed in the Draft EIR. Key environmental issues and concerns raised at the scoping meeting or in response to the NOP included:

- **Agriculture:** Concerns related to loss of agricultural land.
- **Noise:** Concerns related to increased noise from the proposed project at residences across Camino Del Avion were expressed.
- **Transportation:** Concerns related to efficiency of circulation, short-term bike parking, and street parking along Camino Del Avion were expressed.

2 Introduction

This Draft Environmental Impact Report (EIR) for the proposed San Juan Capistrano Skatepark and Trail Project (referred to throughout this EIR as "proposed project" or "project") has been prepared on behalf of the City of San Juan Capistrano (City) in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines (Public Resources Code ("PRC"), Section 21000 et seq. and California Code of Regulations, Title 14, Section 15000, et seq.). The City is the "public agency which has the principal responsibility for carrying out or approving the project" and, as such, is the "Lead Agency" for this project under CEQA (State CEQA Guidelines, Section 15367). The proposed project constitutes a "project" as defined by State CEQA Guidelines Section 15378. The purpose of this Draft EIR is to evaluate and disclose the potential environmental consequences of the proposed project.

The proposed project analyzed within this EIR is the approval and development of a proposed recreational space that would consist of a new skatepark, new playground area, new restroom building, raised berm seating, and landscaping. The proposed project also includes the related discretionary approvals, including an amendment to the Kinoshita Farm Specific Plan (SP) 85-01 and rezone of the project property from Agri-Business(A)/Specific Plan (SP) to Specific Plan (SP). The proposed project would be located on approximately 1.75 acres of land at 26095-26119 Camino Del Avion, San Juan Capistrano, California (hereafter referred to as "project site").

2.1 Purpose and Intended Use of the EIR

CEQA requires that public agencies consider the potentially significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.). CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant adverse environmental effects of projects it approves or implements. If a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decision maker must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable (PRC Section 21002, State CEQA Guidelines Section 15093).

According to State CEQA Guidelines Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental impact. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

In accordance with State CEQA Guidelines Section 15161, this document is a project EIR that examines the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from a specific project. In accordance with State CEQA Guidelines Section 15161, a project EIR must examine the environmental effects of all phases of the project, including construction and operation.

2.2 Organization and Scope of this Draft EIR

A brief overview of the various chapters and scope of the Draft EIR are provided below:

Chapter 1, Executive Summary (CEQA Guidelines Section 15123). Provides a summary of the EIR, a brief description of the project, project objectives, a summary of effects found not to be significant, summary of environmental impacts and mitigation measures, a summary of alternatives to the proposed project, and areas of known controversy. It also includes a table that summarizes the results of the environmental analysis, including the potentially significant environmental impacts of the proposed project and proposed mitigation measures to reduce or avoid impacts.

Chapter 2, Introduction. Contains an overview of the legal authority, purpose, and intended uses of the EIR, as well as its scope and content. It also provides a discussion of the CEQA environmental review process, including public involvement.

Chapter 3, Project Description. (CEQA Guidelines Section 15124). Provides a detailed discussion of the proposed project, including the location, background, objectives, project characteristics, and project approvals.

Chapter 4, Environmental Analysis. (CEQA Guidelines Section 15126). Provides a detailed evaluation of potential environmental impacts associated with the proposed project for environmental issues determined through the initial review and public scoping processes to be potentially significant. The analysis of each issue begins with a description of the current environmental setting and relevant regulatory framework, and a statement of specific thresholds used to determine the significance of impacts. This is followed by an evaluation of potential impacts. If significant impacts are identified, feasible mitigation measures to avoid or reduce any significant impacts are identified. Where mitigation measures are required, a statement regarding the significance of the impact after mitigation is provided. The City has determined that the project has the potential to result in significant environmental impacts on the following resources, which are addressed in detail in this chapter: Agricultural Resources; Biological Resources; Cultural Resources and Tribal Cultural Resources; Geology and Soils; and Noise.

Chapter 5, Cumulative Effects. (CEQA Guidelines Section 15130). Provides a detailed discussion of the proposed project's cumulative impacts. Per CEQA Guidelines Section 15065(a)(3), a project's impacts are "cumulatively considerable" when the incremental effects of an individual project are significant when viewed in connection with the effect of past projects, the effects of other current projects, and the effects of probable future projects.

Chapter 6, Other CEQA Considerations. This chapter provides a discussion of growth inducement, effects found not to be significant, and significant and unavoidable impacts. Growth inducement is the potential for the proposed project to affect economic or population growth, either directly or indirectly. Effects found not to be significant identifies the issues determined in the initial scoping and environmental review process to be not significant for the project, and briefly summarizes the basis for these determinations. As discussed in Chapter 6, it was determined that the project would not result in significant environmental impacts on the following resources: Aesthetics; Air Quality; Energy; Forestry Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems; and Wildfire. Significant and unavoidable impacts are those that are significant and cannot be reduced below a significant level with the implementation of mitigation. As discussed in Chapter 4, it was determined that impacts to agricultural resources would remain significant after implementation of mitigation.

Chapter 7, Alternatives. (CEQA Guidelines Section 15126.6). Provides a description and comparative analysis of alternatives to the proposed project.

Chapter 8, References Cited.

Chapter 9, List of Preparers.

2.3 Public Review Process

2.3.1 Notice of Preparation and Scoping Meeting

Pursuant to Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) for the project was released for public review from February 2, 2023, to March 3, 2023. The City held a public scoping meeting on February 23, 2023, at 6:00 p.m. in the San Juan Capistrano Community Center, to present the proposed project to the public and to solicit input from interested parties regarding environmental issues to be addressed in the Draft EIR. Key environmental issues and concerns raised at the scoping meeting or in response to the NOP included:

- **Agriculture:** Concerns related to loss of agricultural land**.**
- **Noise:** Concerns related to increased noise from the proposed project at residences across Camino Del Avion were expressed.
- **Transportation:** Concerns related to efficiency of circulation, short-term bike parking, and street parking along Camino Del Avion were expressed.

2.3.2 Public Review of this Draft EIR

This EIR is being circulated for public review and comment for a period of 45 days, beginning **August 17, 2023**, and ending **October 2, 2023**. The Draft EIR is available for public review on the City's website at: <https://www.sanjuancapistrano.org/221/Environmental-Documents> and hard copies of the Draft EIR are available at the following locations:

City of San Juan Capistrano
Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675
Hours: Monday through Thursday, 7:30 a.m. to 5:30 p.m.
Friday, 7:30 a.m. to 4:30 p.m.

San Juan Capistrano Library
31495 El Camino Real
San Juan Capistrano, CA 92675
Hours: Sunday, 9:00 a.m. to 5:00 p.m.
Monday through Thursday, 10:00 a.m. to 7:00 p.m.
Friday, Closed
Saturday, 9:00 a.m. to 5:00 p.m.

During the public comment period, written comments from the general public, organizations, and agencies on the Draft EIR's accuracy and completeness may be submitted to the lead agency. Because of time limits mandated by State law, comments should be provided in writing no later than 5:00 p.m. on **October 2, 2023**. Please send all comments via regular mail or email to:

Ashley Melchor, Senior Management Analyst
City of San Juan Capistrano
30448 Rancho Viejo Road
San Juan Capistrano, California 92675
Phone: 949.443.6380
Email: amelchor@sanjuancapistrano.org

3 Project Description

3.1 Project Location

The San Juan Capistrano Skatepark and Trail Project site is located within the southwestern part of the City in Orange County, California. The project site is located adjacent to the City's Sports Park and within the City-owned 28-acre parcel known as the Kinoshita Farm Property located at Camino del Avion and Alipaz Street (Figure 3-1, Project Location). The proposed project site is located on 1.75 acres within Assessor's Parcel Number (APN) 121-190-57.

3.2 Environmental Setting

3.2.1 Background

For over a decade, members of the San Juan Capistrano community have expressed interest in a City skatepark. In 2007, a skatepark facility was identified as a community priority as a result of a Citywide recreation needs assessment. Since then, various stakeholder groups have evaluated several possible skatepark locations, held workshops to provide design feedback and conducted fundraising efforts. In January 2021, the City Council approved a contract with Grindline Skateparks Inc. to finalize the design of a public skatepark project that would integrate with the City's existing Community Center, Ecology Center active farm, and Sports Park. The proposed project location, at the southwest corner of the City-owned Kinoshita Farm property, was identified for construction of the skatepark and trail project. The Kinoshita Farm Specific Plan (SP) 85-01 regulates the land uses that are allowed on the property. On July 19, 2022, the City Council approved initiation of a study of a Code Amendment and Rezone that would amend the Kinoshita Farm Specific Plan (SP) 85-01 to allow a public skatepark and public trail project as permitted uses, and to change the zoning of the City-owned 28-acre Kinoshita Farm property from the current dual zoning of Agriculture/Specific Plan to Specific Plan.

Recognizing that once constructed, the skatepark would be a regional amenity available to neighboring cities, the City of Dana Point has partnered with the City of San Juan Capistrano to provide $25,000 annually to fund maintenance of the skatepark.

3.2.2 Project Site and Surrounding Land Uses

The project site is currently undeveloped land used for agricultural purposes. Surrounding land uses include Kinoshita Farm and a single-family residential development referred to as "The Farm" to the north; Camino Del Avion and single- family residential homes to the south; Kinoshita Farm, the Ecology Center, and single-family residential to the east; and the City's Sports Park and Community Center to the west (Figure 3-2, Project Site). Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel (Kinoshita Farm) has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01 (Figure 3-3, General Plan Land Use Designation and Figure 3-4, Zoning). The surrounding parcels have a land use designation of Specific Plan/Precise Plan (SP/PP) to the north, Medium High Density to south and east, and Community Park to the west (City of San Juan Capistrano 2019, 2002).

Bordering the subject property, the land to the north is zoned Specific Plan/Precise Plan (SP/PP) Community Park (CP) to the west, Residential Garden-4,000 District and Mobile Home Park District to the east and Planned

Residential Development District to the south (City of San Juan Capistrano 2019, 2002). Refer to Section 3.11, Land Use and Planning, for further details on land use compatibility.

3.2.3 Existing Operations and Site Condition

The project site encompasses approximately 1.75 acres and is located within the westernmost portion of the City-owned Kinoshita Farm 28-acre property. Specifically, the site of the proposed recreational facility encompasses 0.97 acres in the southwestern corner of the property and the site of the proposed multi-use trail encompasses approximately 0.78 acres along the western boundary of the Kinoshita Farm property (Figure 3-5, Existing Conditions). The project site is currently used for orchard and crop farming as part of a larger farming operation conducted by The Ecology Center under a license agreement with the City. The Ecology Center operates an active farming operation, farm stand, administrative offices within the historic Joel Congdon Residence located on the property, and educational and community programs. Constructed in 1876, the Joel Congdon residence is the first wooden structure built in San Juan Capistrano. The house is a two-story structure constructed in the late Victorian architecture typical of the period. The City has taken great care in the restoration of the Joel Congdon residence. For 125 years, the Joel Congdon residence has played an important role in the history and development of farming in San Juan Capistrano. Since its construction, the Joel Congdon residence was continuously the home for families living on the farm until 1975. The Joel Congdon Residence is located in the northeast corner of the property off Alipaz Street, which is outside of the proposed Project area.

3.3 Purpose and Need

The purpose of the proposed project is to provide a recreation facility for the residents of San Juan Capistrano that contributes to the variety of recreational offerings the City Parks and Recreation Department provides. A need for a skatepark facility has been expressed by the citizens of San Juan Capistrano for over a decade. The proposed project would contribute to the City's existing recreational uses surrounding the site and achievement of the following City General Plan goals and policies:

Parks and Recreation Goal 1: Provide, develop, and maintain ample park and recreational facilities that provide a diversity of recreational activities.

Policy 1.1: Coordinate with local groups to identify and meet the community's recreational needs.

Parks and Recreational Goal 2: Develop and expand the existing bicycle, hiking, and equestrian trail system and facilities.

Policy 2.1: Develop and expand the existing trails network that supports bicycles, pedestrians, and horses, and coordinate linkages with those networks of adjacent jurisdictions.

3.4 Project Objectives

The objectives of the proposed project are as follows:

1. Fulfill a long-standing need for a skatepark facility in the community to address the express interest of residents and stakeholders as reflected in the City's 2007 recreational needs assessment.

2. Create a destination skatepark facility for City and surrounding residents to encourage safe skating in a designated area rather than on public and private property where skating may be prohibited.
3. Develop a skatepark facility in a location that is easily accessible, highly visible, and provides a safe environment for park users.
4. Develop a skatepark facility that is contiguous to other recreational facilities in order to maximize cohesive recreational land use patterns that encourage community engagement, functionality, and convenience.
5. Optimize the development and use of City-owned property with an emphasis on meeting community needs.
6. Develop a skatepark facility that includes a restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate.

3.5 Project Characteristics

3.5.1 Project Components and Land Uses

The proposed project involves development of approximately 42,575 square feet of recreational space that would consist of a new skatepark, new playground, restroom building, raised berm seating, and landscaping. The perimeter of the 42,575-square-foot recreational space would be fenced (Figure 3-6, Draft Site Plan). The proposed skatepark, totaling approximately 20,000 square feet, would be located in the northern portion of the project site and would include a 5,300-square-foot flow bowl area, a 4,200-square-foot pool bowl area, and a 10,500-square-foot street skating area for skateboarding. The street skating area includes numerous rails, ledges, banks, and other features. The proposed playground, totaling approximately 1,123 square feet, would be located in the southern portion of the project site and would include a new playground structure, a water fountain, a restroom building and wrap around concrete bench-style seating. An open area grass seating space and shade structures would diagonally divide the north and south areas of the project site separating the proposed skatepark from the proposed playground and restroom building. As part of the project, infrastructure to support future outdoor lighting for the recreational space would be installed as part of initial construction. This infrastructure would allow for lighting fixtures to be installed in a potential future phase if operation of the recreational space were to be extended beyond sunset and no later than 10 p.m. As currently proposed, the proposed hours of project operation would be 8:00 a.m. to sunset, year-round.

In addition to the recreation area, the project would include a new 20-foot-wide decomposed granite multi-use public trail, with 6-foot-high fencing on the farm-side of the trail and open access to the Community Center/Sports Fields on the other, along Via Positiva and the western edge of the Kinoshita Farm property that would connect The Farm residential development to the new skatepark and Camino Del Avion (Figure 3-7, Proposed Multi-Use Trail). The trail would be approximately 1,700 linear feet and 33,988 square feet. The trail would be accessible at all hours and vehicular access to the trail would be limited to emergency vehicles.

Trash receptacles would be located throughout the site. Additionally, a doggy waste station would be provided on the proposed trail near the proposed skatepark. The project would include landscaping around the perimeter of the proposed skatepark and proposed play park. The proposed restroom building would be surrounded by dwarf citrus trees.

The Kinoshita Farm Specific Plan (SP) 85-01 regulates the land uses that are allowed on the property. As a condition of the project, the City Council would be required to approve a Code Amendment and Rezone that would amend the Kinoshita Farm Specific Plan (SP) 85-01 to allow a public skatepark and public trail project as

permitted uses and change the zoning of the City-owned 28-acre Kinoshita Farm property from the current dual zoning of Agriculture/Specific Plan to Specific Plan (SP).

3.5.2 Site Access, Circulation, and Parking

Access to the recreational facility would be provided via gated pedestrian entrances located along the southern and western boundaries of the site. The southern boundary of the site would include one gated entrance for the skatepark and two gated entrances for the playground. Additionally, the western boundary of the site would include one gated entrance for the play park and one gated entrance for the skatepark. A gated entrance for the proposed trail would be located on the southwest corner of the site where the trail starts. The project would not include a parking lot, as the City of San Juan Capistrano Municipal Code does not include parking requirements for parks. Visitors would utilize parking along Camino Del Avion or the existing parking lot within the City's Community Center and Sports Park Complex, which provides 228 parking stalls, 11 of which are accessible to persons with disabilities in compliance with the Americans with Disabilities Act. The project would also include onsite signage providing information on alternative transportation options to the site and permanently anchored bicycle racks for bicycle parking on site.

3.6 Project Construction and Phasing

Construction is anticipated to begin in early 2024 and would occur in 1 phase over approximately 6 months.

3.7 Lead, Trustee, and Responsible Agencies

The City of San Juan Capistrano is the lead agency responsible for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the EIR public-review process is complete, the City will determine whether to certify the EIR (see State CEQA Guidelines Sections 15090) and approve the project.

A trustee agency is a State agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California. The only trustee agency that has jurisdiction over resources potentially affected by the project is the California Department of Fish and Wildlife associated with biological resource issues.

Responsible agencies are public agencies, other than the lead agency, that have discretionary-approval responsibility for reviewing, carrying out, or approving elements of a project. Responsible agencies should participate in the lead agency's CEQA process, review the lead agency's CEQA document, and use the document when making a decision on project elements. The project is anticipated to receive financial contributions from the City of Dana Point. As such, approval would be needed from Dana Point City Council for the contribution of $25,000 per year to the funding of the project. The contribution to the project would be a discretionary action on the part of the City of Dana Point. Agencies that may have responsibility for, or jurisdiction over, the implementation of elements of the project include the following:

State Agencies

- California Department of Fish and Wildlife

Regional and Local Agencies

- South Orange County Wastewater Authority
- Metropolitan Water District of Southern California (Metropolitan) and the Municipal Water District of Orange County
- City of San Juan Capistrano
- Santa Margarita Water District

3.8 Project Approvals

The actions and/or approvals that the City needs to consider for the project include, but are not limited to, the following: This list is preliminary, and may not be comprehensive:

- Amendment to The Kinoshita Farm Specific Plan (SP) 85-01 to allow for the proposed skatepark and trail Project and clean up existing language. Amendments to SP 85-01 would consist of the following:
  - Adding skatepark and trail as permitted uses in the plan area.
  - Revise Section 1 (Purpose and Intent) to clarify that the area covered by the Specific Plan is only the 28-acre agriculture property.
  - Remove Section 3, which refers to Community (Public) Park Uses so that the Specific Plan would only apply to the 28-acre agricultural property. This would clarify that the adjoining City Sports Park facility is governed by the allowable uses and standards of the Community Park (CP) zoning district.
  - Revise Section 4 (Amendment to the Specific Plan) to clarify the process for amending the Specific Plan to reflect the requirements of the Municipal Code.
  - Revise Section 5 (Supplementary District Regulations) to update the references to the Land Use Code and to reflect requirements of the Municipal Code.
- Rezone the project site within the City's Kinoshita Farm Property from Agri-Business (A)/Specific Plan (SP) to Specific Plan (SP).
- Certification of the San Juan Capistrano Skatepark and Trails Project Environmental Impact Report
- Subsequent non-discretionary approvals (which would require separate processing through the City) would include, but may not be limited to a demolition permit, grading permit, building permits, and occupancy permits.

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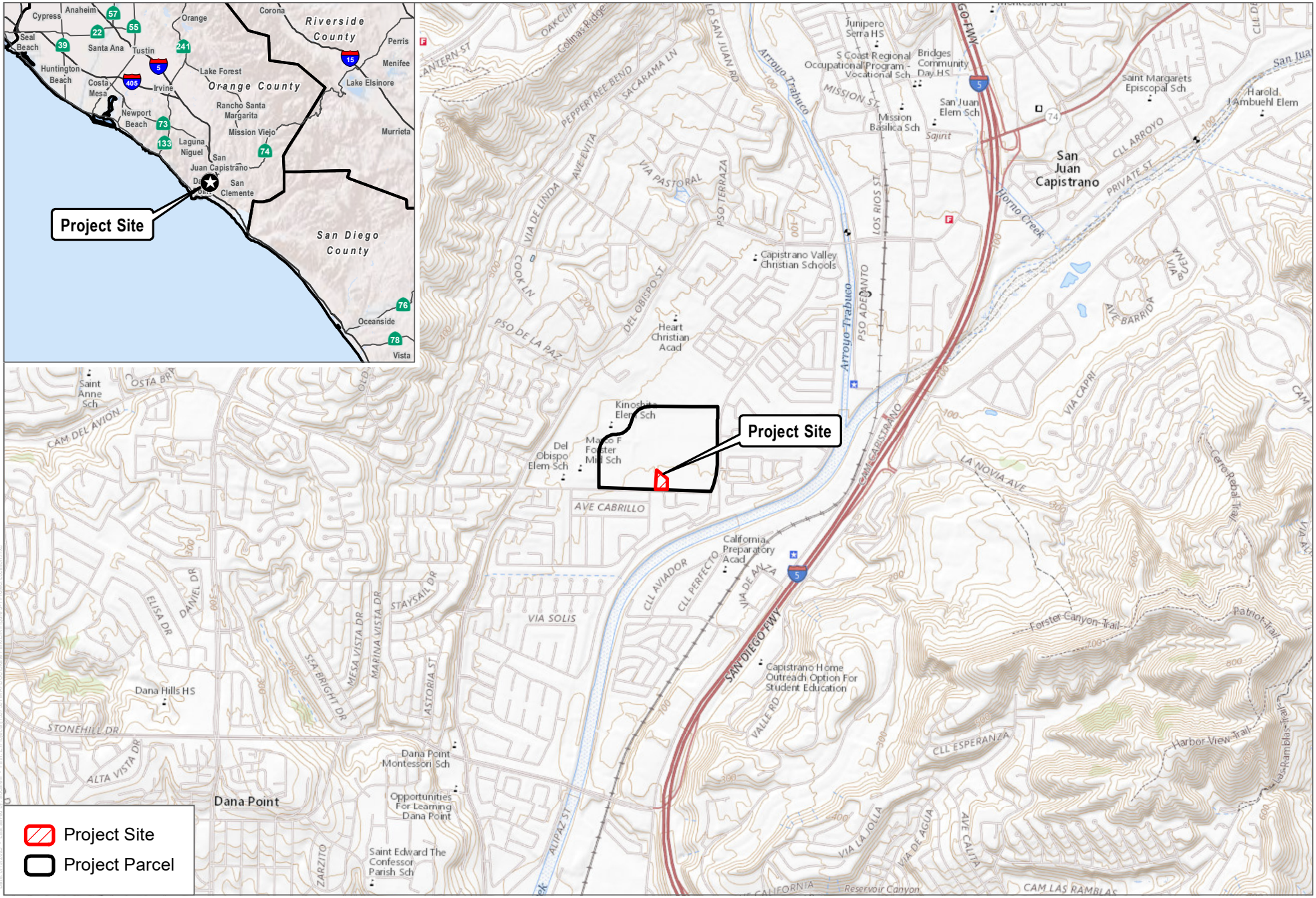

SOURCE: USGS National Map 2023; Dana Point Quadrangle

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FIGURE 3-1

Project Location

San Juan Capistrano Skatepark and Trail Project EIR

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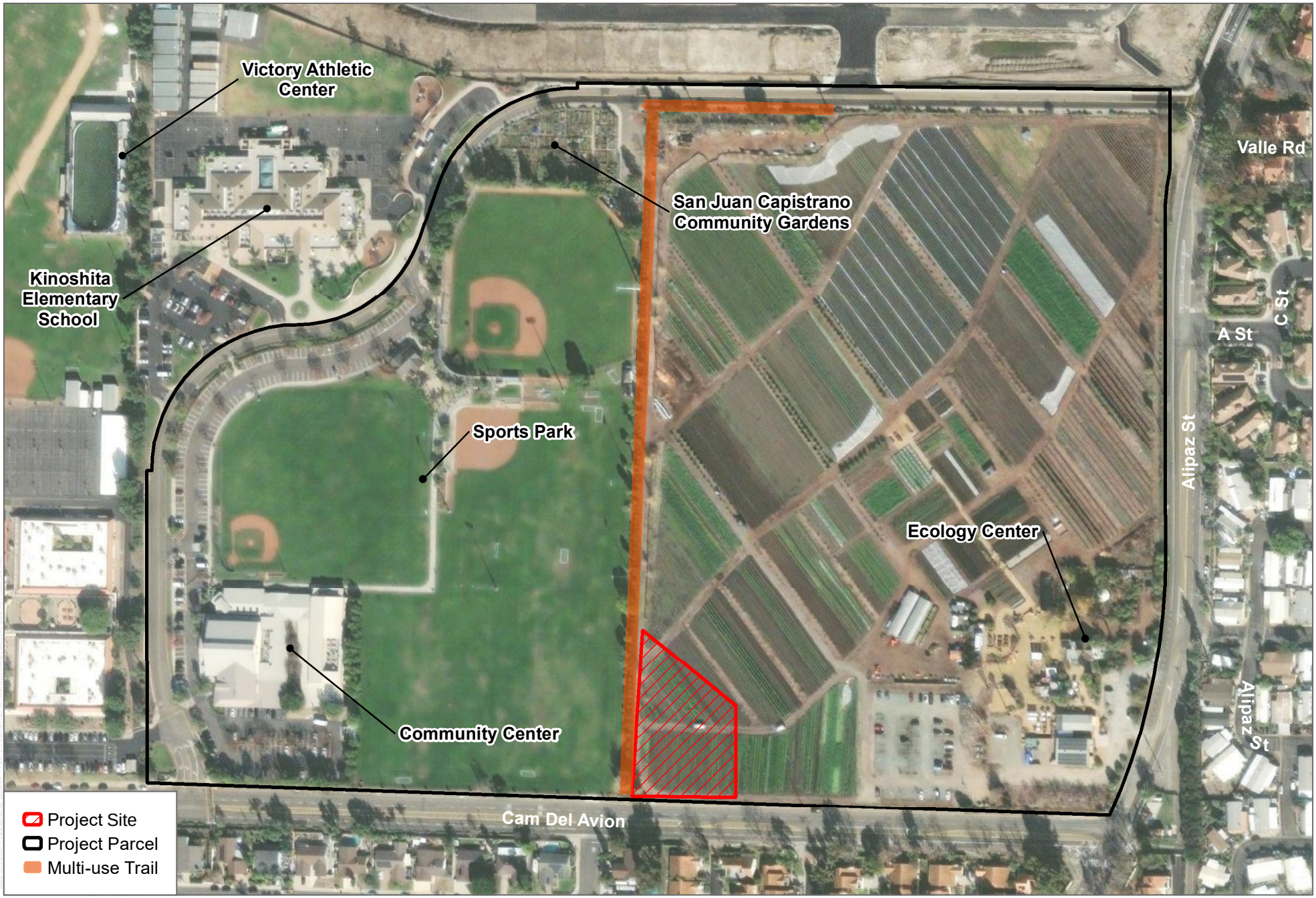

SOURCE: Maxar 2022

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0 115 230 Feet

FIGURE 3-2

Project Site

San Juan Capistrano Skatepark and Trail Project EIR

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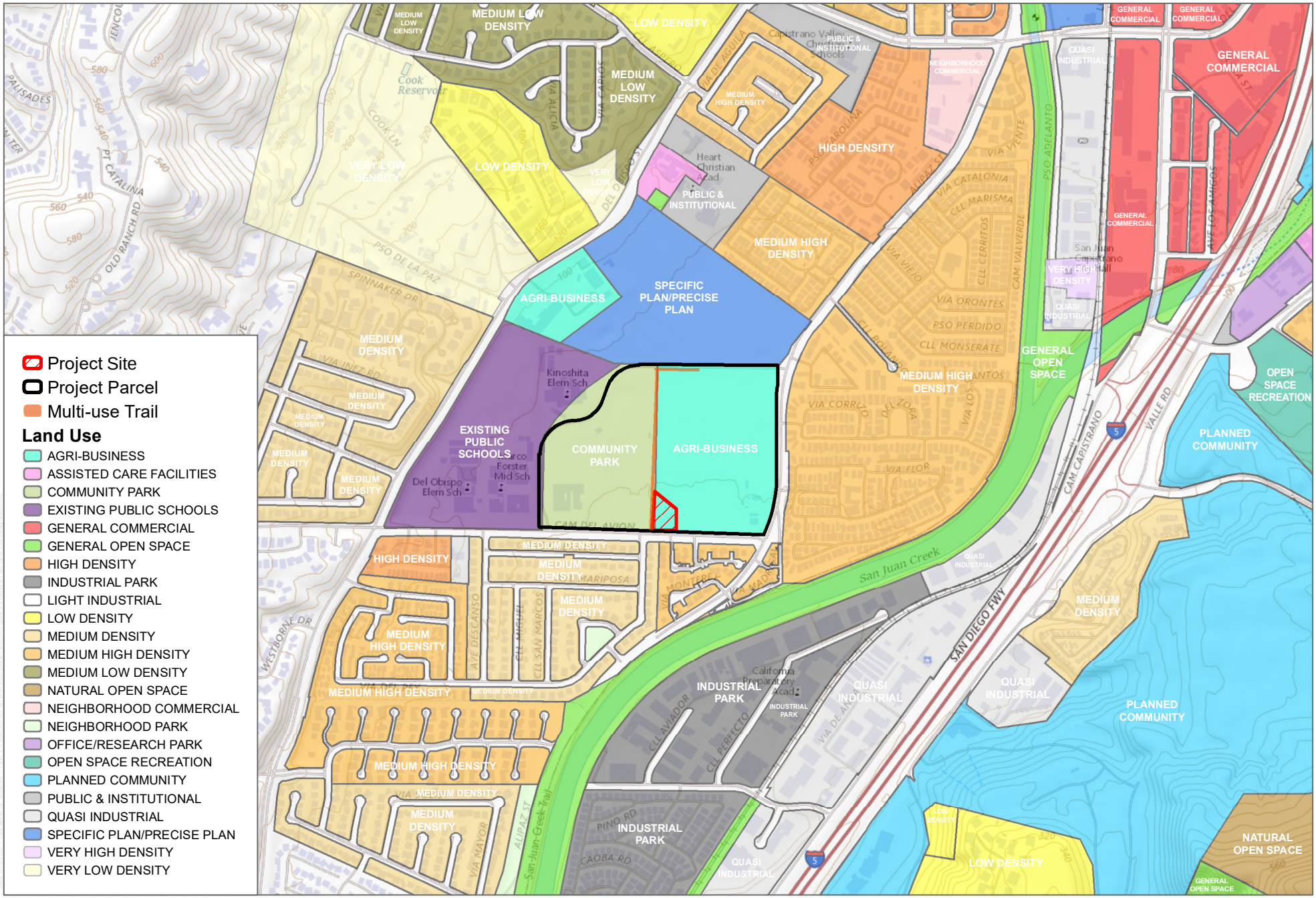

SOURCE: USGS National Map 2023; City of San Juan Capistrano 2021

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0 500 1,000 Feet

FIGURE 3-3

General Plan Land Use Designation

San Juan Capistrano Skatepark and Trail Project EIR

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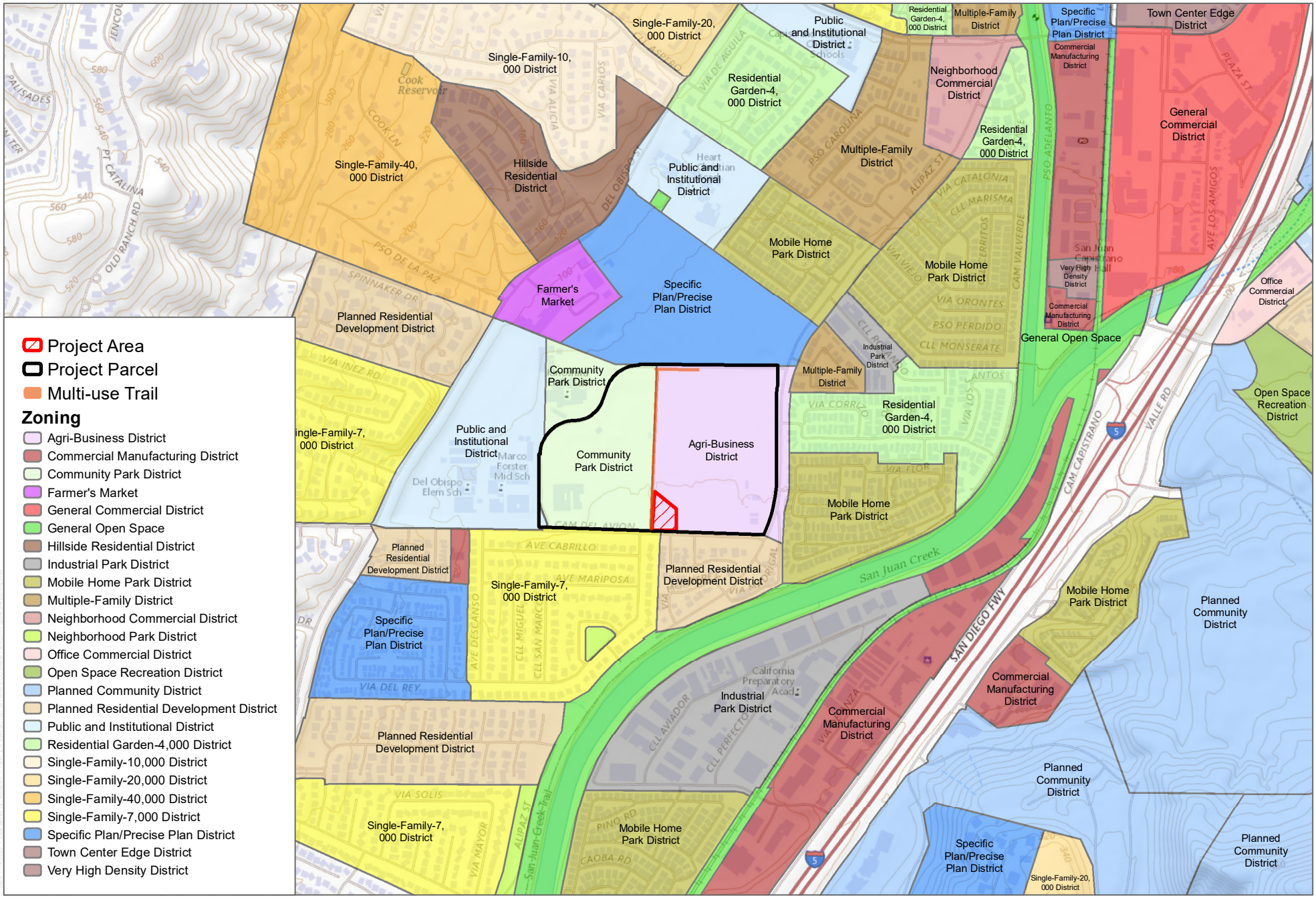

SOURCE: USGS National Map 2023; City of San Juan Capistrano 2021

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FIGURE 3-4

Zoning

San Juan Capistrano Skatepark and Trail Project EIR

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SOURCE: Bing Maps

DUDEK

0 25 50 Feet

FIGURE 3-5

Existing Conditions

San Juan Capistrano Skatepark and Trail Project EIR

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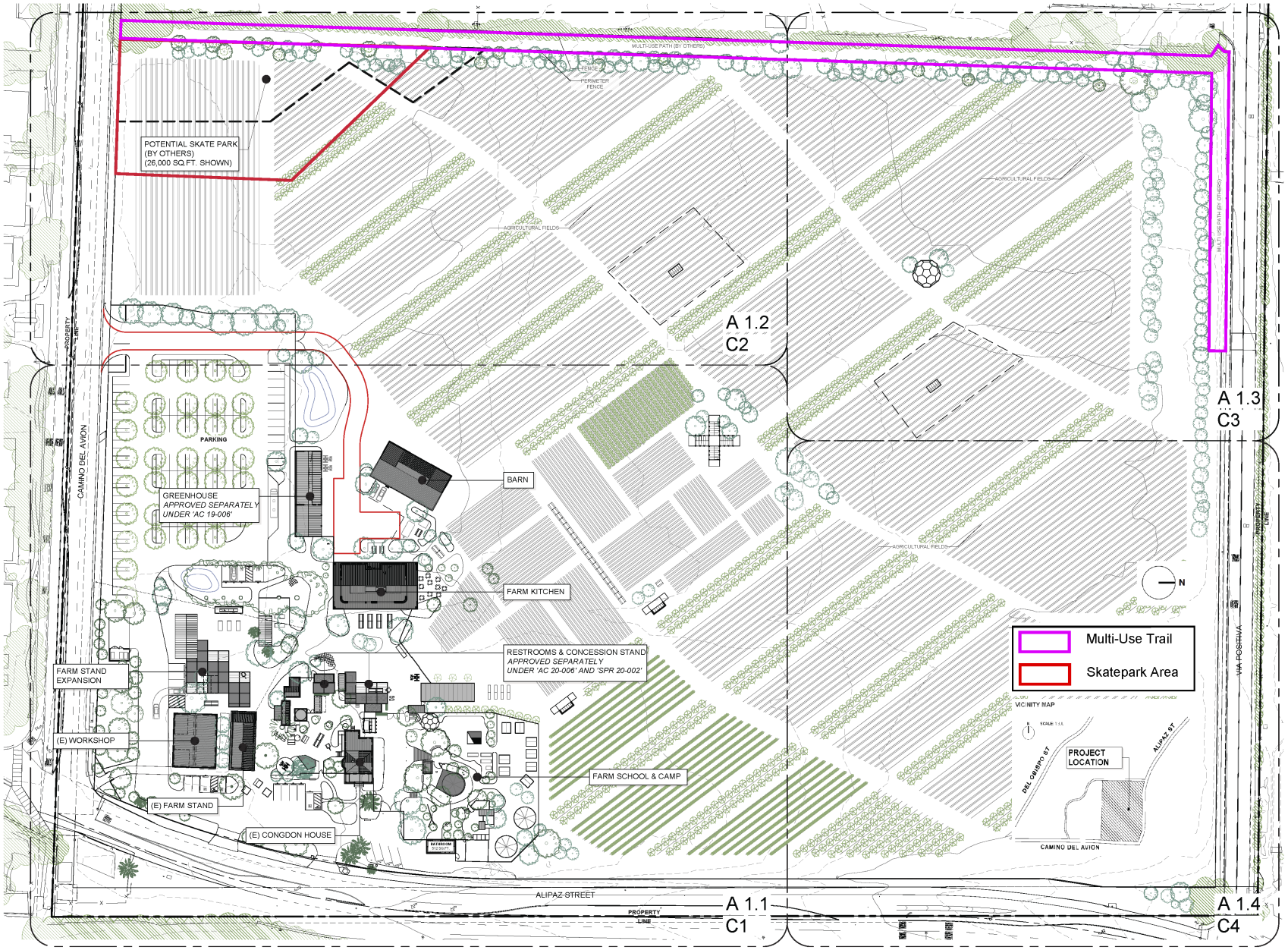

Source: The Ecology Center

FIGURE 3-6

Draft Site Plan

San Juan Capistrano Skatepark and Trail Project EIR

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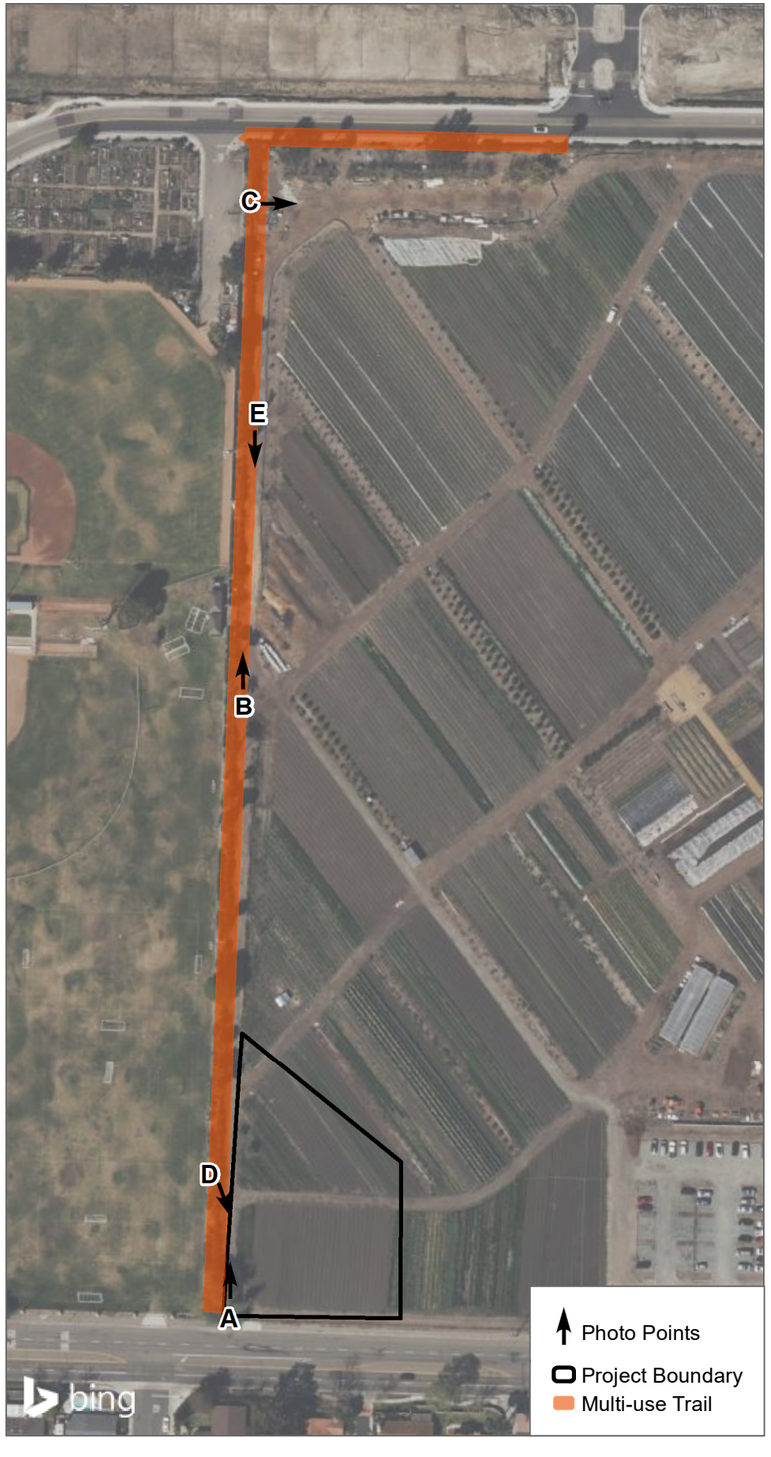

SOURCE: Bing Maps 2021

DUDEK 0 80 160 Feet

FIGURE 3-7

Proposed Multi-Use Trail

San Juan Capistrano Skatepark and Trail Project EIR

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4 Environmental Analysis

4.0 Introduction to Environmental Analysis

Sections 4.1 through 4.8 analyze the potential environmental impacts that may occur as a result of implementation of the San Juan Capistrano Skatepark and Trail Project (proposed project or project). The environmental issues analyzed in the following sections include those that were identified by the City as potentially significant during scoping. There are eight environmental impact areas addressed in the following sections. An analysis and impact conclusions related to additional environmental topics that the City determined would not be significant is included in Chapter 6, Other CEQA Considerations, of this Draft Environmental Impact Report (DEIR). The environmental topics addressed in individual sections of this chapter include the following:

4.1 Agricultural Resources

4.2 Biological Resources

4.3 Cultural Resources

4.4 Geology and Soils

4.5 Land Use and Planning

4.6 Noise

4.7 Transportation

4.8 Tribal Cultural Resources

Each section is formatted to include a description of the environmental setting and regulatory context relevant to each environmental issue area, a description of the methodology and assumptions used in the analysis, if applicable, the criteria for determining the significance of each impact, an evaluation of potential impacts, an assessment of the level of significance for each impact, a mitigation framework, if applicable, and a conclusion of significance after mitigation for impacts identified as significant.

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4.1 Agriculture Resources

This section describes the existing agriculture conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

A comment letter related to loss of agricultural resources was received in response to the Notice of Preparation and is considered in the analysis provided below.

4.1.1 Existing Conditions

4.1.1.1 Overview

The project site is actively cultivated agricultural land containing row crops on approximately 1.75 acres located within the southwestern corner and western boundary of the City-owned Kinoshita Farm. The project site has a land use designation of Agri-Business as designated by the City of San Juan Capistrano General Plan. The Agri-Business designation is described as "agricultural crop production and sales, and animal breeding, boarding, raising and training" per the San Juan Capistrano General Plan Land Use Element. Allowable uses under this designation include field and row crops, orchards and vineyards, greenhouses, and nurseries. This land use designation also permits a single-family home and other uses determined to be compatible with the primary use.

The project site is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01 (Figure 3-3, General Plan Land Use Designation and Figure 3-4, Zoning in Chapter 3, Project Description). The Kinoshita Farm Specific Plan (SP) 85-01 (Specific Plan) regulates the land uses that are allowed on the property. On July 19, 2022, the City Council approved an initiation of a study of a Code Amendment and Rezone that would amend the Kinoshita Farm Specific Plan (SP) 85-01 to allow a public skatepark and public trail project as permitted uses and change the zoning of the City-owned 28-acre Kinoshita Farm property from the current dual zoning of Agriculture/Specific Plan to Specific Plan-Precise Plan.

4.1.1.2 Project Site History

The project site has been used for agricultural purposes for over 100 years, with the property occupied by orchards between approximately the 1930s and 1960s, after which it was used as row crop agriculture land until present. The property was acquired by the City Council of San Juan Capistrano, with the cooperation of the Community Redevelopment Agency, through the proceeds of the Open Space Bond Issue, approved by the citizens in April 1990. The Kinoshita Farm Specific Plan was adopted by the City Council in 1986 and amended in 1994 to provide development guidelines and standards for the former Kinoshita Farm (see Section 4.1.2 below for further discussion of the Specific Plan).

The project site and the surrounding property to the north and east are operated as a Regenerative Organic Certified farm and education center by the Ecology Center, a nonprofit organization, in coordination with the City under a lease agreement. The property to the west is a City-owned community park called the City's Sports Park.

4.1.2 Relevant Plans, Policies, and Ordinances

State

Farmland Mapping & Monitoring Program

The California Department of Conservation (CDC), Division of Land Resource Protection, identifies important farmland throughout the state through the Farmland Mapping and Monitoring Program (FMMP) in order to provide consistent and impartial data regarding California's agricultural resources. The FMMP prepares, updates, and maintains Important Farmland Series Maps as defined in subdivision (f) of Section 65560 of the Government Code, and prepares and maintains an automated map and data base system to record and report changes in the use of agricultural lands every two years (DOC 2023). Agricultural land is rated based on soil quality and irrigation status. The ratings and their definitions are described below based on the FMMP California Important Farmland Finder:

- **Prime Farmland:** Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance:** Irrigated land similar to Prime Farmland that has a good combination of physical and chemical characteristics for the production of agricultural crops. This land has minor shortcomings, such as greater slopes or less ability to store soil moisture than Prime Farmland. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.
- **Unique Farmland:** Lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- **Farmland of Local Importance:** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- **Grazing Land:** Land on which the existing vegetation is suited to the grazing of livestock. This category is used only in California and was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities.
- **Other:** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

The information is available publicly at the California Important Farmland Finder interactive website[1].

California Land Conservation Act

The California Land Conservation Act of 1965, better known as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or

[1] https://maps.conservation.ca.gov/DLRP/CIFF/

related open space use for the length of the contract. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

Local

San Juan Capistrano General Plan

The General Plan Conservation & Open Space Element (2002) contains the following relevant goals and policies:

Conservation & Open Space Goal 3: Preserve existing agricultural activity.

Policy 3.1: Implement economic programs that promote the long-term viability of designated agricultural parcels within the City.

Policy 3.2: Reduce the negative impacts resulting from urban uses and neighboring agricultural uses in close proximity.

Kinoshita Specific Plan

The Kinoshita Farm Specific Plan 85-01 (Specific Plan) was adopted by the City Council in 1986 and amended in 1994. The Specific Plan regulates the land uses that are allowed on the property. The Specific Plan also provides guidelines and development standards for the future development of the property.

City Agriculture Preservation Fund

As contained in Section 3-3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code, construction of each residential unit, commercial unit, and industrial unit in the City is taxed at specific rates of which the proceeds are deposited into the City's Agricultural Preservation Fund (Fund). This Fund is exclusively used for the purpose of preserving agriculture on lands designated for such use in the General Plan and such other related purposes as are authorized by law. Expenditures from the Agriculture Preservation Fund shall be made after the General Plan has been amended designating specific farmlands to be preserved in agriculture as a long-term or permanent land use. As outlined in Sec. 3-3.109. Disposition of proceeds, in the City Municipal Code, expenditures from the Agriculture Preservation Fund may include, but shall not be limited to:

1. The construction of buffers and fences;
2. Employee housing assistance;
3. Refunds of prior capital improvement bond assessments;
4. Refunds of those portions of prior property tax payments determined to be in excess of taxes which would have been paid based only on agricultural land values;
5. The promotion of local agriculture product sales;
6. City acquisitions of farmlands; and
7. Such other applicable expenditures as deemed appropriate by the Council. (Ord. No. 204, § 10; Ord. No. 316, § 10)

4.1.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to agriculture resources is based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to agriculture 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 for agricultural use, or a Williamson Act contract.
3. 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.

4.1.4 Impacts Analysis

1. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?

Significant and Unavoidable Impact. As shown on Figure 4.1-1, Farmland Mapping and Monitoring Program Designations, the project site is classified as "Prime Farmland". The California Department of Conservation (DOC) defines Prime Farmland as farmland with the best combination of physical and chemical features able to sustain long term agricultural production. The project site and land immediately north and east of the project site is "Prime Farmland" used as an active Regenerative Organic Certified farm and education center operated by the Ecology Center on the City-owned Kinoshita Farm property. "Urban and Built-Up Land" is located immediately south (road and residential area) and west (recreational facility) of the project site. Just north of Kinoshita Farm and Via Positiva Road is land that was recently developed into a master plan community of single-family homes referred to as "The Farm" residential development. Historically, "The Farm" property was used for agricultural production, including commercial greenhouses, but had not been used for in-ground agricultural production since 1998 (City of San Juan Capistrano 2018a). While The Farm property is still classified as Unique Farmland by the 2018 FMMP (see Figure 4.1-1), the land has been approved for residential development, currently under construction, and would no longer be considered agricultural land. The greater project vicinity is mainly classified as "Urban and Built-Up Land" dominated by residential, commercial, and recreational uses.

The project site is actively farmed and has a reliable water supply. Based on the recent removal of farmland from "The Farm" residential property in City of San Juan Capistrano, the project site currently represents approximately 1.4 percent of all Prime or Unique Farmland, or Farmland of Statewide Importance in the City and less than one percent in Orange County. Although the project site represents a small fraction of farmland in Orange County, the direct loss of Prime Farmland to a non-agricultural use would be considered a significant impact to agricultural resources. To reduce the significant impact, the City shall implement mitigation measure **MM-AG-1.**, which requires the City to mitigate the loss of agricultural land as follows:

MM-AG-1: Contribution to Agricultural Preservation Fund. Prior to issuance of a grading permit, the City shall mitigate for the loss of Prime Agricultural Land by depositing payment of fees into the City's Agricultural Preservation Fund and in accordance with Section 3-3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code. The fee payment shall be equivalent to cost of

acquisition of Prime Farmland in the region at a ratio of 1:1 (i.e., 1.75 acres) or comparable open space land that could be converted to Prime Farmland. The fee payment shall be used for agricultural mitigation purposes, including but not limited to farmland acquisition, agricultural conservation easements, and/or farmland deed restrictions, with priority given to prime agricultural farmlands.

Implementation of **MM-AG-1** would provide payment of a fee into the City's Agricultural Preservation Fund to be used for agricultural mitigation purposes, including but not limited to farmland acquisition, agricultural conservation easements, and/or farmland deed restrictions. However, **MM-AG-1** would not replace the approximate 1.75 acres of Prime Farmland lost as a result of the proposed project (e.g., convert natural land to agriculture) and does not result in a net increase in agricultural land; therefore, the measure does not offset the conversion of Prime Farmland to a nonagricultural use. Therefore, implementation of MM AG-1 would not reduce the impact to Prime Farmland to a less-than-significant level, and the permanent conversion of 1.75 acre of Prime Farmland to non-agricultural uses would constitute a **significant and unavoidable impact** pursuant to CEQA.

2. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less-than-Significant Impact. The project site currently has a dual zoning of Agri-Business District (A) and Specific Plan (SP) 85-01. The project site's existing zoning does not limit the project site to only agricultural uses. Moreover, the Kinoshita Farm property, including the project site, is not under a Williamson Act Contract. Accordingly, the project would not conflict with existing zoning for agricultural use or with a Williamson Act contract, and impacts relating to this issue would be **less than significant**.

3. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Significant and Unavoidable Impact. Project implementation would result in the conversion of approximately 1.75 acres of Prime Farmland to a non-agricultural use. Although the project proponent would be required to mitigate the loss of agricultural land through implementation of **MM-AG-1,** the mitigation measure does not result in a net increase in agricultural land, and thus does not offset the conversion of Prime Farmland to a nonagricultural use. Therefore, **MM-AG-1** would not reduce impacts to Prime Farmland to a less-than-significant level, and the permanent conversion of 1.75 acres of Prime Farmland to non-agricultural uses would constitute a **significant and unavoidable impact** pursuant to CEQA.

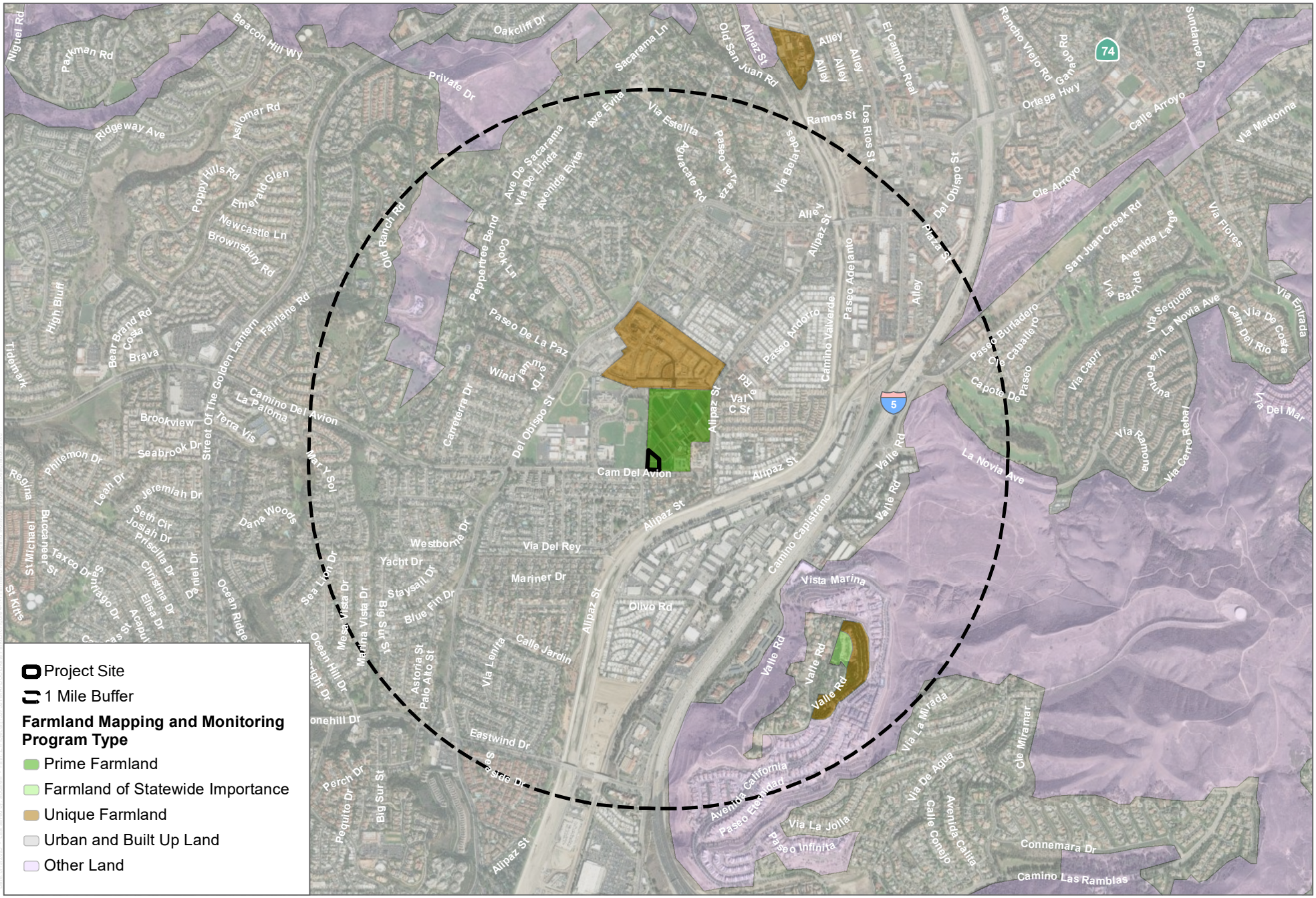
4.1.5 Mitigation Measures

MM-AG-1: Contribution to Agricultural Preservation Fund. Prior to issuance of a grading permit, the City shall mitigate for the loss of Prime Agricultural Land by depositing payment of fees into the City's Agricultural Preservation Fund and in accordance with Section 3-3.104, Schedule C, and Section 3-3.109(b) of the City's Municipal Code. The fee payment shall be equivalent to cost of acquisition of Prime Farmland in the region at a ratio of 1:1 (i.e., 1.75 acres) or comparable open space land that could be converted to Prime Farmland. The fee payment shall be used for agricultural mitigation purposes, including but not limited to farmland acquisition, agricultural conservation easements, and/or farmland deed restrictions, with priority given to prime agricultural farmlands.

4.1.6 Level of Significance After Mitigation

Conversion of Important Farmland

With the implementation of **MM-AG-1,** impacts related to the conversion of Prime Farmland to nonagricultural uses (see threshold 1 and 3 above) would remain significant and unavoidable.



SOURCE: Maxar 2022, Ca Dept of Conservation 2018

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0 1,000 2,000 Feet

FIGURE 4.1-1

Farmland Mapping and Monitoring Program Designations

San Juan Capistrano Skatepark and Trail Project EIR

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4.2 Biological Resources

This section describes the existing biological resources conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

4.2.1 Existing Conditions

The Project site is currently undeveloped land used for agricultural purposes located within the southwestern portion of the City. The San Juan Creek Channel is located approximately 800 feet southwest of the Project site and is designated as General Open Space in the City's General Plan. No other open space or general habitat occurs in the general vicinity of the project site.

The Project site is not located within an area that is covered by the Orange County Southern Subregion Habitat Conservation Plan (OCSSSHCP). The nearest boundary of the OCSSSHCP area is located approximately 800 feet from the project site (CBI 2023).

Special-Status Plant Species

The project site is located in an urban environment within a predominantly developed part of the City. While the majority of the site is comprised of dirt surface, and crops, some plant species are supported. Plant species found on the project site consist of ruderal and ornamental non-native species, including small, scattered shrubs and common weedy varietals growing within the less-maintained areas of the site. Additionally, several ornamental trees are located along part of the project site's southern, northern and western borders. Due to the disturbed condition of the project site, no native plant species are expected to occur on site. Together, the on-site plant species form a non-native and non-cohesive plant community that are not anticipated to support any candidate, sensitive, or special-status plant species.

Special-Status Animal Species

Based upon the urbanized nature of the project area, wildlife species that could potentially occur in the surrounding area include common species typically found in urban/developed settings such as mourning dove (*Zenaida macroura*), desert cottontail (*Sylvilagus audubonii*), and western fence lizard (*Sceloporus occidentalis*). The on-site land cover is not known to support any candidate, sensitive, or special-status wildlife species.

4.2.2 Relevant Plans, Policies, and Ordinances

Federal

United States Fish and Wildlife Service

The United States Fish and Wildlife Service (USFWS), pursuant to the Federal Endangered Species Act (FESA), protects endangered and threatened species. FESA defines an endangered species as a species in danger of extinction throughout all or a significant part of its range and a threatened species as one that is likely to become endangered in the foreseeable future. USFWS also identifies species proposed for listing as endangered or threatened. Other than for federal actions, there is no formal protection for candidate species under FESA.

However, consultation with USFWS regarding species proposed for listing can prevent project delays that could occur if a species is listed prior to project completion.

United States Army Corps of Engineers

USACE regulates discharges of dredged or fill material into waters of the United States, which are defined as wetlands and nonwetland waters that meet specific criteria. The USACE regulatory jurisdiction, pursuant to Section 404 of the federal CWA, is founded on a connection, or nexus, between a water body and interstate commerce that may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or indirect (through a connection identified in the USACE regulations).

Section 401 of the Clean Water Act

The California Regional Water Quality Control Board (RWQCB) administers Section 401 of the CWA, which is implemented through the issuance of a Section 401 Certification for Section 404 permits issued by USACE. Areas subject to RWQCB jurisdiction typically coincide with those of USACE (i.e., waters of the United States, including any wetlands). The RWQCB also asserts authority over waters of the State under waste discharge requirements pursuant to the California Porter-Cologne Water Quality Control Act, but this mechanism is typically not invoked in cases where USACE asserts permitting authority pursuant to the CWA.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) governs take, possession, import, export, transport, selling, purchasing, or bartering of migratory birds and their eggs, parts, and nests, except as authorized under a valid permit. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take while ensuring that take is compatible with protection of the species. Most bird species are protected under the MBTA.

In addition, under Section 3503.5 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy any bird or the nests or eggs of any bird species except as otherwise provided in the California Fish and Game Code and its regulations. This code also specifically protects raptors, including owls. The CDFW considers a disturbance that results in nest abandonment or loss of reproductive effort as take. Disturbances of active nesting territories should be avoided during the nesting season.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA) is intended to ensure that the potential effects of proposed projects are identified and disclosed prior to project approval. If a project has the potential to result in one or more significant impacts, mitigation to lessen or avoid the identified impacts is required. Section 15382 of the State CEQA Guidelines defines a significant effect on the environment as "…a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

Section 15380 of the State CEQA Guidelines defines a rare or endangered species for the purposes of CEQA as a species or subspecies of animal or plant or a variety of plant "…already listed by a government agency (CDFW

and/or USFWS) as being rare, threatened, or endangered…" A plant or animal may also be treated as rare or endangered for the purposes of CEQA even if it has not been listed by a government agency, if it can be shown that the species meets the criteria for such listing.

California Endangered Species Act

The CDFW, through provisions of the California Administrative Code and policies formulated by the California Fish and Game Commission (Commission), regulates plant and animal species in danger of, or threatened with, extinction based on the list of endangered, threatened, and candidate species developed by the Commission. Endangered species are native species or subspecies of plants and animals that are in serious danger of becoming extinct throughout all or a significant part of their range. Threatened species are those species that, although not presently threatened with extinction, are likely to become endangered in the foreseeable future without special protection and management. Candidate species are species the Commission has formally noticed as being under review for addition to the list of endangered or threatened species or as a species proposed for listing.

Streambed Alteration Regulations

The CDFW, through provisions of the California Administrative Code, is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected by a proposed project. Streams and rivers are defined by the presence of a channel bed and banks and at least a periodic flow of water. The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by the CDFW. The CDFW also includes non-wetland riparian communities associated with rivers and streams as part of jurisdictional waters of the State. These areas may extend beyond jurisdictional waters of the United States.

California Natural Diversity Database

The CDFW administers the CNDDB, which comprises lists of special-status plants, animals, and natural communities, including species listed under the California Endangered Species Act (CESA) and FESA, California Species of Special Concern, and USFWS Birds of Conservation Concern. Additional species, natural communities, and habitat types are designated as being of special interest because of their rarity (e.g., very localized distribution, few scattered occurrences) and/or threats to their existence, although there is no specific regulatory protection afforded to those species by listing in the CNDDB.

California Native Plant Society

The CNPS is a nonprofit organization that promotes the preservation of native California plants. The CNPS created and maintains an Online Inventory of Rare and Endangered Plants of California, which identifies four specific designations, or Lists, of special-interest plant species.

Local

Orange County Southern Subregion Habitat Conservation Plan (OCSSHCP)

In an effort to respond to growing concern over the conservation of coastal sage scrub and other biological communities, federal, state, and local agencies have developed a multispecies approach to habitat conservation planning known as the Natural Communities Conservation Plan (NCCP) process. The goal of this NCCP program is to identify significant coastal sage scrub habitat and to develop ways and means to preserve and/or restore the

ecological value of this and associated plant communities and their attendant sensitive species in a rapidly urbanizing setting. This was made possible by legislation (Assembly Bill [AB] 2172) that authorized CDFW to enter into agreements for the preparation and implementation of NCCPs. USFWS joined in this effort, utilizing both the Section 4(d) Special Rule and the habitat conservation plan (HCP) processes.

In Orange County, the development of two subregional NCCP/HCPs for coastal sage scrub and other covered habitats was undertaken jointly by the County, the Transportation Corridor Agencies (TCA), USFWS, and CDFW in cooperation with several large private landowners, including the Irvine Company, with the County as the Lead Agency and other cities as participating agencies. The NCCP/HCP for the Orange County Southern Subregion Habitat Conservation Plan (OCSSHCP) was approved by the participating agencies in 2007, and it addresses a range of species issues on a subregional level. The OCSSHCP provides regulatory coverage and long-term protection for species and communities within the 33,000 acres of designated Habitat Reserve. The project site is located approximately 800 feet northwest of the boundary of the OCSSHCP.

San Juan Capistrano Municipal Code

The City's Municipal Code (Section 9-2.349(c)(1)) Tree Removal Permit) allows tree removals associated with a development project that is subject to other discretionary land use approvals, to be permitted in conjunction with the other discretionary approvals by the reviewing authority for those approvals. Tree removals are subject to the reviewing authority making the required findings in Section 9-2.349(e) and adding conditions of approval for replacement trees and landscaping in accordance with the intent of Section 9-2.349(c)(1) and as deemed appropriate by the reviewing authority.

San Juan Capistrano General Plan

The following goal and policy of the Conservation & Open Space Element (2002) is applicable to the proposed project:

Conservation & Open Space Goal 2: Protect and preserve important ecological and biological resources.

> Policy 2.1: Use proper land use planning to reduce the impact of urban development on important ecological and biological resources.

4.2.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur 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 the California Department of Fish and Game or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
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 any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.2.4 Impacts Analysis

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

Less-than-Significant Impact with Mitigation Incorporated. The project site is in an urban environment within a predominantly developed part of the City. While much of the site is comprised of dirt surface, and crops, some plant species are supported. Plant species found on the project site consist of ruderal and ornamental non-native species, including small, scattered shrubs, as well as common weedy varietals growing within the less-maintained areas of the site. Additionally, several ornamental trees are located along part of the project site's southern, northern and western borders. Due to the disturbed condition of the project site, no native plant species are expected to occur on site. Together, the on-site plant species form a non-native and non-cohesive plant community that are not anticipated to support any candidate, sensitive, or special-status plant species.

Based upon the urbanized nature of the project area, wildlife species that could potentially occur in the surrounding area include common species typically found in urban/developed settings such as mourning dove (*Zenaida macroura*), desert cottontail (*Sylvilagus audubonii*), and western fence lizard (*Sceloporus occidentalis*). The on-site land cover is not known to support any candidate, sensitive, or special-status wildlife species. However, the area surrounding the project site contains scattered trees, shrubs, and bare ground that could potentially be used by migratory birds for breeding. Direct impacts to migratory nesting birds must be avoided to comply with the Migratory Bird Treaty Act (16 USC 703–712) and CDFW's requirements as established by Section 3503.5 of the California Fish and Game Code (See Section 4.2.2 *Relevant Plans, Policies, and Ordinances*). Prior to construction, ornamental trees within the project footprint would be removed thus posing a potential impact to nesting birds onsite. Additionally, demolition and subsequent clearing and grading activities on the project site have potential to impact ground-nesting bird species. Furthermore, indirect impacts to nesting birds from short-term, construction-related noise could result in decreased reproductive success or abandonment of an area as nesting habitat if construction were conducted during the breeding/nesting season (i.e., February through August). As such, to avoid potential direct and indirect impacts to nesting birds, and in conformance with the requirements of the Migratory Bird Treaty Act and California Department of Fish and Wildlife, **MM-BIO-1** would be implemented. With implementation of **MM-BIO-1**, direct and indirect impacts to nesting birds from construction-related activities would be **less than significant with mitigation incorporated**.

MM-BIO-1: Nesting Bird Survey. In conformance with the requirements of the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code, should vegetation clearing, cutting, or removal activities be required during the nesting season (i.e., February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 7 calendar days before such activities take place. The survey shall consist of full coverage of the project footprint and an

appropriate buffer, as determined by the qualified biologist. If no occupied nests are found, no additional steps shall be required. If nests are found that are being used for breeding or rearing young by a native bird, the qualified biologist shall recommend further avoidance measures, including establishing an appropriate buffer around the occupied nest. Appropriate buffers may be 300 feet for passerine species and 500 feet for raptor species; however, the buffer shall be determined by the qualified biologist based on the species present, surrounding habitat, and existing environmental setting/level of disturbance. No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing.

2. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The project site is currently undeveloped land used for agricultural purposes. No natural vegetation communities are present within the impact footprint. As a result, there would be **no impact** to riparian or sensitive vegetation communities.

3. Would the project 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?

No Impact. There are no features within the project site that may be considered waters of the United States or waters of the State. This includes the absence of federally defined wetlands and other waters (e.g., drainages) and state-defined waters (e.g., streams and riparian extent). The project would be subject to the typical restrictions (e.g., best management practices [BMPs]) and requirements that address erosion and runoff, including those of the Clean Water Act and National Pollutant Discharge Elimination System permit. With implementation of BMPs and permit conditions, no indirect impacts would occur. As shown on Figure 3-6, Draft Site Plan, all construction activities would be limited to developed and/or disturbed land covers (agricultural fields, dirt road, or landscaping). Therefore, **no impact**, direct or indirect, to jurisdictional waters or wetlands would occur.

4. 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?

Less-than-Significant Impact. Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Wildlife corridors contribute to population viability by assuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires). Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may serve as primary habitat for smaller animals such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal.

According to the Conservation and Open Space Element of the General Plan, a number of species use the Oso and Trabuco Creeks and creek-adjacent lands as corridors for movement between the Coastal and Southern

Subregional County of Orange Natural Community Conservation Plan (NCCP) open space areas. Oso Creek is approximately 2.2 miles north of the project site and flows into Trabuco Creek which is approximately 0.5 miles east of the project site at its closest. The project site is currently undeveloped land used for agricultural purposes and is bounded by agricultural land to the north, agricultural land and the Ecology Center to the east, the City's Sports Park to the west, and Camino Del Avion and single-family homes to the south. Outside of the Kinoshita Farm Property, the surrounding area is predominantly urbanized. The project site is not connected to any of the nearby identified wildlife corridors; thus, construction on the project site would not result in direct or indirect impacts to nearby wildlife corridors. Furthermore, as discussed in Thresholds 1 and 2, there is no habitat onsite that would support special status species. Due to the matrix of development surrounding the project site and the type of land cover on the project site, the project would not constrain natural wildlife movement in its vicinity. Therefore, project impacts to movement of wildlife species would be **less than significant**.

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

Less-than-Significant Impact. Section 9-2.349, Tree Removal Permit, of the City's Municipal Code sets forth procedures for the care, preservation, maintenance, and removal of trees within the public right-of-way and on private property (City of San Juan Capistrano 2021a). The area of the project site proposed for the skatepark does not contain trees. However, trees and vegetation are located in the area for the proposed multi-use trail component; as such, it is anticipated that some trees may be removed prior to construction. Consistent with the City's tree ordinance, a tree removal permit would be obtained prior to the removal of any trees with a trunk diameter of 6 inches or greater located on site. Specifically, City facilities are subject to Section 9-2.349(c)(5), of the City's Municipal Code which requires that parks or other City facilities shall conform to the applicable provisions of the Tree Removal Permit section of the Municipal Code (Section 9.2-349) regarding replanting requirements, acceptable tree species, and review by a qualified tree expert where required by the Planning Director to determine the viability of trees proposed for removal. The City will comply with the applicable provisions. Therefore, based on required compliance with the municipal code, impacts associated with tree removal or any other local policies or ordinances protecting biological resources would be **less than significant**.

6. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less-than-Significant Impact. The City lies within both the Coastal and Southern Subregions of the NCCP. Due to the extensive amount of open space and floodplain areas, a variety of biological resources exist within the City (City of San Juan Capistrano 1999). As shown in Figure 2, Five-County NCCP Study Area, in the NCCP/HCP EIR/Environmental Impact Statement (EIS) (Robert Bein, William Frost & Associates 1996), the project site is located outside of any Focus Areas that are known to contain functioning biological units of high conservation value as well as any Satellite Areas that have substantial coastal sage scrub habitat. The project site is located in the Matrix Area, which is categorized as large open areas surrounding focus or satellite areas. As defined by the 1996 NCCP/HCP EIR/EIS, a Matrix Area may include coastal sage scrub habitat, land with value as a corridor, or habitat buffer for coastal sage scrub and may include natural communities of conservation value. However, as discussed above under Thresholds 1 through 5, the project site does not contain communities of coastal sage scrub or other sensitive habitat and is not located within or adjacent to a wildlife corridor. Furthermore, the project site is not located within a proposed NCCP reserve area (County of Orange 1996). The project site is currently undeveloped land used for agricultural purposes. The project site is located in an urban environment within a predominantly developed part of the City. The site is bounded by agricultural land to the north, agricultural land and the Ecology Center to the east, City's Sports Park to the west, and Camino Del Avion to the

south. Refer to analysis in Sections 1 and 4 above for further details regarding on-site plant and animal species. Therefore, impacts associated with an adopted conservation plan would be **less than significant**.

4.2.5 Mitigation Measures

The following mitigation measures would be implemented.

MM-BIO-1 Nesting Bird Survey. In conformance with the requirements of the Migratory Bird Treaty Act and Section 3503.5 of the California Fish and Game Code, should vegetation clearing, cutting, or removal activities be required during the nesting season (i.e., February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 7 calendar days before such activities take place. The survey shall consist of full coverage of the project footprint and an appropriate buffer, as determined by the qualified biologist. If no occupied nests are found, no additional steps shall be required. If nests are found that are being used for breeding or rearing young by a native bird, the qualified biologist shall recommend further avoidance measures, including establishing an appropriate buffer around the occupied nest. Appropriate buffers may be 300 feet for passerine species and 500 feet for raptor species; however, the buffer shall be determined by the qualified biologist based on the species present, surrounding habitat, and existing environmental setting/level of disturbance. No construction or ground-disturbing activities shall be conducted within the buffer until the biologist has determined that the nest is no longer being used for breeding or rearing.

4.2.6 Level of Significance After Mitigation

With the implementation of **MM-BIO-1**, potential direct and indirect impacts to nesting birds from construction-related activities (Threshold 1) would be reduced to less than significant. All other impacts related to biological resources would be less than significant and no other mitigation is required.

4.3 Cultural Resources

This section describes the existing cultural resources conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the project.

4.3.1 Existing Conditions

The project site is located within the southwestern part of the City of San Juan Capistrano in Orange County, California. The project site is within Section 12 of Township 8 South, Range 8 West of the Dana Point 7.5-minute U.S. Geological Survey (USGS) quadrangle map (Appendix A: Figure 1). The approximately 1.75-acre project site is located adjacent to the City's Sports Park, within the City-owned 28-acre parcel, Assessor's Parcel Number (APN) 121-190-57, known as the Kinoshita Farm Property located at 32681 Alipaz Street, directly north of Camino Del Avion, between Via Positiva and Alipaz Street (Appendix A: Figure 2).

The project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming as part of a larger farming operation conducted by The Ecology Center under a license agreement with the City. The Ecology Center operates an active farming operation, farm stand, educational and community programs, and administrative offices within the historic Joel Congdon Residence. The Joel Congdon residence was constructed in 1876 and represents the first wooden structure built in the City. For 125 years, the Joel Congdon residence has played an important role in the history and development of farming in San Juan Capistrano. Since its construction, the Joel Congdon residence was continuously the home for families living on the farm until 1975. The Joel Congdon Residence is located in the northeast corner of the property off Alipaz Street, which is outside the project site. The Congdon Residence was determined eligible for the National Register of Historic Places in 2002.

The project site has been subject to ground disturbance associated with vegetation clearing, grading, and agricultural discing in support of the agricultural use since at least 1938 and has remained undeveloped and in use for agricultural purposes, specifically as an orchard and crop farm as part of the larger farming operation operated by the Ecology Center.

Surrounding land uses include The Farm residential development to the north, single family residential to the south, mobile home park and single family residential to the east and the City Sports park to the west. Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01.

Cultural Resources Inventory

A *Cultural and Paleontological Resources Inventory Report for the San Juan Capistrano Skate Park Project* was prepared in September 2021 (Appendix A). As part of the Cultural Resources Inventory a CHRIS records search was performed by staff at the SCCIC for the project site and a 0.5-mile radius. Results of the cultural resources records search indicate that 36 previous cultural resource studies have been conducted within 0.5-mile of the project site between 1978 and 2016. Of these studies, two (OR-00536 & OR-01237) overlap the project site. The entirety of the project site has been subjected to previous cultural resource investigations in 1974 and 1992.

Report No. OR-00536*, City of San Juan Capistrano, General Plan Program, Historic/Archaeological Element* (Drover 1974), documents the results of an archaeological investigation consisting of archival record search, literature

review, and pedestrian survey for the historic/archaeological element of the General Plan Program. The area of study overlaps the entirety of the current project site. In addition, the report discusses the paleontological resources that were identified through the archival research. The study identified 36 previously recorded cultural resources through the archival records search. Of these, 16 are archaeological resources and 20 are built environment resources, none of which overlap the project site. Additionally, the pedestrian survey identified 10 prehistoric era archaeological resources that were not previously identified through the CHRIS database; none of these resources overlap the current project site either. The closest resource is described as a prehistoric archaeological resource, no further detail regarding this resource is provided. Please see Appendix A for a detailed summary of this report.

Report No. OR-01237, Cultural Resources Reconnaissance of Ten Areas for Possible Park Locations, City of San Juan Capistrano, Orange County, California, (Bissell and McKenna 1992), documents the results of a cultural resources reconnaissance consisting of archival record search, literature review, and pedestrian survey in compliance with CEQA. The area of study consists of three loci, one locus [referred to as the Kinoshita Farm] overlaps the entirety of the current project site. It should be noted that although the report was prepared under the provisions of CEQA, it includes federal language, but does not discuss the federal nexus. Bissell and McKenna state that the Kinoshita Farm has never been properly surveyed for archaeological material; however, the historic Congdon House (P-30-160129) located within the Kinoshita Farm parcel was previously recorded and has since been determined eligible for the NRHP in 2002. Please see Appendix A for a detailed summary of this report.

The SCCIC records indicate that four cultural resources have been previously recorded within 0.5-mile of the project site. Of these, three are historic built environment resources and one is a prehistoric archaeological site. None of these resources overlap the project site.

As described in the Cultural Resources Inventory, Dudek conducted an intensive-level pedestrian survey of the project site in August 2021. During the survey, four historic in age tractors were observed in the northwest corner of the multi-use trail. The tractors were photographed and noted, but not formally documented as they appear to be ornamental, and their origin is unknown. Furthermore, none of the available SCCIC records reviewed indicate that any previously recorded cultural resources exist within the project site. As such, no cultural materials or any paleontological resources were observed within the project site as a result of the survey.

4.3.2 Relevant Plans, Policies, and Ordinances

Federal

The project does not have a federal nexus and therefore is not subject to Federal regulations related to cultural resources.

State

California Register of Historical Resources

In California, the term “historical resource” includes “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (PRC Section 5020.1(j)). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)). The criteria for listing resources in the CRHR were expressly developed to be in accordance

with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains "substantial integrity," and (ii) meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our 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.

To understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource younger than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see California Code of Regulations, Title 14, Section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historical, and tribal cultural resources:

1. California Public Resources Code Section 21083.2(g) defines "unique archaeological resource."
2. California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a) define "historical resources." In addition, CEQA Guidelines Section 15064.5(b) defines the phrase "substantial adverse change in the significance of an historical resource." It also defines the circumstances when a project would materially impair the significance of an historical resource.
3. California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(b)). An "historical resource" is any site listed or eligible for listing in the CRHR. The CRHR listing criteria are intended to examine whether the resource in question: (a) is associated with events that

have made a significant contribution to the broad patterns of California's history and cultural heritage; (b) is associated with the lives of persons important in our past; (c) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (d) has yielded, or may be likely to yield, information important in pre-history or history.

The term "historical resource" also includes any site described in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code Section 5024.1(q)).

CEQA also applies to "unique archaeological resources." California Public Resources Code Section 21083.2(g) defines a "unique archaeological resource" as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

All historical resources and unique archaeological resources – as defined by statute – are presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). A site or resource that does not meet the definition of "historical resource" or "unique archaeological resource" is not considered significant under CEQA and need not be analyzed further (California Public Resources Code Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)).

Under CEQA, a significant cultural impact results from a "substantial adverse change in the significance of an historical resource [including a unique archaeological resource]" due to the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines Section 15064.5(b)(1); California Public Resources Code Section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5(b)(2)

Pursuant to these sections, CEQA first requires evaluation of whether a project site contains any "historical resources," then requires assessment of whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

When a project significantly affects a unique archeological resource, CEQA imposes special mitigation requirements. Specifically, "[i]f it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:"

1. "Planning construction to avoid archeological sites."
2. "Deeding archeological sites into permanent conservation easements."
3. "Capping or covering archeological sites with a layer of soil before building on the sites."
4. "Planning parks, greenspace, or other open space to incorporate archeological sites."

California Public Resources Code Section 21083.2(b)(1)-(4)

If these "preservation in place" options are not feasible, mitigation may be accomplished through data recovery (California Public Resources Code Section 21083.2(d); CEQA Guidelines Section 15126.4(b)(3)(C)). California Public Resources Code Section 21083.2(d) states that "[e]xcavation as mitigation shall be restricted to those parts of the unique archeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report."

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows:

> (A) Preservation in place is the preferred manner of mitigating impacts to archeological sites. Preservation in place maintains the relationship between artifacts and the archeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
>
> (B) Preservation in place may be accomplished by, but is not limited to, the following:
>
> 1. Planning construction to avoid archeological sites;
> 2. Incorporation of sites within parks, greenspace, or other open space;
> 3. Covering the archeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site [; and]
> 4. Deeding the site into a permanent conservation easement.
>
> (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, "[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation." However, "[d]ata recovery shall not be required for an historical

resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archeological or historic resource, provided that determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center" (CEQA Guidelines Section 15126.4(b)(3)(D)).

Local

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan was adopted in 1999, a General Plan Amendment was approved in 2002, the Housing Element was adopted in 2014, and the Safety Element was adopted in 2022. The Cultural Resources Element addresses the historic, archaeologic and paleontological resources within the City. The Cultural Resources Element identifies resources that should be protected and preserved and sets forth a Cultural Resources Plan to ensure the protection and preservation of these resources. The following policies are applicable to the Project.

Cultural Resources Goal 1: Preserve and protect historical, archaeological, and paleontological resources

Policy 1.1: balance the benefits of development with the project's potential impacts to existing cultural resources.

Policy 1.2: Identify, designate, and protect buildings and sites of historic importance.

Policy 1.3: Identify funding programs to assist private property owners in the preservation of buildings and sites of historic importance.

4.3.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural and tribal cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural and/or tribal cultural resources would occur if the project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
3. Disturb any human remains, including those interred outside of dedicated cemeteries.

4.3.4 Impacts Analysis

1. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less-than-Significant Impact**.** Under CEQA, a significant cultural impact results from a "substantial adverse change in the significance of an historical resource [including a unique archaeological resource]" due to the "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an

historical resource would be materially impaired" (14 CCR 15064.5[b][1]; California Public Resources Code Section 5020.1[q]). In turn, the significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

As discussed above, a Cultural Resources Inventory was prepared for the project in September 2021 (Appendix A). As discussed in Appendix A, on July 22, 2021, staff at the South Central Coastal Information Center (SCCIC), located on the campus of California State University, Fullerton, provided the results of a California Historical Resources Information System (CHRIS) records search for the project site and a 0.5-mile radius. Due to COVID-19, the SCCIC notified researchers that they are only able to provide data for Orange County that has already been digitized. As such, not all available data known to CHRIS may be provided in the records search. The SCCIC records indicate that four cultural resources have been previously recorded within 0.5-mile of the project site. Of these, three are historic built environment resources and one is a prehistoric archaeological site. None of these resources overlap the project site.

The Congdon Residence, which is on the National Register (02000801), is located in the northeast corner of the Kinoshita Farm property off Alipaz Street, approximately 630 feet northeast from the project site. In between the project site and the Congdon Residence are several intervening structures and features, including a one-story farmstand and workshop, shade structures, a barn, a greenhouse, landscaped areas, a parking lot, and agricultural fields. Given the distance and the other surrounding structures and farm-related features, the project is not considered in the immediate vicinity of the Congdon Residence and would not have an effect on the historic resource.

During the field survey conducted for the project, four historic in age tractors were observed in the northwest corner of the multi-use trail. The tractors were photographed and noted, but not formally documented as they appear to be ornamental, and their origin is unknown. None of the available SCCIC records reviewed indicate that any previously recorded cultural resources exist within the project site. Refer to Appendix A for further details. Therefore, because there are no historical resources located at the project site or in the immediate vicinity, the project would have a **less than significant** impact on historical resources.

2. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less-than-Significant Impact with Mitigation Incorporated. As discussed in Appendix A, the entirety of the project site has been subjected to previous cultural resource investigations. Of the two previous studies, one study (OR-01237), identified lithic material and marine shell remains during a reconnaissance pedestrian survey within the Kinoshita Farm Property, which is the 28-acre City-owned parcel and includes the current project site. However,

none of the lithic material identified exhibited any evidence of cultural modification and the marine shell that was observed appeared to be recent in origin.

Additionally, the CHRIS records search indicates that one previously recorded prehistoric archaeological site, P-30-000835/CA-ORA-000835, was identified within 720 meters (approximately 2,360 feet) to the southeast and outside of the project site. This prehistoric archaeological site was originally recorded in 1979 and was identified during a pedestrian survey. The record notes that the nearest water source as the San Juan Creek. The site is described in the 1979 record as a prehistoric temporary campsite and was noted to be disturbed by an irrigation system and the construction of the San Diego Freeway (I-5). The site was revisited in 2007 as part of a cultural resources inventory and site assessment and the record was updated to state that the prehistoric archaeological site as documented in 1979, no longer exists and was destroyed during the construction of the southbound lanes for I-5 and it was concluded that there is no potential for buried deposits to exist anywhere near the former footprint of site P-30-000835/CA-ORA-000835 as mapped in 1979. The current project site is less than 500 meters west of the San Juan Creek and has remained in use for agricultural purposes since the early twentieth century to present. Although the project site has remained undeveloped to present-day and operates as an orchard and crop farm, the vast majority of tree roots disturb roughly the top 22 to 36 inches of the soil. An intensive-level pedestrian survey of the project site did not identify any cultural materials. It should be noted that based on current site conditions, the native soils upon and within which cultural deposits would exist in context was not observed during the survey. Given this information and geoarchaeological suitability for supporting the presence of buried archaeological resources, there is a moderate potential for the discovery of unanticipated cultural resources during initial ground disturbance within native soil, beneath the extant root system of the orchard.

Despite thorough cultural assessments intended to identify or determine the potential for archaeological resources to exist within a Project site, the potential to encounter yet unknown and unrecorded buried archaeological resources cannot be ruled out when ground disturbances occur within native soils. In the event that yet unknown and unrecorded archaeological resources are encountered during project implementation, impacts to these resources would potentially be significant. To appropriately respond to the unanticipated and inadvertent discovery of yet unknown and unrecorded archaeological resources and mitigate potential impacts to a level of less than significant, the project shall incorporate **MM-CUL-1** and **MM-CUL-2**.

MM-CUL-1 Workers Environmental Awareness Program Training: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of and legal basis for the protection of archaeological resources and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological resources and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

MM-CUL-2 Cultural and Tribal Cultural Resources Monitoring and Inadvertent Discovery of Archaeological Resources: An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent

discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground-disturbing activities. An archaeological monitor shall be present on the project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.

In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the unanticipated resource.

If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource.

The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).

3. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less-Than-Significant Impact With Mitigation Incorporated. No known current or historic cemeteries or burial sites interred outside of a formal cemetery have been identified on the project site or adjacent area (within 0.5-mile radius). However, it is possible ground-disturbing activities may encounter previously unknown or unrecorded human remains, including those interred outside of a dedicated cemetery. To ensure consistency with the requirements of CCR Section 15064.5(e), and to reduce any potential impacts related to inadvertently disturbing human remains, **MM-CUL-3** would be implemented. **MM-CUL-3** requires work to halt in the event that human remains are encountered, and establishes required steps for notification, treatment, and reporting of the remains. With the implementation of **MM-CUL-3**, impacts related to disturbance of human remains would be less than significant.

MM-CUL-3 Inadvertent Discovery of Human Remains. In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has

determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.

All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.

4.3.5 Mitigation Measures

The following mitigation measures shall be implemented.

MM-CUL-1 Workers Environmental Awareness Program Training: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of and legal basis for the protection of archaeological resources and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological resources and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

MM-CUL-2 Cultural and Tribal Resources Monitoring and Inadvertent Discovery of Archaeological Resources: An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground-disturbing activities. An archaeological monitor shall be present on the project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.

In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the unanticipated resource.

If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment

may include implementation of archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource.

The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).

MM-CUL-3 Inadvertent Discovery of Human Remains. In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.

All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.

4.3.6 Level of Significance After Mitigation

With the implementation of **MM-CUL-1** through **MM-CUL-3,** potential impacts to unanticipated archaeological resources and/or unanticipated human remains would be reduced to a **less-than-significant** level.

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4.4 Geology and Soils

This section describes the existing geological and paleontological conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

4.4.1 Existing Conditions

The City is located in the foothills of southern Orange County, near the southeastern side of the Santa Ana Mountains and south of the Joaquin Hills. The terrain of the City is predominantly gently rolling hills containing deep-cut canyons and gullies.

Faults and Seismicity

The City and the general Southern California region are located within an area of high seismic activity. The California Geological Survey (CGS) (CGS 2018) classifies faults as follows:

1. Holocene-active faults, which are faults that have moved during the past approximate 11,700 years. These faults are capable of surface rupture.
2. Pre-Holocene faults, which are faults that have not moved in the past 11,700 years. This class of fault may be capable of surface rupture, but is not regulated under the Alquist-Priolo Earthquake Fault Zoning Act of 1972, which regulates construction of buildings to be used for human occupancy.
3. Age-undetermined faults, which are faults where the recency of fault movement has not been determined.

Holocene-active faults have been responsible for large historical earthquakes in Southern California, including the 1971 San Fernando earthquake (moment magnitude [Mw] 6.6), the 1992 Landers earthquake (Mw 7.3), the 1952 Kern County earthquake (Mw 7.5), and the 1933 Long Beach earthquake (Mw 6.4). The Southern California region also includes blind thrust faults, which are faults that do not rupture all the way up to the surface, but are capable of substantial earthquakes. Examples include the 1987 Whittier Narrows earthquake (Mw 5.9) and the 1994 Northridge earthquake (Mw 6.7).

Prominent Holocene-active and pre-Holocene faults in the project region include the San Andreas, Whittier-Elsinore, Newport-Inglewood, and Palos Verdes faults. The project site is not located within an Alquist-Priolo Earthquake Fault Zone (Holocene active faults); the nearest fault zone (Newport Beach Fault Zone) is mapped approximately 21 miles northwest of the project site.

Liquefaction and Lateral Spread

Liquefaction occurs when partially saturated unconsolidated soil are subjected to ground shaking and the pore pressure causes the soils to enter more of a liquid state than solid, resulting in the soils' inability to support overlying structures. Liquefaction typically occurs in areas where the groundwater is less than 50 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. Lateral spreading consists of lateral movement of gently to steeply sloping saturated soil deposits that is caused by earthquake-induced liquefaction. Based on Figure 2-3: *Landslide and Liquefaction Zones* in the Safety Element of the General Plan, the Project site is mapped within a liquefaction zone. The potential for liquefaction is particularly high in the floodways located downstream of the confluence of San Juan Creek and Trabuco Creek.

Subsidence

Land subsidence is the downward settlement of a large area of land, which can potentially result in surface infrastructure damage. Historical subsidence in California has resulted from several processes, including oil and gas production, groundwater withdrawal, hydrocompaction, and peat oxidation. Subsidence associated with water or gas withdrawal occurs when compressible subsurface deposits are depressurized as a result of removing water or gas and can no longer support the weight of the overlying material. In the case of groundwater withdrawal, subsidence occurs primarily when groundwater withdrawal from confined aquifers results in the depressurization and dewatering of compressible clay layers. Subsidence generally occurs slowly, and can continue for a period of several years after pumping has terminated, as water continues to migrate from compressible clay layers.

Expansive Soil

Expansive soils tend to swell with seasonal increases in soil moisture in the winter months and shrink as soils become drier in the summer months. Repeated shrinking and swelling of the soil can lead to stress and damage of structures, foundations, fill slopes, and other associated facilities. Expansive soils owe their characteristics to the presence of swelling clay minerals. The presence of expansive soils is generally only determined by a site-specific evaluation of underlying soils that would occur in a geotechnical evaluation.

Geology and Soils

The project site is located in the Peninsular Ranges Geomorphic Province of California, which is characterized by a series of ranges separated by northwest trending valleys, subparallel to faults branching from the San Andreas Fault. The trend of topography is similar to the Coast Ranges, but the geology is more like the Sierra Nevada, with granitic rock intruding the older metamorphic rocks. The Peninsular Ranges extend to the tip of the Baja California Peninsula and are bound on the east by the Colorado Desert. The Los Angeles Basin and the island group (Santa Catalina, Santa Barbara, and the distinctly terraced San Clemente and San Nicolas islands), together with the surrounding continental shelf (cut by deep submarine fault troughs), are included in this province.

The terrain of the Project site is generally flat. The Project site is underlain by marine and nonmarine (continental) sedimentary rocks from the Pleistocene-Holocene age. This rock type consists of alluvium, lake, playa, and terrace deposits; unconsolidated and semi-consolidated. Mostly nonmarine sedimentary rocks, but includes marine deposits near the coast.

Soils underlying the Project site are classified as Sorrento clay loam, which is considered well-drained soils.

4.4.2 Relevant Plans, Policies, and Ordinances

Federal

U.S. Geological Survey Landslide Hazard Program

In fulfillment of the requirements of Public Law 106-113, the U.S. Geological Survey created the Landslide Hazard Program in the mid-1970s. According to the U.S. Geological Survey, the primary objective of the National Landslide Hazards Program is to reduce long-term losses from landslide hazards by improving our understanding of the causes of ground failure and suggesting mitigation strategies (USGS 2022). The federal government takes

the lead role in funding and conducting this research, whereas the reduction of losses due to geologic hazards is primarily a state and local responsibility.

State

The statewide minimum public safety standard for mitigation of earthquake hazards, as established through the California Building Code (CBC), Alquist-Priolo Earthquake Fault Zoning Act, and the Seismic Hazards Mapping Act, is that the minimum level of mitigation for a project should reduce the risk of ground failure during an earthquake to a level that does not cause the collapse of buildings for human occupancy.[1] In most cases, this safety standard is not required to prevent or avoid the ground failure itself. It is not feasible to design all structures to completely avoid damage in worst-case earthquake scenarios. Accordingly, regulatory agencies have generally defined an acceptable level of risk as that which provides reasonable protection of the public safety, although it does not necessarily ensure continued structural integrity and functionality of a project (14 CCR 3721[a]). Nothing in these acts, however, precludes lead agencies from enacting more stringent requirements, requiring a higher level of performance, or applying these requirements to developments other than those that meet the acts' definitions of "project."

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with this act, the State Geologist established regulatory zones, called "earthquake fault zones," around the surface traces of active faults and has published maps showing these zones. Earthquake fault zones are designated by the CGS and are delineated along traces of faults where mapping demonstrates surface fault rupture has occurred within the past 11,700 years. Construction within these zones cannot be permitted until a geologic investigation has been conducted to prove that a building planned for human occupancy would not be constructed across an active fault. These types of site evaluations address the precise location and recency of rupture along traces of the faults and are typically based on observations made in trenches excavated across fault traces.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (California Public Resources Code, Chapter 7.8, Section 2690 et seq.) directs the CGS to protect the public from earthquake-induced liquefaction and landslide hazards (note that these hazards are distinct from fault surface rupture hazard regulated by the Alquist-Priolo Act). This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones (i.e., zones of required investigation). Before a development permit may be granted for a site within a Seismic Hazard Zone, a geotechnical investigation of the site must be conducted and appropriate mitigation measures incorporated into the project design. Evaluation and mitigation of potential risks from seismic hazards within zones of required investigation must be conducted in accordance with CGS Special Publication 117A, adopted March 13, 1997, by the State Mining and Geology Board, as updated in 2008.

California Building Code

The CBC has been codified in the California Code of Regulations as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards.

[1] A "structure for human occupancy" is any structure used or intended for supporting or sheltering any use or occupancy, which is expected to have a human occupancy rate of more than 2,000 person-hours per year.

Under state law, all building standards must be centralized in Title 24 or those standards are not enforceable. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability, by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The 2016 edition of the CBC is based on the 2015 International Building Code, published by the International Code Conference.

Chapters 16 and 16A of the 2019 CBC include structural design requirements governing seismically resistant construction, including (but not limited to) factors and coefficients used to establish seismic site class and seismic occupancy category for the soil/rock at the building location and the proposed building design. Chapters 18 and 18A include (but are not limited to) the requirements for foundation and soil investigations (Sections 1803 and 1803A); excavation, grading, and fill (Sections 1804 and 1804A); damp-proofing and water-proofing (Sections 1805 and 1805A); allowable load-bearing values of soils (Sections 1806 and 1806A); the design of foundation walls, retaining walls, embedded posts and poles (Sections 1807 and 1807A), and foundations (Sections 1808 and 1808A); and design of shallow foundations (Sections 1809 and 1809A) and deep foundations (Sections 1810 and 1810A). Chapter 33 of the 2019 CBC includes (but is not limited to) requirements for safeguards at work sites to ensure stable excavations and cut or fill slopes (Section 3304).

Construction activities are subject to occupational safety standards for excavation and trenching, as specified in the California Safety and Health Administration regulations (Title 8 of the California Code of Regulations) and in Chapter 33 of the CBC. These regulations specify the measures to be used for excavation and trench work where workers could be exposed to unstable soil conditions.

As indicated previously, the CBC is updated and revised every 3 years. The 2019 version of the CBC became effective January 1, 2020. The 2022 CBC is likely to become effective January 1, 2023. It is anticipated that the proposed project would use the most current CBC at the time of building permit issuance.

Occupational Safety and Health Administration Regulations

Excavation and trenching are among the most hazardous construction operations. In California, the California Occupational Safety and Health Administration has responsibility for implementing state standards that have been determined to be as effective as federal rules relevant to worker safety, including slope protection during construction excavations. The California Occupational Safety and Health Administration's requirements are more restrictive and protective than federal Occupational Safety and Health Administration standards.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) Guidelines require that all private and public activities not specifically exempted be evaluated against the potential for environmental damage, including effects to paleontological resources. Paleontological resources, which are limited, nonrenewable resources of scientific, cultural, and educational value, are recognized as part of the environment under these state guidelines. This study satisfies project requirements in accordance with CEQA (California Public Resources Code Chapter 13, Section 21000 et seq.) and California Public Resources Code Section 5097.5.

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the Environmental Checklist Form, which addresses the potential for adverse impacts to "unique paleontological resource[s] or site[s] or . . . unique geological feature[s]." This provision covers fossils of signal

importance—remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group—as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered "historically significant" if it has yielded or may be likely to yield information important in prehistory (California Public Resources Code, Section 15064.5[a][3][D]). Paleontological resources would fall within this category.

California Public Resource Code Section 5097.5

The California Public Resource Code, Chapter 1.7, Sections 5097.5 and 30244, regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

Local

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan was adopted in 1999, a General Plan Amendment was approved in 2002, the Housing Element was adopted in 2014, and the Safety Element was adopted in 2022. The Safety Element identifies hazards related to seismicity, soils and geology; and sets forth goals and policies to address public safety concerns related to these hazards. The following policies of the Safety Element are applicable to the proposed Project.

> Policy 1.1: Reduce the risk of impacts from geologic and seismic hazards by applying proper development engineering, building construction, and retrofitting requirements.

City of San Juan Capistrano Municipal Code

The City Municipal Code provides regulations and standards that help implement the goals and policies of the General Plan. The following sections of the Municipal Code contain relevant regulations related to geology and soils.

Section 9-3.545 Soil Subsidence Remediation Program. The purpose of this program is to establish specific measures that will provide resources and programs to assist in the correction of damages arising from slope displacement.

4.4.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to geology and soils are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to geology and soils would occur if the project would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a. 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 based on other substantial evidence of as known fault. Refer to Division of Mines and Geology Special Publication 42.
    b. Strong seismic ground shaking.

c. Seismic-related ground failure, including liquefaction.

d. 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.
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.
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.4.4 Impacts Analysis

1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less-Than-Significant Impact. The project site is not located within an Alquist-Priolo Earthquake Fault Zone; the nearest fault zone (Newport Beach Fault Zone) is mapped approximately 21 miles northwest of the project site. Although the project is not located within a delineated earthquake fault zone, it is located within a seismically active region. Project construction and operation would not increase or exacerbate the potential for fault rupture to occur. Therefore, the project would not directly or indirectly cause potential adverse effects involving rupture of a known earthquake fault, and impacts would be **less than significant**.

Strong seismic ground shaking?

Less-Than-Significant Impact. As discussed previously, the project site is located within a seismically active region that could be subject to seismically induced ground shaking. The project would therefore likely be exposed to seismic ground shaking at multiple points in the future. The intensity of ground shaking at any specific location within the region depends on the characteristics of the earthquakes, the distance from the earthquake epicenter, and the local geologic and soil conditions. The proposed restroom facility would be constructed to comply with the most recent geologic, seismic, and structural guidelines including the most recent Uniform Building Code and the City's Seismic Hazard Mitigation Ordinance. The project would contain no habitable structures or other structural development intended for human occupancy. Therefore, the project would not directly or indirectly cause potential adverse effects involving strong seismic ground shaking, and impacts would be **less than significant**.

Seismic-related ground failure, including liquefaction?

Less-Than-Significant Impact. Ground failure is a secondary effect of ground shaking and can include landslides, liquefaction, lurching, and differential settlement. Liquefaction is the loss of soil strength due to seismic forces generating various types of ground failure. Liquefaction occurs when saturated and poorly consolidated granular material is shaken during an earthquake and is transformed into a fluid-like state.

The site is located in a liquefaction zone (DOC 2019). The project would result in a less than significant impact relating to liquefaction, however, because the proposed project would be constructed to comply with the most recent geologic, seismic, and structural guidelines including the most recent Uniform Building Code and the City's Seismic Hazard Mitigation Ordinance. Therefore, impacts would be **less than significant**.

Landslides?

Less-than-Significant Impact. Earthquake-induced landslide zones are defined as areas where previous occurrence of landslide movement, or geologic conditions indicate the potential for ground displacement (DOC 2019). The project site is characterized by relatively flat or gently sloping terrain. Additionally, the project would contain no habitable structures or other structural development intended for human occupancy that would be located within or adjacent to identified landslide zones. Therefore, the project would not directly or indirectly cause potential adverse effects involving landslides, and impacts would be **less than significant**.

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

Less-Than-Significant Impact. The project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming. Project construction would involve site preparation, additional grading, and trenching, which may temporarily expose soils to increased erosion potential and loss of topsoil. The project would be required to comply with the applicable sections of Chapter 14, Water Quality Regulations, of the City's Municipal Code. Section 8-2.15 of the City's Municipal Code defines erosion control and water quality requirement systems that projects would implement to reduce erosion impacts (City of San Juan Capistrano 2021a). The City's Municipal Code adopts the latest California Building Code, for the purpose of prescribing regulations for grading and excavations. The Municipal Code also establishes the process for acquiring grading and building permits, which include provisions for implementation of erosion control measures. Section 8-2.06.02 defines an erosion control system as "… a combination of desilting facilities, and erosion protection, including effective planting, to protect adjacent private property, watercourses, public facilities and receiving waters form an abnormal deposition of sediment or dust". As established by Section 8-2.15(g), no grading work will be allowed on any single grading site under permit unless an erosion control system has been approved by the Building Official. Furthermore, the project applicant would be required to retain a licensed Architect, Civil Engineer or Geotechnical Engineer who will be responsible for the design of all erosion control improvements (Section 8-2.25(i)). Additionally, any development involving clearing, grading, or excavation that causes soil disturbance of 1 or more acres would be required to prepare and comply with a stormwater pollution prevention plan that provides a schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details and a time schedule. Required implementation of the City's Municipal Code would effectively address erosion potential; therefore, impacts would be less than significant.

Upon completion of construction, the project would introduce impervious surfaces to the site that would help to stabilize on-site soils. As a result, the project would not result in new or more severe conditions that would allow for soil erosion to occur. Therefore, impacts would be **less than significant**.

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

Less-Than-Significant Impact. Impacts regarding landslides and liquefaction have been addressed above. Lateral spreading is horizontal or lateral ground movement of relatively flat soil deposits towards a free face or

slope such as an excavation, channel, or open body of water. As previously mentioned, the project site is relatively flat terrain. Additionally, the project site is not adjacent to an excavation, channel, or body of water that would make it susceptible to lateral spreading. Subsidence is the gradual, local setting or sinking of the earth's surface with little or no horizontal motion. The proposed restroom facility would be constructed to comply with the most recent geologic, seismic, and structural guidelines including the most recent Uniform Building Code, California Building Code (Municipal Code Title 8) and the City's Seismic Hazard Mitigation Ordinance. As such, impacts associated with landslide, lateral spreading, subsidence, or liquefaction would be **less than significant**.

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

Less-Than-Significant Impact. Expansive soils are clay-based and tend to increase in volume due to water absorption and decrease in water volume due to drying. Expansive soils can result in structural damage, particularly if wetting and drying do not occur uniformly throughout the soil. As stated in the City's General Plan, the relatively significant amounts of clay present in the underlying bedrock of the Capistrano and Monterey formations in the City pose an expansive soils hazard. Soils derived from these formations are considered moderately to highly expansive. When bedrock from these units are used as fill material during grading for construction, differences in the rate of settlement and expansion will likely result in damage to structures. The project site is underlain by Sorrento clay loam (USDA 2023). The City's building and grading codes establish rules and requirements intended to reduce potential hazards related to expansive or otherwise unstable soils, as well as technical guidelines for geotechnical and soils reports (City of San Juan Capistrano 2022b). The City's development plan review process includes grading plan review, which would address specific soil-related conditions, as appropriate (Municipal Code Section 9-2.323). The project would contain no habitable structures or other structural development intended for human occupancy such that substantial risk to life or property would occur. Furthermore, project construction and operation would not increase or exacerbate the potential for soils to expand or contract, because it would not alter the condition of the underlaying soils. Required implementation of the City's building and grading codes would effectively address any expansive soil potential. Therefore, impacts would be **less than significant**.

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

No Impact. The project does not include the use of septic tanks. **No impact** would occur.

6. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact with Mitigation Incorporated. As discussed in Appendix A, no paleontological resources were identified within the project site. Recent young alluvial flood-plain deposits that are generally too young to contain significant paleontological resources on or very near the surface immediately underlie the project site. However, at depths greater than five feet below the original surface, there is a greater likelihood of encountering sediments that are old enough to contain significant paleontological resources. As such, the likelihood of impacting paleontological resources within the project site is considered low above a depth of five feet below the original ground surface, increasing with depth. Therefore, the project would incorporate mitigation measure **MM-GEO-1** through **MM-GEO-4**, which requires retention of a qualified paleontologist if resources are encountered during construction. Incorporation of **MM-GEO-1** through **MM-GEO-4** would reduce potential impacts to a level below significance. Therefore, impacts to paleontological resources would be less than significant with mitigation incorporated.

MM-GEO-1 Retention of a Qualified Paleontologist. If excavations below a depth of five feet below the original ground surface are planned for the proposed project a qualified Orange County certified paleontologist meeting the Society of Vertebrate Paleontology's 2010 standards must be retained to oversee the implementation of all paleontological resources mitigation requirements for the project. The qualified paleontologist shall prepare an inadvertent discovery clause to be added to all construction plans associated with ground disturbing activities.

MM-GEO-2 Paleontological Resources Sensitivity Training. Prior to the start of excavations, the Qualified Paleontologist, or their designee, shall conduct paleontological resources awareness training for onsite personnel. The training session shall focus on how to identify paleontological resources that may be encountered during excavations and the procedures to be followed in the event of their discovery. The City shall ensure onsite personnel are made available for and attend the training and retain documentation demonstrating attendance.

MM-GEO-3 Paleontological Resources Monitoring. If excavations below a depth of five feet below the original ground surface are planned for the proposed project, the qualified paleontologist shall determine when and where paleontological monitoring is warranted based on the paleontologists understanding of the construction plan and the lithologic character and age of the sediments that could be exposed during excavation. The qualified paleontologist or a qualified paleontological monitor meeting the Society of Vertebrate Paleontology's 2010 standards under the direction of the qualified paleontologist must conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist can reduce or terminate monitoring per the Society of Vertebrate Paleontology's 2010 guidelines and based on the excavations remaining for the proposed Project. The paleontological monitor should complete daily monitoring logs for each day monitoring is conducted documenting construction activities and geological and paleontological observations. The qualified paleontologist must produce a final paleontological monitoring report that discusses the paleontological monitoring program, any paleontological discoveries, and the preparation, curation, and accessioning of the fossils into a suitable paleontological repository with retrievable storage. The report shall be submitted to the City to signify the satisfactory completion of required paleontological mitigation measures. If significant fossils are discovered, the report shall also be submitted to the appropriate repositories.

MM-GEO-4 Paleontological Resource Treatment and Disposition. If paleontological resources are discovered, significant fossils shall be prepared to the point of identification and cataloged. Significant fossils shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, then the fossils may be donated to a local museum, historical society, school, or other institution for educational purposes. Accompanying notes, reports, maps, and photographs shall also be filed with the final repository.

4.4.5 Mitigation Measures

The following mitigation measures would be incorporated:

MM-GEO-1 Retention of a Qualified Paleontologist. If excavations below a depth of five feet below the original ground surface are planned for the proposed project a qualified Orange County certified paleontologist meeting the Society of Vertebrate Paleontology's 2010 standards must be retained to oversee the implementation of all paleontological resources mitigation requirements for the project. The qualified paleontologist shall prepare an inadvertent discovery clause to be added to all construction plans associated with ground disturbing activities.

MM-GEO-2 Paleontological Resources Sensitivity Training. Prior to the start of excavations, the Qualified Paleontologist, or their designee, shall conduct paleontological resources awareness training for onsite personnel. The training session shall focus on how to identify paleontological resources that may be encountered during excavations and the procedures to be followed in the event of their discovery. The City shall ensure onsite personnel are made available for and attend the training and retain documentation demonstrating attendance.

MM-GEO-3 Paleontological Resources Monitoring. If excavations below a depth of five feet below the original ground surface are planned for the proposed project, the qualified paleontologist shall determine when and where paleontological monitoring is warranted based on the paleontologists understanding of the construction plan and the lithologic character and age of the sediments that could be exposed during excavation. The qualified paleontologist or a qualified paleontological monitor meeting the Society of Vertebrate Paleontology's 2010 standards under the direction of the qualified paleontologist must conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist can reduce or terminate monitoring per the Society of Vertebrate Paleontology's 2010 guidelines and based on the excavations remaining for the proposed Project. The paleontological monitor should complete daily monitoring logs for each day monitoring is conducted documenting construction activities and geological and paleontological observations. The qualified paleontologist must produce a final paleontological monitoring report that discusses the paleontological monitoring program, any paleontological discoveries, and the preparation, curation, and accessioning of the fossils into a suitable paleontological repository with retrievable storage. The report shall be submitted to the City to signify the satisfactory completion of required paleontological mitigation measures. If significant fossils are discovered, the report shall also be submitted to the appropriate repositories.

MM-GEO-4 Paleontological Resource Treatment and Disposition. If paleontological resources are discovered, significant fossils shall be prepared to the point of identification and cataloged. Significant fossils shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, then the fossils may be donated to a local museum, historical society, school, or other institution for educational purposes. Accompanying notes, reports, maps, and photographs shall also be filed with the final repository.

4.4.6 Level of Significance After Mitigation

With the incorporation of **MM-GEO-1** through **MM-GEO-4**, direct or indirect impacts to paleontological resources would be reduced to a less-than-significant level. All other impacts related to geology and soils would be less than significant, and no other mitigation measures would be required. Therefore, impacts would be less than significant.

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4.5 Land Use and Planning

This section describes the existing land use and planning conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

4.5.1 Existing Conditions

The project site is currently developed with row crop cultivation as part of the agricultural uses at Kinoshita Farm. Surrounding portions of the Kinoshita Farm property are located immediately north and east of the project site and have been developed as a working farm for cultivation and educational purposes. Other surrounding land uses in the project area include The Farm residential development to the north, single family residential to the south, a mobile home park and single family residential to the east, and the City Sports park to the west (Figure 3-2, Project Site). Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01 (Figure 3-3, General Plan Land Use Designation and Figure 3-4, Zoning). The surrounding parcels have a land use designation of Specific Plan/Precise Plan (SP/PP) to the north, Medium High Density to south and east, and Community Park to the west (City of San Juan Capistrano 2019, 2002).

Bordering the Kinoshita Farm property, residential development to the north is zoned Specific Plan/Precise Plan (SP/PP), Community Park (CP) to the west, Residential Garden-4,000 District and Mobile Home Park District (MHP) to the east and Planned Residential Development District (PRD) to the south (City of San Juan Capistrano 2019, 2002).

4.5.2 Relevant Plans, Policies, and Ordinances

Federal

There are no federal regulations relevant to the proposed project.

State

There are no state regulations relevant to the proposed project.

Local

City of San Juan Capistrano General Plan

Land Use Element

The City of San Juan Capistrano General Plan Land Use Element was adopted in December 1999 and was comprehensively amended in May 2002. The purpose of the Land Use Element is to guide land use planning in the City by identifying types and locations of future land uses, outlining goals and policies related to land use and development, and providing a framework for future land use planning and decision making in the City. The Relevant policies found in the Land Use Element are described further in Table 4.5-1, in Section 4.5.4 *Impact Analysis,* below.

Conservation & Open Space Element

The City of San Juan Capistrano General Plan Conservation & Open Space Element was adopted in December 1999. The purpose of the Conservation & Open Space Element is to protect and enhance open space and natural resources, such as parks, creeks, agricultural land, hillsides, ridgelines, and canyons. This element is consistent with the state requirements for Conservation & Open Space Elements as defined in Sections 65302(d) and 6530l(e) of the Government Code. Because issues addressed under the Conservation Element and Open Space Element as described by the Government code overlap substantially for the resources found in the City of San Juan Capistrano, they are combined for the General Plan element. This element expresses community goals to protect environmental resources and open space. Relevant goals and policies are described further in Table 4.5-1, in Section 4.5.4 *Impact Analysis,* below.

Parks & Recreation Element

The City of San Juan Capistrano General Plan Parks & Recreation Element was adopted in December 1999 and was amended in May 2002. The Parks & Recreation Element includes goals, policies and plans to ensure the provision and maintenance of adequate parks and recreational facilities to meet the needs of the existing and future population of the City. The Parks & Recreation Plan identifies existing and planned parks and recreational facilities throughout the City. The Parks & Recreation Element addresses the level of existing facilities, the provision of new parkland, recreational facilities, and hiking, biking and equestrian trails, as well as the economic feasibility of providing and maintaining these facilities. Relevant goals and policies are described further in Table 4.5-1, in Section 4.5.4 *Impact Analysis,* below. City of San Juan Capistrano Municipal Code

Agricultural Preservation Fund Ordinance 316

Section 3-3.104 describes construction taxes imposed by the City and the applicable rates, Schedule C establishes construction taxes to be collected for an Agricultural Preservation Fund. The purposes of the Agricultural Preservation Fund are set forth in subsection (b) of Section 3-3.109 of the Municipal Code. Section 3-3.109 stipulates that all funds collected under Schedule C of Section 3-3.104 shall be deposited into the Agricultural Preservation Fund which shall be used exclusively for the purpose of preserving agriculture on lands designated for such use in the General Plan and such other related purposes as are authorized by law. Expenditures from the Agricultural Preservation Fund may include, but are not limited to;

1. The construction of buffers and fences
2. Employee housing assistance
3. Refunds of prior capital improvement bond assessments
4. Refunds of those portions of prior property tax payments determined to be in excess of taxes which would have been paid based only on agricultural land values
5. The promotion of local agricultural product sales
6. City acquisitions of farmlands; and
7. Such other applicable expenditures as deemed appropriate by the Council.

The Kinoshita Farm Specific Plan (SP) 85-01

The Kinoshita Farm Specific Plan (Specific Plan) was adopted by the City Council on January 7, 1986 (Resolution 86 1-7-3), when the City took ownership of the Kinoshita Farm property. The Specific Plan was amended

October 18, 1994 (City Council Resolution 94-10-18-3). The purpose of the Specific Plan is to provide guidance and regulation of the land uses within the plan area.

4.5.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to land use and planning are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to land use and planning would occur if the project would:

1. Physically divide an established community.
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.

4.5.4 Impacts Analysis

1. Would the project physically divide an established community?

No Impact. The physical division of an established community is typically associated with the construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility within an existing community or between a community and an outlying area. The project would not create a physical division of an existing community and would not result in removal of a means of access. Therefore, **no impact** would occur.

2. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less-than-Significant Impact. The project is located entirely within the City of San Juan Capistrano. According to the General Plan Land Use Map and Zoning Map, the General Plan land use designation for the project site is Agri-Business, while the project site is zoned Agricultural-Business District (A)/Specific Plan (SP) 85-01. As part of the project, the City would amend The Kinoshita Farm Specific Plan (SP) 85-01 to allow a City Skatepark Project and rezone the City's 28-acre Kinoshita Farm Property from Agri-Business (A)/Specific Plan (SP) to Specific Plan (SP). As such, the skatepark and multi-use trail would be allowable uses within the new zone and The Kinoshita Farm Specific Plan, and the project would be considered consistent with both the General Plan land use designation and zoning of the site.

General Plan

The Land Use Element contains policies that address land use and planning and are applicable to the project. Additionally, the Parks and Recreation Element of the General Plan contains goals and policies that pertain to providing recreational areas in the City. An analysis of the project's consistency with these goals and policies is provided in Table 3.11-1.

Table 4.5-1. General Plan Consistency Analysis

General Plan Goal or Policy	Consistency Summary
Land Use Element	
Policy 2.2. Ensure that new development is consistent and compatible with the existing character of the City.	**No inconsistency identified.** For over a decade, members of the San Juan Capistrano community have expressed interest in a City Skatepark. In 2007, a Skatepark facility was identified as a community priority as a result of a Citywide recreation needs assessment. In January 2021, the City Council approved the project which proposes a recreational space that would consist of a new skatepark, new playground, and new multi-use public trail. The location of the project would integrate with the City's existing Community Center, Ecology Center active farm, and Sports Park which are located on the same parcel. The City offers a range of parks and recreational opportunities, while some of the surrounding cities do not offer the same level of service. As a result, the City has experienced an increase in the number of non-residents using City facilities. Thus, the skatepark would be a regional amenity available to neighboring cities as well. Therefore, the project would add a recreational area that is consistent and compatible with the existing character of the City. The project would be consistent with Policy 2.2.
Policy 2.3. Ensure that development corresponds to the provision of public facilities and services.	**No inconsistency identified.** Refer to Policy 2.2 response. The project would respond to the need that has been voiced by the community for additional public facilities and services.
Land Use Goal 4. Preserve major areas of open space and natural features.	**No inconsistency identified.** The project is located within an area designated for Agri-business and is not a major area of open space or natural features.
Policy 4.1. Preserve areas of natural hazards, such as landslides and floodplains, which would jeopardize the public health and safety.	**No inconsistency identified.** The project is not proposed within an area at risk of landslides or floods and would not result in exacerbation of existing natural hazards or risks.
Land Use Goal 7: Enhance and maintain the character of neighborhoods.	**No inconsistency identified.** The project would be located adjacent to the City-owned Community Center and Sports Park Complex to the west, and the City-owned, non-profit-operated Ecology Center to the east, both of which are public, visitor-serving facilities. The proposed project would be a public recreational facility, serving the community, and would be consistent with the character of the adjacent uses.
Policy 7.1. Preserve and enhance the quality of San Juan Capistrano neighborhoods by avoiding or abating the intrusion of non-conforming buildings and uses.	**No inconsistency identified.** The project would be consistent with the adjacent land uses; public-serving facilities that provide recreational and educational services to the community. The project would not be an incompatible or non-conforming building or use.

Table 4.5-1. General Plan Consistency Analysis

General Plan Goal or Policy	Consistency Summary
Policy 7.2. Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.	**No inconsistency identified.** Refer to Policy 2.2 response. Surrounding land uses include The Farm residential development to the north, single family residential to the south, mobile home park and single family residential to the east and the City Sports park to the west. The surrounding parcels have a land use designation of Specific Plan/Precise Plan (SP/PP) to the north, Medium High Density to south and east and Community Park to the west (City of San Juan Capistrano 2019, 2002). Bordering the subject property, the land to the north is zoned Specific Plan/Precise Plan (SP/PP) Community Park (CP) to the west, Residential Garden-4,000 District and Mobile Home Park District (MHP) to the east and Planned Residential Development District (PRD) to the south.) According to the General Plan Land Use Map, the General Plan land use designation for the project site is Agri-Business. Prior to approval of the project, the City would amend The Kinoshita Farm Specific Plan (SP) 85-01 to allow a City Skatepark Project. Therefore, the project would be compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure. The project would be consistent with Policy 7.2.
Parks and Recreation Element	
Goal 1. Provide, develop, and maintain ample park and recreational facilities that provide a diversity of recreational activities.	**No inconsistency identified**. Refer to Policy 2.2 response.
Policy 1.1. Coordinate with local groups to identify and meet the community's recreational needs.	**No inconsistency identified**. Refer to Policy 2.2 response.
Policy 1.5. Operate and maintain public parks and recreational facilities in a manner that ensures safe and convenient access for all members of the community.	**No inconsistency identified**. The proposed skatepark hours would be 8:00 a.m. to sunset, year-round. Additionally, the proposed playground hours would be 8:00 a.m. to sunset, year-round. A retaining wall diagonally dividing the north and south areas of the project site would separate the proposed skatepark from the proposed playground. The trail would be accessible at all hours; however, access to the skatepark would be limited to 8:00 a.m. to sunset. The perimeter of the project site would be fenced. Access would be provided via gated pedestrian entrances located along the southern and western boundaries of the site. The southern boundary of the site would include one gated entrance for the skatepark and two gated entrances for the playground. Additionally, the western boundary of the site would

Table 4.5-1. General Plan Consistency Analysis

General Plan Goal or Policy	Consistency Summary
	include one gated entrance for the play park and one gated entrance for the skatepark. A gated entrance for the proposed trail would be located on the southwest corner of the site where the trail starts. The project would include landscaping around the perimeter of the proposed skatepark and proposed play park. Therefore, the project would be operated and maintained in a manner that ensures safe and convenient access for all members of the community. The project would be consistent with Policy 1.5.
Goal 2. Develop and expand the existing bicycle, hiking, and equestrian trail system and facilities.	**No inconsistency identified.** In addition to the recreation area, the project would include a new multi-use public trail along Via Positiva and the western edge of the Kinoshita Farm property that would connect The Farm residential development to the new skatepark and Camino Del Avion. The trail would be approximately 1,700 linear feet and 33, 988 square feet. Thus, the project would contribute to the trail system in the City. The project would be consistent with Goal 2.
Policy 2.1. Develop and expand the existing trails network that supports bicycles, pedestrians, and horses, and coordinate linkages with those networks of adjacent jurisdictions.	**No inconsistency identified.** Refer to Goal 2 response.
Conservation & Open Space Element	
Goal 3. Preserve existing agricultural activity.	**No inconsistency identified.** The vast majority of agricultural activity within the City will continue after implementation of the proposed Project. While the Project would convert 1.75 acres of the 28-acre Kinoshita Farm to non-agricultural uses, the remaining 26.25 acres of agricultural activity on Kinoshita Farm will be preserved, and the Project would not prevent or impede the continued operation of agricultural activity on the remaining 26.25 acres. Moreover, the Project requires the City to contribute to the Agricultural Preservation Fund in compliance with **MM-AG-1** (see Chapter 4.1 *Agricultural Resources* for further discussion of the implementation **MM-AG-1**). The extent of the fee payment to be paid by the City pursuant to **MM-AG-1** will be equivalent to the cost of acquisition of Prime Farmland in the region or comparable open space that could be converted to Prime Farmland at a ratio of 1:1 (i.e., 1.75 acres). Additionally, the Project has been situated to preserve the surrounding existing agricultural activity at Kinoshita Farm. The Project site is located on that

Table 4.5-1. General Plan Consistency Analysis

General Plan Goal or Policy	Consistency Summary
	portion of Kinoshita Farm that is adjacent to Camino del Avion, and is most commonly fallow and not used for agricultural activity.
Policy 3.1 Implement economic programs that promote the long-term viability of designated agricultural parcels within the City.	**No inconsistency identified.** The Project requires a fee payment to the City's Agricultural Preservation Fund to promote the long-term viability of designated agricultural parcels within the City. (See Chapter 4.1 *Agricultural Resources* for further discussion of the implementation **MM-AG-1**).
Policy 3.2 Reduce the negative impacts resulting from urban uses and neighboring agricultural uses in close proximity.	**No inconsistency identified.** The Project would not result in any significant negative impacts to agricultural uses surrounding the Project site on the Kinoshita Farm, as explained throughout this EIR. Moreover, as discussed above, implementation of **MM-AG-1** would require the City to contribute to the Agricultural Preservation Fund, which would benefit agricultural uses. As such, the implementation of the project would be consistent with the policy.

As shown in Table 4.5-1, the General Plan contains several goals and policies that address land use and planning and are applicable to the project. The project would not conflict with applicable land use policies as discussed in Table 4.5-1. Taken as a whole, the proposed project is in harmony with the overall intent of the City's General Plan goals and policies. Therefore, the project would have a **less than significant** impact related to conflict with General Plan goals and policies.

Measure D

Measure D was approved by the City's voters in a special election held in April of 1990. Measure D authorized the City to "incur bond indebtedness in the principal amount of up to $21,000,000 to acquire lands for park, agriculture, open space and related uses, in order to save these lands from potential residential and commercial development and to develop youth, senior and other community facilities" in accordance with the City's "Save Open Space" program. The Project is consistent with Measure D, as it does not propose potential residential or commercial development; to the contrary, and consistent with Measure D, the Project will result in the development of a community skatepark facility and associated walking trail. Therefore, impacts related to conflict with applicable land use plans, policies, ordinances, and regulations would be **less than significant**.

4.5.5 Mitigation Measures

Impacts to land use would be less than significant and no mitigation measures are required.

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4.6 Noise

This section describes the existing noise conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

Comment letters related to noise were received in response to the Notice of Preparation. Comments addressed concerns related to increased noise in the vicinity of the project. These comments are considered in the analysis provided below.

4.6.1 Existing Conditions

Background

Levels of noise are measured in units of decibels (dB). However, several factors affect how the human ear perceives sound: the actual level of noise, frequency, period of exposure, and fluctuations in noise levels during exposure. The human ear cannot equally perceive all pitches or frequencies and noise measurements metrics are therefore adjusted or weighted to compensate for the human lack of sensitivity to low- and high-pitched sounds. This commonly used adjusted unit is known as the A-weighted decibel, or dBA. The A-weighted metric de-emphasizes very low and very high-pitched sound and is most often applied to noise generated by motor vehicle traffic and construction equipment. Time-averaged noise levels are expressed by the symbol L_{eq}, with a specified duration.

The Community Noise Equivalent Level (CNEL) represents the 24-hour average equivalent noise level at a location, where 5 dBA is added during the evening hours (7 p.m. through 10 p.m.) and 10 dBA is added during the night hours (10 p.m. through 7 a.m.). These adjustments account for increased noise sensitivity in the evening and night periods in order to account for the lower tolerance of individuals to noise during those periods.

Existing Noise Sources

Existing noise in the project vicinity would come from a variety of sources. Vehicle traffic on the nearby roadways, Camino Del Avion and Alipaz Street, would be mobile noise sources that would contribute to project area noise levels. Figure N-1 (Future Noise Contours) of the San Juan Capistrano General Plan Noise Element shows that the project vicinity along Camino del Avion falls within the 60 dBA CNEL traffic noise contour (City of San Juan Capistrano 1999). Other sources of noise are the various land uses in the vicinity (residential, park, institutional, commercial, and recreational) which would generate stationary source noise.

Existing Sensitive Land Uses

Noise sensitive land uses (NSLUs) are land uses that may be subject to stress and/or interference from excessive noise. Land uses considered to be sensitive to increases in noise would be residential uses, primarily due to the potential for prolonged exposure of individuals to noise sources, as well as parks, schools, churches, libraries, and other uses where low exterior or interior noise levels are important to the use. Commercial and industrial uses are not considered noise sensitive land uses.

NSLUs in the project vicinity would include residential uses approximately 90 feet to the south, a park and sports complex adjacently west, and a community farm facility adjacently east.

Measured Outdoor Ambient Sound Environment

On May 8th and 9th, 2023, Dudek conducted sound pressure level (SPL) measurements proximate to the southern boundary of the Project site to quantify and characterize the existing outdoor ambient noise levels of the surrounding vicinity. Table 4.6-1 provides the location tag, description, and time the noise measurements were taken at the two indicated survey positions: ST1 (a short-term investigator-attended sample) and LT1 (an unattended 24-hour monitor). For ST1, the attending Dudek investigator used a Rion NL-52 American National Standards Institute (ANSI) Type 1 sound level meter. For LT1, the investigator deployed an ANSI Type 2 SoftdB "Piccolo II" model SLM. The ST1 sound level measurements were conducted with the microphone positioned approximately four-to-five feet above the ground.

Table 4.6-1. May 8-9, 2023 Measurements of Outdoor Ambient Sound Level

Location Tag	Location Description	Date (mm/dd/yy) and Time Period (hh:mm)	L_{eq}	L_{max}	L_{min}	L_{90}
ST1	on north side of Camino del Avion, along the existing fence at the southern side of the proposed project*	05/08/23, 11:49 a.m. to 12:04 p.m.	68	82	46	48
LT1		05/08/23, 11:45 a.m. to 05/09/23, 11:45 a.m.	60	86	32	42

Source: Appendix B.
* Global positioning system (GPS) coordinates = 33.487203, -117.674308

In addition to the overall 24-hour SPL metrics shown in Table 4.6-1, the calculated CNEL for LT1 was 64 dBA. Daytime (7:00 a.m. to 7:00 p.m.) hourly L_{eq} values at LT1 ranged from 60 to 65 dBA, with the latter occurring during morning rush-hour traffic. Evening (7:00 p.m. to 10:00 p.m.) hourly L_{eq} values ranged from 57 to 62 dBA, and nighttime hourly L_{eq} values ranged from 42 to 64 dBA (again, with the latter during morning commuter traffic). These SPL metrics confirm that the existing outdoor sound environment in the vicinity of the southern side of the Project site does indeed exceed 60 dBA CNEL and exhibits ranges of hourly L_{eq} values that rise and fall with nearby and distant roadway traffic volumes. Appendix B, Noise Analysis Data and Modeling presents the collected SPL data from the deployed LT1 monitor at successive five-minute interval detail and accompanied by derived hourly metrics and statistical values.

4.6.2 Relevant Plans, Policies, and Ordinances

State

California Noise Control Act of 1973

California H&SC Sections 46000 through 46080, also known as the California Noise Control Act of 1973, state that excessive noise is a serious hazard to the public health and welfare, and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The California Noise Control Act also finds that there is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas. The California Noise Control Act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the policy of the State to provide an environment for all Californians free from noise that jeopardizes their health or welfare.

California Noise Insulation Standards (California Code of Regulations Title 24)

CCR Title 24 requires that residential structures be designed to prevent the intrusion of exterior noise so that the interior noise levels, with windows closed, attributable to exterior sources shall not exceed 45 CNEL in any habitable room. The regulations also specify that acoustical studies must be prepared whenever a multifamily residential building or structure may be exposed to exterior noise levels of 60 CNEL or greater. The acoustical analysis must demonstrate that the residences have been designed to limit intruding noise to a maximum interior noise level of 45 dBA CNEL.

California Green Building Standards Code (CALGreen)

Section 5.507 of CALGreen (CBSC 2019) establishes requirements for acoustical control in non-residential buildings. The standards require that wall and roof-ceiling assemblies making up the building envelope shall have a Sound Transmission Class value of at least 50, and exterior windows shall have a minimum Sound Transmission Class of 40 or Outdoor-Indoor Sound Transmission Class of 30 for buildings within: the 65 CNEL noise contour of an airport, or the 65 CNEL or day/night average sound level noise contour of a freeway or expressway, railroad, industrial source, or fixed-guideway source. Wall and floor-ceiling assemblies separating tenant spaces and public places shall have a Sound Transmission Class of at least 40. Additionally, Section A5.507.5 requires that classrooms have a maximum interior background noise level of no more than 45 dBA average sound level.

Local

City of San Juan Capistrano Municipal Code

The City of San Juan Capistrano's Municipal Code (Title 9, Chapter 3, Article 5, Noise Standards [residential and nonresidential]) regulates noise from stationary sources. These standards provide restrictions on the amount and duration of noise generated by stationary sources at a property, as measured at the property line of a noise receptor. These stationary-source noise standards are shown in Table 4.6-2.

Table 4.6-2. City of San Juan Capistrano Noise Standards for Stationary Noise Sources

Exterior Noise Level	Time Period
Residential & Public and Institutional Land Uses	
65 dBA L_{eq}	7:00 AM to 7:00 PM
55 dBA L_{eq}	7:00 PM to 10:00 PM
45 dBA L_{eq}	10:00 PM to 7:00 AM
Commercial Land Uses	
65 dBA L_{eq}	At any time during the day

Source: City of San Juan Capistrano Municipal Code
dBA = A-weighted decibels (The sound pressure level, in decibels, as measured on a sound level meter using the A- weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.)
Leq = equivalent continuous sound level (The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1, 8, or 24 hours.)

Section 9-3.531.d.4 of the City's Municipal Code exempts noise from construction activities provided construction is limited to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between the hours of 8:30 a.m. and 4:30 p.m. on Saturdays. Construction noise occurring on Sundays or federal holidays is not

exempt. During such weekday (Monday through Friday) and Saturday periods when construction noise is exempt, the City's exterior noise thresholds, shown in Table 4.6-2 above, would not apply. And outside of these exemption periods, the appropriate City threshold for stationary noise sources would apply; for example, 55 dBA L_{eq} at receiving residential land uses would apply between 7 p.m. and 10 p.m. In the absence of a quantitative construction noise level standard during these exemption periods, the noise assessment for this project recommends usage of the Federal Transit Administration (FTA) construction noise threshold of 80 dBA 8-hour L_{eq} at the exterior of a receiving residential land use to determine potential impact significance. Application of the FTA's recommended threshold would be consistent with CEQA assessment of impact significance that should include evaluation of temporary noise (e.g., construction activities) in excess of standards established in a local general plan or noise ordinance, or applicable standards of other agencies.

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan contains a Noise Element (last updated in 1999). The Noise element addresses noise sources, identifies ways to reduce the impacts of noise on the community, and lays out policies and programs to set and maintain ambient noise levels compatible with various types of land uses. The Noise Element contains a land use compatibility table (Table 4.6-3 below) that serves as a tool for decision makers to gauge compatibility of new land uses relative to existing noise levels. Additionally, the Noise Element contains noise compatibility standards for exterior and interior noise levels for land uses (see Table 4.6-4, below).

Table 4.6-3. Land Use Compatibility for Community Noise Environments

Land Use Type	Community Noise Exposure (CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Single Family, Multifamily, Duplex	50 – 60	60 – 70	70 – 75	≥ 75
Residential – Mobile Homes	50 – 60	60 – 65	65 – 75	≥ 75
Transient Lodging - Motel, Hotels	50 – 60	60 – 70	70 – 80	≥ 80
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 60	60 – 65	65 – 75	≥ 75
Auditoriums, Concert Halls, Amphitheaters	N/A	50 – 60	60 – 70	≥ 70
Sports Arenas, Outdoor Spectator Sports, amusement Parks	50 – 65	65 – 75	N/A	≥ 75
Playgrounds, Neighborhood Parks	50 – 65	65 – 70	70 – 75	≥ 75
Golf Courses, Riding Stables, Cemeteries	50 – 70	70 – 75	75 – 85	≥ 85
Office and Profession Buildings	50 – 65	65 – 75	75 – 80	≥ 80
Commercial Retail, Banks, Restaurants, Theaters	50 – 70	70 – 80	80 – 85	≥ 85
Industrial, Manufacturing, Utilities, Wholesale, Service Stations	50 – 70	70 – 85	N/A	N/A
Agriculture	≥ 50	N/A	N/A	N/A

Source: City of San Juan Capistrano General Plan Noise Element (1999).
Notes:
Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements 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.
Normally Unacceptable: New construction or development should 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.
Clearly Unacceptable: New construction or development should generally not be undertaken.
CNEL = Community Noise Equivalent Level
N/A = not applicable

Table 4.6-4. City of San Juan Capistrano Interior and Exterior Noise Standards

Land Use Category	Exterior Standards (CNEL)	Interior Standards (CNEL)
Residential – Single Family, Multifamily, Duplex, Mobile home	65 dBA	45 dBA
Residential – Transient Lodging, Hotels, Motels, Nursing Homes, Hospitals, Assisted Care Facilities	65 dBA	45 dBA
Private Offices, Churches, Libraries, Theaters, Concert Halls, meeting Halls, Schools	65 dBA	45 dBA
General Commercial, Retail, Reception, Restaurant	65 dBA	50 dBA
Manufacturing, Industrial	—	—
Parks, Playgrounds	65 dBA	—
Golf Courses, Riding Stables, Cemeteries	70 dBA	—

Source: City of San Juan Capistrano General Plan (1999).
Note: Noise standards not applied to Industrial districts.
CNEL = Community Noise Equivalent Level
dBA = A-weighted decibels

The Noise Element also contains goals and policies that must be used to guide decisions concerning land uses that are common sources of excessive noise levels. The General Plan policies most applicable to the proposed project include the following:

> Policy 1.2: Provide noise control measures and sound attenuating construction in areas of new construction or rehabilitation.

> Policy 3.1: Reduce the impacts of noise-producing land uses and activities on noise-sensitive land uses.

4.6.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts related to noise are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to noise would occur if the project would:

1. 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.
2. Result in generation of excessive groundborne vibration or groundborne noise levels.

3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

4.6.4 Impacts Analysis

1. 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?

Less-than-Significant Impact with Mitigation Incorporated. The following discussion analyzes the project's potential for short-term construction noise impacts and long-term operational noise impacts, including offsite transportation noise and on-site stationary noise, which could occur during project operation hours.

Construction Noise (Short-term Impacts)

Construction noise levels are temporary phenomena that can vary from hour to hour and day to day. Guidance from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) User's Guide (FHWA 2006) suggests that most types of conventional heavy construction equipment (e.g., dozers, scrapers, backhoes, excavators) operate at an approximate maximum sound level (L_{max}) of 85 dBA at 50 feet when working at full power, but for only fractions of a given time period. The resulting energy-equivalent sound level (L_{eq}) would thus be lower when accounting for this "acoustical usage factor" (AUF), which is frequently listed as forty percent (FHWA 2006).

Construction of the proposed project is anticipated to involve distinct and sequential groupings of onsite activities or phases that for purposes of this assessment include site preparation, excavation (for skate bowl areas), building construction, paving, and application of architectural finishes. Utilizing FWHA reference noise levels and AUF values for anticipated heavy construction equipment and vehicles to be used on the project site, an RCNM emulator predicted the aggregate noise level exposures from each of these project construction stages at the nearest offsite noise-sensitive receptors (NSR): existing homes on the southern side of Camino Del Avion that are as close as 90 feet to the southern boundary of the project site or approximately 325 feet to its geographic centroid.

Table 4.6-5 presents these prediction results from two methods as follows:

- In a manner akin to the "general assessment" method of construction noise estimation technique per the FTA, and because exact positions at any point in time are uncertain, all construction equipment for an indicated stage are assumed to be stacked at the geographic center of the project construction site, approximately 325 feet to the nearest offsite NSR.
- Comparable to the FTA "detailed assessment" technique for construction noise prediction, a single loudest expected piece of heavy equipment for a stage is located at the boundary of the project construction site, approximately 90 feet to the nearest offsite NSR.

Table 4.6-5. Predicted Project Construction Noise Levels

Construction Stage (and equipment by type)	General Assessment (dBA 8-hour L_{eq})	Detailed Assessment (dBA 8-hour L_{eq})
Site Preparation (backhoe, grader)	61	74

Table 4.6-5. Predicted Project Construction Noise Levels

Construction Stage (and equipment by type)	General Assessment (dBA 8-hour L_{eq})	Detailed Assessment (dBA 8-hour L_{eq})
Excavation (grader, backhoe, dozer)	61	73
Building Construction (crane, forklift, backhoe)	55	63
Paving (concrete mixer, paver, roller, backhoe)	59	67
Architectural Finishes (air compressor)	52	66

Notes: dBA = A-weighted decibels; 8-hour L_{eq} = an energy-equivalent sound level over the course of an eight-hour duration.

As shown in Table 4.6-5, neither the general assessment nor the detailed assessment technique predicts an 8-hour L_{eq} exposure from a project construction stage that would exceed the FTA guidance-based threshold of 80 dBA; hence, on this basis, project construction noise would result in a less than significant impact.

Despite the expected compliance with FTA guidance, noise emission from onsite project construction equipment would likely cause the outdoor ambient sound environment at these nearby offsite NSRs to increase by as much as 14 dB with respect to the daytime L_{eq} value range of 60-65 dBA as presented in Section 4.6.1. Although such increase would be temporary and conclude when project construction is completed, it would be clearly perceived under most conditions and sound twice as loud as pre-project outdoor conditions when the increase is at least 10 dB in magnitude. For this reason, the project would implement MM NOI-1 to further minimize this construction-attributed change to the daytime sound environment.

MM NOI-1 below is provided to reduce the magnitude of temporary construction-related increases to the outdoor ambient sound level at offsite nearest NSR.

MM NOI-1 Construction Noise Reduction. In addition to adherence to the City of San Juan Capistrano's policies found in the City's General Plan Noise and Safety Element and Municipal Code limiting the construction hours of operation, the following measures shall be implemented to reduce construction noise emanating from the project:

i. The project contractor shall, to the extent feasible, schedule construction activities to avoid concurrent operation of several pieces of construction equipment proximate to an offsite noise-sensitive receiver.

ii. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained engine exhaust mufflers.

iii. Based on feasibility and/or practicality, the project contractor shall apply the following onsite equipment noise control and sound abatement methods:

   a. shutting off idling engines of vehicles and stationary engine-driven equipment when not in use;

   b. orient operating stationary equipment so that audibly or measurably louder cabinet surfaces or penetrations (e.g., air intake or discharge vents) are faciing away from nearest offsite noise-sensitive receptors; and

   c. apply factory-approved enclosures, vent shrouds, and other equipment-mounted features to attenuate (via dissipative acoustical absorption, south path occlusion or redirection, etc.) noise emission.

iv. During the site preparation and excavation phases of the Project, the project contractor shall install a minimum 7-foot-tall temporary noise barrier (e.g., vertical installation of adjoining plywood sheeting [minimum ½-thick], a frame-suspended outdoor acoustical blanket, or other materials/assembly that demonstrates a minimum of sound transmission class [STC] 20) along the full southern extent of the project boundary.

v. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented, and a report of the action provided to the reporting party.

Reducing operation time on stationary equipment (e.g., compressor, pump, ventilation fan, etc.), or on a mobile piece of heavy construction equipment while it is idle, can lower its noise emission L_{eq} value by up to 3 dB over the same time period. For example, if an air compressor ran at steady-state conditions for a cumulative thirty minutes within an hour, its hourly L_{eq} would be 3 dB lower than if it was running continuously for the full hour.

The construction noise prediction worksheets provided in Appendix B of this EIR demonstrate the estimated noise values per construction phase, as summarized in Table 4.6-5, and provides general and detailed assessment scenarios. With implementation of MM-NOI-1, required insertion of an 7-foot tall temporary solid barrier would further reduce construction noise levels at residential NSRs just south of the project site by as much as 11 dB during the site preparation and grading phases of construction. Under these modeled conditions, construction noise at the nearest offsite receptors would fall within the 62 dBA to 63 dBA 8-hour L_{eq} range during such activities and thus be less than the sampled L_{eq} magnitude at ST1 as appearing in Table 4.6-1.

Therefore, implementation of MM-NOI-1, would reduce potential construction noise-related to less- than-significant.

Operational Noise (Long-term Impacts)

Offsite Transportation Noise

The project is anticipated to generate 193 daily trips, which one could reasonably assume would occur on the Camino del Avion roadway segment that adjoins the project to the south. Using an FHWA traffic noise model (i.e., RD-77-108, reflecting "Calveno" curves per California Department of Transportation [Caltrans] Technical Noise Supplement, and assuming inputs (see Appendix B, Noise Analysis Data and Modeling; Predicted Offsite Traffic Noise Levels) that include the 25 mile per hour (mph) roadway speed, these additional project-related trips would create an estimated CNEL of 42.6 dBA at a distance of 50 feet. Outside of school hours, the speed limit is 40 mph and would yield an estimated 47.0 dBA CNEL. This latter noise level is substantially lower than the 60 dBA CNEL contour shown in the vicinity of the existing park along Camino del Avion per Figure N-1 (Future Noise Contours) of the San Juan Capistrano General Plan Noise Element (San Juan Capistrano, 1999: 12) and lower than the measured CNEL of 64 dBA as shown in Table 4.6-1. Logarithmically adding 47.0 dBA to either 60 dBA or 64 dBA would be a negligible (i.e., less than 0.1 dB) increase to the existing outdoor ambient sound level; therefore, traffic noise from project operation would result in a less than significant impact.

Onsite Stationary Noise Sources

Predicted Skatepark Noise Emission

Figure 4.6-1 graphically displays the results of a predictive sound propagation model, based on International Organization of Standardization (ISO) 9613-2 mathematical expressions and reference data, using the following inputs and assumptions based on the project site plan and layout of the skatepark and ancillary facilities:

- The restroom building features a 70 cubic feet per minute (CFM) exhaust fan of up to 4 sones (48 dBA) at a distance of one meter;
- Four clusters of up to five active skaters (and three spectators) each, with one cluster at each end of the northern and southern skate park bowls, are assumed to emit noise comparable to a reference hourly L_{eq} of 60 dBA at a distance of 30 feet from a bowl edge (City of Capitola 2015);
- Four additional clusters of up to an average of 2.5 skaters and 1.5 spectators each at four rail/ramp positions, with each emitting noise level comparable to 57 dBA hourly L_{eq} at 30 feet from the park feature;
- There are three (3) children active on the playground structures, with two speaking at "raised normal" speech level (60 dBA at one meter) and one speaking at "very loud" speech level (78 dBA at one meter); and
- A portable stereo is playing pre-recorded music at a level of 80 dBA at one meter distance.

Compliance Assessment Scenarios

Proposed Hours of Operation (8:00 a.m. to Sunset)

As shown in Figure 4.6-1, the predicted hourly L_{eq} noise contours indicate the project could create an exterior noise level of 50 dBA or less for the residential properties located directly south of the project site along Camino del Avion. For other homes located south of Camino del Avion, an exterior noise level of 45 dBA or less, depending on distance from the project site, is anticipated. For context, an outdoor noise level of 50 dBA is comparable to a "quiet urban daytime" environment and 40 dBA is comparable to a "quiet urban nighttime" outdoor environment (Caltrans 2013).

The City's noise standards for stationary noise sources, like those generated by the project during hours of operation, include visitors as predictively modeled herein, and restrict noise emission from a property by evaluating it at the receiving property line of a noise-sensitive receptor. As indicated in Table 4.6-2, the City's exterior noise level standard is 65 dBA during daytime hours (7 a.m. to 7 p.m.) and 55 dBA during evening hours (7 p.m. to 10 p.m.) as received by existing homes as close as those along Camino del Avion directly opposite the project site. The project currently proposes operation hours of 8 a.m. to "sunset", Depending on time of year, sunset could occur as early as 4:42 p.m. or as late as 8:04 p.m. at the project location.[1] Therefore, the daytime limit of 65 dBA hourly L_{eq} would apply if the skatepark closes before 7:00 p.m. and the evening limit of 55 dBA hourly L_{eq} would apply if project operations during summer months would continue past 7:00 p.m. Since the predicted exterior noise level exposures attributed to project stationary sources are not expected to exceed 50 dBA hourly L_{eq} at the boundaries of the nearest existing homes on Camino del Avion, both of the City's noise standards—daytime or evening—would be satisfied.

[1] https://www.timeanddate.com/sun/usa/san-juan-capistrano?month=7

Option to Extend Operation Hours In Future Phase (up to 10:00 p.m.)

If the City elects to provide nighttime lighting for the project in a future phase, hours of operation for the project could be extended no later than 10:00 p.m. Assuming the same quantities of skaters, spectators, and other project visitors as studied for the currently proposed operation hours (8 a.m. to sunset), the same operational noise emission depicted in Figure 4.6-1 would be anticipated. If park operations were extended to 10:00 p.m., the "evening" exterior noise limit (7 p.m. to 10 p.m.) of 55 dBA hourly L_{eq} would apply, and the project would be in compliance with the City's noise standards. As described in the project description, infrastructure would be installed to allow for lighting fixtures to be installed in a potential future phase if operation of the recreational space were to be extended beyond sunset and no later than 10:00 p.m. Under this scenario, the site would be cleared, project gates would be locked, and lights would be out no later than 10 p.m. each evening.

For these reasons, the aggregate noise emission for both daytime and evening operation times from normal project operations that include anticipated mechanical equipment and participant sport activity and speech would be compliant with the City's Municipal Code. Therefore, operational noise from the project would result in a less-than significant impact.

Additionally, and as reported in Section 4.6-1, the existing sound environment was measured at 64 dBA CNEL, with daytime hourly L_{eq} values ranging from 60 dBA to 65 dBA and evening hourly L_{eq} values ranging between 57 dBA and 62 dBA. Compared to such pre-existing sampled magnitudes, the predicted project operation noise levels would be substantially less and may thus represent barely perceptible increases to the existing outdoor sound environment. Based on the above analyses, operational noise from the project would result in a less than significant impact.

2. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. Groundborne vibration (e.g., from the use of heavy construction equipment onsite) dissipates relatively rapidly through intervening masses of soils and rock strata. The major concern with regard to construction vibration is related to building damage risk. Construction vibration as a result of the project would not result in structural building damage, which typically occurs at vibration levels of 0.5 inches per second (ips) peak particle velocity (PPV) or greater for buildings of reinforced-concrete, steel, or timber construction (FTA 2018). Older residential homes are expected to have a damage risk threshold of 0.3 ips PPV from continuous or frequently intermittent sources of groundborne vibration (Caltrans 2020). The heavier pieces of construction equipment expected to be involved for this type of project, such as backhoes, have a reference PPV) of 0.089 ips at a distance of 25 feet. Pile driving, blasting, and other special construction techniques would not be used for construction of the project; therefore, excessive groundborne vibration and groundborne noise would not be generated, since the 0.089 ips PPV would attenuate to a value of just 0.013 ips PPV at 90 feet—the approximate distance to the nearest existing home from the project southern boundary—and thus be far below these building damage risk thresholds. Furthermore, 0.013 ips PPV is much lower than 0.2 ips PPV, which Caltrans guidance considers sufficient to "annoy" building occupants. On these bases, construction-attributed groundborne vibration would be considered a less than significant impact.

Operation of the project would not result in any substantial sources of groundborne vibration, and their magnitudes would dissipate geometrically with distance as would temporary construction-related sources of vibration. Therefore, impacts would be less than significant.

3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The closest public airport to the project site is John Wayne Airport, which is located approximately 17 miles northwest of the project site. According to the Land Use Plan for the John Wayne Airport, the project is not located within an impact zone and is outside the airport planning area (ALUC 2008). The project site is located outside of any airport impact zones, and as such, the project would not result in a safety hazard for people residing in the project area. Therefore, no impacts associated with exposing people residing or working in the project to excessive noise levels would occur.

4.6.5 Mitigation Measures

MM NOI-1 below is provided to reduce the magnitude of temporary construction-related increases to the outdoor ambient sound level at offsite nearest NSR.

MM NOI-1 Construction Noise Reduction. In addition to adherence to the City of San Juan Capistrano's policies found in the City's General Plan Noise and Safety Element and Municipal Code limiting the construction hours of operation, the following measures shall be implemented to reduce construction noise emanating from the project:

i. The project contractor shall, to the extent feasible, schedule construction activities to avoid concurrent operation of several pieces of construction equipment proximate to an offsite noise-sensitive receiver.

ii. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained engine exhaust mufflers.

iii. Based on feasibility and/or practicality, contractor shall apply the following onsite equipment noise control and sound abatement methods:

   a. shutting off idling engines of vehicles and stationary engine-driven equipment when not in use;

   b. orient operating stationary equipment so that audibly or measurably louder cabinet surfaces or penetrations (e.g., air intake or discharge vents) are faciing away from nearest offsite noise-sensitive receptors; and

   c. apply factory-approved enclosures, vent shrouds, and other equipment-mounted features to attenuate (via dissipative acoustical absorption, south path occlusion or redirection, etc.) noise emission.

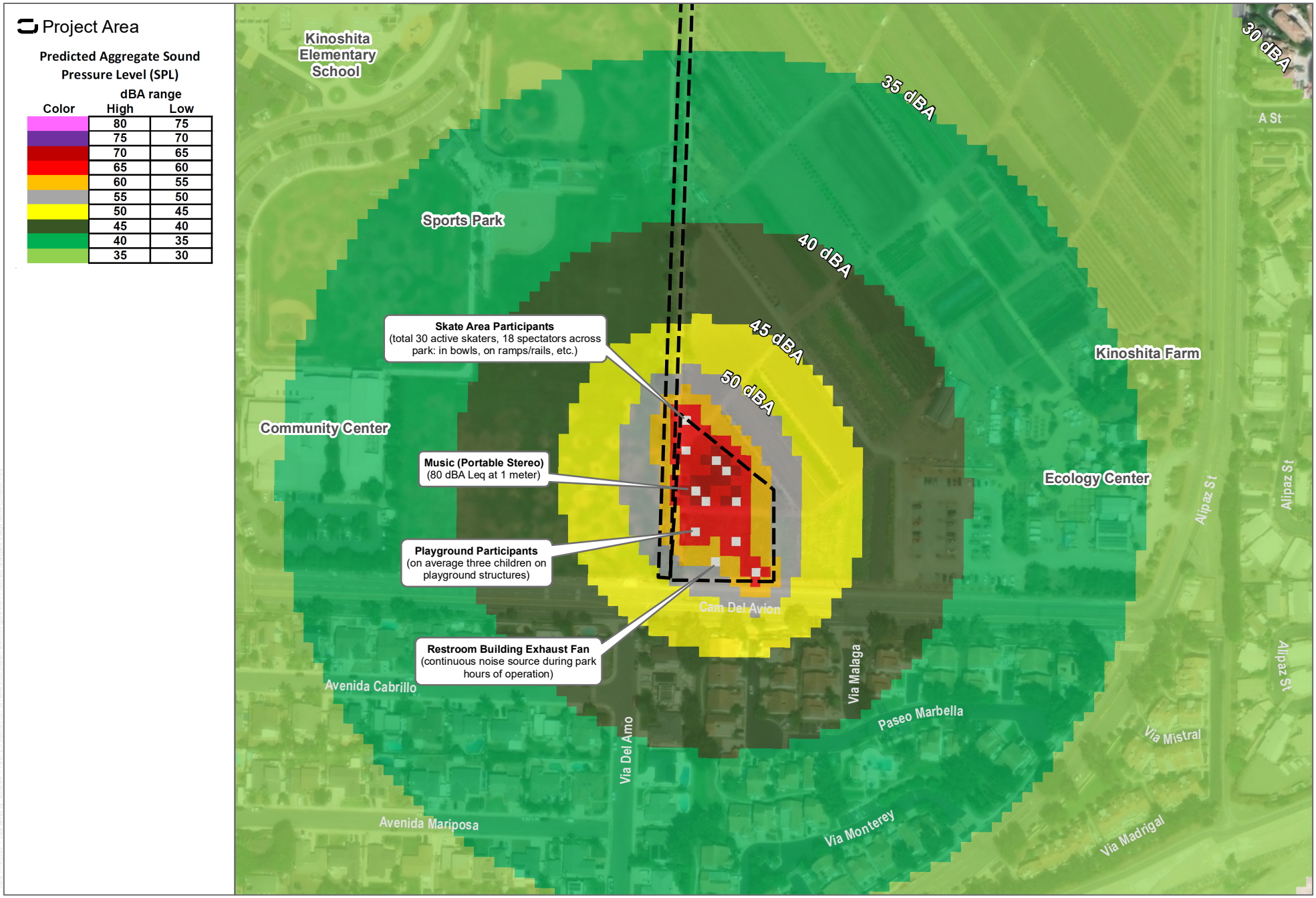
iv. During the site preparation and excavation phases of the Project, contractor shall install a minimum 7-foot tall temporary noise barrier (e.g., vertical installation of adjoining plywood sheeting [minimum ½-thick], a frame-suspended outdoor acoustical blanket, or other materials/assembly that demonstrates a minimum of sound transmission class [STC] 20) along the full southern extent of the project boundary.

v. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City

receives a complaint, appropriate corrective actions shall be implemented, and a report of the action provided to the reporting party.

4.6.6 Level of Significance After Mitigation

With implementation of **MM NOI-1** during project construction, potential impacts to outdoor ambient noise levels resulting from construction activities and equipment would be reduced to a less than significant level.



SOURCE: Maxar 2022

DUDEK

0 115 230 Feet

FIGURE 4.6-1

Predicted Skatepark Usage Noise Emission (Leq) Snapshot

San Juan Capistrano Skatepark and Trail Project EIR

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4.7 Transportation

This section describes the existing transportation conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

Comment letters related to transportation were received in response to the Notice of Preparation. Comments addressed concerns related to safe circulation and street crossing, available parking, and access to multimodal transit options. These comments are considered in the analysis provided below.

4.7.1 Existing Conditions

The project site is currently undeveloped and used for agricultural cultivation as part of an existing working farm. The project site is generally bounded to the south by Camino Del Avion, to the east and north by the Ecology Center, and to the west by the City of San Juan Capistrano Sports Park.

Existing Circulation System

Regional access to the project area is provided by Interstate(I)-5 which traverse north-south through the center of the City, connecting the Southern California region to the rest of the State. State Route 1 (also known as Pacific Coast Highway) is located southwest of the City and provides regional access along the coast. I-5 is located approximately 0.5 miles east of the project site while State Route 1 is located approximately 1.17 miles southwest of the project site. Local arterial roadways in the project area are Alipaz Street approximately 725 feet east of the project site, and Del Obispo Street, approximately 2,066 feet west of the project site, both of which run north-south. Camino Del Avion is adjacently south and would provide direct access to the project site.

Bicycle and Pedestrian Facilities

Sidewalks are present on both sides of Camino Del Avion, adjacent to the project site. Class II bike facilities (bike lanes defined by striping and signage) are present along Alipaz Street which is at the eastern terminus of Camino Del Avion approximately 700 feet east of the Project site. Class III (bike routes that share travel lanes with vehicles) and Class II bike facilities are available in Del Obispo Street right-of-way, which is located approximately 2,000 feet west of the Project site on the west side of Marco Forster Middle School. Access to the San Juan Creek Bike Trail is approximately 1,300 feet to the project site. This regional Class 1 bike facility provides access to Reata Park and Doheny State Park.

Public Transportation

The Orange County Transportation Authority (OCTA) provides public transit services via bus routes to Orange County. One bus route, Route 91, is within close proximity to the project site. The closest bus stop to the project site is located at the corner of Del Obispo Street and Camino Del Avion, which serves Route 91. OCTA partners with Metrolink to provide local and regional rail services. The closest rail station to the project site is the San Juan Capistrano Station located on Verdugo Street, approximately 1.12 miles northeast.

4.7.2 Relevant Plans, Policies, and Ordinances

State

Senate Bill 743

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law and started a process that changes the methodology of a transportation impact analysis as part of CEQA requirements. SB 743 directed the California Office of Planning and Research (OPR) to establish new CEQA guidance for jurisdictions that removes the level of service (LOS) method, which focuses on automobile vehicle delay and other similar measures of vehicular capacity or traffic congestion, from CEQA transportation analysis. Rather, vehicle miles traveled (VMT), or other measures that promote "the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," are now be used as the basis for determining significant transportation impacts in the State.

Regional

Orange County Congestion Management Program.

The Orange County Transportation Authority (OCTA) is a multimodal transportation agency that began in 1991 with the consolidation of seven separate agencies. OCTA serves Orange County residents and travelers by providing the following: countywide bus and paratransit service; Metrolink rail service; the 91 Express Lanes; freeway, street, and road improvement projects; individual and company commuting solutions; motorist aid services; and regulation of taxi operations. State law requires that a Congestion Management Program (CMP) be developed, adopted, and updated biennially for every county that includes an urbanized area, and requires that it include every city and the county government within that county. As the Congestion Management Agency for Orange County, OCTA is responsible for implementing the Orange County CMP. OCTA adopted the CMP in 1991 to reduce traffic congestion and to provide a mechanism for coordinating land use and development decisions in Orange County. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

Local

City of San Juan Capistrano General Plan

City of San Juan Capistrano General Plan. The City of San Juan Capistrano General Plan was approved by the City Council in December 1999, with the exception of the Housing Element, which was updated and adopted by the City Council in January 2014 and the Safety Element which was adopted in 2022. In May 2002, the City Council approved a General Plan Amendment, which included a variety of changes to several of the General Plan Elements.

The Circulation Element (1999) aims to guide the continued development and implementation of the circulation system to support existing and planned development. On May 16, 2023, the City Council Amended the Circulation Element to remove Level of Service references and add references to Administrative Policy 310 which establishes the guidelines for preparation of VMT analysis and LOS traffic impact reports. It is the stated goal of the City to maintain traffic and transportation LOS at LOS D, with the exception of Camino Capistrano/San Juan Creek Road and Camino Capistrano and Del Obispo, Del Obispo and Old Mission Road, Camino Capistrano/I-5 southbound ramps (hot-spot intersections) and Del Obispo between Old Mission Road and Alipaz(hot-spot roadway segment),

where LOS E is considered satisfactory. Also, Camino Del Avion between Del Obispo and Alipaz is hot-spot roadway segment due to close proximity of Marco Forester and Del Obispo Schools. The Circulation Element also encourages the use of other transportation modes, including transit, walking, bicycling, and equestrian riding to reduce the demand on the transportation system and improve air quality. The following goals and policies applicable to the proposed project are presented in the Circulation Element:

Circulation Goal 1: Provide a system of roadways that meets the needs of the community.

Policy 1.1: Provide and maintain a City circulation system that is in balance with the land uses in San Juan Capistrano.

Policy 1.4: Improve the San Juan Capistrano circulation system roadways in concert with land development to ensure sufficient levels of service.

Circulation Goal 3: Provide an extensive public bicycle, pedestrian, and equestrian trails network.

Policy 3.1: Provide and maintain an extensive trails network that supports bicycles, pedestrians, and horses and is coordinated with those networks of adjacent jurisdictions.

Circulation Goal 4: Minimize the conflict between the automobile, commercial vehicles, pedestrians, horses, and bicycles.

Policy 4.1: Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic.

Policy 4.2: Provide traffic management improvements within areas where through traffic creates public safety problems.

The Parks and Recreation Element addresses the City's needs associated with park and recreational facilities, including biking, hiking, and equestrian trails. The following goals and policies applicable to the proposed project are presented in the Parks and Recreation Element:

Parks & Recreation Goal 2: Develop and expand the existing bicycle, hiking, and equestrian trail system and facilities.

Policy 2.1: Develop and expand the existing trails network that supports bicycles, pedestrians, and horses, and coordinate linkages with those networks of adjacent jurisdictions.

San Juan Capistrano Municipal Code

The City's Municipal Code was adopted in 1980 and includes the following regulations related to transportation.

Section 9-3.535, Parking. Section 9-3.535 of the Municipal Code establishes parking requirements for development projects in the City. It does not establish parking requirements for park facilities.

4.7.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to transportation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to transportation would occur if the project would:

1. Conflict with a program, 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).
4. Result in inadequate emergency access.

4.7.4 Impacts Analysis

1. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less-than-Significant Impact. The project would generate temporary construction traffic, which would cease upon completion of construction. The project proposes approximately 42,575 square feet of recreational space that would consist of a new skatepark. The project would not include parking. Visitors would be able to use the existing Community Center and Sports Park Complex parking lot or park along Camino Del Avion.

Relevant programs, policies, or plans for the Project site would include the General Plan, the OCTA CBSP and CMP plans, and the Municipal Code. The General Plan seeks to maintain and enhance multimodal transportation options through goals and policies (listed above in section 4.7.2). the proposed Project would include short-term bicycle storage as part the skatepark design. The Project site is in close proximity to bike trails or paths, including a Class II bike lane along Alipaz Street, a Class II and III bike lane along Del Obispo Street, and a multi-use trail the San Juan Creek Trail. Access to the Project site would be available from these bike lanes and trails and the connected trail system. As described in Chapter 3, Project Description, the project proposes onsite bicycle racks to facilitate bicycle transit to and from the skatepark for future users and onsite signage providing information on alternative transportation options to the site. In addition, the proposed project is approximately 1.12 miles southwest of the San Juan Capistrano Station which provides public transit services. The project site would be accessible from the San Juan Capistrano Station via rideshare, bus, car, and bicycle as the Amtrack and Metrolink trains as well as the OCTA buses have bicycle racks. The available infrastructure in the project area would allow for multimodal transit to and from the proposed project site, and would not conflict with the applicable plans, goals, and policies. Moreover, the implementation of the proposed project would not prevent the future implementation of planned bikeways or their circulation infrastructure.

Lastly, the project does not propose development of onsite vehicle parking facilities, consistent with the City's Municipal Code (Section 9.3.535), which does not include parking requirements for parks. The proposed project would be integrated into the existing Community Center and Sports Park Complex, which includes an existing parking lot containing 228 parking stalls, 11 of which are accessible to persons with disabilities pursuant to the Americans with Disabilities Act (ADA) (1990). Due to the parking available in the existing parking lot as well as street parking along the north side of Camino Del Avion, there is sufficient opportunity for parking available. As such, the project is consistent with the provisions of the Municipal Code Section 9.3.535.

Accordingly, the project would not conflict with any plans or ordinances pertaining to the City's circulation system. Impacts would be **less than significant**.

2. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less-than-Significant Impact.

Vehicle Miles Traveled

CEQA Guidelines Section 15064.3(b) focuses on vehicle miles traveled (VMT) for determining the significance of transportation impacts. It is further divided into four subdivisions: (1) land use projects, (2) transportation projects, (3) qualitative analysis, and (4) methodology. The Updated CEQA Guidelines state that "generally, VMT is the most appropriate measure of transportation impacts," and define VMT as "the amount and distance of automobile travel attributable to a project." "Automobile" refers to on-road passenger vehicles, specifically cars and light trucks. The Governor's Office of Planning and Research has clarified in its Technical Advisory (OPR 2018) that heavy-duty truck VMT is not required to be included in the estimation of a project's VMT. Other relevant considerations may include the effects of a project on transit and non-motorized traveled.

The project would be categorized under CEQA Guidelines Section 15064.3(b)(1), land use project, for the purpose of VMT assessment. The City of San Juan Capistrano Vehicle Miles Traveled (VMT) Guidelines and Thresholds (May 22, 2020) provides guidance for VMT screening criteria, analysis methodology, and potential mitigation measures. The City adopted its VMT thresholds of significance per Resolution No. 20-06-02-05 for land use projects that are generally residential, office, industrial, retail, institutional or mixed-use. It should be noted that there is no specific VMT threshold for facilities such as the project.

Vehicle Miles Traveled Screening Analysis

The City's VMT analysis guidelines suggest that projects can be exempt from requiring a detailed VMT analysis based on project trip generation, locally serving retail or public facilities, transit-priority areas, affordable housing, and transportation facilities project types (City of San Capistrano 2020). Per City's guidelines, if a project generates 200 or fewer weekday daily trips, it is considered consistent with the City's Administrative Policy and is screened from conducting a VMT analysis.

The project proposes an approximately 20,000-square-foot skatepark (which includes a 5,300-square-foot flow bowl area, a 4,200-square-foot pool bowl area, and a 10,500-square-foot street skating area for skateboarding) and new playground, restroom building, raised berm seating, and landscaping within 42,575 square feet of recreational space. Therefore, the project would develop 20,000 square feet as a skatepark and approximately 22,575 square feet or 0.52 acres as a park facility. The project would provide skatepark facility adjacent to an existing Sports Park and residential neighborhoods in the City of San Juan Capistrano and adjoining City of Dana Point. The location of the project is strategic as it is adjacent to and accessible from the existing Sports Park. Additionally, the project would not provide new parking and encourage use of the existing Sports Park lot or on-street parking along Camino Del Avion. The project would also include a new multi-use public trail along Via Positiva that would connect The Farm residential development, currently under construction adjacent to the project site, to the new skatepark and Camino Del Avion.

Dudek reviewed the trip generation rates for recreation and park uses in the Institute of Transportation Engineers Trip Generation Manual, 10th Edition (2017) and the San Diego Association of Governments (SANDAG) Brief

Guide of Vehicular Trip Generation Rates for the San Diego Region (2002). Trip rate specific to skatepark facility used in the traffic studies prepared for projects within the region were also reviewed. Based on the review of trip rates and the project's unique characteristics, the trip rate for Skatepark Facility from Center Avenue Skatepark Traffic Analysis and the trip rate for Regional Park from SANDAG trip generation manual were selected to estimate the project's trip generation. Trip generation rates and resulting trip generation estimates for the project are summarized in Table 3.17-1. The project is estimated to generate a total of 193 daily trips, with 6 AM peak hour trips and 29 PM peak hour trips.

Table 4.7-1. Project Trip Generation

Land Use	Size/ Units	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Trip Rates								
Skatepark[1]	Per TSF	9.14	0.16	0.14	0.30	0.63	0.73	1.36
Regional Park[2]	Per Acre	20.00	50%	50%	4%	50%	50%	8%
Trip Generation								
Skatepark	20 TSF	183	3	3	6	13	15	28
Regional Park	0.52	10	0	0	0	1	0	1
Total Trip Generation		**193**	**3**	**3**	**6**	**14**	**15**	**29**

Notes: TSF = thousand square feet.

1 Trip rate for skatepark from the Center Avenue Skatepark, Traffic Analysis, December 2011, prepared by Austin-Foust Associates, Inc. Accessed at https://file.lacounty.gov/SDSInter/dpr/1055668_CenterAvenueSkateparkTrafficStudy.pdf

2 Trip rate from the SANDAG Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002

The project meets the minimum trip threshold screening criteria of 200 weekday daily trips and therefore, would not require a detailed VMT analysis.

Table 3.17-2 provides the details of existing skatepark facilities in the region. As shown in the table, other skatepark facilities in the region are located further from the project and the City.

Table 4.7-2. Location of Skatepark Facilities in the Region

Skatepark Facility	Distance from the Project Site	Address
Ladera Ranch Skatepark	6.8 miles	26203 Sienna Pkwy, Ladera Ranch, CA 92694
San Clemente Skatepark	9.7 miles	241 Av. La Pata, San Clemente, CA 92673
Foot Plant Skate	8.8 miles	1011 Calle Amanecer, San Clemente, CA 92673
Laguna Niguel Skate & Soccer Park	8.2 miles	27745 Alicia Pkwy, Laguna Niguel, CA 92677

Therefore, it can be concluded that the project would attract some of the existing trips destined to the Sports Park or divert trips that are destined to other skating facilities further away from the City of San Juan Capistrano. As noted, the City's screening criteria to prepare a VMT analysis is 200 weekday daily trips. The project would result in 193 daily trips, which would be less than 200 daily trips, and would not represent a significant VMT impact, therefore the project would be screened out of preparing further quantitative VMT analysis. Because the project would not generate significant trips or VMT, it would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and impacts would be **less than significant**.

Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less-than-Significant Impact. The project involves the development of a new Skatepark site located on an approximately 0.97-acre site that is located on a parcel leased by the Ecology Center. The project would not include parking; thus, driveways or internal circulation lanes would not be developed. Visitors would be able to park along north side of Camino Del Avion or use the existing parking lot within the City's Sports Park. The project site would be located adjacent to areas used for crop farming and thus would bring children closer to farm equipment, However, the perimeter of the recreational space would be fenced to prevent access to the adjacent farmland and associated equipment. In addition, a six-foot high fence would be constructed on the farm-side of the proposed public trail. Therefore, the project would not increase hazards due to a geometric design feature or incompatible use. Impacts would be **less than significant**.

Would the project result in inadequate emergency access?

Less-Than-Significant Impact. As discussed in Section 3.9, Hazards and Hazardous Materials, the EPP identifies evacuation routes, emergency facilities, and City personnel and equipment available to effectively deal with emergency situations. The nearest evacuation route to the project site is Del Obispo Street located approximately 0.4-mile west of the site. Access to the project site would be provided via Camino Del Avion. The project site is also provided regional access via I-5. Due to this local and regional connectivity, in the unlikely event of an emergency, the project-adjacent roadway facilities would be expected to serve as emergency evacuation routes for first responders and residents. The project would not adversely affect operations on the local or regional circulation system, and as such, would not impact the use of these facilities as emergency response routes.

The project would not include parking; thus, driveways would not be constructed. Emergency vehicles would be able to park along Camino Del Avion or use the existing parking lot within the City's Sports Park. Access to the project site would be provided by gated entrances along Camino Del Avion. In the event of an emergency, personnel would have access to any of the proposed gate entranceways. Therefore, impacts associated with inadequate emergency access would be **less than significant**.

4.7.5 Mitigation Measures

Impacts are determined to be less than significant, and no mitigation measures are required.

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4.8 Tribal Cultural Resources

This section describes the existing tribal cultural resources conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the project.

4.8.1 Existing Conditions

The proposed project site is located within the southwestern part of the City of San Juan Capistrano in Orange County, California. The project site is within Section 12 of Township 8 South, Range 8 West of the Dana Point 7.5-minute U.S. Geological Survey (USGS) quadrangle map (Appendix A: Figure 1). The approximately 1.75 acre project site is located adjacent to the City's Sports Park, within the City-owned 28-acre parcel, Assessor's Parcel Number (APN) 121-190-57, known as the Kinoshita Farm Property located at 32681 Alipaz Street, directly north of Camino Del Avion, between Via Positiva and Alipaz Street (Appendix A: Figure 2).

The project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming as part of a larger farming operation conducted by The Ecology Center under a license agreement with the City. The Ecology Center operates an active farming operation, farm stand, educational and community programs, and administrative offices within the historic Joel Congdon Residence. The Joel Congdon residence was constructed in 1876 and represents the first wooden structure built in the City. For 125 years, the Joel Congdon residence has played an important role in the history and development of farming in San Juan Capistrano. Since its construction, the Joel Congdon residence was continuously the home for families living on the farm until 1975. The Joel Congdon Residence is located in the northeast corner of the property off Alipaz Street, which is outside the project site.

The project site has been subject to ground disturbance associated with vegetation clearing, grading, and agricultural discing in support of the agricultural use since at least 1938 and has remained undeveloped and in use for agricultural purposes, specifically as an orchard and crop farm as part of the larger farming operation operated by the Ecology Center.

Surrounding land uses include The Farm residential development to the north, single family residential to the south, mobile home park and single family residential to the east and the City Sports park to the west. Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01.

Native American Coordination

Assembly Bill 52 and Senate Bill 18 Notification Efforts

The Project is subject to compliance with AB 52 and SB 18, which require consideration of impacts to TCRs as part of the CEQA process, and that the lead agency notify California Native American tribal representatives who are traditionally or culturally affiliated with the geographic area of the Project. All NAHC-listed California Native American tribal representatives that have requested Project notification pursuant to AB 52 and those provided by the NAHC pursuant to SB 18 were sent letters by the City on February 6, 2023 via certified mailing. The letters contained a Project description, an outline of AB 52 and SB 18 timing requirements, invitation to consult if desired, and contact information for the appropriate lead agency representative. AB 52 allows tribes 30 days and

SB 18 allows 90 days after receiving notification of the Project to request consultation. If a response pursuant to AB 52 is not received within the allotted 30 days or 90 days pursuant to SB 18, it is assumed that consultation is declined. To date, government-to-government notification of the Project initiated by the City has not resulted in the identification of a TCR within or near the Project site. The AB 52 notification period ended on March 8, 2023 and the 90-day SB 18 notification period ended on May 8, 2023. No responses from the notified tribes were received by the City and both notification processes are closed. Of note, the Rincon Band of Luiseno Indians was notified in support of the 2020 IS/MND analysis. The Tribe responded declining consultation stating "the identified location is not within the Luiseno Aboriginal Territory" and recommended that the City contact local tribes "to receive direction on how to handle any inadvertent findings." The confidential AB 52 and SB 18 communication records are on file with the City. A list of the Tribes contacted is set forth in Table 4.8.1 below.

Table 4.8.1. Native American/Tribal Notification/Consultation Log

Native American Tribal Representatives	Method and Date of Notification	Response to County Notification Letters	Consultation Date
Juaneno Band of Mission Indians Joyce Stanfield Perry	AB 52: February 6, 2023 Letters sent via certified mailing to Ms. Perry	AB 52: No Response to the AB 52 notification has been received to date. As no response was received and the 30-day allotted response period has expired, consultation is assumed declined.	N/A
Torres Martinez Desert Cahuilla Indians Michael Martinez	AB 52: February 6, 2023 Letters sent via certified mailing to Mr. Martinez	AB 52: No Response to the AB 52 notification has been received to date. As no response was received and the 30-day allotted response period has expired, consultation is assumed declined.	N/A
Soboba Band of Luiseno Indians Joseph Ontiveros, Cultural Resource Department	AB 52: February 6, 2023 Letters sent via certified mailing to Mr. Ontiveros SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Ontiveros	AB 52: No Response to the AB 52 notification has been received to date. As no response was received and the 30-day allotted response period has expired, consultation is assumed declined. SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Soboba Band of Luiseno Indians Isaiah Vivanco, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Vivanco	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	
Juaneno Band of Mission Indians Sonia Johnston, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Johnston	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A

Table 4.8.1. Native American/Tribal Notification/Consultation Log

Native American Tribal Representatives	Method and Date of Notification	Response to County Notification Letters	Consultation Date
Campo Band of Diegueno Mission Indians Ralph Goff, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Goff	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Ewiiaapaayp Band of Kumeyaay Indians Robert Pinto, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Pinto	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Ewiiaapaayp Band of Kumeyaay Indians Michael Garcia, Vice Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Garcia	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Juaneno Band of Mission Indians Acjachemen Nation – Belardes Matias Belardes, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Belardes	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Juaneno Band of Mission Indians Acjachemen Nation 84A Heidi Lucero, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Lucero	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
La Jolla Band of Luiseno Indians Norma Contreras, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Contreras	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
La Posta Band of Diegueno Mission Indians Javaughn Miller, Tribal Administrator	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Miller	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
La Posta Band of Diegueno Mission Indians Gwendolyn Parada, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Parada	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A

Table 4.8.1. Native American/Tribal Notification/Consultation Log

Native American Tribal Representatives	Method and Date of Notification	Response to County Notification Letters	Consultation Date
Manzanita Band of Kumeyaay Nation Angela Elliott Santos, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Santos	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Mesa Grande Band of Diegueno Mission Indians Michael Linton, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Linton	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Pala Band of Mission Indians Shasta Gaughen, Tribal Historic Preservation Officer	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Gaughen	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Pauma Band of Luiseno Indians Temet Aguilar, Chairperson	SB 18: February 6, 2023 Letters sent via certified mailing to Mr. Aguilar	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A
Santa Rosa Band of Cahuill Indians Lovina Redner, Tribal Chair	SB 18: February 6, 2023 Letters sent via certified mailing to Ms. Redner	SB 18: No Response to the SB 18 notification has been received to date. As no response was received and the 90-day allotted response period has expired, consultation is assumed declined.	N/A

Cultural Resources Inventory

On July 22, 2021, staff at the SCCIC, located on the campus of California State University, Fullerton, provided the results of a CHRIS records search for the proposed Project site and a 0.5-mile radius. Due to COVID-19, the SCCIC notified researchers that they are only able to provide data for Orange County that has already been digitized. As such, not all available data known to CHRIS may be provided in the records search. The CHRIS records search results provided by the SCCIC included their digitized collections of mapped prehistoric and historic archaeological resources and historic built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references.

Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicate that 36 previous cultural resource studies have been conducted within 0.5-mile of the proposed Project site between 1978 and 2016. Of these studies, two (OR-00536 & OR-01237) overlap the proposed Project site. The entirety of the proposed Project site has been subjected to

previous cultural resource investigations in 1974 and 1992. A brief summary of the reports overlapping the proposed Project site are provided below.

A *Cultural and Paleontological Resources Inventory Report for the San Juan Capistrano Skate Park Project* was prepared in September 2021 (Appendix A). As part of the Cultural Resources Inventory a CHRIS records search was performed by staff at the SCCIC for the project site and a 0.5-mile radius. Results of the cultural resources records search indicate that 36 previous cultural resource studies have been conducted within 0.5-mile of the project site between 1978 and 2016. Of these studies, two (OR-00536 & OR-01237) overlap the project site. The entirety of the project site has been subjected to previous cultural resource investigations in 1974 and 1992.

Report No. OR-00536*, City of San Juan Capistrano, General Plan Program, Historic/Archaeological Element* (Drover 1974), documents the results of an archaeological investigation consisting of archival record search, literature review, and pedestrian survey for the historic/archaeological element of the General Plan Program. The area of study overlaps the entirety of the current project site. In addition, the report discusses the paleontological resources that were identified through the archival research. The study identified 36 previously recorded cultural resources through the archival records search. Of these, 16 are archaeological resources and 20 are built environment resources, none of which overlap the project site. Additionally, the pedestrian survey identified 10 prehistoric era archaeological resources that were not previously identified through the CHRIS database; none of these resources overlap the current project site either. The closest resource is described as a prehistoric archaeological resource, no further detail regarding this resource is provided. Please see Appendix A for a detailed summary of this report.

Report No. OR-01237, *Cultural Resources Reconnaissance of Ten Areas for Possible Park Locations, City of San Juan Capistrano, Orange County, California*, (Bissell and McKenna 1992), documents the results of a cultural resources reconnaissance consisting of archival record search, literature review, and pedestrian survey in compliance with CEQA. The area of study consists of three loci, one locus [referred to as the Kinoshita Farm] overlaps the entirety of the current project site. It should be noted that although the report was prepared under the provisions of CEQA, it includes federal language, but does not discuss the federal nexus. Bissell and McKenna state that the Kinoshita Farm has never been properly surveyed for archaeological material; however, the historic Congdon House (P-30-160129) located within the Kinoshita Farm parcel was previously recorded and has since been determined eligible for the NRHP in 2002. Please see Appendix A for a detailed summary of this report.

Previously Recorded Cultural Resources

The SCCIC records indicate that four cultural resources have been previously recorded within 0.5-mile of the proposed Project site. Of these, three are historic built environment resources and one is a prehistoric archaeological site. None of these resources overlap the proposed Project site. Table 2, below, summarizes all previously recorded cultural resources identified within the records search area, including the California State Office of Historic Preservation (OHP) California Historical Resource (CHR) Status Code for each resource.

Table 4.8-2. Previously Recorded Cultural Resources within a 0.5-Mile Radius of the Proposed Project Site

Primary Number (P-30-)	Trinomial (CA-ORA-)	Description	Recording Events	OHP CHR Status Codes	Proximity to Proposed Project Site
000835	000835	Prehistoric archaeological site: described as a small,	1979 (Mitchell);	7R: Identified in Reconnaissance	720 meters (m) (2360 feet (ft.))

Table 4.8-2. Previously Recorded Cultural Resources within a 0.5-Mile Radius of the Proposed Project Site

Primary Number (P-30-)	Trinomial (CA-ORA-)	Description	Recording Events	OHP CHR Status Codes	Proximity to Proposed Project Site
		temporary campsite consisting of two manos, one fragment of a milling stone, and one small grinding slab.	2007 (Lictenstein, Robert J.)	Level Survey: Not evaluated	southeast of the Proposed Project site
001342	001342H	Historic built environment: Kinoshita Farm/Congdon Farm described as a historic farmhouse and associated buildings constructed between 1876 and 1878.	1992 (Becker); 2007 (Lichtenstein, Robert J.)	7R: Identified in Reconnaissance Level Survey: Not evaluated	155 m (500 ft.) east of the Proposed Project site
160129	—	Historic built environment: Joel R Congdon Residence described as a historic farmhouse and associated buildings constructed in 1876.	2001 (Ilse M. Byrnes)	1: Listed in the National Register	155 m (500 ft.) east of the Proposed Project site
176663	—	Historic built environment: resource includes the approximately 14.7-mile long segment of the Burlington Northern Santa Fe (formerly the Atchison, Topeka and Santa Fe) Railway (originally constructed in the 1880's) and bridges/culverts. The railroad has been utilized for more than 100 years, and much of the railroad has been replaced over its lengthy period of use.	2002 (D. Ballester); 2002 (Bai Tang and Josh Smallwood); 2003 (Richard Shepard); 2007 (S. McCormick); 2012 (MK Meiser); 2016; 2016 (B. Tang); 2018	6Z: Found ineligible for National Register (NR), California Register (CR) or Local designation through survey evaluation	510 m (1670 ft.) southeast of the proposed Project site

Source: OHP 2004
Note: OHP CHR status codes are a database tool established by the State of California to classify historical resources (including both archaeological and historic built environment resources) in the State's inventory that have been identified through a regulatory process or local government survey and is used statewide.

Dudek conducted an intensive-level pedestrian survey of the project site in August 2021. During the survey, four historic in age tractors were observed in the northwest corner of the multi-use trail. The tractors were photographed and noted, but not formally documented as they appear to be ornamental, and their origin is unknown. Furthermore, none of the available SCCIC records reviewed indicate that any previously recorded cultural resources exist within the project site. As such, no cultural materials resources were observed within the project site as a result of the survey.

4.8.2 Relevant Plans, Policies, and Ordinances

Federal

The project does not have a federal nexus and therefore is not subject to Federal regulations related to cultural resources.

State

California Environmental Quality Act

In 2014, CEQA was amended to apply to "tribal cultural resources." California Public Resources Code Section 21074 defines tribal cultural resources, as described below.

(a) "Tribal cultural resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Native American Historic Cultural Sites

The Native American Historic Resources Protection Act (California Public Resources Code Section 5097, et seq.) 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 NRHC 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 1 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.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Health and Safety Code

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in California Public Resources Code Section 5097.98.

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains (Section 7050.5b). California Public Resources Code Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (section 7050.5c). The NAHC will notify the Most Likely Descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

California State Assembly Bill 52

Assembly Bill (AB) 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under the California Environmental Quality Act (CEQA) and also provided for additional Native American consultation requirements for the lead agency. PRC Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American Tribe and that is either:

- On or determined to be eligible for the California Register of Historical Resources or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process. Specifically, it requires the lead agency to notify a California Native American tribe of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe if that tribe has requested such notification, in writing, to the lead agency (PRC Section 21080.3.1[b]). Additionally, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report, the lead agency is required to begin consultation with a California Native American tribe that requested consultation within 30 days of receipt of project notification (PRC Section 21080.3.1[e]).

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 is a project that may have a significant effect on the environment." Effects on TCRs should be considered under CEQA. PRC Section 21080.3.2 states that parties may propose mitigation measures "capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource." Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

California Senate Bill 18

The Local and Tribal Intergovernmental Consultation process, commonly known as Senate Bill (SB) 18 was signed into law September of 2004 and took effect March 1, 2005. SB 18 refers to PRC Section 5097.9 and 5097.995, which defines cultural places as:

- Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9).
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993).

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American tribes that have been identified by the NAHC and if that tribe requests consultation after local government outreach as stipulated in Government Code Section 65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended. Once local governments have sent notification, tribes are responsible for requesting consultation. Pursuant to Government Code Section 65352.3(a)(2), each tribe has 90 days from the date on which they receive notification to respond and request consultation.

In addition to the requirements stipulated previously, SB 18 amended Government Code Section 65560 to "allow the protection of cultural places in open space element of the general plan" and amended Civil Code Section 815.3 to add "California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places."

Local

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan was adopted in 1999, a General Plan Amendment was approved in 2002, and the Housing Element and Safety Element were adopted in 2022. The Cultural Resources Element addresses the historic, archaeologic and paleontological resources within the City. Tribal cultural resources are not addressed in the General Plan. However, the Cultural Resources Element identifies resources that should be protected and preserved and sets forth a Cultural Resources Plan to ensure the protection and preservation of these resources. The following policies are applicable to the Project.

Cultural Resources Goal 1: Preserve and protect historical, archaeological, and paleontological resources

Policy 1.1: balance the benefits of development with the project's potential impacts to existing cultural resources.

4.8.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural and tribal cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural and/or tribal cultural resources would occur if the project would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.8.4 Impacts Analysis

1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Less-than-Significant Impact With Mitigation Incorporated. As previously discussed in Section 4.3, Cultural Resources, the SCCIC records indicate that four cultural resources have been previously recorded within 0.5-mile of the project site. Of these, three are historic built environment resources and one is a prehistoric archaeological site. None of these resources overlap the project site and none of the available SCCIC records reviewed indicate that any previously recorded cultural resources exist within the project site. Refer to Appendix A for further details. However, despite thorough cultural assessments intended to identify or determine the potential for cultural resources to exist within a Project site, the potential to encounter yet unknown and unrecorded buried tribal cultural resources cannot be ruled out when ground disturbances occur within native soils. In the event that yet unknown and unrecorded tribal cultural resources are encountered during project implementation, impacts to these resources would potentially be significant. To appropriately respond to the unanticipated and inadvertent discovery of yet unknown and unrecorded archaeological resources and mitigate potential impacts to a level of less than significant, the project shall incorporate **MM-CUL-1, MM CUL 2, and MM CUL-3**. Therefore, impacts associated with tribal cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), would be **less than significant with mitigation incorporated**.

MM-CUL-1 Workers Environmental Awareness Program Training: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries

prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of and legal basis for the protection of archaeological and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

MM-CUL-2 Cultural and Tribal Resources Monitoring and Inadvertent Discovery of Archaeological Resources: An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground-disturbing activities. An archaeological monitor shall be present on the project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.

In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the unanticipated resource.

If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource.

The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).

MM-CUL-3 Inadvertent Discovery of Human Remains. In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section

5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.

All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less-than-Significant Impact. As described above, the Project is subject to compliance with AB 52 and SB 18, which requires consideration of impacts to TCRs as part of the CEQA process, and that the lead agency notify California Native American tribal representatives who are traditionally or culturally affiliated with the geographic area of the Project. All NAHC-listed California Native American tribal representatives that have requested Project notification pursuant to AB 52 and those provided by the NAHC pursuant to SB 18 were sent letters by the City on February 6, 2023 via certified mailing. To date, government-to-government notification of the Project initiated by the City has not resulted in the identification of a TCR within or near the Project site. The AB 52 notification period ended on March 8, 2023 and the 90-day SB 18 notification period ended on May 8, 2023. No responses from the notified tribes were received by the City and both notification processes are closed. The confidential AB 52 and SB 18 communication records are on file with the City.

No tribal cultural resources were identified as a result of a thorough cultural assessment or as a result of consultation between the City and California Native American tribes. Therefore, impacts would be **less than significant**.

4.8.5 Mitigation Measures

The following mitigation measures shall be implemented.

MM-CUL-1 Workers Environmental Awareness Program Training: All construction personnel and monitors who are not trained archaeologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and tribal cultural resources that may be identified during construction of the project and explain the importance of

and legal basis for the protection of archaeological and tribal cultural resources. Each worker shall also learn the proper procedures to follow in the event that archaeological and tribal cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological monitor.

MM-CUL-2 Cultural and Tribal Resources Monitoring and Inadvertent Discovery of Archaeological Resources: An archaeological monitor must be present during all initial ground-disturbing activities with the potential to encounter cultural resources. A monitoring plan must be prepared by the archaeologist and implemented upon approval by the City. An inadvertent discovery clause, written by an archaeologist, shall be added to all construction plans associated with ground-disturbing activities. An archaeological monitor shall be present on the project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.

In the event that yet unknown and unanticipated archaeological resources (sites, features, or artifacts) are inadvertently exposed during ground disturbing activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the unanticipated resource.

If a resource is deemed significant by the qualified archaeologist, preservation in place or avoidance of the resource shall be the preferred method of preservation consistent with Public Resources Code section 21083.2(b). If preservation in place or avoidance is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource. This mitigation will reduce any potential significant impacts to a level of less than significant by ensuring that any significant resource discovered is either avoided, preserved in place, or removed so that there will be no substantial adverse change in the significance of the resource.

The methods and results of the data recovery excavation shall be included in a monitoring report, to be completed by the qualified archaeologist after completion of the project. The monitoring report shall include a description of resources recovered, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the City Development Services Director and the South Central Coastal Information Center (SCCIC).

MM-CUL-3 Inadvertent Discovery of Human Remains. In the event that yet unknown and unrecorded human remains are inadvertently encountered during construction activities, the remains and associated funerary objects shall be treated in accordance with state and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e). In accordance with these regulations, if human remains are found, the County Coroner must be immediately notified of the discovery. No further excavation or disturbance of the Project site or any nearby (no less than 100 feet) area reasonably suspected to overlie adjacent remains can occur until the County Coroner has determined if the remains are potentially human in origin. If the County Coroner determines that

the remains are, or are believed to be, Native American, he or she is required to immediately notify the Native American Heritage Commission (NAHC). The NAHC will notify the person/s it believes to be the most likely descendant (MLD) from the deceased individual. The MLD must then complete their inspection and determine, in consultation with the property owner, the treatment and potential disposition of the human remains.

All resulting documentation shall be submitted to the City Development Services Director, or designee, for their review and work shall not continue within the area of the discovery without authorization from the City. Upon completion of the project, all appropriate documentation (reports, site records, etc.) shall be submitted to the SCCIC.

4.8.6 Level of Significance After Mitigation

With the implementation of **MM-CUL-1** through **MM-CUL-3,** potential impacts to tribal cultural resources would be reduced to a less-than-significant level.

5 Cumulative Effects

Section 15130(a) of the State CEQA Guidelines requires a discussion of the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Cumulatively considerable, as defined in CEQA Guidelines Section 15065(a)(3), means that the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The State CEQA Guidelines Section 15355 defines a cumulative impact as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

5.1 Cumulative Impact Approach

According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative impacts "…need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness." Additionally, Section 15130 identifies two basic methods for establishing a project's cumulative environment:

1. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
2. A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated region- or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

This cumulative analysis uses the "list" approach to identify the cumulative setting. The effects of past and present projects on the environment are reflected by the existing conditions in the project area. Probable future projects are those in the project vicinity that have the possibility of interacting with the project to generate a cumulative impact (based on proximity and construction schedule) and either:

- are partially occupied or under construction,
- have received final discretionary approvals,
- have applications accepted as complete by local agencies and are currently undergoing environmental review, or
- are projects that have been discussed publicly by an applicant or that otherwise become known to a local agency and have provided sufficient information about the project to allow at least a general analysis of environmental impacts.

5.2 Cumulative Setting

Geographic Scope

The geographic area that could be affected by the project varies depending on the type of environmental resource being considered. When the effects of the project are considered in combination with those of other past, present, and probable future projects to identify cumulative impacts, the other projects that are considered may also vary depending on the type of environmental effects being assessed. Table 5-1 presents the general geographic areas associated with the different resources addressed in this cumulative analysis.

Table 5-1. Geographic Scope of the Cumulative Impacts

Resource Area	Geographic Scope
Aesthetics	Project viewshed
Agricultural Resources	Project vicinity and surrounding region
Air Quality	South Coast Air Basin and jurisdictional boundaries of South Coast Air Quality Management District
Biological Resources	Defined differently for each species, based on species distribution, habitat requirements, and scope of impact from proposed activities
Cultural Resources	Project vicinity and region
Energy	Surrounding region
Geology and Soils	Project vicinity and region
Greenhouse Gas Emissions	Jurisdictional boundaries of South Coast Air Quality Management District
Hazards and Hazardous Materials	Project vicinity
Hydrology and Water Quality	Project vicinity and project watershed
Land Use and Planning	Project vicinity
Mineral Resources	Project vicinity
Noise	Project site and immediate project vicinity
Public Services	Jurisdictional boundaries of the agencies providing public services.
Recreation	Project vicinity and region
Transportation	Project vicinity
Tribal Cultural Resources	Project vicinity and region
Utilities and Service Systems	Project vicinity served by utility providers
Wildfire	Project vicinity and region

5.2.1 Project List

Table 5-2 provides the list of probable future projects that meet the requirements stated above. Table 5-2 identifies probable future projects that were considered in the development and analysis of potential cumulative impacts and the location of each is mapped in Figure 5-1 (the map numbering in Figure 5-1 corresponds to the numbering in Table 5-2).

Significance criteria, unless otherwise specified, are the same for cumulative impacts as project impacts for each environmental topic area. When considered in relation to other reasonably foreseeable projects, cumulative impacts to some resources would be significant and more severe than those caused by the proposed project alone.

Table 5-2. Cumulative Projects List

No.	Project Name	Location	Land Use	Gross Square Feet/Number	Dwelling Units	Status
1	J. Serra Catholic High School	North and south of J. Serra Road west of I-5.	private high school	2,000 stu.	N/A	1,285 students (Under Review)
2	Distrito La Novia-San Juan Meadows	North and south sides of La Novia Avenue east of Valle Road.	commercial	75,100 gsf	85 Condo units; 45 Apartment units; 94 SFD	Rough Grading Permit Issued
			office	16,000 gsf		
			equestrian	500 horses		
			residential	(see dwelling units)		
3	The River Street Marketplace Project	North of Del Obispo on Paseo Adelanto through to Los Rios	commercial	59,067 sf	N/A	Under Construction
4	The Farm on Del Obispo	Vermeulen property – 32382 Del Obispo	Residential	N/A	169	Under Construction
5	Petra Avelina	Near terminus of Calle Arroyo	Townhomes and detached sfr's	N/A	132	Under Construction
6	Ganahl Lumber	Northside of Stonehill Drive between San Juan Creek and the railroad R.O.W.	Restaurants	6,000 gsf	N/A	Under Construction
			Lumber store with retail & storage	135,002 gsf		
			Vehicle storage	399 spaces		
7	El Camino Specific Plan	26874 Old Mission Road	Retail/Restaurant	14,977 s.f	N/A	Entitled
			Office	12,480 s.f.		
8	In-N-Out Burger	31791 Del Obispo Street	Sit-down and drive-through restaurant	3,879 s.f.	N/A	Under Construction
9	City Hall	32400 Paseo Adelanto	Multi-Family	(see dwelling units)	50	Under Construction
			Municipal Office	16,021 s.f.		
10	Swallows Creek	30700 Rancho Viejo Road	Industrial	136,308 s.f.	N/A	Under Construction
11	St. John Church	29742 Rosenbaum Road	Church Campus	21,358 s.f.	N/A	Under Review
12	Mixed-Use	31861 Camino Capistrano	Hotel	36-rooms	N/A	Under Review
			Restaurant	3,137 s.f.		
			Distillery	13,896 s.f.		

Table 5-2. Cumulative Projects List

No.	Project Name	Location	Land Use	Gross Square Feet/Number	Dwelling Units	Status
13	Compass Energy Storage	29343 Camino Capistrano	Batter Energy Storage System	15 acres	N/A	Under Review
14	Juliana Farms Lot 13 Subdivision	31495 Juliana Farms Road	Residential	958,320 s.f.	6	Under Review
15	El Camino Specific Plan Amendment	A 5.42-acre area located between 31806 El Camino Real and 31882 Camino Capistrano	Restaurant	4,924 s.f.	95 apartment units	Under Review
			Fitness center	3,100 s.f.		
			Performing Arts Center	49,076 s.f.		
			Residential	(see dwelling units)		

5.3 Cumulative Impact Analysis

For purposes of this EIR, the project would result in a significant cumulative effect if:

- The cumulative effects of related projects (past, current, and probable future projects) are not significant and the incremental impact of implementing the project is substantial enough, when added to the cumulative effects of related projects, to result in a new cumulatively significant impact; or
- The cumulative effects of related projects (past, current, and probable future projects) are already significant and implementation of the project makes a considerable contribution to the effect. The standards used herein to determine a considerable contribution are that either the impact must be substantial or must exceed an established threshold of significance.

This cumulative analysis assumes compliance with applicable regulation and that all mitigation measures identified in Chapter 4 to mitigate project impacts are adopted. The analysis herein analyzes whether, after adoption of project-specific mitigation, the residual impacts of the project would cause a cumulatively significant impact or would contribute considerably to existing/anticipated (without the project) cumulatively significant effects. Where the project would so contribute, additional mitigation is recommended where feasible.

Environmental resources that were determined to have no impact from the proposed project were not included in this cumulative impact analysis, because if it was determined that the proposed project would not have any impact, either direct or indirect, on a particular resource, then it cannot result in a cumulatively considerable impact. For this project, those resource areas are Forestry Resources and Population and Housing. Additionally, certain thresholds for environmental resource analyses which resulted in no impact to the resource (see Chapter 4 and 6 of this DEIR) are not discussed further in this cumulative analysis.

Aesthetics

Projects contributing to a cumulative aesthetic impact include those within the Project viewshed. The viewshed encompasses the geographic area within which the viewer is most likely to observe the proposed Project and surrounding uses. Typically, this is delineated based on topography, as elevated vantage points, such as from scenic vistas, offer unobstructed views of expansive visible landscapes. Cumulative aesthetic impacts would occur if projects combine to result in substantial adverse impacts to the visual quality of a scenic vista and/or increase sources of substantial lighting and glare.

There are no designated scenic vistas in the project vicinity and the project is not within the Ridgeline and Open Space Preservation District; however, hillsides are visible in the vicinity of the project site and could be visible from cumulative projects. Because of the distance of the hillsides, construction of the proposed projects in combination with the cumulative projects would not obstruct views of the distant hillsides. Further, all projects would be consistent with City of San Juan Capistrano Municipal Code Title 9, Land Use, and the General Plan Land Use Element and the Conservation & Open Space Element goals and policies pertaining to scenic quality, development standards, and design guidelines. Cumulative projects may introduce new sources of nighttime lighting. However, all projects would be in compliance with Section 9-3.529, Lighting Standards, of the City's Municipal Code, which establishes lighting and operational guidelines to minimize light pollution or light spillover. Therefore, compliance with these regulations would ensure that impacts related to aesthetics **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Agricultural Resources

The geographic context of agricultural resources is confined to areas containing agricultural resources in the project region (within City boundaries and adjacent cities/communities). Therefore, cumulative impacts as related to agricultural resources would be confined to related projects on the cumulative projects list that are located near agricultural resources or that would result in direct or indirect impacts to agricultural resources. This would include cumulative project 4, The Farm on Del Obispo, which included conversion of land classified as Unique Farmland into a residential development located just north of the proposed project.

As described in Section 4.1, Agricultural Resources, the proposed project would result in a significant and unavoidable impact related to the conversion of Prime Farmland to a non-agricultural use (see thresholds 1 and 3). To reduce the significant impact, the City would implement **MM-AG-1**, which requires the City to mitigate the loss of agricultural land with payment of a fee to the City's Agricultural Preservation Fund. Although the project proponent would be required to mitigate the loss of agricultural land through implementation of **MM-AG-1**, the measure does not result in a net increase in agricultural land, thereby offsetting the conversion of Important Farmland to a nonagricultural use; thus, the impact would remain significant and unavoidable. Because the project would result in the conversion of Prime Farmland to non-agricultural uses, the project's incremental contribution to conversion of farmland within the project vicinity and surrounding region would be **cumulatively considerable**; therefore, this would be a **significant and unavoidable cumulative impact**.

Mitigation Measures

As described in Section 4.1, Agricultural Resources, **MM-AG-1** would be implemented as part of the proposed project. However, there are no mitigation measures to reduce the project's contribution to cumulative loss of agricultural lands. Therefore, the project's incremental contribution to conversion of farmland within the project vicinity and surrounding region would be considered a **significant and unavoidable cumulative impact.**

Air Quality

The geographic scope for air quality cumulative impacts is the South Coast Air Basin and the jurisdictional boundaries of the South Coast Air Quality Management District (SCAQMD) which administers the Air Quality Management Plan (AQMP). Air pollution is by its nature a cumulative issue. The nonattainment status of regional pollutants is a result of past and present development. Per SCAQMD, "Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant" (SCAQMD 2003). The proposed project would not result in a cumulatively considerable increase in emissions of nonattainment pollutants, nor exposure of sensitive receptors to substantial pollutant concentrations. Further, the Project and all Cumulative Projects within the region, including Easley Renewable Energy Project, would be subject to SCAQMD regulatory requirements. As such, the project's potential contribution to impacts related to air quality **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Biological Resources

The geographic context is defined differently for each species, based on species distribution, habitat requirements, and scope of impact from proposed activities. For some species the geographic context would be on-site habitat and directly adjacent habitat, while the geographic scope for other species would be defined by migratory routes or patterns. Biological resources in the project area and region are managed through the Orange County Southern Subregion Habitat Conservation Plan (OCSSHCP).

Cumulative impacts to biological resources from cumulative projects would result in significant and cumulative loss of natural habitat and special-status plant and wildlife species in the region. Significant permanent loss of habitat and special-status species results from direct removal of habitat due to physical development or other changes, or indirect effects related to project activity that impacts special-status species' life cycles. Physical development of several of the cumulative projects in Table 5-2 could result in direct and/or indirect impacts to habitat, special-status species, or other biological resources; however, implementation of mitigation measures, conformance with existing regulatory requirements and project-specific permit requirements would reduce most potential impacts to less than significant.

Biological resource impacts resulting from the proposed project would be less than significant with mitigation measures included. Mitigation measure **MM-BIO-1** would ensure conformance with the requirements of the Migratory Bird Treaty Act and California Department of Fish and Wildlife, which would reduce potential direct and indirect impacts to nesting birds from construction-related activities to less than significant. Because the proposed project would avoid or minimize impacts to nesting birds and because the impacts to nesting birds can be reduced to less-than-significant for cumulative projects, the project's potential contribution to impacts related to direct and indirect impacts to nesting birds from construction-related activities **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Cultural Resources

The cumulative context for the cultural resources analysis considers a broad regional system of which the resources are a part. The cumulative context for historic resources includes the City and the agricultural history within the project area. The cumulative context for archaeological resources includes the prehistoric context, previously known cultural archaeological resources, and tribal territories in the region.

Impacts would be considered cumulatively considerable if the cumulative projects would result in direct or indirect permanent impact to identified cultural resources and implementation of mitigation or compliance with regulation would not avoid or reduce the impact. However, no known historical or archaeological resources occur within the project site; therefore, the project would not contribute to a cumulative loss of identified cultural resources in the region.

Implementation of the project, in combination with other proposed or planned projects listed in Table 5-2, would involve ground-disturbing activities which could result in discovery of or damage to previously undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. However, when considered in

combination with the impacts of other projects in the cumulative scenario, the project would not be cumulatively considerable because implementation of **MM-CUL-1 through CUL-3** would avoid or reduce project impacts associated with potential for unanticipated archaeological resources and/or unanticipated human remains. Further, cumulative development would also be required to implement similar mitigation to avoid or reduce impacts to unknown archaeological resources. Therefore, the project's potential contribution to impacts related to unanticipated archaeological resources and/or unanticipated human remains **would not be cumulatively considerable**.

Mitigation Measures

MM-CUL-1, MM-CUL-2, and MM-CUL-3 as described in Section 4.3.

Energy

The geographic area considered for the analysis of cumulative energy impacts is the region. Potential cumulative impacts on energy would result if the Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. Significant energy impacts could result from development that would not incorporate sufficient building energy efficiency features or would not achieve building energy efficiency standards, or if the project would result in the unnecessary use of energy during construction or operation.

The Project would not result in wasteful, inefficient, or unnecessary use of energy during construction or operations, nor would it conflict with an applicable plan. Cumulative projects within the region would have a construction period during which electricity, natural gas, and petroleum would be used; however, it is expected that such usage would be temporary and would not constitute a wasteful, inefficient, or unnecessary consumption of energy. Furthermore, per the City's Municipal Code, the project and cumulative projects would be subject to the 2019 California Green Building Standards Code (CALGreen) (City of San Juan Capistrano 2021a). Additionally, cumulative projects would also be subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. And Title 24, Part 11, of the California Code of Regulations contains additional energy measures that are applicable under CALGreen. Future development would also be required to meet even more stringent requirements, including the objectives set forth in the AB 32 Scoping Plan, which seek to make all newly constructed residential homes produce a sustainable amount of renewable energy using on-site photovoltaic solar systems. Furthermore, various federal and state regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand of cumulative projects. As such, the project's potential contribution to impacts related to energy consumption **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Geology and Soils

The geographic scope for cumulative geology, soils, and paleontological impacts is the project site and site vicinity. The cumulative context for geology, soils, and paleontological impacts includes the seismic history and set of conditions, soil type, and history of alterations to the project site's geology and soil. Cumulative impacts would occur if the impacts from cumulative projects exacerbated the effects or risks of the existing seismic and geologic conditions or resulted in significant permanent impacts to paleontological resources.

As discussed in Section 4.4, Geology and Soils, the proposed project would result in a less than significant impact related to geology and soils-related impacts and a potentially significant impact to paleontological resources. With implementation of **MM-GEO-1** through **MM-GEO-4**, retention of a qualified paleontologist shall be required if paleontological resources are encountered during construction and a qualified paleontological monitor would be required during exaction activities greater than 5 feet. With incorporation of **MM-GEO-1** through **MM-GEO-4**, potential impacts to paleontological resources would be reduced to a level of less than significant.

Implementation of the project, in combination with other proposed or planned projects within the project site and vicinity, would involve ground-disturbing activities which could result in discovery of or damage to previously undiscovered paleontological resources. However, when considered in combination with the impacts of other projects in the cumulative scenario, the project would not be cumulatively considerable because implementation of **MM-GEO-1** through **MM-GEO-4** would reduce the impact associated with unknown paleontological resources to a level of less than significant. Further, cumulative development would be required to implement similar mitigation to avoid/reduce impacts to paleontological resources. Therefore, the project's potential contribution to risks of the existing seismic and geologic conditions or potential impacts related to previously undiscovered paleontological resources **would not be cumulatively considerable**.

Mitigation Measures

MM-GEO-1, MM-GEO-2, MM-GEO-3, and MM-GEO-4 as described in Section 4.4.

Greenhouse Gas Emissions

The geographic scope of cumulative GHG impacts is the jurisdictional boundaries of the SCAQMD. The cumulative context is that GHG emissions inherently contribute to cumulative impacts, and, thus, any additional GHG emissions from cumulative projects would result in a cumulative impact. The project, as described in Section 6.2, would not exceed the SCAQMD threshold of 3,000 MT CO_2e per year, and the project's GHG contribution would not be cumulatively considerable. Further the project would not conflict with the CARB Scoping Plan or SCAG's 2020-2024 RTP/SCS. As such, the project's potential contribution to greenhouse gas emissions **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Hazards and Hazardous Materials

The geographic scope for cumulative impacts related to hazards or hazardous materials is the project vicinity. A cumulative impact could occur if the use or handling of hazardous materials create hazardous conditions, or if implementation of the cumulative projects would exacerbate existing hazardous conditions.

Cumulative projects, like the proposed project, could include use or handling of hazardous materials during construction; however, all projects would be required to comply with existing federal, state, and local regulations regarding hazardous material use, storage, disposal, training, and transport to prevent project-related risks to public health and safety. Cumulative projects could be located on a site included in a hazardous materials list and could exacerbate the hazardous conditions for the public or the environment. The proposed project is not located on a site included on a hazardous materials list and would not exacerbate any existing hazardous conditions. Hazardous conditions could also be exacerbated by cumulative projects interfering with an emergency or evacuation plan or

expose the public or the environment to significant hazards related to wildfire. The proposed project would not introduce any new physical features or activities that would conflict with emergency or evacuation response, or wildfire conditions. Therefore, the project's potential contribution to impacts related to hazardous materials and hazardous conditions **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Hydrology and Water Quality

The geographic scope for cumulative impacts related to hydrology and water quality is the project vicinity and the project watershed. A cumulative impact could occur if construction or operational activities significantly degrade water quality.

Cumulative projects, like the proposed project, would be required to comply with a framework of local and state regulations that protect water quality of surface water bodies and groundwater. This includes compliance with Chapter 8, Water Quality Regulations, of the City's Municipal Code, National Pollutant Discharge Elimination System (NPDES) permit, and Stormwater Pollution Prevention Plan (SWPPP) that require water quality BMPs and storm drainage system design measures to minimize the potential for erosion, siltation, flooding, or the deposition of mud, debris, or construction-related pollutants. The Project and cumulative projects would be required to comply with applicable State and local plans and regulations that protect water quality; therefore, impacts to hydrology and water quality **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Land Use and Planning

The geographic scope for cumulative impacts related to land use and planning is the project vicinity, specifically the immediately adjacent properties, and the surrounding areas. Cumulative context for land use impacts includes the types of existing and planned land uses in the vicinity, and all relevant plans and regulations applicable to the land uses of the project site and properties in the vicinity. Land use and planning analysis considers the current uses of the area even if they are not what was planned, as well as the long-term planning future of the area. Cumulative impacts would occur if projects would result in incompatible uses or would result in development that would divide an existing community.

As discussed in Section 4.5, the project would result in less than significant impacts related to dividing an existing community or conflict with existing plans and policies governing land use. This is because the project would implement a land use (park and trail) that would be cohesive with the adjacent land uses and would not introduce a new, inconsistent land use that would impede the continued operation of the adjacent and nearby land uses. While the project would remove 1.75 acres of land from agricultural use, it would not prevent the continued operation of adjacent agricultural activity, and potential indirect impacts from the project would be mitigated as discussed throughout this EIR. Taken as a whole, the proposed project is in harmony with the overall intent of the City's General Plan goals and policies. As such, the impact would be less than significant.

The projects included in Table 5-2 consist primarily of infill development or redevelopment of existing and aging structures. Like the project, proposed uses for the cumulative projects would be consistent with surrounding uses and area land uses because the projects would be subject to land use regulations found in the City's Municipal Code and would be required to comply with goals and policies of the General Plan. Therefore, all cumulative projects, including those in the project vicinity (i.e., The Farm; City Hall; Distrito La Novia – San Juan Meadows; and Ganahl Lumber) would be consistent with the existing and planned land uses of the surrounding area and would not conflict with the proposed project. As such, potential impacts to land uses **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Mineral Resources

Cumulative impacts to mineral resources could occur if the project or cumulative projects caused a loss of availability of a known mineral resource valuable to the region and the state or caused a loss of availability of an important mining site delineated in a local general plan or other land use plan. The project vicinity is largely urbanized and built-up, which limits opportunities for mineral resource extraction. While the project site is located within an MRZ-3 (Mineral Resource Zone) area, the project site and surrounding areas are not designated or zoned as uses that would allow mineral resource extraction, nor are the existing or proposed land uses compatible with mineral resource extraction. Therefore, the project's potential contribution to impacts related to mineral resources **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Noise

The geographic scope for noise-related cumulative impacts is the project site and immediate project vicinity. Cumulative context for noise impacts considers temporary noise sources, mobile noise sources, including traffic noise along major roadways, and stationary noise sources. Cumulative projects in Table 5-2 would be subject to the same General Plan policies, noise ordinance requirements, and Title 24 standards discussed in this EIR.

As discussed in Section 4.6, *Noise*, project impacts related to operational noise and groundborne vibration would be less than significant. Compliance with City policies and Municipal Code, along with the implementation of **MM-NOI-1** to reduce the magnitude of temporary increases in outdoor ambient sound levels at offsite noise sensitive receptors (NSR) during construction activities, would reduce noise from construction of the proposed project to a less -than-significant level.

Cumulative impacts from construction-generated noise could result if other future planned construction activities were to take place in the immediate project vicinity and cumulatively combine with construction noise from the project. The Farm on Del Obispo project (cumulative project 4) is nearly complete and is the closest project to the project site (approximately 1,000 feet north). As discussed in Section 4.6, *Noise*, project construction would not exceed the FTA guidance-based threshold of 80 dBA, and project construction noise would result in a less than significant impact. Although construction noise would be within FTA standards, project construction could cause the outdoor ambient sound environment at nearby offsite NSR to increase by as much as 14 dB with respect to the daytime L_{eq} value range

of 60-65 dBA. To reduce changes to outdoor ambient noise levels, the project would implement **MM-NOI-1** related to management of the construction equipment, hours, and schedule. With implementation of MM NOI-1 during project construction, potential impacts to outdoor ambient noise levels resulting from construction activities and equipment would be reduced to a less than significant level.

Construction of the nearby Farm on Del Obispo project is also subject to applicable noise-related policies in the City's General Plan Noise and Safety Element and noise requirements in the City's Municipal Code, including limits on construction hours of operation. In addition, similar construction noise mitigation would be applicable to the Farm on Del Obispo project pursuant to the CEQA document prepared for that project. Therefore, nearby cumulative construction noise contribution to outdoor ambient noise levels would also be reduced. All other ongoing and future anticipated development considered in this cumulative analysis would be located further away (see Figure 5-1) and would not be anticipated to influence the immediate project area because construction-related noise is typically a site-specific impact that affects those near the construction activities. For these reasons and with implementation of **MM-NOI-1**, the project would not result in a new or substantially more severe cumulative construction noise impact and the project's potential contribution to short-term construction noise impacts **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Public Services

The cumulative geographic context for public services is the jurisdictional boundaries of the agencies providing public services, which in this case would include the Orange County Fire Authority, Orange County Sheriff's Department, Capistrano Unified School District, and City of San Juan Capistrano. A cumulative impact would occur if cumulative projects resulted in demand to existing public service providers such that service standards could not be met, or additional facilities would need to be developed to serve the demand. The proposed project would be development of a park facility and is not anticipated to result in a significant impact to any public services. The proposed project would be complimentary to the adjacent park and recreational uses, and would be served by the same fire and police providers that serve the adjacent uses. Demand could increase slightly due to expansion of recreational uses but would not be substantial given the project size and proposed recreational use. Therefore, the project's potential contribution to impacts related to public services **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Recreation

Cumulative projects in the City would have the potential to result in a significant cumulative impact if they would, in combination, result in the deterioration of parks and recreational facilities due to increased usage. The geographic boundary for this cumulative analysis includes all parks and recreational facilities within the project vicinity and region. Some cumulative projects, such as residential developments, would have the potential to increase the demand for recreational facilities, which could result in deterioration of existing facilities. The project is a skatepark and trail that would provide additional recreational facilities to the community, and thus would not result in a negative impact on these resources. Therefore, the project's potential contribution to impacts related to recreation **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Transportation

The cumulative context for transportation considers circulation, roadway, and transportation conditions for projects in the region. The region includes projected roadway and highway operating conditions for the City and adjacent jurisdictions. Cumulative impacts related to transportation would occur if cumulative projects introduced features that would increase roadway hazards or restrict emergency access, or otherwise conflict with relevant regulations and policies governing transportation, including CEQA Guidelines section 15064.3, subdivision (b).

As discussed in Section 4.7, the project would not introduce any new features to a roadway that would result in a hazard or restrict emergency access. The proposed project would introduce a new multi-use trail which would provide more connectivity to existing bicycle and pedestrian routes in the area, consistent with several policies set forth in the General Plan. Furthermore, the project would provide another local recreational facility and would not result in daily vehicle trips that would conflict with policies and regulations regarding vehicle miles traveled (VMT). As a result, impacts would be less than significant.

Cumulative impacts related to roadway hazards or restriction of emergency access would be localized to the roadways adjacent to the project sites. None of the cumulative projects within one mile of the project site (The Farm, City Hall, Distrito La Novia – San Juan Meadows, and Ganahl Lumber) would utilize the same roadway or propose any changes to the roadway utilized by the project for construction and operation ingress/egress (Camino Del Avion). As such, no localized cumulative impacts would occur related to roadway hazards or emergency access.

Regarding conflict with policies or programs regulating transportation, all cumulative projects must also be consistent with relevant plans including the General Plan, the OCTA CBSP and CMP plans, and the Municipal Code, which govern roadway, transit, bicycle, an pedestrian facilities. Compliance with these regulations would result in less than significant cumulative impacts.

Regarding cumulative VMT impacts, many of the cumulative projects are infill or redevelopment projects, which generally do not induce an increase in VMT. All cumulative projects would be subject to VMT screening and analysis pursuant to the City's VMT analysis guidelines. Per City's guidelines, if a project generates 200 or fewer weekday daily trips, it is considered consistent with the City's Administrative Policy and is screened from conducting a VMT analysis. Further, if projects conducting VMT analyses result in VMT impacts, mitigation measures would be applied to ensure consistency with VMT guidance and CEQA Guidelines section 15064.3, subdivision (b). As such, impacts **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Tribal Cultural Resources

The cumulative context for tribal cultural resources (TCRs) considers a broad regional system of which the resources are a part. The cumulative context for TCRs includes the prehistoric context, previously known cultural archaeological or tribal resources, and tribal territories in the region.

Impacts would be considered cumulatively considerable if the cumulative projects listed in Table 5-2 would result in direct or indirect permanent impact to identified TCRs, and implementation of mitigation or compliance with regulation would not avoid or reduce the impact. The cumulative projects listed in Table 5-2 may result in potentially significant impacts to known or previously undiscovered tribal resources that are identified over the course of project implementation. Compliance with existing regulations, such as 14 CCR Section 15064.5 and Public Resources Code Section 21074, as well as implementation of mitigation, including provision of archaeological and tribal cultural monitors during ground disturbing activities would reduce potential impacts.

No tribal cultural resources were identified at the project site as a result of a thorough cultural assessment or as a result of consultation between the City and California Native American tribes; therefore, the project would not contribute to a cumulative loss of identified tribal resources in the region. However, despite thorough cultural assessments intended to identify or determine the potential for cultural resources to exist within a Project site, the potential to encounter yet unknown and unrecorded buried tribal cultural resources cannot be ruled out when ground disturbances occur within native soils. In the event that yet unknown and unrecorded tribal cultural resources are encountered during project implementation, impacts to these resources would potentially be significant. To appropriately respond to the unanticipated and inadvertent discovery of yet unknown and unrecorded archaeological resources and mitigate potential impacts to a level of less than significant, the project shall incorporate **MM-CUL-1 through MM-CUL-3**. When considered in combination with the impacts of other projects in the cumulative scenario, the project would not be cumulatively considerable because implementation of MM-CUL-1 through CUL-3 would avoid or reduce project impacts associated with accidental damage to unknown resources to a less-than-significant level. Further, cumulative development would also be required to implement similar mitigation to avoid or reduce impacts to unanticipated tribal resources. Therefore, the project's potential contribution to impacts related to previously undiscovered tribal resources **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

Utilities and Service Systems

The cumulative geographic scope for utilities would be the project region that is served by the utility providers. For the project, this would include the City of San Diego, South Orange County Wastewater Authority, and County of Orange Integrated Waste Management. Cumulative impacts would occur if the cumulative projects would together result in demand on utility and service systems that could not be met by existing and planned infrastructure and facilities. The proposed project would produce minor demand for water, wastewater, and solid waste services due to the proposed park and associated restroom facility. Given the size of the project, it is anticipated that existing utility demand and services would be sufficient to serve the proposed project. Therefore, the project's potential contribution to impacts related to utilities and service systems **would not be cumulatively considerable.**

Mitigation Measures

No mitigation is required.

Wildfire

The cumulative geographic scope for wildfire-related impacts would be the project vicinity and region. The project is not located in a Very High Fire Hazard Severity Zone or a Wildland Fire Area that may contain substantial fire risk.

The nearest Wildland Fire Area that may contain substantial fire risk is located approximately 0.5 miles east of the site. Additionally, the nearest Very High Fire Hazard Severity Zone is located approximately 1.3 miles southeast of the project site. Projects developed in a Very High Fire Hazard Severity Zone may result in significant impacts if they would exacerbate existing dangerous conditions or interfere with emergency response.

The project would not exacerbate wildfire risk due to its location and proposed uses. Any future development of cumulative projects would be required to comply with applicable federal, state, and local regulations related to emergency response and wildland fires. Required compliance with these regulations would ensure impacts related to wildfire and associated emergency response would be less than significant. Therefore, impacts related to emergency response and wildfires **would not be cumulatively considerable**.

Mitigation Measures

No mitigation is required.

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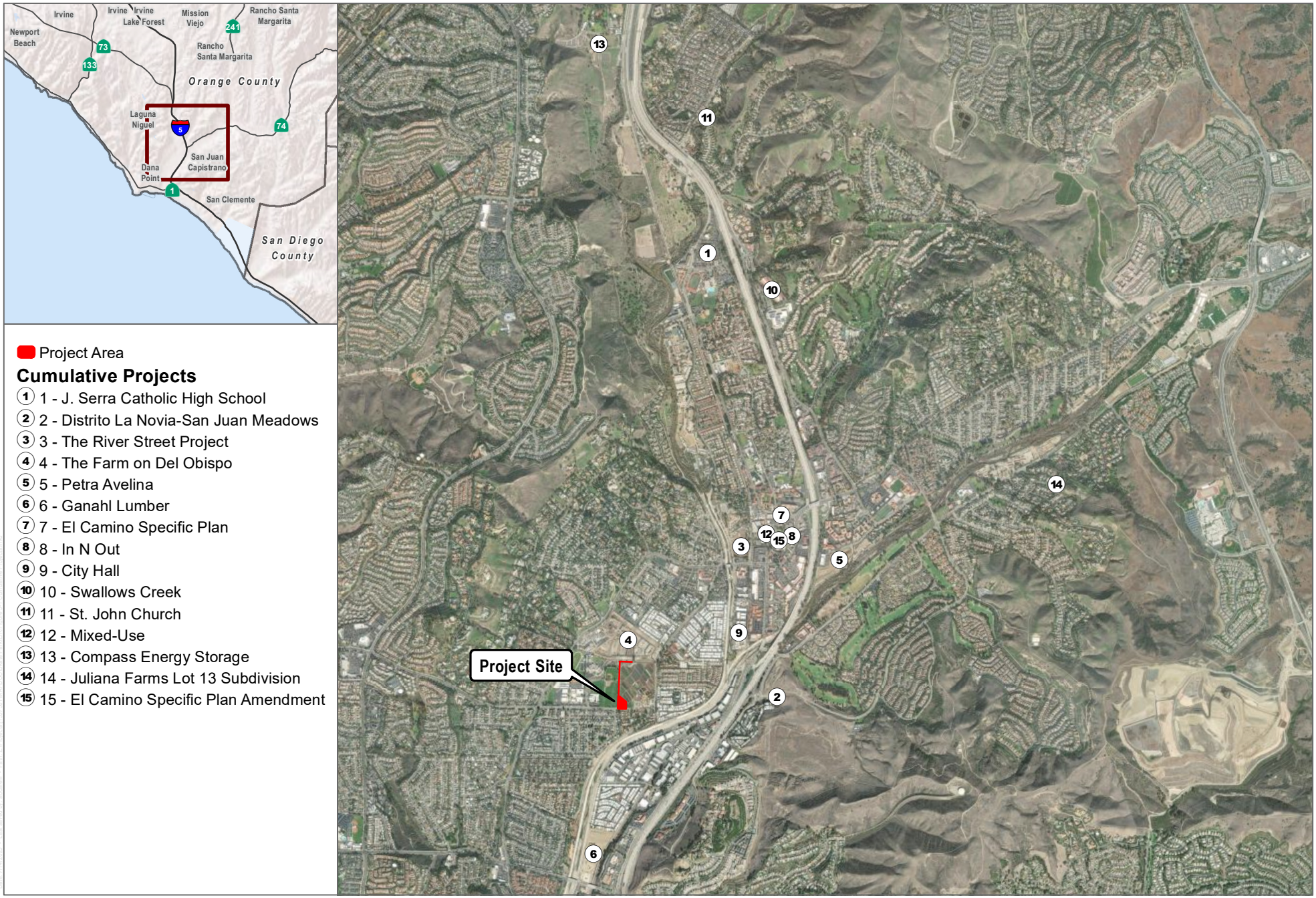

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FIGURE 5-1

Cumulative Projects

San Juan Capistrano Skatepark and Trail Project EIR

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6 Other CEQA Considerations

6.1 Growth Inducement

As stated in Section 15126.2(e) of the California Environmental Quality Act (CEQA) Guidelines, an environmental impact report (EIR) is required to include a discussion of a project's growth-inducing effects. The CEQA Guidelines generally describe such effects as follows: (1) economic growth, population growth, or additional housing in the surrounding environment; (2) removal of obstacles to population growth (e.g., a major expansion of a wastewater treatment facility that allows for more construction in the service area); (3) increases in population that tax existing services requiring construction of new facilities that could cause significant environmental effects; and (4) characteristics of a project that would encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The San Juan Capistrano Skatepark and Trail Project (project) would require a temporary construction workforce to construct the proposed skatepark, new playground, restroom building, raised berm seating, and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely range from a dozen to several dozen workers on a daily basis. The project would not require a permanent operational workforce; the project operation and maintenance would be served by existing City employees and the project would serve an existing community. Therefore, the project would not induce population growth in the project area.

The project would construct a skatepark and associated amenities presumed to be utilized by residents in the City. The project would not introduce residential uses nor businesses to the project area and would not directly or indirectly lead to unplanned population growth or need for additional housing.

According to the 2022 U.S. Census, the population of the City was approximately 34,548 residents (U.S. Census Bureau 2022a). According to the City's General Plan Housing Element, San Juan Capistrano is projected to grow by approximately 15.4% by 2045, an increase of 41,900 new residents (City of San Juan Capistrano 2022b). As such, the project's temporary employment requirements could likely be met by the City's existing labor force without people needing to relocate into the project region, and the project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans.

Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area. The project would involve installation of a new restroom building, which would connect to the City's existing water and energy utilities. The project's utility demands would be served by the City's projected current and future supplies, especially since the project would use a relatively nominal percentage of the projected supplies available to the City moving forward. The purpose of these utilities is solely to serve the needs of the project, and not to provide capacity for future projects or growth. No roadway construction is planned as part of the project; thus, the project would not result in indirect population growth by providing vehicular access to an area presently lacking such access.

Based on the proximity of the project site to existing facilities, the average response times in the project area, the ability for nearby cities to respond to emergency calls, and the fact that the project site is already located within the San Juan Capistrano Police Services and the Orange County Fire Authority (OCFA) service areas, the project would be adequately served by public services without the construction of new, or the expansion of existing, facilities. The

project would not result in an incremental increase in calls for service to the project site compared to existing conditions and would not result in the need for new or expanded fire or police facilities. Lastly, since the project would not directly or indirectly induce unplanned population growth in the City, it is not anticipated that many people would relocate to the City as a result of the project, and an increase in school-age children requiring public education is not expected to occur as a result. Thus, the need for new or expanded school facilities is not required.

In conclusion, the project would not cause population growth through new job opportunities, would not remove obstacles to population growth, and would not cause an increase in population such that new community facilities or infrastructure would be required outside of the project site. Lastly, the project is not expected to encourage or facilitate other activities that could significantly affect the environment, as explained above. For these reasons, the project is not considered to be significantly growth inducing.

6.2 Effects Found Not to Be Significant

CEQA provides that an EIR shall focus on the significant effects on the environment and discuss potential environmental effects with emphasis in proportion to their severity and probability of occurrence. During preparation of this EIR, the City conducted an analysis of the project's effect on specific environmental topic areas, included as part of the Environmental Checklist form presented in CEQA Guidelines Appendix G. Through the course of this evaluation, certain resource topic impacts were identified as "less than significant" or "no impact" due to the inability of a project of this scope and nature to yield such impacts or the absence of project characteristics producing effects of this type. These effects are not required to be included in the EIR's primary environmental analysis sections (Chapter 4). In accordance with CEQA Guidelines Section 15128, the following discussion includes a brief description of potential impacts organized by resource section, which were found to be less than significant or result in no impact. The analyses under each resource topical area directly correspond to their order in CEQA Guidelines Appendix G.

Aesthetics

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

Less-Than-Significant Impact. Scenic vistas generally refer to views of expansive open space areas or other natural features, such as mountains, undeveloped hillsides, large natural water bodies, or coastlines. Certain urban settings or features, such as a striking or renowned skyline, may also represent a scenic vista. Scenic vistas generally refer to views that are accessible from public vantage points, such as public roadways and parks. The City's General Plan Conservation and Open Space Element does not specifically list or identify any designated scenic vistas; however, the General Plan does discuss important elements that comprise the City's scenic resources, such as hillsides, ridgelines, and canyons (City of San Juan Capistrano 1999). Views of the surrounding hillsides can be seen from the project site to the north, east, and west.

Construction of the project would temporarily affect the visual environment through excavation, grading, and on-site storage of equipment and materials. Temporary visual changes would include views of large construction vehicles and earth moving equipment, storage areas, and any potential temporary signage. However, the presence of these items within any scenic view would not be permanent because construction equipment would vacate the project site upon completion of construction.

The project consists of the development of a new skatepark and would include an amendment to change the Kinoshita Farm Specific Plan to allow a skatepark. Thus, the project would be consistent with the land use

designation of the project site. The project site consists of vacant and previously disturbed open land (Figure 3-2, Project Site). In addition to a new skatepark, project components include a new trail and playground. The proposed trail alignment is located on predominantly vacant, disturbed land with some stored farm equipment located in the northern area near Via Positiva (Figure 3-7, Proposed Multi-Use Trail). The project would be designed and landscaped to visually enhance the project site and would be consistent with the mix of recreational uses located on the same parcel (e.g., the sports park, community center, ecology center). The structures associated with the skatepark and playground component would not obstruct views of the surrounding hillsides. Additionally, the proposed trail would provide an additional location in the City where residents and visitors can view these scenic resources.

As part of the project, infrastructure to support future outdoor lighting for the recreational space would be installed as part of initial construction. This infrastructure would allow for lighting fixtures to be installed in a potential future phase if operation of the recreational space is extended beyond sunset. The lighting fixtures would be tall enough to potentially be introduced into the views from the project site of the surrounding hillsides to the north, east, and west. However, the lighting fixtures would not screen or obstruct the views due to their size and the distance of the hills. Furthermore, the lighting fixtures would not interrupt any identified scenic vistas.

Upon completion of construction, the project would appear as a consistent visual extension of the existing recreational uses adjacent to the site and would not substantially contrast or be visually inconsistent with the surrounding area. The project would not remove or adversely affect existing scenic vantage points from the surrounding hillsides. When viewed from farther vantage points, the project would visually blend with the surrounding urban environment at distance. Therefore, the project would not result in a substantial adverse effect on a scenic vista. Impacts would be **less than significant**.

2. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated state scenic highways in the vicinity of the project site; Interstate 5 is considered eligible for state scenic highway designation and is located approximately 0.5 miles east of the site (Caltrans 2021). Due to intervening development and topography, the project site is not visible from this segment of I-5. Therefore, the project would not substantially damage scenic resources within a state scenic highway and **no impact** would occur.

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

No Impact. Per Public Resources Code Section 21071, an "urbanized area" is defined as "(a) An incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons. [or] (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." The City of San Juan Capistrano is an incorporated city with a population of 34,548 persons (U.S. Census Bureau 2022a). While the City has a population under 100,000 persons, the City of Laguna Niguel, located to the north of the City, is an incorporated city with a population of 63,742 persons (U.S. Census Bureau 2022b), and the City of Dana Point, located to the southwest of the City, is an incorporated city with the population of 32,465 (U.S. Census Bureau 2022c). Thus, because the combined population of the cities equals 130,755 persons, the project satisfies the second

requirement of Public Resources Code Section 21070, described above. Therefore, the project is located within an urbanized area. As such, only the second portion of the threshold questions applies.

The project would develop a skatepark inclusive of a new playground and trail. Policies and zoning regulating scenic quality include the City of San Juan Capistrano Municipal Code Title 9, Land Use, and the General Plan Land Use Element and the Conservation & Open Space Element. The Goals and Policies of the General Plan relevant to scenic quality include:

Land Use Goal 7: Enhance and maintain the character of neighborhoods.

Policy 7.1: Preserve and enhance the quality of San Juan Capistrano neighborhoods by avoiding or abating the intrusion of non-conforming buildings and uses.

Policy 7.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding uses, and available public infrastructure.

Conservation & Open Space Goal 4: Prevent incompatible development in areas which should be preserved for scenic, historic, conservation or public safety purposes.

Policy 4.1: Assure incompatible development is avoided in those areas which are designated to be preserved for scenic, historic, conservation, or public safety purposes.

Conservation & Open Space Goal 5: Shape and guide development in order to achieve efficient growth and maintain community scale and identity.

Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.

Policy 5.2: Ensure that new development integrates and preserves areas designated for scenic, historic, conservation, or public safety reasons.

Policy 5.3: Ensure that no building will encroach upon any ridgelines designated for preservation.

The project is not located on a property that is designated for scenic value or open space, nor near any ridgelines identified for preservation. The proposed project is not adjacent to residential neighborhoods such that development of the project site would interrupt the character of a neighborhood. The project is proposed to be developed next to a park and community center open to the public, and a working farm used for education and civic engagement. As such, the project, which is intended for public use and recreation, would be consistent and compatible with adjacent land uses, and would not represent an intrusive or non-confirming use. Thus, the project would be consistent with the land use policies pertaining to the protection of scenic quality.

The Ridgeline and Open Space Preservation District (defined in Municipal Code 9-3.4) was created to preserve scenic resources. The project site is not within a Ridgeline and Open Space Preservation overlay and therefore would not be subject to scenic resource-related regulations due to an overlay or special district. Development of the project would be subject to the goals and policies set forth in the General Plan and municipal code as they relate to scenic quality and aesthetics, as well as set forth in the Kinoshita Farm Specific Plan. Therefore, the project would not conflict with applicable zoning and other regulations governing scenic quality and **no impact** would occur.

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

Less-than-Significant Impact. Under existing conditions, the project site is vacant and does not contain a source of light. Infrastructure to support future lighting would be installed as part of initial construction to allow lighting fixtures to be installed in a potential future phase. However, the project is located in an urban area with existing sources of nighttime lighting from roadways, residences, businesses, and recreational and institutional uses. In compliance with Section 9-3.529, Lighting Standards, of the City's Municipal Code, the average and/or maximum light illuminance, measured in foot candles, shall not exceed the recommended average or maximum guideline established for the proposed recreational use by the Illuminating Engineering Society. Additionally, outdoor recreation lighting shall be directed to areas within the property line to minimize glare in surrounding areas. Spillover and glare shall be minimized by using fixture cutoffs and optically controlled luminaries on all lighting fixtures (City of San Juan Capistrano 2021a). As currently proposed, the proposed skatepark and playground hours of operation would be 8:00 a.m. to sunset, year-round, and would not include any nighttime lighting. If on-site lighting is proposed in a future phase of the project, all lighting would be required to implement the Municipal Code lighting standards (Section 9-3.529). Lighting standards include design standards for lighting along pedestrian walkways, public facilities, and security lighting. Standards include minimum illuminance, lighting pole heights, lighting sources, and shielding. Required compliance with the City standards as established by the Municipal Code would ensure limited light spillover or light pollution if nighttime lighting is installed in the future. Therefore, impacts associated with light or glare would be **less than significant**.

Air Quality

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

Less-than-Significant Impact. The project site is located within the South Coast Air Basin (SCAB), which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, as well as the entirety of Orange County, and is within the jurisdictional boundaries of South Coast Air Quality Management District (SCAQMD).

The SCAQMD administers the Air Quality Management Plan (AQMP) for the SCAB, which is a comprehensive document outlining an air pollution control program for attaining all California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). The most recent adopted AQMP is the 2022 AQMP (SCAQMD 2022), which was adopted by the SCAQMD Governing Board in December 2022. The 2022 AQMP represents a comprehensive analysis of emissions, meteorology, regional air quality modeling, regional growth projections, and the impact of control measures to identify, develop, and implement strategies and control measures to address the attainment of the 2015 8-hour ozone standard (70 parts per billion) for the SCAB and the Coachella Valley. The 2022 AQMP includes control measures that were developed through Residential and Commercial Buildings and Mobile Source Working Groups.

The purpose of a consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans and, thus, if it would interfere with the region's ability to comply with federal and state air quality standards. The SCAQMD has established the following criteria for determining consistency with the currently applicable AQMP in Chapter 12, Sections 12.2 and 12.3, in the SCAQMD CEQA Air Quality Handbook. These criteria are as follows (SCAQMD 1993):

- **Consistency Criterion No. 1:** 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 timely attainment of the ambient air quality standards or interim emission reductions in the AQMP.

- **Consistency Criterion No. 2:** Whether the project would exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

To address the first criterion, project-generated criteria air pollutant emissions have been estimated and analyzed for significance and are addressed under Air Quality question 2 below. Detailed results of this analysis are included in Appendix D, Air Quality and Greenhouse Gas Emissions CalEEMod Output Files. As presented under Air Quality question 2 below, the proposed project would not generate construction or operational criteria air pollutant emissions that exceed the SCAQMD's thresholds, and the project would therefore be consistent with Criterion No. 1.

The second criterion regarding the project's potential to exceed the assumptions in the AQMP or increments based on the year of project buildout and phase is primarily assessed by determining consistency between the project's land use designations and potential to generate population growth. In general, projects are considered consistent with, and would not conflict with or obstruct implementation of, the AQMP if the growth in socioeconomic factors is consistent with the underlying regional plans used to develop the AQMP (per Consistency Criterion No. 2 of the SCAQMD CEQA Air Quality Handbook). The SCAQMD primarily uses demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment by industry) developed by the Southern California Association of Governments (SCAG) for its Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (SCAG 2016), which is based on general plans for cities and counties in the SCAB, for the development of the AQMP emissions inventory (SCAQMD 2022).[1] The SCAG 2016 RTP/SCS and associated Regional Growth Forecast are generally consistent with the local plans; therefore, the 2016 AQMP is generally consistent with local government plans.

According to the General Plan Land Use Map and Zoning Map, the General Plan land use designation for the project site is Agri-Business, while the project site is zoned Agricultural-Business District (A)/Specific Plan (SP) 85-01. Prior to approval of the project, the City would amend The Kinoshita Farm Specific Plan (SP) 85-01 to allow a City Skatepark Project. Additionally, the City would rezone the City's Kinoshita Farm Property from Agri-Business (A)/Specific Plan (SP) to Specific Plan (SP). As such, the project would be considered consistent with both the General Plan land use designation and zoning of the site. As such, the project would be consistent with the existing General Plan and, in turn, the assumptions utilized in SCAG's RTP/SCS and SCAQMD's AQMP.

Additionally, as discussed in Chapter 3 of this EIR, the project would involve the construction of a new skatepark, playground, and trail. Given the nature of the activity uses associated with the project are consistent with the proposed land use, the project would not change the population, housing, or employment forecast considered by SCAG and SCAQMD in their regional planning documents. Therefore, the project would not generate growth or change or affect the existing zoning or land use designations in project area. Accordingly, impacts relating to the project's potential to conflict with or obstruct implementation of the 2022 AQMP would be **less than significant**.

[1] Information necessary to produce the emission inventory for the SCAB is obtained from the SCAQMD and other governmental agencies, including the California Air Resources Board (CARB), the California Department of Transportation, and SCAG. Each of these agencies is responsible for collecting data (e.g., industry growth factors, socioeconomic projections, travel activity levels, emission factors, emission speciation profile, and emissions) and developing methodologies (e.g., model and demographic forecast improvements) required to generate a comprehensive emissions inventory. SCAG incorporates these data into its Travel Demand Model for estimating/projecting vehicle miles traveled (VMT) and driving speeds. SCAG's socioeconomic and transportation activities projections in their 2016 RTP/SCS are integrated in the 2016 AQMP (SCAQMD 2022).

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

Less-Than-Significant Impact. Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and SCAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in determining whether a project's individual emissions would have a cumulatively significant impact on air quality. If a project's emissions would exceed the SCAQMD significance thresholds, it would be considered to have a cumulatively considerable contribution. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (SCAQMD 1993).

A quantitative analysis was conducted to determine whether the proposed project might result in emissions of criteria air pollutants that may cause exceedances of the NAAQS or CAAQS, or cumulatively contribute to existing nonattainment of ambient air quality standards. Criteria air pollutants include ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide, particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM_{10}; course particulate matter), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns ($PM_{2.5}$; fine particulate matter), and lead. Pollutants that are evaluated herein include volatile organic compounds (VOCs) and oxides of nitrogen (NO_x), which are important because they are precursors to O_3, as well as CO, sulfur oxides (SO_x), PM_{10}, and $PM_{2.5}$.

Regarding NAAQS and CAAQS attainment status,[2] the SCAB is designated as a nonattainment area for federal and state O_3 and $PM_{2.5}$ standards (CARB 2020, EPA 2021a). The SCAB is also designated as a nonattainment area for state PM_{10} standards; however, it is designated as an attainment area for federal PM_{10} standards. The SCAB is designated as an attainment area for federal and state CO, NO_2, and sulfur dioxide standards. The Orange County portion of the SCAB is designated as an attainment area for federal and state lead standards.

The proposed project would result in emissions of criteria air pollutants for which the California Air Resources Board (CARB) and U.S. Environmental Protection Agency have adopted ambient air quality standards (i.e., the NAAQS and CAAQS). Projects that emit these pollutants have the potential to cause, or contribute to, violations of these standards. The SCAQMD CEQA Air Quality Significance Thresholds, as revised in March 2023, set forth quantitative emission significance thresholds for criteria air pollutants, which, if exceeded, would indicate the potential for a project to contribute to violations of the NAAQS or CAAQS. Table 6.2-1 lists the revised SCAQMD Air Quality Significance Thresholds (SCAQMD 2023).

Table 6-1. South Coast Air Quality Management District Air Quality Significance Thresholds

Criteria Pollutants Mass Daily Thresholds		
Pollutant	**Construction (pounds per day)**	**Operation (pounds per day)**
VOC	75	55
NOx	100	55
CO	550	550

[2] An area is designated as in attainment when it is in compliance with the National Ambient Air Quality Standards and/or the CAAQS. These standards for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or the public welfare are set by the U.S. Environmental Protection Agency and CARB, respectively. Attainment = meets the standards; attainment/maintenance = achieves the standards after a nonattainment designation; nonattainment = does not meet the standards.

Table 6-1. South Coast Air Quality Management District Air Quality Significance Thresholds

Criteria Pollutants Mass Daily Thresholds		
SOx	150	150
PM10	150	150
PM2.5	55	55
Leada	3	3
Toxic Air Contaminants and Odor Thresholds		
Toxic air contaminants[b]	Maximum incremental cancer risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic and Acute Hazard index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	

Source: SCAQMD 2023.
Notes: VOC = volatile organic compound; NOx = oxides of nitrogen; CO = carbon monoxide; SOx = sulfur oxides; PM10 = particulate matter with a diameter less than or equal to 10 microns (coarse particulate matter); PM2.5 = particulate matter with a diameter less than or equal to 2.5 microns (fine particulate matter); SCAQMD = South Coast Air Quality Management District.
[a] The phaseout of leaded gasoline started in 1976. Since gasoline no longer contains lead, the proposed project is not anticipated to result in impacts related to lead; therefore, it is not discussed in this analysis.
[b] Toxic air contaminants include carcinogens and noncarcinogens.

The project would result in a cumulatively considerable net increase for O_3, which is a nonattainment pollutant, if the proposed project's construction or operational emissions would exceed the SCAQMD VOC or NO_x thresholds shown in Table 6.2-1. These emission-based thresholds for O_3 precursors are intended to serve as a surrogate for an "ozone significance threshold" (i.e., the potential for adverse O_3 impacts to occur) because O_3 itself is not emitted directly, and the effects of an individual project's emissions of O_3 precursors (i.e., VOCs and NO_x) on O_3 levels in ambient air cannot be determined through air quality models or other quantitative methods.

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions from construction and operation of the project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state to quantify criteria air pollutant emissions associated with construction and operational activities from a variety of land use projects, including colleges. The following discussion quantitatively evaluates project-generated construction and operational emissions and impacts that would result from implementation of the proposed project.

Construction Emissions

Construction of the proposed project is anticipated to include site preparation, excavation for skate bowl areas, building construction, paving, and application of architectural coatings. These construction activities would result in the temporary addition of pollutants to the local airshed caused by on-site sources (e.g., off-road construction equipment, soil disturbance, and VOC off-gassing from architectural coatings and off-site sources (e.g., vendor trucks, haul trucks, and worker vehicle trips). Specifically, entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM_{10} and $PM_{2.5}$ emissions. Internal combustion engines used by construction equipment, haul trucks, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOC, NO_x, CO, PM_{10}, and $PM_{2.5}$. Application of architectural coatings, such as exterior paint and other finishes would also produce VOC emissions. Construction emissions

can vary substantially from day to day depending on the level of activity; the specific type of operation; and, for dust, the prevailing weather conditions.

Estimated construction mobile source emissions were based on CalEEMod default assumptions for worker, vendor, and haul trips. However, in cases where CalEEMod assumed no vendor trips, a minimum of two daily one-way vendor trips were assumed for each phase to account of various potential truck activity including delivery of materials and water trucks. Additionally, a total of 20 haul trucks (40 one-way haul truck trips) were assumed to account for the import of decomposed granite material for the multi-use public trail.

CalEEMod default assumptions were also assumed for heavy-duty off-road construction equipment, including default values for equipment mix, horsepower, and load factor. It was assumed that off-road equipment would be operating at the site 5 days per week, up to a maximum of 8 hours per day. Detailed construction equipment modeling assumptions are provided in Appendix D, Air Quality and Greenhouse Gas Emissions CalEEMod Output Files.

Emissions generated during construction (and operation) of the project are subject to the rules and regulations of the SCAQMD. Rule 403 (Fugitive Dust)[3] requires the implementation of measures to control the emission of visible fugitive/nuisance dust, such as wetting soils that would be disturbed. It was assumed that the active sites would be watered at least two times daily, resulting in an approximately 55% reduction of fugitive dust (CalEEMod default value), to represent compliance with SCAQMD standard dust control measures in Rule 403. The application of architectural coatings, such as exterior/interior paint and other finishes, and the application of asphalt pavement would also produce VOC emissions; however, the contractor is required to procure architectural coatings that comply with the requirements of SCAQMD's Rule 1113 (Architectural Coatings).[4]

Construction of the proposed project is anticipated to begin in February 2023 and would last approximately 6 months. Table 6.2-2 summarizes the modeled peak daily emissions of criteria air pollutants and ozone precursors associated with construction of the proposed project. As shown, the proposed project's maximum daily emissions would not exceed the SCAQMD thresholds for any criteria air pollutant during construction.

Table 6-2. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions

Construction Phase	VOCs	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
	Pounds per day					
Site Preparation	0.60	7.04	4.16	0.01	0.57	0.28
Excavation/Earthmoving	1.11	12.12	6.23	0.02	3.01	1.66
Structure Construction	0.77	7.69	7.95	0.02	0.66	0.43
Paving	0.71	6.05	7.66	0.01	0.51	0.33
Architectural Coating	0.49	1.51	1.98	0.00	0.14	0.10

[3] SCAQMD Rule 403 requires implementation of various best available fugitive dust control measures for different sources for all construction activity sources within its jurisdictional boundaries. Dust control measures include, but are not limited to, maintaining stability of soil through pre-watering of site prior to clearing, grubbing, cut and fill, and earthmoving activities; stabilizing soil during and immediately after clearing, grubbing, cut and fill, and other earthmoving activities; stabilizing backfill during handling and at completion of activity; and pre-watering material prior to truck loading and ensuring that freeboard exceeds 6 inches. While SCAQMD Rule 403 requires fugitive dust control beyond watering control measures, compliance with Rule 403 is represented in CalEEMod by assuming twice daily watering of active sites (55% reduction in PM_{10} and $PM_{2.5}$ [CAPCOA 2017]).

[4] SCAQMD Rule 1113, Architectural Coatings, requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

Table 6-2. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions

Construction Phase	VOCs	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
	Pounds per day					
Maximum Daily Emissions	1.11	12.12	7.95	0.02	3.01	1.66
SCAQMD Thresholds	*75*	*100*	*550*	*150*	*150*	*55*
Threshold exceeded?	No	No	No	No	No	No

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM_{10} = particulate matter with a diameter less than or equal to 10 microns (coarse particulate matter); $PM_{2.5}$ = particulate matter with a diameter less than or equal to 2.5 microns (fine particulate matter); SCAQMD = South Coast Air Quality Management District.
The values shown are the maximum summer or winter daily emissions results from CalEEMod.
The total values may not add up exactly due to rounding.
See Appendix D for detailed results.
Earthmoving phases account for adherence to fugitive dust suppression requirements from SCAQMD Rule 403.

Operational Emissions

Operation of the proposed project would generate VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ emissions from area sources, including use of consumer products, landscape maintenance equipment, and reapplication of architectural coating; and from mobile sources due to new trips to and from the project site. Area source emissions were estimated based on CalEEMod default assumptions for on-going operations of the 42,575-square-foot park. For emissions from mobile sources, the trip generation of 193 total daily trips from Section 4.7, Transportation, was used for weekday (Monday–Friday) and weekend (Saturdays and Sundays) mobile activity in combination with CalEEMod default assumptions for trip characteristics, trip distances, and emissions factors. Emission factors representing the vehicle mix and emissions for 2022 were used to estimate emissions associated with vehicular sources. Per CalEEMod default assumptions for the approximately 1-acre City park, no energy use is anticipated during operation. For further detail on the assumptions and results of the operational emissions analysis, please refer to Appendix D, Air Quality and Greenhouse Gas Emissions CalEEMod Output Files.

The proposed project is assumed to begin operation by 2024 after completion of construction. Table 6.2-3 summarizes the estimated maximum daily emissions associated with operation of the proposed project by source. As shown, the proposed project's maximum daily operational emissions of VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ would not exceed the SCAQMD's significance thresholds in opening year 2024.

Table 6-3. Estimated Maximum Daily Operational Criteria Air Pollutant Emissions in Opening Year 2024

Source	VOCs	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
	Pounds per day					
Area	0.01	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile	0.52	0.60	5.04	0.01	1.18	0.32
Total Daily Emissions	0.53	0.60	5.04	0.01	1.18	0.32
SCAQMD Thresholds	*55*	*55*	*550*	*150*	*150*	*55*
Threshold exceeded?	No	No	No	No	No	No

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM_{10} = particulate matter with a diameter less than or equal to 10 microns (coarse particulate matter); $PM_{2.5}$ = particulate matter with a diameter less than or equal to 2.5 microns (fine particulate matter); SCAQMD = South Coast Air Quality Management District.

The values shown are the maximum summer or winter daily emissions results from CalEEMod.
The total values may not add up exactly due to rounding.
See Appendix D for complete results.

As previously discussed, the SCAB has been designated as a federal nonattainment area for O_3 and $PM_{2.5}$, and a state nonattainment area for O_3, PM_{10}, and $PM_{2.5}$. However, as indicated in Tables 6.2-2 and 6.2-3, project-generated construction and operational emissions would not exceed the SCAQMD emission-based significance thresholds for VOCs, NO_x, PM_{10}, or $PM_{2.5}$.

Cumulative localized impacts would potentially occur if a project were to occur concurrently with another off-site project. Schedules for potential future projects near the project area are currently unknown; therefore, potential impacts associated with two or more simultaneous projects would be considered speculative.[5] However, future projects would be subject to CEQA and would require air quality analysis and, where necessary, mitigation. Criteria air pollutant emissions associated with construction activity of future projects would be reduced through implementation of control measures required by the SCAQMD. Cumulative PM_{10} and $PM_{2.5}$ emissions would be reduced because all future projects would be subject to SCAQMD Rule 403 (Fugitive Dust), which sets forth general and specific requirements for all sites in the SCAQMD.

Therefore, the proposed project would not result in a cumulatively considerable increase in emissions of nonattainment pollutants, and impacts would be **less than significant** during construction and operation.

3. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less-Than-Significant Impact. The project would not expose sensitive receptors to substantial pollutant concentrations as evaluated below.

Sensitive Receptors

Sensitive receptors are those individuals more susceptible to the effects of air pollution than the population at large. People most likely to be affected by air pollution include children, the elderly, and people with cardiovascular and chronic respiratory diseases. According to SCAQMD, sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes (SCAQMD 1993).

The closest sensitive receptors to the project site are single-family residences located approximately 100 feet south of the project site.

Localized Significance Thresholds

The SCAQMD recommends a localized significance threshold (LST) analysis to evaluate localized air quality impacts to sensitive receptors in the immediate vicinity of the project as a result of proposed project activities. The impacts were analyzed using methods consistent with those in the SCAQMD's Final Localized Significance Threshold Methodology (SCAQMD 2008a). The project is located within Source-Receptor Area 21 (Capistrano Valley). This analysis applies the SCAQMD LST values for a 1-acre site within Source-Receptor Area 21 with a receptor distance of 25 meters (82 feet). However, these are conservative estimates since the closest sensitive receptor is 100 feet away and the LSTs increase with distance and site size.

[5] The California Environmental Quality Act (CEQA) Guidelines state that if a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact (14 CCR 15145).

Project construction activities would result in temporary sources of on-site criteria air pollutant emissions associated with off-road equipment exhaust and fugitive dust generation. According to the Final Localized Significance Threshold Methodology, "off-site mobile emissions from the project should not be included in the emissions compared to the LSTs" (SCAQMD 2008a). Trucks and worker trips associated with the proposed project are not expected to cause substantial air quality impacts to sensitive receptors along off-site roadways since emissions would be relatively brief in nature and would cease once the vehicles pass through the main streets. Therefore, off-site emissions from trucks and worker vehicle trips are not included in the LST analysis. The maximum daily on-site emissions generated from construction of the proposed project are presented in Table 6.2-4 and are compared to the SCAQMD localized significance criteria for Source-Receptor Area 21 to determine whether project-generated on-site emissions would result in potential LST impacts. As shown, proposed construction activities would not generate emissions in excess of site-specific LSTs; therefore, localized impacts of the proposed project would be **less than significant**.

Table 6-4. Construction Localized Significance Thresholds Analysis

Phase	NOx	CO	PM_{10}	$PM_{2.5}$
	Pounds per day			
Site Preparation	6.93	3.96	0.50	0.26
Excavation/Earthmoving	12.00	5.94	2.91	1.63
Structure Construction	7.03	7.15	0.37	0.34
Paving	5.92	7.03	0.30	0.28
Architectural Coating	1.41	1.81	0.08	0.08
Maximum Daily Onsite Construction Emissions	**12.00**	**7.15**	**2.91**	**1.63**
SCAQMD LST Criteria	*91*	*696*	*4*	*3*
Threshold exceeded?	**No**	**No**	**No**	**No**

Notes: NO_2 = nitrogen dioxide; CO = carbon monoxide; PM_{10} = particulate matter with a diameter less than or equal to 10 microns (coarse particulate matter); $PM_{2.5}$ = particulate matter with a diameter less than or equal to 2.5 microns (fine particulate matter); SCAQMD = South Coast Air Quality Management District; LST = localized significance threshold.
The values shown are the maximum summer or winter daily emissions results from CalEEMod.
The total values may not add up exactly due to rounding.
See Appendix D for detailed results.
Localized significance thresholds are shown for a 1-acre disturbed area corresponding to a distance to a sensitive receptor of 25 meters in Source-Receptor Area 21 (Capistrano Valley).

CO Hotspots

Traffic-congested roadways and intersections have the potential to generate localized high levels of CO. Localized areas where ambient concentrations exceed federal and/or state standards for CO are termed "CO hotspots." The transport of CO is extremely limited, as it disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthy levels, affecting sensitive receptors. Typically, high CO concentrations are associated with severely congested intersections operating at an unacceptable level of service (LOS) (LOS E or worse is unacceptable). Projects contributing to adverse traffic impacts may result in the formation of a CO hotspot. Additional analysis of CO hotspot impacts would be conducted if a project would result in a significant impact or contribute to an adverse traffic impact at a signalized intersection that would potentially subject sensitive receptors to CO hotspots.

At the time that the SCAQMD Handbook (1993) was published, the SCAB was designated nonattainment under the CAAQS and NAAQS for CO. In 2007, the SCAQMD was designated in attainment for CO under both the CAAQS

and NAAQS as a result of the steady decline in CO concentrations in the SCAB due to turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities. The SCAQMD conducted CO modeling for the 2003 AQMP (SCAQMD 2003)[6] for the four worst-case intersections in the SCAB: (1) Wilshire Boulevard and Veteran Avenue, (2) Sunset Boulevard and Highland Avenue, (3) La Cienega Boulevard and Century Boulevard, and (4) Long Beach Boulevard and Imperial Highway. At the time the 2003 AQMP was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. The 2003 AQMP also projected 8-hour CO concentrations at these four intersections for 1997 and from 2002 through 2005. From years 2002 through 2005, the maximum 8-hour CO concentration was 3.8 ppm at the Sunset Boulevard and Highland Avenue intersection in 2002; the maximum 8-hour CO concentration was 3.4 ppm at the Wilshire Boulevard and Veteran Avenue in 2002. Accordingly, CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS unless projected daily traffic would be at least over 100,000 vehicles per day. The project's anticipated ADT of 193 is minimal and is not of a magnitude expected to raise the traffic volumes at intersections within proximity of the proposed project to the 100,000 vehicles per day that could result in a CO hotspot.

Additionally, ambient CO levels are monitored at the Mission Viejo-26081 Via Pera air quality monitoring station, which is approximately 9.5 miles northeast of the project site and represents ambient air quality in the project area. Ambient CO levels monitored at this representative monitoring station indicate that the highest recorded 1-hour concentration of CO is 1.7 ppm (the CAAQS is 20 ppm) and highest 8-hour concentration is 0.9 ppm (the CAAQS is 9 ppm) during the past 3 years of available data (EPA 2021b). As discussed above, the highest CO concentrations typically occur during peak traffic hours, so CO impacts calculated under peak traffic conditions represent a worst-case analysis. Given the considerably low level of CO concentrations in the project area, and the minimal increase in daily trips, project-related mobile emissions are not expected to contribute significantly to CO concentrations, and a CO hotspot is not anticipated to occur. This conclusion is supported by the analysis in Section 4.7, which demonstrates that transportation impacts would be less than significant. In addition, due to continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SCAB is steadily decreasing.

In addition, the location of the project is strategic as it is adjacent to and accessible from the existing Sports Park. Additionally, the project would not provide new parking and encourage use of the existing Sports Park lot or on-street parking along Camino Del Avion. The project would also include a new multi-use public trail along Via Positiva that would connect The Farm residential development, currently under construction adjacent to the project site, to the new skatepark and Camino Del Avion. As discussed further in Section 4.7.4, it can be concluded that the project would attract some of the existing trips destined to the Sports Park or divert trips that are destined to other skating facilities further away from the City of San Juan Capistrano. For the reasons previously described, the project would not generate substantial vehicle trips or associated concentration of mobile source CO emission and would not result in substantial CO exposure to sensitive receptors in the vicinity of the proposed project. Based on these considerations, the proposed project would result in a **less than significant** impact to air quality with regard to potential CO hotspots.

Toxic Air Contaminants

Toxic air contaminants (TACs) are defined as substances that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health. As discussed under the LST

[6] SCAQMD's CO hotspot modeling guidance has not changed since 2003.

analysis, the nearest sensitive receptors to the project site are the single-family residences located approximately 100 feet south of the project site.

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The SCAQMD recommends an incremental cancer risk threshold of 10 in 1 million. "Incremental cancer risk" is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period will contract cancer based on the use of standard Office of Environmental Health Hazard Assessment risk-assessment methodology (OEHHA 2015). In addition, some TACs have non-carcinogenic effects. The SCAQMD recommends a Hazard Index of 1 or more for acute (short-term) and chronic (long-term) non-carcinogenic effects. The greatest potential for TAC emissions during construction would be diesel particulate matter (DPM) emissions from heavy equipment operations and use of heavy-duty trucks.

DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts; however, no short-term, acute relative exposure level has been established for DPM. Total project construction would last approximately 6 months, after which project-related TAC emissions would cease. 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 for the maximally exposed individual receptor; however, such assessments should also be limited to the period/duration of activities associated with the project. A 6-month construction schedule represents a short duration of exposure (2% of a 30-year exposure period), while cancer and chronic risk from DPM are typically associated with long-term exposure. Thus, the project would not result in a long-term source of TAC emissions.

Exhaust PM_{10} is typically used as a surrogate for DPM, and as shown in Table 6.2-2, which presents total PM_{10} from fugitive dust and exhaust, project-generated construction PM_{10} emissions are anticipated to be minimal, and well below the SCAQMD threshold. In addition, sensitive receptors are located approximately 100 feet from the active project construction areas, which would reduce exposure to TACs as TAC emission dispersion increases with distance. Due to the relatively short period of exposure and minimal DPM emissions on site, TACs generated during construction would not be expected to result in concentrations causing significant health risks.

No residual TAC emissions and corresponding cancer health risk are anticipated after construction, and no long-term sources of TAC emissions are anticipated during operation of the project. CARB has published the Air Quality and Land Use Handbook: A Community Health Perspective (CARB 2005), which identifies certain types of facilities or sources that may emit substantial quantities of TACs and therefore could conflict with sensitive land uses, such as "schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities." The Air Quality and Land Use Handbook is a guide for siting of new sensitive land uses, and CARB recommends that sensitive receptors not be located downwind or in proximity to such sources to avoid potential health hazards. The enumerated facilities or sources include the following: high-traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and large gas dispensing facilities. The project would not include any of the above-listed land uses associated with generation of TAC emissions. For the reasons previously described, the project would not result in substantial TAC exposure to sensitive receptors in the vicinity of the proposed project, and impacts would be **less than significant**.

Health Effects of Criteria Pollutants

Construction and operation of the project would generate criteria air pollutant emissions. However, due to the nature of the project and the short duration of construction, which would last approximately 6 months, the project would not exceed the SCAQMD mass-emission thresholds, as shown in Tables 6.2-2 and 6.2-3 above.

The SCAB is designated as nonattainment for O_3 for the NAAQS and CAAQS. Thus, existing O_3 levels in the SCAB are at unhealthy levels during certain periods. Health effects associated with O_3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue (CARB 2021). The contribution of VOCs and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The increases in O_3 concentrations in the SCAB due to O_3 precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Further, the potential for exacerbating excessive O_3 concentrations would also depend on the time of year that the VOC emissions would occur because exceedances of the O_3 NAAQS and CAAQS tend to occur between April and October when solar radiation is highest. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of O_3 precursors is speculative. Because the project would not involve activities that would result in O_3 precursor emissions (i.e., VOCs or NO_x) that would exceed the SCAQMD thresholds, as shown in Tables 6.2-2 and 6.2-3, the project is not anticipated to substantially contribute to regional O_3 concentrations and its associated health impacts during construction or operation.

In addition to O_3, NO_x emissions contribute to potential exceedances of the NAAQS and CAAQS for NO_2. Health effects associated with NO_x include lung irritation and enhanced allergic responses (CARB 2021). As shown in Tables 6.2-2 and 6.2-3, proposed project construction and operations would not exceed the SCAQMD NO_x threshold, and existing ambient NO_2 concentrations would be below the NAAQS and CAAQS. Thus, the proposed project is not expected to result in exceedances of the NO_2 standards or contribute to associated health effects.

Health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness (CARB 2021). CO hotspots were discussed previously as a less-than-significant impact. Thus, the project's CO emissions would not contribute to the health effects associated with this pollutant.

The SCAB is designated as nonattainment for PM_{10} under the CAAQS and nonattainment for $PM_{2.5}$ under the NAAQS and CAAQS. Health effects associated with PM_{10} include premature death and hospitalization, primarily for worsening of respiratory disease (CARB 2021). As with O_3 and NO_x, and as shown in Tables 6.2-2 and 6.2-3, the proposed project would not generate emissions of PM_{10} or $PM_{2.5}$ that would exceed the SCAQMD's thresholds. Accordingly, the proposed project's PM_{10} and $PM_{2.5}$ emissions are not expected to cause an increase in related regional health effects for this pollutant.

In summary, the project would not result in a potentially significant contribution to regional concentrations of nonattainment pollutants and would not result in a significant contribution to the adverse health effects associated with those pollutants. Therefore, impacts would be **less than significant**.

4. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-Than-Significant Impact. The occurrence and severity of potential odor impacts depends on numerous factors. The nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the project. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, and architectural coatings. Such odors would disperse

rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be less than significant.

Land uses and industrial operations associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities (SCAQMD 1993). The project would not create any new sources of odor during operation. Therefore, the potential for long-term operational emissions or odors would be **less than significant**.

Energy

1. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less-Than-Significant Impact.

Short-Term Construction Impacts

Construction of the project would require the use of electric power for as-necessary lighting and electronic equipment. The amount of electricity used during construction would be limited to energy demand that typically stems from the use of electrically powered construction equipment. This electricity demand would be temporary and would cease upon completion of construction; thus, the project would not adversely impact the available electricity supply. During construction, natural gas would typically not be consumed on the project site.

Petroleum would be consumed throughout construction of the project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction. Vehicle miles traveled associated with the transportation of construction materials and construction worker commutes also would result in petroleum consumption. However, the project would be required to comply with CARB's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes. In addition, the construction of the project would be a temporary, short-term activity, and any petroleum used during the construction phase would be used towards the development of the project; as such, petroleum use for construction would be relatively nominal and would not be wasteful or inefficient use of resources. Therefore, short-term construction impacts associated with energy consumption would be less than significant.

Long-Term Operational Impacts

The project proposes approximately 42,575 square feet of recreational space that would consist of a new skatepark, new playground, restroom building, raised berm seating, and landscaping. Infrastructure to support future lighting would be installed as part of initial construction to allow lighting fixtures to be installed in a potential future phase. Thus, the project is expected to increase the on-site use of electricity compared with the existing conditions.

Per the City's Municipal Code, the project would be subject to the 2019 California Green Building Standards Code (CALGreen) (City of San Juan Capistrano 2021a). Additionally, the project would be subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, of the California Code of Regulations contains additional energy measures that are applicable to the project under CALGreen. Therefore, long-term construction impacts associated with energy consumption would be **less than significant**.

2. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less-Than-Significant Impact. As discussed in Energy question 1 below, the project would not result in wasteful, inefficient, and unnecessary consumption of energy during construction or operation. Therefore, impacts associated with the potential of the project to conflict with a state or local renewable energy or energy efficiency plan would be **less than significant**.

Forestry Resources

1. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project site and surrounding areas are not zoned for and do not contain any forest land or timberland. Therefore, the project would not conflict with or cause the rezoning or conversion of forest land or timberland. **No impact** would occur.

2. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Refer to Forestry Resources question 1, above. **No impact** would occur.

3. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?

No Impact. The project site has a General Plan land use designation of Agri-Business and is zoned Agricultural-Business District (A)/Specific Plan (SP) 85-01. Neither the project site nor the surrounding areas are zoned for or contain any 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)). Therefore, the project would not conflict with zoning or cause the rezoning or conversion of forest land or timberland, either directly or indirectly. **No impact** would occur.

Greenhouse Gas Emissions

1. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-Than-Significant Impact. Greenhouse gases (GHGs) are those that that absorb infrared radiation (i.e., trap heat) in the Earth's atmosphere. The trapping and buildup of heat in the atmosphere near the Earth's surface (the troposphere), is referred to as the "greenhouse effect," and is a natural process that contributes to the regulation of the Earth's temperature, creating a livable environment on Earth. The Earth's temperature depends on the balance between energy entering and leaving the planet's system, and many factors (natural and human) can cause changes in Earth's energy balance. Human activities that generate and emit GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and causing the Earth's surface temperature to rise. This rise in temperature has led to large-scale changes to the Earth's system (e.g., temperature, precipitation, wind patterns), which are collectively referred to as climate change. Global climate change is a cumulative impact; a project contributes to this impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. Thus, GHG impacts are recognized exclusively as cumulative impacts (CAPCOA 2008).

As defined in California Health and Safety Code Section 38505(g) for purposes of administering many of the state's primary GHG emissions reduction programs, GHGs include CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride (see also 14 CCR 15364.5). The primary GHGs that would be emitted by project-related construction and operations include CO_2, CH_4, and N_2O.[7]

The Intergovernmental Panel on Climate Change developed the global warming potential (GWP) concept to compare each GHG's ability to trap heat in the atmosphere relative to another gas. The reference gas used is CO_2; therefore, GWP-weighted emissions are measured in metric tons (MT) of CO_2 equivalent (CO_2e). Consistent with CalEEMod Version 2016.3.2, this GHG emissions analysis assumed the GWP for CH_4 is 25 (i.e., emissions of 1 MT of CH_4 are equivalent to emissions of 25 MT of CO_2), and the GWP for N_2O is 298, based on the Intergovernmental Panel on Climate Change's Fourth Assessment Report (IPCC 2007).

As discussed in *Air Quality* analysis above, the proposed project is located within the jurisdictional boundaries of the SCAQMD. In October 2008, the SCAQMD proposed recommended numeric CEQA significance thresholds for GHG emissions for lead agencies to use in assessing GHG impacts of residential and commercial development projects as presented in its Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold (SCAQMD 2008b). This document, which builds on the California Air Pollution Control Officers Association's previous guidance, explored various approaches for establishing a significance threshold for GHG emissions. The draft interim CEQA thresholds guidance document was not adopted or approved by the Governing Board. However, in December 2008, the SCAQMD adopted an interim 10,000 MT CO_2e per-year screening level threshold for stationary source/industrial projects for which the SCAQMD is the lead agency (SCAQMD 2008b). The 10,000 MT CO_2e per-year threshold, which was derived from GHG reduction targets established in Executive Order (EO) S-3-05, was based on the conclusion that the threshold was consistent with achieving an emissions capture rate of 90% of all new or modified stationary source projects.

The SCAQMD formed a GHG CEQA Significance Threshold Working Group to work with SCAQMD staff on developing GHG CEQA significance thresholds until statewide significance thresholds or guidelines are established. From December 2008 to September 2010, the SCAQMD hosted working group meetings and revised the draft threshold proposal several times, although it did not officially provide these proposals in a subsequent document. The SCAQMD has continued to consider adoption of significance thresholds for residential and general land-use development projects. The most recent proposal issued by SCAQMD, issued in September 2010, uses the following tiered approach to evaluate potential GHG impacts from various uses (SCAQMD 2010):

Tier 1. Determine if CEQA categorical exemptions are applicable. If not, move to Tier 2.

Tier 2. Consider whether or not the proposed project is consistent with a locally adopted GHG reduction plan that has gone through public hearing and CEQA review, that has an approved inventory, includes monitoring, etc. If not, move to Tier 3.

Tier 3. Consider whether the project generates GHG emissions in excess of screening thresholds for individual land uses. The 10,000 MT CO_2e per-year threshold for industrial uses would be recommended for use by all lead agencies. Under option 1, separate screening thresholds are

[7] Emissions of hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride are generally associated with industrial activities, including the manufacturing of electrical components and heavy-duty air conditioning units and the insulation of electrical transmission equipment (substations, power lines, and switch gears.). Therefore, emissions of these GHGs were not evaluated or estimated in this analysis because the project would not include these activities or components and would not generate hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride in measurable quantities.

proposed for residential projects (3,500 MT CO_2e per year), commercial projects (1,400 MT CO_2e per year), and mixed-use projects (3,000 MT CO_2e per year). Under option 2, a single numerical screening threshold of 3,000 MT CO_2e per year would be used for all non-industrial projects. If the project generates emissions in excess of the applicable screening threshold, move to Tier 4.

Tier 4. Consider whether the project generates GHG emissions in excess of applicable performance standards for the project service population (population plus employment). The efficiency targets were established based on the goal of Assembly Bill (AB) 32 to reduce statewide GHG emissions to 1990 levels by 2020. The 2020 efficiency targets are 4.8 MT CO_2e per-service population for project-level analyses and 6.6 MT CO_2e per-service population for plan-level analyses. If the project generates emissions in excess of the applicable efficiency targets, move to Tier 5.

Tier 5. Consider the implementation of CEQA mitigation (including the purchase of GHG offsets) to reduce the project efficiency target to Tier 4 levels.

Section 15064.7(c) of the CEQA Guidelines specifies that "[w]hen adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence." The CEQA Guidelines do not prescribe specific methodologies for performing an assessment, establish specific thresholds of significance, or mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methodologies and thresholds of significance that are consistent with the manner in which other impact areas are handled in CEQA (CNRA 2009).

To determine the proposed project's potential to generate GHG emissions that would have a significant impact on the environment, its GHG emissions were compared to the SCAQMD 3,000 MT CO_2e per year screening threshold recommended for non-industrial projects.

Construction Greenhouse Gas Emissions

Construction of the project would result in GHG emissions, which are primarily associated with off-road construction equipment, on-road haul and vendor trucks, and worker vehicles. The SCAQMD Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold (SCAQMD 2008b) recommends that "construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies." Thus, the total construction GHG emissions were calculated, amortized over 30 years, and added to the total operational emissions for comparison with the GHG significance threshold of 3,000 MT CO_2e per year. Therefore, the determination of significance is addressed in the operational emissions discussion following the estimated construction emissions.

CalEEMod Version 2020.4.0 was used to calculate the annual GHG emissions based on the construction scenario described in the Air Quality above. Construction of the project is anticipated to commence in early 2024, lasting approximately 6 months. On-site sources of GHG emissions include off-road equipment, and off-site sources include haul trucks, vendor trucks, and worker vehicles. Table 6.2-5 presents the GHG emissions resulting from construction of the project. For further detail on the assumptions and results of this analysis, please refer to Appendix D, Air Quality and Greenhouse Gas Emissions CalEEMod Output Files.

Table 6-5. Estimated Annual Construction GHG Emissions

Construction Phase	CO_2	CH_4	N_2O	CO_2e
	Metric Tons per Year			
Site Preparation	0.47	0.00	0.00	0.47
Excavation/Earthmoving	8.07	0.00	0.00	8.14
Structure Construction	70.35	0.02	0.00	71.38
Paving	2.83	0.00	0.00	2.86
Architectural Coating	0.82	0.00	0.00	0.82
Total Construction GHG Emissions				**83.67**
Amortized Emissions (30-year project life)				**2.79**

Notes: GHG = greenhouse gas; CO_2 = carbon dioxide; CH_4 = methane; N2O = nitrous oxide; CO2e = carbon dioxide equivalent.
See Appendix D for complete results.

Operational Greenhouse Gas Emissions

CalEEMod Version 2020.4.0 was used to estimate potential project-generated operational GHG emissions from mobile sources, area sources (landscape maintenance equipment), water use and wastewater generation, and solid waste (i.e., CO_2e emissions associated with landfill off-gassing). Per CalEEMod default assumptions for the approximately 1-acre City park, no energy use or associated GHG emissions is anticipated during operation. As explained in the Air Quality discussion above, mobile source emissions were estimated based on project-specific trip generation estimates and CalEEMod default values for trip characteristics, and area source emissions were estimated using CalEEMod default values for the 42,575-square-foot park. Regarding solid waste, to estimate potential GHG emissions associated with landfill off-gassing, CalEEMod default values were applied. Similarly, to estimate potential GHG emissions from supply, conveyance, treatment, and distribution of water and wastewater treatment, CalEEMod default values were applied. For additional details see the Air Quality discussion above for a discussion of operational emission calculation methodology and assumptions, specifically for mobile sources, and Appendix D, Air Quality and Greenhouse Gas Emissions CalEEMod Output Files. The proposed project is assumed to begin operation by 2024 after completion of construction. Table 6.2-6 shows the estimated annual GHG emissions from operation of the proposed project. As discussed above, total annual operational emissions were combined with amortized construction emissions and compared to SCAQMD's recommended threshold of 3,000 MT CO_2e per year for non-industrial projects.

Table 6-6. Estimated Annual Operational GHG Emissions

Emission Source	CO_2	CH_4	N_2O	CO_2e
	Metric Tons per Year			
Area	0.00	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00
Mobile	187.08	0.01	0.01	189.85
Solid Waste	0.02	0.00	0.00	0.04
Water Use	2.30	0.00	0.00	2.31
Total Operational GHG Emissions				**192.20**
Amortized 30-year Construction Emissions				*2.79*
Project Operations + Amortized Construction Total				**194.99**
SCAQMD Threshold				*3,000*

Table 6-6. Estimated Annual Operational GHG Emissions

Emission Source	CO_2	CH_4	N_2O	CO_2e
	Metric Tons per Year			
			Threshold Exceeded?	No

Notes: .GHG = greenhouse gas; CO_2 = carbon dioxide; CH_4 = methane; N2O = nitrous oxide; CO2e = carbon dioxide equivalent. See Appendix D for complete results.

As shown in Table 6.2-6, estimated annual project-generated GHG emissions would be approximately 192 MT CO_2e per year due to project operation only. Estimated annual project-generated operational GHG emissions in 2022 plus amortized construction emissions (3 MT CO_2e per year) would be approximately 195 MT CO_2e per year. Therefore, the project would not exceed the SCAQMD threshold of 3,000 MT CO_2e per year, and the project's GHG contribution would not be cumulatively considerable and is **less than significant**.

2. Would the project generate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-Than-Significant Impact. The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions and would result in less-than-significant impacts, as described below.

The City does not currently have a Climate Action Plan; therefore, the project has been compared to the applicable GHG reduction measures of CARB's *Climate Change Scoping Plan* (Scoping Plan) and SCAG's 2020–2045 RTP/SCS. These plans support the statewide goals of Assembly Bill (AB) 32 and Senate Bill (SB) 32, which are also discussed below.

Potential to Conflict with the CARB Scoping Plan

Emission reductions in California alone would not be able to stabilize the concentration of GHGs in the earth's atmosphere. However, California's actions set an example and drive progress towards a reduction in GHGs elsewhere. If other states and countries were to follow California's emission reduction targets, this could avoid medium or higher ranges of global temperature increases. Thus, severe consequences of climate change could also be avoided.

The CARB Board approved the Scoping Plan in December 2008, which outlines the state's strategy to achieve the 2020 GHG emissions limit. The Scoping Plan "proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health" (CARB 2008). The measures in the Scoping Plan have been in place since 2012.

This Scoping Plan calls for an "ambitious but achievable" reduction in California's GHG emissions, cutting approximately 30% from business-as-usual emission levels projected for 2020, or about 10% from today's levels (CARB 2008). On a per-capita basis, that means reducing annual emissions of CO_2 in California from 14 tons to about 10 tons per person by 2020.

In May 2014, CARB released its *First Update to the Climate Change Scoping Plan* (CARB 2014), which identifies the next steps for California's leadership on climate change. While California continues on its path to meet the

near-term 2020 GHG limit, it must also set a clear path toward long-term, deep GHG emission reductions. This report highlights California's success to date in reducing its GHG emissions and lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80% below 1990 levels by 2050.

In November 2017, CARB released the *2017 Climate Change Scoping Plan Update* (CARB 2017), which built upon previous scoping plans. The update incorporates, coordinates, and leverages many existing and ongoing efforts; identifies new policies and actions to accomplish the state's climate goals; and includes a description of a suite of specific actions to meet the state's 2030 GHG limit. In addition, Chapter 4 of the 2017 Scoping Plan provides a broader description of the many actions and proposals being explored across the sectors, including the natural resources sector, to achieve the state's mid and long-term climate goals (CARB 2017).

Table 6.2-7 shows the project's consistency with applicable strategies outlined by CARB's 2008 and 2017 Scoping Plans. As summarized, the project would not conflict with any provisions of either plan.

Table 6-7. Project Consistency with CARB Scoping Plan Policies and Measures

2008 Scoping Plan Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
California Light-Duty Vehicle Greenhouse Gas Standards – Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	Consistent. These are CARB-enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Energy Efficiency – Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.	Consistent. The project would be compliant with the current Title 24 standards.
Low Carbon Fuel Standard – Develop and adopt the Low Carbon Fuel Standard.	Consistent. These are CARB-enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Vehicle Efficiency Measures – Implement light-duty vehicle efficiency measures.	Consistent. These are CARB-enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Medium/Heavy-Duty Vehicles – Adopt medium and heavy-duty vehicle efficiency measures.	Consistent. These are CARB-enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Green Building Strategy – Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.	Consistent. The California Green Building Standards Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, that are mandatory in the 2016 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air

Table 6-7. Project Consistency with CARB Scoping Plan Policies and Measures

	contaminants. The proposed bathroom facility and any future lighting installations would be subject to these mandatory standards.
Recycling and Waste – Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.	Consistent. The state is currently developing a regulation to reduce methane emissions from municipal solid waste landfills. The project would be required to comply with City programs, such as City's waste reduction program, which comply, with the 75% reduction required by 2020 per AB 341.
Water – Continue efficiency programs and use cleaner energy sources to move and treat water.	Consistent. The project would comply with all applicable City ordinances and CALGreen requirements.
2017 Scoping Plan Recommended Actions to Reduce Greenhouse Gas Emissions	**Project Compliance with Recommended Action**
Implement Mobile Source Strategy: Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Car regulations.	Consistent. These are CARB enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Implement Mobile Source Strategy: At least 1.5 million zero-emission and plug-in hybrid light-duty electric vehicles by 2025 and at least 4.2 million zero-emission and plug-in hybrid light-duty electric vehicles by 2030.	Consistent. These are CARB enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Implement Mobile Source Strategy: Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20% of new urban buses purchased beginning in 2018 will be zero-emission buses with the penetration of zero-emission technology ramped up to 100% of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NOX standard.	Consistent. These are CARB enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Implement Mobile Source Strategy: Last Mile Delivery: New regulation that would result in the use of low-NOX or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3–7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5% of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10% in 2025, and remaining flat through 2030.	Consistent. These are CARB enforced standards; vehicles that access the project that are required to comply with the standards would comply with the strategy.
Implement SB 350 by 2030: Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.	Consistent. The project would be compliant with the current Title 24 standards.
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	Consistent. The project would be required to comply with City programs, such as City's recycling and waste reduction program, which comply, with the 75% reduction required by 2020 per AB 341.

Notes: CARB = California Air Resources Board; CCR = California Code of Regulations; HFC = hydrofluorocarbon; AB = Assembly Bill; CALGreen = California Green Building Standards; GHG = greenhouse gas; NO_X = oxides of nitrogen; ZEV = zero-emission vehicle; SB = State Bill; SLCP = short-lived climate pollutant.

Potential to Conflict with the Southern California Association of Governments' 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy

The SCAG 2020–2045 RTP/SCS is a regional growth management strategy that targets per capita GHG reduction from passenger vehicles and light trucks in the Southern California Region pursuant to SB 375. In addition to demonstrating the Region's ability to attain the GHG emission-reduction targets set forth by CARB, the 2020-2045 RTP/SCS outlines a series of actions and strategies for integrating the transportation network with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. Thus, successful implementation of the 2020–2045 RTP/SCS would result in more complete communities with various transportation and housing choices while reducing automobile use.

The following strategies are intended to be supportive of implementing the 2020–2045 RTP/SCS and reducing GHGs: focus growth near destinations and mobility options; promote diverse housing choices; leverage technology innovations; support implementation of sustainability policies; and promote a green region (SCAG 2020). The key 2020–2045 RTP/SCS strategies are not applicable to the proposed project, which does not include residential or employment growth as the project operation and maintenance would be served by existing City employees and the project would serve an existing community. Regarding the SCAG's goal of promoting a green region, this is through efforts such as supporting local policies for renewable energy production and promoting more resource efficient development (e.g., reducing energy consumption) to reduce GHG emissions. As discussed under Greenhouse Gas Emissions question 1 above, the proposed project would not consume substantial energy or result in substantial associated GHG emissions. Overall, the project would not conflict with or impede implementation of the SCAG 2020–2045 RTP/SCS.

Potential to Conflict with California Senate Bill 32

SB 32 requires the state board to ensure that statewide GHG emissions are reduced to 40% below the 1990 level by 2030. The California Governor issued EO S-3-05, GHG Emission, in June 2005, which established the following reduction targets:

- **2010:** Reduce GHG emissions to 2000 levels
- **2020:** Reduce GHG emissions to 1990 levels
- **2050:** Reduce GHG emissions to 80% below 1990 levels.

The SCAQMD uses EO S-3-05 as the basis for their screening level, and EO S-3-05 includes the long-term goal to reduce GHG emissions to 80% below 1990 levels by 2050. Any project that is consistent with SCAQMD's thresholds would also be consistent with the goal of SB 32 (to reduce GHG emissions to 40% below 1990 levels by 2030). Therefore, projects that meet the current interim emissions targets/thresholds established by SCAQMD would also be on track to meet the reduction targets for 2030. As shown in Table 6.2-6 above, the proposed project is not anticipated to generate GHG emissions during construction or operation that would exceed the SCAQMD's recommended threshold of 3,000 MT CO_2e per year for non-industrial projects. Furthermore, all post-2020 reductions in GHG emissions are addressed via regulatory requirements at the state level, and a project would be required to comply with these regulations as they come into effect.

The project proposes development of a skatepark which would include a new playground and trail. The project would not include parking. As discussed in Section 4.7, it can be concluded that the project would attract some of the existing trips destined to the City's Sports Park or divert trips that are destined to other skating facilities further away from the City of San Juan Capistrano. As shown in the screening and location analysis presented in

Section 4.7, the project would not generate significant trips. As such, it is expected that the project would contribute less than significant levels of GHG emissions as a result of vehicle trips to the project site. Thus, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Furthermore, the proposed bathroom facility and any future lighting installed on site would comply with applicable Green Building Standards; therefore, impacts associated with applicable GHG plans, policies, or regulations would be **less than significant**.

Hazards and Hazardous Materials

1. Would the project Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

and

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?

Less-Than-Significant Impact. Construction and operation of the project would require the use of hazardous or potentially hazardous materials to be handled, transported, used, and disposed of both on and off the project site. These materials include gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain construction and maintenance equipment and vehicles, as well as household cleaning products, degreasers, paints, and fertilizers for ongoing maintenance. Potential impacts to public and the environment from accidental spills of small amounts of hazardous materials from construction equipment during construction could occur with the transport, use, or disposal of these materials. The materials used would not be in such quantities or stored in such a manner as to pose a significant safety or environmental hazard. Project construction workers would be trained in safe handling and hazardous materials use, as required. Activities at the project site, including those conducted by a contractor, shall comply with existing federal, state, and local regulations regarding hazardous material use, storage, disposal, training, and transport to prevent project-related risks to public health and safety. All on-site generated waste that meets hazardous criteria shall be stored, manifested, transported, and disposed of in accordance with federal, state, and local requirements.

Operation of the project would include use of minor quantities of commercially available hazardous materials, such as paints, lubricants, cleaning materials, and landscaping maintenance materials. Handling, storage, and disposal of these hazardous materials would comply with all federal, state, and local requirements. Therefore, impacts associated with hazardous materials would be **less than significant**.

2. 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?

Less-Than-Significant Impact. The nearest school, Kinoshita Elementary School, is located approximately 530 feet west of the project site. Additionally, Marco Forster Middle School is located 0.22 miles west from the project site, and Del Obispo Elementary School is located 0.29 miles west from the project site. As described in question 1, above, the project would not create a significant hazard from routine use or reasonably foreseeable upset/accident conditions of hazardous materials. Although the project site is located within one-quarter mile of a school, for the same reasons previously described, it would not create a significant hazard to the school. Therefore, impacts would be **less than significant**.

3. Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less-than-Significant Impact. The Hazardous Waste and Substances Sites (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List (CalEPA 2021). A review of Cortese List online data resources does not identify hazardous materials or waste sites on the project site. The nearest hazardous site is a cleanup program site, the Kinoshita Farm Site (T10000000266), located approximately 620 feet east of the projects site (DTSC 2021; RWQCB 2021). The site has been an active farm since the 1930s. On June 6, 2008, three underground storage tanks were removed. Results from monitoring events conducted in August and November 2009 and March 2010, indicate that hydrocarbon-impacted groundwater continues to be limited. Additionally, quarterly groundwater monitoring is ongoing (RWQCB 2021). Therefore, impacts associated with a site included on a list of hazardous materials site would be less than significant.

4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The closest public airport to the project site is John Wayne Airport, which is located approximately 17 miles northwest of the project site. According to the Land Use Plan for the John Wayne Airport, the project is not located within an impact zone and is outside the airport planning area (ALUC 2008). The project site is located outside of any airport impact zones, and as such, the project would not result in a safety hazard for people residing in the project area. Therefore, **no impact** associated with public airport hazards would occur.

5. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-Than-Significant Impact. In the event of an emergency, the City shall refer to its Emergency Preparedness Plan (EPP). The EPP identifies evacuation routes, emergency facilities, and City personnel and equipment available to effectively deal with emergency situations. The nearest evacuation route to the project site is Del Obispo Street located approximately 0.4 miles west of the site. In the event of an emergency, emergency personnel would be able to access the project site via Camino Del Avion. The project site is also provided regional access via I-5. Due to this local and regional connectivity, in the unlikely event of an emergency, the project-adjacent roadway facilities would be expected to serve as emergency evacuation routes for first responders and residents. The project would not adversely affect operations on the local or regional circulation system, and as such, would not impact the use of these facilities as emergency response routes. Therefore, impacts associated with an emergency response plan or emergency evacuation plan would be **less than significant.**

6. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less-than-Significant Impact. As shown in Figure 2-1, Very High Fire Hazard Areas, In the Safety Element of the General Plan, the project site is not located within a Wildfire Severity Zone that may contain substantial fire risk

(City of San Juan Capistrano 2022a). The nearest Wildland Fire Area that may contain substantial fire risk is located approximately 0.5 miles east of the site. Additionally, the nearest Very High Fire Hazard Severity Zone is located approximately 1.3 miles southeast of the project site. Further, the project site is surrounded by existing development in an urbanized portion of the City. Therefore, impacts associated with wildland fire hazards would be **less than significant**.

Hydrology and Water Quality

1. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less-than-Significant Impact. The project site is located in the Lower San Juan Hydrologic Subarea (901.27), located within the Mission Viejo Hydrologic Area, and the San Juan Hydrologic Unit. Drainage from the project flows is conveyed in storm drain piping towards the San Juan Creek. The San Juan Creek flows south for approximately 1.8 miles and outfalls in the Pacific Ocean at Doheny State Beach (Rick Engineering Company 2022). The project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming. Project construction would involve temporary grading operations and trenching, which may temporarily alter surface runoff by increasing the amount of silt and debris carried by runoff into nearby storm drains. Per City Municipal Code Chapter 4, Water Quality Regulations, Section 8-14.105, all development projects within the City must be undertaken in compliance with all applicable requirements of this Section and local ordinances, including the Orange County Drainage Area Management Plan, (DAMP), the City's Stormwater Jurisdictional Runoff Management Plan (JRMP), and any applicable requirements for coverage under the State's General Construction NPDES permit. These requirements would ensure that construction of the project would not result in the movement of unwanted material into waters within or outside the construction site.

Coverage under the State's General Construction NPDES permits requires dischargers to eliminate non-stormwater discharges to stormwater systems, develop and implement a SWPPP, and perform monitoring of discharges to stormwater systems. These requirements would ensure that construction of the project would not result in the movement of unwanted material into waters within or outside the construction site. The project would also be required to comply with City's Municipal Code Section 8-14.108, BMP Implementation, which requires the implementation of BMPs intended to protect the City's surface and groundwater water quality (City of San Juan Capistrano 2021a). Additionally, the City's Municipal Code Section 8.2-15, requires erosion control and water quality control systems for applicable projects. Compliance with existing requirements described above would reduce water quality impacts from construction to a less-than-significant level. Upon completion of construction, the project would introduce impervious surfaces to the site that would help to stabilize on-site soils. As a result, the project would not result in new or more severe conditions that would allow for soil erosion and any adverse downstream water quality effects to occur. Therefore, impacts would be **less than significant**.

2. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The project site is located in the San Juan Valley Groundwater Basin (Basin). The Basin underlies the San Juan Valley and several tributary valleys in southern Orange County. Recharge of the Basin is from flow in San Juan Creek, Oso Creek, and Arroyo Trabuco and precipitation to the valley floor (DWR 2004). While construction of project would introduce more impervious surface to the project site, the project site makes up a small portion of the parcel the project site is located on. Areas to the north and east of the site would remain pervious. Additionally, the project would include landscaped areas that would allow for water to percolate

into the soil. Furthermore, the project would not require groundwater during construction or operation activities. As such, impacts to groundwater supplies and recharge would be **less than significant**.

3. 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:

a) result in substantial erosion or siltation on or off site;

Less-than-Significant Impact. The project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming. Project construction would involve site preparation, some additional grading, and trenching, which may temporarily expose soils to increased erosion potential and loss of topsoil. The project would be required to comply with the applicable sections of Chapter 14, Water Quality Regulations, of the City's Municipal Code. Section 8-2.15 defines erosion control and water quality requirement systems that projects would implement to reduce erosion impacts (City of San Juan Capistrano 2021a).

Upon completion of construction, the project would introduce impervious surfaces to the site that would help to stabilize on-site soils. As a result, the project would not result in new or more severe conditions that would allow for soil erosion to occur. Therefore, impacts would be **less than significant**.

b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;

Less-than-Significant Impact. The project would introduce impervious area to the site. Although the project would result in some change to the existing drainage pattern of the site, the new proposed impervious surfaces would be minor and are of such a small size (i.e., less than 1 acre) that they would not substantially change or increase the rate or amount of surface runoff during storm events. Additionally, storm drains located along Camino Del Avion would collect any surface runoff that enters the street. Further, according to Flood Insurance Rate Map Panel 06037C1955F as produced by the Federal Emergency Management Agency (FEMA), the project site is located within FEMA-designated Flood Hazard Zone X, which is not within either the 100- or 500-year flood hazard area. Therefore, impacts would be **less than significant**.

c) 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

Less-than-Significant Impact. Refer to responses in question 3 (a) and (b) of this Hydrology and Water Quality discussion. With implementation of the project, the flow patterns of the site will largely remain the same. As such, impacts would be **less than significant**.

d) impede or redirect flood flows?

Less-than-Significant Impact. As stated above, the project site is located within FEMA-designated Flood Hazard Zone X, which is not within either the 100- or 500-year flood hazard area. Impacts would be **less than significant.**

4. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less-than-Significant Impact. The project site is located approximately 2.8 miles inland from the Pacific Ocean. Additionally, as previously discussed, the project site is located within FEMA-designated Flood Hazard Zone X, which is not within either the 100- or 500-year flood hazard area. Therefore, impacts would be less than significant. Therefore, impacts associated with tsunami, seiche, or flooding would be **less than significant**.

5. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less-than-Significant Impact. The project would not conflict with or obstruct applicable water quality plans. Additionally, as described in question 2 above, the project would not use or interfere with groundwater recharge or use. Therefore, impacts would **be less than significant**.

Mineral Resources

1. Would the project Would the project 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?

and

2. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Less-than-Significant Impact. According to the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, the nearest well to the project site is located approximately 750 feet west of the project site within the adjacent sports park; however, the well is dry and currently plugged (DOC 2021). Additionally, maps prepared by the California Department of Conservation show that the project site is located within an MRZ-3 (Mineral Resource Zone) area, which is an area containing inferred mineral occurrences of undetermined mineral resource significance (DOC 1981). Nonetheless, the project site is located in a predominately urbanized portion of the City and is bound by existing development to the south and west. Land to the north and east is currently used for agricultural use. Mineral resource mining is not a compatible use with existing surrounding land uses. Additionally, the project site is not large enough to extract mineral resources effectively. Considering the existing surrounding land uses and the incompatibility of mineral resource extraction activities in the project area, potential significant mineral resources within the project area are considered unavailable for extraction; therefore, impacts associated with mineral resources would **be less than significant**.

Population and Housing

1. 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)?

and

2. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. A significant impact would occur if the project would induce substantial population growth that would not have otherwise occurred as rapidly or in as great a magnitude, or if the project would displace substantial numbers of existing people or housing. The project would construct a skatepark presumed to be utilized by residents in the City. The project would not introduce residential uses nor businesses to the project area and would not directly or indirectly lead to unplanned population growth. Additionally, the project would not displace existing housing or require the construction of replacement housing. Therefore, **no impact** would occur.

Public Services

1. 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?

Less-than-Significant Impact. The project would develop a skatepark with a new playground and trail. The project would not propose any habitable structures or a use that would induce population growth (see Population and Housing, question 1, above). During construction of the project, temporary construction and staging areas would be located entirely within the project site. As such, construction of the project would not change local fire protection response times or affect demand for fire protection services in the project area. However, the project would result in a new recreational facility that might require additional fire protection. The City uses the Orange County Fire Authority (OCFA) for fire protection services within the City boundaries. One fire station, Station 7, is located within the City on Del Obispo Street. The station is located approximately 1.1 miles from the project site. In addition to Station 7, nine OCFA fire stations located outside of the City provide fire protection and emergency response to the City. OCFA has adopted the following service standards for the provision of fire protection within the City:

- First-in fire engine should arrive on-scene to both medical aids and fires within five (5) minutes 80 percent of time.
- First-in truck company should arrive on-scene to fires within 10 minutes 80 percent of the time.
- First-in paramedic companies should arrive on-scene at all medical aids within eight (8) minutes 90 percent of the time.

As such, the project would not change local fire protection response times or affect demand for fire protection services in the project area. Therefore, impacts associated with fire protection services would be **less than significant**.

Police protection?

Less-than-Significant Impact. The project would develop a new skatepark with an associated playground and trail. The project would not propose any habitable structures or a use that would induce population growth (see Population and Housing, question 1 above). During construction of the project, temporary construction and staging areas would be located entirely within the project site. As such, construction of the project would not change local police response times or affect demand for police protection services in the project area. However, the project would result in a new recreational facility that might require additional police protection. The City contracts with the Orange County Sheriff's Department to provide law enforcement service within the City. The City is served by San Juan Capistrano Police Services, located approximately 0.5 miles northeast of the project site. Additionally, the Associated Senior Action Program is a senior volunteer group that assists the Sheriff with policing activities within San Juan Capistrano. The City adopted the following service standards for the provision of sufficient law enforcement within the City (City of San Juan Capistrano 1999). Sheriff's deputies should:

- Arrive at the scene of an emergency within five (5) minutes, 50 percent of the time.
- Arrive at all emergencies within eight (8) minutes.
- Arrive at all non-emergencies within 15 minutes or less, 75 percent of the time.
- Arrive at all non-emergencies within 30 minutes.

As such, the project would not change local police protection response times or affect demand for police protection services in the project area. Therefore, impacts associated with police protection services would be **less than significant**.

Schools?

No Impact. The project would not involve a housing component that would result in population growth and increased demands on existing schools within the area. Therefore, **no impact** to schools would occur.

Parks?

Less-than-Significant Impact. The City offers a range of parks and recreational opportunities, while some of the surrounding cities do not offer the same level of service. As a result, the City has experienced an increase in the number of non-residents using City facilities. The existing and planned parks and recreational system consists of neighborhood parks, community parks, the planned Prima Deshecha County Regional Park, joint use parks, private Parks and recreational facilities, community services and facilities and an extensive trail system. To ensure sufficient parks and recreational opportunities, the City has established a parkland standard of 5 acres per 1,000 residents. Based on the parkland standard, there is an existing surplus of approximately 5 acres in the City (City of San Juan Capistrano 1999). The project would introduce a skatepark

intended to serve residents of the City. Project components include a new playground and recreational trail. Thus, the project would increase and improve recreational services available in the community. Environmental impacts that would occur as a result of the project are analyzed throughout this EIR. Therefore, impacts would be **less than significant**.

Other public facilities?

No Impact. The project would not involve a housing component or increase employment opportunities that would result in population growth within the City. Therefore, additional demands on other public facilities, such as library or health care services would not occur as a result of project implementation, and **no impact** would occur.

Recreation

1. 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?

No Impact. A significant impact would occur if the project increased the use of existing parkland and recreational facilities so as to accelerate or induce their physical deterioration. As discussed in Public Services discussion above, the City offers a range of parks and recreational opportunities, while some of the surrounding cities do not offer the same level of service. As a result, the City has experienced an increase in the number of non-residents using City facilities. The existing and planned parks and recreational system consists of neighborhood parks, community parks, the planned Prima Deshecha County Regional Park, joint use parks, private Parks and recreational facilities, community services and facilities and an extensive trail system. To ensure sufficient parks and recreational opportunities, the City has established a parkland standard of 5 acres per 1,000 residents. Based on the parkland standard, there is an existing surplus of approximately 5 acres in the City (City of San Juan Capistrano 1999). The project would introduce a skatepark intended to serve residents of the City. The project would also include a new playground and recreational trail. Thus, the project would increase and improve recreational services available in the community. Therefore, **no impacts** regarding the increased use of existing neighborhood and regional parks would occur.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less-than-Significant Impact. The project would also include a new playground and recreational trail. The project would be located on a parcel currently leased by the Ecology Center, which currently supports crop farming. The project would not consist of the expansion of an existing recreational facility; thus, no existing recreational facility would be temporarily modified or closed. All other environmental impacts that would occur as a result of the project are analyzed throughout this EIR. Therefore, impacts would be **less than significant**.

Utilities and Service Systems

1. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less-than-Significant Impact.

Water

Public water and sewer utilities within the city were transferred from the City to the Santa Margarita Water District (SMWD) in November 2021. The SMWD triannual 2020 Urban Water Management Plan (UWMP) was published in June 2021 before the transfer of utilities was complete, although the demand and supply of water for the City of San Juan Capistrano customers was addressed in the SMWD UWMP. The water demand and supply requirements in the SMWD UWMP were also incorporated into UWMP of the regional import water supplier, Municipal Water District of Orange County (MWDOC). This analysis relies on the SMWD UWMP, which provides assessment and long-range planning for its service area, including the City of San Juan Capistrano. According to the SMWD 2020 UWMP, the District's service area depends on imported water and recycled water to meet its water needs. The SMWD works with two water import agencies to ensure a safe and reliable water supply that will, together with groundwater resources, continue to serve the community in periods of drought and shortage. These agencies are the Metropolitan Water District of Southern California (Metropolitan) which treats and distributes import water throughout its southern California region, and the Municipal Water District of Orange County (MWDOC) which allocates and distributes import water to its member agencies within the County. The sources of imported water supplies are the Colorado River and the State Water Project provided by Metropolitan.

Every urban water supplier is required to assess the reliability of their water service to its customers under normal, dry, and multiple dry water years. SMWD's UWMP projected the water supply would be sufficient to meet water demand in normal years for both potable and non-potable water supply through 2045. The UWMP also states SMWD would be 100 percent reliable to meet single dry year demands through 2045 for both potable and non-potable water. Multiple dry years are defined as five consecutive year drought periods. SMWD is projected to meet all customers' demands with significant reserves held by Metropolitan, the development of local drought-resistant supplies (e.g., potable reuse and the San Juan Basin), and local recycled water supplies (and storage) in multiple dry years from 2025 through 2045.Table 6.2-8 provides SMWD's projected water demand and supplies for the single- and multiple-year dry year scenario.

Table 6-8. Multiple Dry Years Supply and Demand Comparison – Potable (Acre-Feet per Year)

Dry Year Scenario	Supply and Demand	2025	2030	2035	2040	2045
First Year	Supply totals	34,160	41,760	45,060	45,060	45,060
	Demand totals	23,786	24,152	24,949	24,357	24,177
	Difference	10,374	17,608	20,111	20,703	20,883
Second Year	Supply totals	33,320	38,420	41,720	41,720	41,720
	Demand totals	25,118	25,504	26,346	25,721	25,531
	Difference	8,202	12,916	15,374	15,999	16,189
Third Year	Supply totals	32,480	36,580	39,880	39,880	39,880
	Demand totals	25,922	26,320	27,190	26,545	26,348
	Difference	6,558	10,260	12,690	13,335	13,532
Fourth Year	Supply totals	31,340	34,440	37,740	37,740	37,740
	Demand totals	24,646	25,004	25,830	25,217	25,030
	Difference	6,714	9,436	11,910	12,523	12,710
Fifth Year	Supply totals	30,200	33,200	34,900	34,900	34,900
	Demand totals	23,395	23,754	24,539	23,956	23,779

Table 6-8. Multiple Dry Years Supply and Demand Comparison – Potable (Acre-Feet per Year)

Dry Year Scenario	Supply and Demand	2025	2030	2035	2040	2045
	Difference	6,805	9,449	10,361	10,944	11,121

Source: SMWD 2021

Because SMWD water demands can be met under multiple dry years, and because supply would meet projected demand due to diversified supply and conservation measures, the project's water demands would be served by SMWD's projected current and future supplies, especially since the project would use a relatively nominal percentage of the projected supplies available to the City moving forward. Therefore, impacts associated with water facilities and supplies would be **less than significant.**

Wastewater

Wastewater services would be provided by SMWD. Wastewater generated from the project would be processed at the South Orange County Wastewater Authority's J.B. Latham Treatment Plant (Treatment Plant) located in Dana Point (City of San Juan Capistrano 2021b). The Treatment Plant has a total capacity of 13 million gallons per day (GPD). Average capacity used is approximately 6 million GPD (SOCWA 2021).

The project would introduce a restroom facility to the site and would connect to existing wastewater pipelines that service the surrounding area; thus, the project would increase wastewater generated at the site. However, the project would introduce only a nominal increase in the amount of wastewater treated daily by the wastewater Treatment Plant. Furthermore, the project would not include relocation or construction of new or expanded wastewater treatment facilities. Therefore, given the available capacity of the Treatment Plant, the nominal amount of wastewater generated by the project, and no new or expanded wastewater infrastructure proposed, impacts associated with wastewater treatment facilities would be **less than significant**.

Stormwater

The project would introduce both pervious and impervious area to the site. Although the project would result in some change to the existing drainage pattern of the site, the new proposed impervious surfaces would be minor and are of such a small size (i.e., less than 1 acre) that they would not substantially change or increase the rate or amount of surface runoff during storm events. Additionally, storm drains located along Camino Del Avion would collect any surface runoff that enters the street. Therefore, impacts would be **less than significant**.

Electric Power, Natural Gas, or Telecommunications Facilities

The project would not require the use of natural gas or telecommunications facilities. Demand for electric power would be primarily associated with operation lighting and maintenance equipment. Potential energy use during operation is discussed in detailed in the Energy discussion above. Infrastructure to support future lighting would be installed as part of initial construction to allow for lighting fixtures to be installed in a potential future phase. Any improvements required to existing electrical utilities will happen within the project site and will occur as part of the project analyzed herein. Therefore, impacts would be **less than significant**.

2. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less-than-Significant Impact. Refer to Utilities and Service Systems, question 1. Impacts would be **less than significant.**

3. Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. Refer to Utilities and Service Systems, question 1 above. The project would not generate substantial wastewater demand such that SOCWA and its existing capacities or commitments would be exceeded. Impacts would be **less than significant.**

4. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less-than-Significant Impact. The project would generate solid water during both construction and operation. Construction would temporarily generate solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. Once construction is complete, construction generated solid waste would cease to be produced. Trash receptacles would be placed throughout the site to collect potential waste generated by skatepark users. However, it is anticipated that waste generated during operation of the project would be minimal.

According to the Land Use Element chapter of the General Plan, SOLAG, a private solid waste hauler collects and disposes of the City's solid waste (City of San Juan Capistrano 1999). The City's solid waste is disposed of at the County of Orange Integrated Waste Management Department's Prima Deshecha Landfill, located approximately 3 miles east of the site. The landfill is currently active and has a maximum permitted daily refuse is 4,000 tons per day (County of Orange 2018). It is anticipated that the project would generate nominal amounts of waste during operation and would not contribute a significant amount of waste that would exceed the maximum permitted daily capacity. Therefore, the project would be served by landfills with sufficient capacity. Impacts would be **less than significant**.

5. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-Than-Significant Impact. Solid waste generated by the project would be disposed of at designated landfill facilities under federal, state, and local regulation. Additionally, the City is required to comply with relevant solid waste reduction and diversion requirements, including AB 939, AB 341, and AB 1327. Collectively, these regulations set statewide waste diversion goals and established solid waste and recycling governing standards for local agencies. In addition, waste diversion and reduction during project construction and operations would be completed in accordance with City diversion requirements. As a result, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

Wildfire

1. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. As shown in Figure 2-1, Very High Fire Hazard Areas, In the Safety Element of the General Plan, the project site is not located within a Very High Fire Hazard Severity Zone or a Wildland Fire Area

that may contain substantial fire risk (City of San Juan Capistrano 2022a). The nearest Wildland Fire Area that may contain substantial fire risk is located approximately 0.5 miles east of the site. Additionally, the nearest Very High Fire Hazard Severity Zone is located approximately 1.3 miles southeast of the project site.

As discussed under the Hazards and Hazardous Materials discussion above, the EPP identifies evacuation routes, emergency facilities, and City personnel and equipment available to effectively deal with emergency situations. The nearest evacuation route to the project site is Del Obispo Street located approximately 0.4 miles west of the site. In the event of an emergency, emergency personnel would be able to access the project site via Camino Del Avion. The project site is also provided regional access via I-5. Due to this local and regional connectivity, in the unlikely event of an emergency, the project-adjacent roadway facilities would be expected to serve as emergency evacuation routes for first responders and residents. The project would not adversely affect operations on the local or regional circulation system, and as such, would not impact the use of these facilities as emergency response routes. Therefore, impacts associated with an emergency response plan or emergency evacuation plan would be **less than significant**.

2. Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less-than-Significant Impact. Construction of the project would comply with Section 8-10.01 of the City's Municipal Code, which adopts the 2019 California Fire Code (CFC). Chapter 33 of the CFC outlines general fire safety precautions during construction and demolition that are intended to maintain minimum levels of fire protection and limit the spread of fire (California Fire Code 2019). The project would not include structures intended for long-term occupancy and operation of the project would involve active maintenance of landscaping and vegetation, which would prevent dry or fire-prone overgrowth of vegetation. Therefore, the project would not exacerbate wildfire risks such that project users would be exposed to pollutants concentrations. Impacts would be **less than significant**.

3. 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?

Less-than-Significant Impact. Construction would comply with CFC requirements to manage and minimize fire risk during construction. The project would not result in installation or maintenance of associated infrastructure that may exacerbate fire risk. Impacts would be **less than significant.**

4. 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?

Less-than-Significant Impact. For reasons described previously in the above Hazards and Hazardous Materials discussion (question 6), and the above Wildfire questions 1, 2, and 3, the project would not pose a substantial risk for wildfire. The project would introduce pervious and impervious areas to the site. Although the project would result in some change to the existing drainage pattern of the site, the new proposed impervious surfaces would be minor and are of such a small size (i.e., less than 1 acre) that they would not substantially change or increase the rate or amount of surface runoff during storm events. Additionally, storm drains located along Camino Del Avion would collect any surface runoff that enters the street. Further, according to Flood Insurance Rate Map Panel 06037C1955F as produced by FEMA, the project site is located within FEMA-designated Flood Hazard Zone X, which is not within either the 100- or 500-year flood hazard area. Further, the project site is characterized by

relatively flat or gently sloping terrain. The project would contain no habitable structures or other structural development intended for human occupancy that would be located within or adjacent to identified landslide zones. Therefore, the project would not expose people or structures to significant risks from post-fire slop instability or drainage changes. Impacts would be **less than significant**.

6.3 Significant and Unavoidable Impacts

Pursuant to CEQA Guidelines Section 15126.2(b), an EIR must address any significant environmental impacts, including those that can be mitigated but not reduced to less than significant as a result of implementation of a project. As discussed in Section 4.1, Agricultural Resources, and Chapter 5, Cumulative Impacts, of this EIR, at the project and cumulative levels, the Project would result in significant and unavoidable impacts related to conversion of agricultural resources. As described in Section 4.1 of this EIR, implementation of MM-AG-1 would be included as part of project implementation to reduce the impact; however, it would not reduce the impact to a less-than-significant level. As such, the impact to agricultural resources is considered significant and unavoidable. As described in Chapter 5 of this EIR, the project's incremental contribution to conversion of farmland within the project vicinity and surrounding region would be considered cumulatively considerable after implementation of MM-AG-1; therefore, the project's incremental contribution to conversion of farmland is considered a significant and unavoidable cumulative impact. For all other environmental issue areas, the Project would result in less-than-significant impacts with mitigation incorporated, less-than-significant impacts, or no impact.

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7 Alternatives

7.1 California Environmental Quality Act Requirements

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, an environmental impact report (EIR) is required to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" (14 CCR 15126.6(a)). This alternatives analysis is prepared in support of CEQA's goals to foster informed decision making and public participation (14 CCR 15126.6(a)). An EIR is not required to evaluate the environmental impacts of alternatives at the same level of detail as the proposed project, but it must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project.

Section 15126.6(a) of the State CEQA Guidelines requires the following:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The alternatives analysis is required even if the alternatives "would impede to some degree the attainment of the project objectives or would be more costly" (14 CCR 15126.6(b)). An EIR must evaluate "only those alternatives necessary to permit a reasoned choice" (14 CCR 15126.6(f)) and does not need to consider "every conceivable alternative" to a project (14 CCR 15126.6(a)). The alternatives evaluated should be "potentially feasible" (14 CCR 15126.6(a)), but inclusion of an alternative in an EIR does not constitute definitive evidence that the alternative is in fact "feasible." The final decision regarding the feasibility of alternatives lies with the decision makers for a given project who must make the necessary findings addressing the feasibility of alternatives for avoiding or substantially reducing a project's significant environmental effects (California Public Resources Code, Section 21081; see also 14 CCR 15091). Section 15364 of the Guidelines defines "feasibility" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

As discussed in Chapter 4, Environmental Analysis, and Chapter 5, Cumulative Effects, of this Draft EIR, the San Juan Capistrano Skatepark Project (project or proposed project) would result in a significant and unavoidable and a significant and unavoidable cumulative impact related to conversion of agricultural land to non-agricultural uses.

The Alternatives analysis also considers those significant impacts of the project that could be reduced to less-than-significant levels with mitigation, including impacts to wildlife and plant species and their habitats, impacts to cultural resources and tribal cultural resources, and increase in temporary construction-related ambient noise

levels. These topics were considered in the development of viable Project Alternatives that could lessen environmental effects of the project. To a lesser extent, the Alternatives analysis also considers those impacts of the proposed project discussed in Chapter 4 in which mitigation is not necessary.

7.2 Considerations For Selection of Alternatives

Project Objectives

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of the project objectives that "include the underlying purpose of the project and may discuss the project benefits." The following objectives have been identified for the Project:

1. Fulfill a long-standing need for a skatepark facility in the community to address the express interest of residents and stakeholders as reflected in the City's 2007 recreational needs assessment.
2. Create a destination skatepark facility for City and surrounding residents to encourage safe skating in a designated area rather than on public and private property where skating may be prohibited.
3. Develop a skatepark facility in a location that is easily accessible, highly visible, and provides a safe environment for park users.
4. Develop a skatepark facility that is contiguous to other recreational facilities in order to maximize cohesive recreational land use patterns that encourage community engagement, functionality, and convenience.
5. Optimize the development and use of City-owned property with an emphasis on meeting community needs.
6. Develop a skatepark facility that includes a restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate.

Summary of Project Impacts

Potentially feasible alternatives were developed with consideration of avoiding or lessening the significant adverse effects of the project identified throughout this EIR. The following is a summary of significant impacts associated with the proposed project.

Agricultural Resources

Implementation of the project would result in the conversion of Prime Farmland to a non-agricultural use **(Significant and Unavoidable Impact).**

The project's incremental contribution to conversion of farmland within the project vicinity and surrounding region would be cumulatively considerable **(Significant and Unavoidable Cumulative Impact).**

Biological Resources

Construction activities have the potential to result in direct and/or indirect impacts to nesting birds and nesting habitat onsite. With the implementation of mitigation, however, this potential impact would be reduced to a level of less than significant. **(Less Than Significant with Mitigation Incorporated).**

Cultural Resources

The current project site is less than 500 meters west of the San Juan Creek and has remained in use for agricultural purposes since the early twentieth century to present. Given this information and geoarchaeological suitability for supporting the presence of buried archaeological resources, there is a moderate potential for the discovery of unanticipated cultural resources during initial ground disturbance within native soil, beneath the extant root system of the orchard **(Less Than Significant with Mitigation Incorporated).**

No known current or historic cemeteries or burial sites interred outside of a formal cemetery have been identified on the project site or adjacent area (within 0.5-mile radius). However, it is possible ground-disturbing activities may encounter and disturb previously unknown or unrecorded human remains, including those interred outside of a dedicated cemetery (**Less Than Significant with Mitigation Incorporated**).

With the implementation of mitigation, however, these potential impacts would be reduced to a level of less than significant.

Noise

Despite the proposed project's expected compliance with Federal Transit Administration (FTA) guidance, noise emission from onsite project construction equipment would likely cause the outdoor ambient sound environment at nearby offsite noise-sensitive receptors to increase by as much as 14 dB with respect to the daytime Leq value range of 60-65 dBA. Although such increase would be temporary and conclude when project construction is completed, it would be perceived under most conditions and sound twice as loud as pre-project outdoor conditions when the increase is at least 10 dB in magnitude. With the implementation of mitigation, however, this potential impact would be reduced to a level of less than significant. (**Less Than Significant with Mitigation Incorporated**).

Paleontological Resources

Recent young alluvial flood-plain deposits that are generally too young to contain significant paleontological resources on or very near the surface immediately underlie the project site. However, at depths greater than five feet below the original surface, there is a greater likelihood of encountering sediments that are old enough to contain significant paleontological resources. As such, the likelihood of impacting paleontological resources within the project site is considered low above a depth of five feet below the original ground surface, increasing with depth. With the implementation of mitigation, however, this potential impact would be reduced to a level of less than significant. (**Less Than Significant with Mitigation Incorporated**).

Tribal Cultural Resources

Despite thorough cultural assessments intended to identify or determine the potential for cultural resources to exist within a Project site, the potential to encounter yet unknown and unrecorded buried tribal cultural resources cannot be ruled out when ground disturbances occur within native soils. With the implementation of mitigation, however, this potential impact would be reduced to a level of less than significant. **(Less Than Significant with Mitigation Incorporated).**

7.3 Alternatives Dismissed From Detailed Evaluation

An EIR is required to identify any alternatives that were considered by the lead agency but were rejected as infeasible. Among the factors described under Section 15126.6(c) of the Guidelines in determining whether to

exclude alternatives from detailed consideration in an EIR are failure to meet most of the basic objectives of the project, infeasibility, or inability to avoid significant environmental impacts.

With respect to the feasibility of potential alternatives, Section 15126.6(f)(1) states the following:

> Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries … and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

Alternatives were developed by identifying other locations in the City where a skatepark facility could feasibly be developed. The parameters for identifying potential alternative sites included property that was owned or leased by the City, was vacant or underused, and was large enough to accommodate a state-of-the art skatepark facility. No other City properties were identified that meet all of these criteria. Thus, three Alternatives have been selected, including the No Project Alternative. In determining an appropriate range of project alternatives to be evaluated in this EIR, one possible alternative was initially considered and then rejected. This project alternative was rejected because it could not accomplish the objectives of the project, would not have resulted in a reduction of significant adverse environmental impacts, and was considered infeasible to construct or operate.

Descanso Park Alternative

The City considered a project alternative that would redevelop the existing Descanso Park into a skatepark facility. Descanso Park is located just south of the San Juan Capistrano Police station and other City Department buildings, on a peninsula of land in between two forks of the channelized Trabuco Creek. The existing park facility includes a playground, a picnic area, an open field, and a restroom building. This alternative would include redeveloping the entire Descanso Park, or just the open field portion, into a skatepark facility offering similar amenities to the proposed project.

The Descanso Park property is owned by the County of Orange and leased by the City. Per the lease agreement, the County of Orange must approve any improvements proposed for the site, and if approved for construction, any improvements become the property of the County. The current lease agreement also allows the County to terminate the agreement with 60-day notice to the City. Prior to considering Descanso Park as a potential skatepark location, the City would need approval from the County that redevelopment of the site into a skatepark would be allowed and would need to negotiate significant amendments to the existing lease agreement to ensure the substantial financial investment of a skatepark property would remain in perpetuity on the site. Due to these ownership conditions, this alternative was not considered feasible or practical by the City.

In addition, the site sits at the dead end of Paseo Adelanto on a peninsula of land in between two forks of the channelized Trabuco Creek. The site is accessible to pedestrians and bicyclists from San Juan Creek Trail and Trabuco Creek Trail, which wraps around the park. Visitors using public transport would also need to access the skatepark from these adjacent trails because the site is not otherwise accessible from any major streets and/ or sidewalks due to the adjacent concrete channels. Given the single point of entry/exit and the site's unique location, the City also identified concerns related to vehicular parking options for the site. The site currently provides few onsite vehicular parking spaces and parking onsite could only be minimally increased due to the triangular shape of the site and the single point of entry/exit available to the site. In addition, offsite vehicular parking options along Paseo Adelanto are extremely limited as parking is reserved for adjacent City department building employees and

visitors. Therefore, the City determined the lack of vehicular parking options on or near the site greatly impact the feasibility of this site as a skatepark location.

In addition to the ownership conditions and lack of parking options described above, this alternative would not meet Project Objectives 3, 4 or 5 (see Section 7.1 above). Regarding Objective 3, this alternative location would not be highly visible due to its location or easily accessible because it's not located on or adjacent to a major road and is not located near offsite and/or on street public parking options. Regarding Objective 4, the location is isolated from any major roads and provides very limited parking options on or near the site; therefore, the site location would not encourage functionality and convenience for visitors. Regarding Objective 5, this alternative would not be located on City-owned property. In addition, it would involve removing existing recreational facilities that are used by the community. Thus, this alternative site was considered by the City but rejected because it would not be a feasible alternative for the reasons described above.

7.4 Evaluation of Alternatives

This section provides an evaluation of the environmental effects of each alternative relative to the environmental effects of the proposed project. The following alternatives to the project are evaluated in detail, as described below:

- **Alternative 1:** No Project
- **Alternative 2:** Develop the Skatepark with a 500-Foot Setback from Camino Del Avion
- **Alternative 3:** Develop the Skatepark at San Juan Capistrano Community Gardens

These alternatives are summarized below and compared with the proposed project. In many cases, the project and a Project Alternative may share the same level of significance (i.e., both scenarios would result in a potentially significant impact). However, although they might share the same level of significance under CEQA, the actual degree of impact may be different for each scenario, and this difference is the basis for a conclusion of greater or lesser impacts as compared to the project.

An environmentally superior alternative is identified among the alternatives evaluated in this Draft EIR. An alternative would be environmentally superior to the project if it would result in fewer or less significant environmental impacts while achieving most of the project objectives. The environmentally superior alternative is provided at the end of this chapter.

7.4.1 Alternative 1: No Project

CEQA Guidelines, Section 15126.6(e), requires every EIR to include a "No Project Alternative" which is intended to allow decision-makers to compare the impacts of approving the proposed Project with the impacts of not approving the Project. In cases where the project constitutes a land development project, the No Project Alternative is the "circumstance under which the project does not proceed." However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment" (State CEQA Guidelines Section 15126[e][3][B]).

Comparative Analysis of Environmental Effects

Alternative 1 would result in no change to the existing conditions on the project site. Under Alternative 1, there would be no construction, ground disturbance, or operation of a skatepark recreational facility. Thus, there would be no significant and unavoidable or significant and unavoidable cumulative impacts to agricultural resources and no potentially significant impacts to biological, cultural, noise, paleontological, or tribal cultural resources.

Alternative 1 would not impact the existing agricultural resources present on the project site and existing agricultural operations within the project site boundaries would continue. Thus, Alternative 1 would not result in the removal of Prime Farmland or any other Farmland of Statewide Importance from farming uses. As such, significant and unavoidable impacts (project and cumulative) with mitigation incorporated that would occur as a result of agricultural land conversion under the project would not occur under Alternative 1.

Similarly, Alternative 1 would not result in any ground disturbance that would potentially affect biological, cultural, tribal cultural, or paleontological resources present, or potentially present, on the project site. As such, the less than significant impacts with mitigation incorporated that would occur related to these resources under the development of the proposed project would not occur under Alternative 1.

Short-term construction activities related to the proposed project could result in potential significant impacts to ambient noise levels in the project vicinity that would be reduced with the implementation of mitigation to a less than significant level. Under Alternative 1, there would be no construction; therefore, there would be no noise-related impacts.

Implementation of Alternative 1 would not protect the project site or prevent future project applications or development from occurring on the project site. In the future, development could occur on the project site allowed under the current Kinoshita Specific Pan and land use and zoning designations, or with a Minor Use Permit or Major Use Permit. Future development could result in potential impacts related to ground disturbance, construction, or intensification of uses.

Relationship to Proposed Project Objectives

Alternative 1 (No Project) would not meet any of the project objectives because it would not develop a skatepark, it would not enhance the recreational land use development of the City, and it would not meet long-stated community needs of a skatepark facility.

7.4.2 Alternative 2: Develop Skatepark with a 500-Foot Setback from Camino Del Avion

Alternative 2 would result in the same scale, site plan layout, and design of the proposed skatepark facility and trail as the proposed project; however, the project footprint would be set back 500 feet north of Camino del Avion Road (see Figure 7-1). The entrance to the skatepark would be accessible from Camino del Avion Road or Via Positiva Road via the proposed trail located west of the project site. Operation of Alternative 2 would occur consistent with operation of the proposed project and the same project approvals would be required for Alternative 2 as for the proposed project.

Agricultural Resources

Like the project, Alternative 2 would result in a significant impact with the conversion of 1.75 acres of Prime Farmland to a non-agricultural use. Mitigation measure (MM) **MM-AG-1** could be implemented under Alternative 2; however, the impact would remain significant and unavoidable at a project level and cumulatively significant and unavoidable. Relative to the project, agricultural impacts would be of **similar** magnitude under Alternative 2 because it would result in the same extent of site development on Prime Farmland and thus the same significant and unavoidable impact.

Biological Resources

Alternative 2 would result in ground-disturbance and development of the project site that could result in potentially significant direct and indirect impacts to nesting birds. Like the project, **MM-BIO-1** could be implemented under Alternative 2 to reduce the impact to less than significant. Relative to the project, impacts would be of **similar** magnitude under Alternative 2 because of the location and same extent of site development.

Cultural Resources

Like the project, Alternative 2 would result in ground disturbing activities that could result in a potentially significant impact related to discovery of buried archaeological resources or previously unknown or unrecorded human remains, including those interred outside of a dedicated cemetery. However, **MM-CUL-1** through **MM-CUL-3** could be implemented under Alternative 2 to reduce the potential impacts to less than significant. Relative to the project, potential impacts to archaeological resources or undiscovered human remains would be of **similar** magnitude under Alternative 2 because of the location and same extent of site development.

Noise

As discussed in Section 4.6, Noise, project construction generated noise would be in compliance with FTA guidance; however, noise emission from onsite project construction equipment would likely cause the outdoor ambient sound environment at these nearby offsite noise-sensitive receptors to increase by as much as 14 dB with respect to the daytime Leq value range of 60-65 dBA. Although such increase would be temporary and conclude when project construction is completed, it would be clearly perceived under most conditions and sound twice as loud as pre-project outdoor conditions when the increase is at least 10 dB in magnitude. To minimize this construction-attributed change to the daytime sound environment, **MM-NOI-1** would be implemented to reduce the impact to a less-than-significant level. Under Alternative 2, the nearest residential noise sensitive receptor (NSR) to the site would be located over 500 feet from the Alternative 2 site, compared to the project which would be located approximately 90 feet from the nearest residential NSRs. As such, Alternative 2 would be at least 410 feet farther from the nearest residential NSRs and would therefore result in a less than significant impact to the outdoor ambient sound environment near NSRs during construction. Relative to the project, potential construction noise-related impacts under Alternative 2 would be of **lesser** magnitude for residential sensitive noise receptors because of the increased distance from residential uses.

Paleontological Resources

Like the project, ground disturbing activities under Alternative 2 could result in a potentially significant impact to paleontological resources. However, **MM-GEO-1** through **MM-GEO-4** could be implemented under Alternative 2 to reduce

the potential impact to less than significant. Relative to the project, potential impacts to paleontological resources would be of **similar** magnitude under Alternative 2 because of the location and same extent of site development.

Tribal Cultural Resources

Like the project, Alternative 2 would result in ground disturbing activities that could result in a potentially significant impact to tribal cultural resources. However, **MM-CUL-1** through **MM-CUL-3** could be implemented under Alternative 2 to reduce the potential impacts to less than significant. Relative to the project, potential impacts to tribal resources would be of **similar** magnitude under Alternative 2 because of the location and same extent of site development.

Relationship to the Project Objectives

Alternative 2 would meet Objectives 1, 2, 5, and 6 entirely, as it would provide the community-requested skatepark facility and associated amenities within a City-owned property and would encourage skateboarding within a designated area. Alternative 2 would not entirely meet Objectives 3 and 4 because the location of Alternative 2 is at least 500 feet from a public roadway and associated sidewalks, making the facility less visible. Located away from public streets and associated sidewalks, the public would not be able to view site activity from public streets and sidewalks and patrol vehicles would not be able to monitor activity unless they access the proposed trail. The site's increased distance from public roads, associated sidewalks, and parking options would also reduce ease in accessibility, functionality, and convenience of the facility for the public in comparison to the proposed project. As such, Alternative 2 would meet most of the project objectives, but would fall short of meeting Objectives 3 and 4 in its entirety.

7.4.3 Alternative 3: Develop Skatepark at San Juan Capistrano Community Gardens

Alternative 3 would consist of development of the same size skatepark facility, operations, and trail alignment as the proposed project. However, the site design and layout of the skatepark facility would be altered and the proposed playground, including the restroom building, would no longer be proposed due to spacing concerns to accommodate the different shape and smaller size of the Alternative 3 site. Implementation of Alternative 3 would include demolition of the existing community garden and associated parking area to allow for development of the skatepark facility. The community garden site is designated as Community Park and is designated as Urban and Built-Up Land under the Farmland and Mapping and Monitoring Program (FMMP) [see Figure 4.1-1]. Although the site would be located off Via Positiva, it is anticipated vehicles would access the site from Camino Del Avion because Via Positiva does not provide onstreet parking, does not have adequate road width for cars to pull over to drop visitors off, and is located farther from available parking options (i.e., Community center lot and onstreet parking along Camino Del Avion).

Agricultural Resources

Compared to the project, Alternative 3 would result in conversion of 0.78-acre of Prime Farmland to non-agricultural uses for development of a trail instead of 1.75 acres of Prime Farmland that would be converted under the proposed project. This alternative would result in removal of an existing community garden that has served as a public gardening center and agricultural-related recreational use that does not exist elsewhere in the City. However, Alternative 3 would impact less designated agricultural land because the skatepark facility would not be located within Prime Farmland. Nevertheless, Alternative 3 would still irreversibly convert Prime Farmland to non-agricultural uses, which would result in a significant impact. **MM-AG-1** could be implemented under Alternative 3;

similar to the project, this measure would not reduce the impact to a less than significant level and the impact would remain significant and unavoidable. Relative to the project, agricultural impacts under Alternative 3 would be of a **lesser** magnitude because only the 0.78-acre trail would result in removal of Prime Farmland.

Biological Resources

Alternative 3 would result in ground-disturbance and development that could result in potentially significant direct and indirect impacts to nesting birds. Because the Alternative 3 site includes an existing concrete parking lot and is smaller than the proposed project, the extent of impacts to biological resources would be smaller. **MM-BIO-1** could be implemented under Alternative 3 to reduce biological impacts to less than significant. Relative to the project, impacts would be of a **lesser** magnitude under Alternative 3 because of the partially developed location and smaller extent of site development.

Cultural Resources

Like the project, Alternative 3 would result in ground disturbing activities that could result in a potentially significant impact related to discovery of buried archaeological resources or previously unknown or unrecorded human remains, including those interred outside of a dedicated cemetery. However, these activities would occur within a smaller footprint. **MM-CUL-1** through**MM-CUL-3** could be implemented under Alternative 3 to reduce the potential impacts to less than significant. Relative to the project, potential impacts to archaeological resources and undiscovered human remains would be of a **lesser** magnitude under Alternative 3 because of the smaller development footprint.

Noise

As discussed in Section 4.6, Noise, project construction generated noise would be in compliance with FTA guidance; however, noise emission from onsite project construction equipment would likely cause the outdoor ambient sound environment at nearby offsite noise-sensitive receptors to increase by as much as 14 dB with respect to the daytime Leq value range of 60-65 dBA. Although such increase would be temporary and conclude when project construction is completed, it would be clearly perceived under most conditions and sound twice as loud as pre-project outdoor conditions when the increase is at least 10 dB in magnitude. To minimize this construction-attributed change to the daytime sound environment, MM-NOI-1 would be implemented to reduce the impact to a less-than-significant level. Under Alternative 2, construction equipment and activities would be similar but construction of the project would be shorter compared to the project because the site is smaller and a playground and restroom building would not be constructed. However, the nearest residential NSR to the Alternative 3 site would be residences north of Via Positiva Road and approximately 70 feet from the site, 20 feet closer than the nearest residential NSR for the proposed project. The Alternative 3 site is also located approximately 150 feet from Kinoshita Elementary School, another NSR. Relative to the project, construction-related noise impacts from Alternative 3 would be **greater** because the nearest residential NSRs and a school located along Via Positiva would be a closer distance.

Paleontological Resources

Ground disturbing activities under Alternative 3 would occur consistent with those for the proposed project but within a smaller development footprint. Ground disturbance could result in a potential impact to paleontological resources; however, **MM-GEO-1** through **MM-GEO-4** could be implemented under Alternative 3 to reduce the potential impact to less than significant. Relative to the project, potential impacts to paleontological resources would be of a **lesser** magnitude under Alternative 3 because of the smaller development footprint.

Tribal Cultural Resources

Like the project, Alternative 3 would result in ground disturbing activities that could result in a potentially significant impact to tribal cultural resources. However, these activities would occur within a smaller footprint. **MM-CUL-1** through **MM-CUL-3** could be implemented under Alternative 3 to reduce the potential impact to less than significant. Relative to the project, potential impacts to tribal cultural resources would be of a **lesser** magnitude under Alternative 3 because of the smaller development footprint.

Relationship to the Project Objectives

Alternative 3 would meet Objectives 1 and 2 entirely, as it would provide the community-requested skatepark facility and encourage skateboarding within a designated area. Alternative 3 would not entirely meet Objective 3, because although the site would be highly visible from Via Positiva, accessibility of the site would be reduced for visitors with vehicles due to no onstreet parking or road width to accommodate space for visitor drop offs on Via Positiva Way. Alternative 3 would not entirely meet Objective 4, because although it would develop a skatepark contiguous with other recreational facilities, the functionality and convenience of the site would be reduced without an onsite restroom and playground for visitors. Further, functionality and convenience would be reduced for visitors with vehicles as they would not be able to park along Via Positiva or have adequate space to drop off visitors due to the road width. Alternative 3 would partially meet Objective 5 because the site is owned by the City; however, development of this property would remove the existing public community gardens, which is also a public facility that is currently serving community needs. Alternative 3 would not meet Objective 6 because the site would not include a restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate. As such, Alternative 3 would meet most of the project objectives but not in their entirety.

Table 7-1. Comparison of the Environmental Impacts of Alternatives

Environmental Topic	Project	Alternative 1	Alternative 2	Alternative 3
Agricultural Resources	Significant and Unavoidable (Project and Cumulative)	Less	Similar	Less
Biological Resources	Less Than Significant with Mitigation	Less	Similar	Less
Cultural Resources	Less Than Significant with Mitigation	Less	Similar	Less
Paleontological Resources	Less Than Significant with Mitigation	Less	Similar	Less
Noise	Less Than Significant with Mitigation	Less	Less	Greater
Tribal Cultural Resources	Less Than Significant with Mitigation	Less	Similar	Less

7.5 Environmentally Superior Alternative

Section 15126.6 of the California Code of Regulations (CCR) suggests that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Alternative 1 (No Project Alternative) is the environmentally superior alternative, because all of the significant impacts of the project would be avoided. However, Alternative 1 would not meet any of the project's objectives.

Compared to the project, Alternative 2 would result in similar impacts to agricultural resources, biological resources, cultural resources, paleontological resources, and tribal resources. However, this alternative would reduce construction-related noise impacts due to the site distance from residential sensitive receptors. Therefore, Alternative 2 would be environmentally superior to the project. This alternative would also meet most of the project's objectives but would not entirely meet Objectives 3 and 4 because the location of Alternative 2 is at least 500 feet from a public roadway and associated sidewalks. The increased distance would make the Alternative 2 site less visible from public streets, more difficult for patrol vehicles to monitor activity at the skatepark, and would reduce ease in accessibility, functionality, and convenience of the facility for the public in comparison to the proposed project.

Compared to the project and Alternative 2, Alternative 3 (Develop Skatepark at San Juan Capistrano Community Gardens) would result in greater short-term construction noise impacts for nearby residential noise sensitive receptors. And similar to the project and Alternative 2, Alternative 3 would not avoid the significant and unavoidable impacts to agricultural resources (project and cumulative). However, Alternative 3 would result in reduced environmental impacts to agricultural resources, biological resources, cultural resources, paleontological resources, and tribal resources. Therefore, Alternative 3 would be considered environmentally superior to the proposed project and Alternative 2 overall. Alternative 3 would also meet most of the project objectives; however, it should be noted that this alternative would fall short in meeting objectives related to accessibility, functionality, and convenience. This would be due to Alternative 3's lack of an onsite restroom and playground amenities to meet the needs of skaters and visitors with children that may be too young to skate and its location along Via Positiva Way, a road that does not provide on street parking or adequate space to drop off visitors due to road width and is located farther from available parking options (i.e., Community center lot and onstreet parking along Camino Del Avion).

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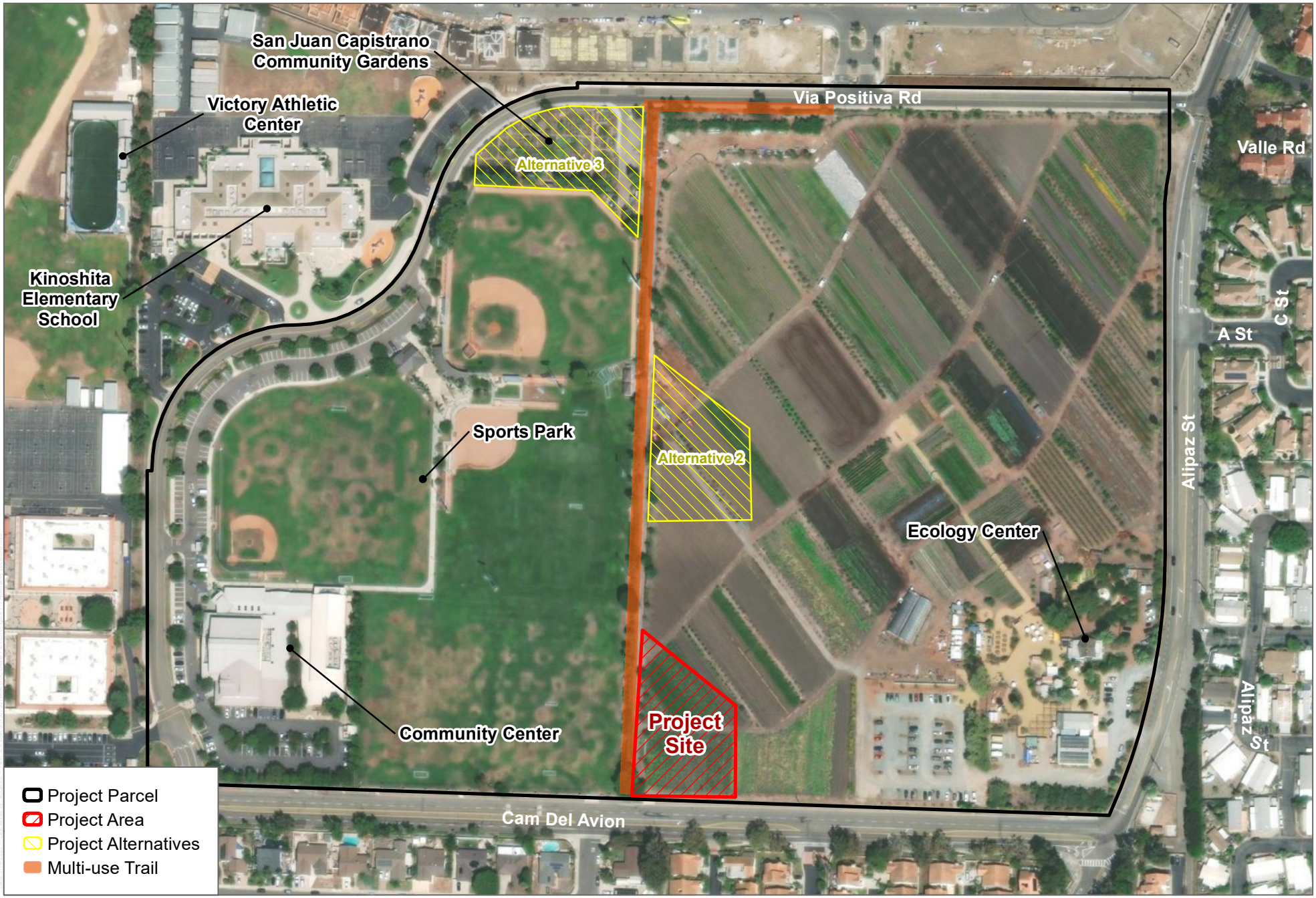

SOURCE: Maxar 2022

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FIGURE 7-1

Alternative Locations

San Juan Capistrano Skatepark and Trail Project EIR

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