



## PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

### **Forster Mixed Use Site**

31872, 31878, and 31882 Camino Capistrano  
San Juan Capistrano, California 92675

Report Date: August 10, 2020

Partner Project No. 20-287802.1



Prepared for:

### **Melia Homes**

8951 Research Drive, Suite 100  
Irvine, California 92618

August 10, 2020

Mr. Chad Brown  
Melia Homes  
8951 Research Drive, Suite 100  
Irvine, California 92618

Subject: Phase I Environmental Site Assessment  
Forster Mixed Use Site  
31872, 31878, and 31882 Camino Capistrano  
San Juan Capistrano, California 92675  
Partner Project No. 20-287802.1

Dear Mr. Brown:

Partner Engineering and Science, Inc. (Partner) is pleased to provide the results of the *Phase I Environmental Site Assessment* (Phase I ESA) report of the abovementioned address (the "subject property"). This assessment was performed in conformance with the scope and limitations as detailed in the ASTM Practice E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

This assessment included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. An assessment was made, conclusions stated, and recommendations outlined.

We appreciate the opportunity to provide environmental services to you. If you have any questions concerning this report, or if we can assist you in any other matter, please contact me at (949) 481-9818.

Sincerely,



Robert Vaughn  
National Client Manager

## EXECUTIVE SUMMARY

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Partner Engineering and Science, Inc. (Partner) has performed a Phase I Environmental Site Assessment (ESA) in accordance with the scope of work and limitations of ASTM Standard Practice E1527-13, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) and set forth by Melia Homes for the property located at 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, Orange County, California (the "subject property"). The Phase I Environmental Site Assessment is designed to provide Melia Homes with an assessment concerning environmental conditions (limited to those issues identified in the report) as they exist at the subject property.

### Property Description

The subject property is located to the southeast of the intersection of Forester Street and Camino Capistrano within a commercial and retail area of Orange County. Please refer to the table below for further description of the subject property:

#### *Subject Property Data*

|  |  |
|--|--|
| <b>Addresses:</b>                      | 31872, 31878, and 31882 Camino Capistrano, San Juan Capistrano, California |
| <b>Property Use:</b>                   | Commercial- Vacant land  |
| <b>Land Acreage (Ac):</b>              | 3.17Ac   |
| <b>Number of Buildings:</b>            | None   |
| <b>Assessor's Parcel Number (APN):</b> | 124-160-37, 124-160-51 and 124-160-52                                      |
| <b>Current Tenants:</b>                | None   |
| <b>Site Assessment Performed By:</b>   | Christine Nguyen of Partner  |
| <b>Site Assessment Conducted On:</b>   | August 3, 2020   |

The subject property is currently unoccupied land, improved with asphalt/concrete/brick flatwork and multiple concrete pads (former commercial buildings), and overgrown vegetation located throughout the parcels. The subject property is improved with a secured perimeter chain-link fence. Additionally, two metal storage containers and construction materials are stored onsite.

According to available historical sources, the subject property was formerly developed with residential buildings from as early as 1902 to at least 1963; and developed with one commercial office building in 1967 and two additional office buildings circa 1973. The buildings were demolished in 2017 and the subject property has been vacant/unoccupied since that time. Tenants on the subject property include multiple professional and medical offices (1976-2014).

The immediately surrounding properties consist of Historical Town Center and Marie Callender's to the north; an office building to the northwest across Forster Street; Ellie's Table to the south-southwest, a multi-tenant commercial retail building, an office building, and Farmer's Merchants Bank to the south; O'Reilly Auto Parts and Orange County Fire Authority to the east; and El Adobe de Capistrano across Camino Capistrano to the west.

According to groundwater monitoring data available from the State Water Resources Control Board's (SWRCB's) GeoTracker database of a nearby site (Chevron #9-8719 at 26988 Ortega Highway, Case

Number 9UT3039), the depth and direction of groundwater in the vicinity of the subject property is inferred to be approximately 20 to 35 feet below ground surface (bgs) and flows toward the south.

## **Findings**

A *recognized environmental condition (REC)* refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. The following was identified during the course of this assessment: .

- Partner did not identify evidence of RECs during the course of this assessment.

A *controlled recognized environmental condition (CREC)* refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The following was identified during the course of this assessment:

- Partner did not identify evidence of CRECs during the course of this assessment.

A *historical recognized environmental condition (HREC)* refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. The following was identified during the course of this assessment: .

- Partner did not identify evidence of HRECs during the course of this assessment.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, warrant further discussion. The following was identified during the course of this assessment:

- Partner did not identify evidence of environmental issues during the course of this assessment.

## **Conclusions, Opinions and Recommendations**

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, Orange County, California (the "subject property"). Any exceptions to, or deletions from, this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of RECs or environmental issues in connection with the subject property. Based on the conclusions of this assessment, Partner recommends no further investigation of the subject property at this time.

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# 1.0 INTRODUCTION

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Partner Engineering and Science, Inc. (Partner) has performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Standard Practice E1527-13 and the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) for the property located at 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, Orange County, California (the "subject property"). Any exceptions to, or deletions from, this scope of work are described in the report.

## 1.1 Purpose

The purpose of this ESA is to identify existing or potential Recognized Environmental Conditions (as defined by ASTM Standard E1527-13) affecting the subject property that: 1) constitute or result in a material violation or a potential material violation of any applicable environmental law; 2) impose any material constraints on the operation of the subject property or require a material change in the use thereof; 3) require clean-up, remedial action or other response with respect to Hazardous Substances or Petroleum Products on or affecting the subject property under any applicable environmental law; 4) may affect the value of the subject property; and 5) may require specific actions to be performed with regard to such conditions and circumstances. The information contained in the ESA Report will be used by Client to: 1) evaluate its legal and financial liabilities for transactions related to foreclosure, purchase, sale, loan origination, loan workout or seller financing; 2) evaluate the subject property's overall development potential, the associated market value and the impact of applicable laws that restrict financial and other types of assistance for the future development of the subject property; and/or 3) determine whether specific actions are required to be performed prior to the foreclosure, purchase, sale, loan origination, loan workout or seller financing of the subject property.

This ESA was performed to permit the *User* to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) liability (hereinafter, the "*landowner liability protections*," or "*LLPs*"). ASTM Standard E1527-13 constitutes "*all appropriate inquiry* into the previous ownership and uses of the *property* consistent with good commercial or customary practice" as defined at 42 U.S.C. §9601(35)(B).

## 1.2 Scope of Work

The scope of work for this ESA is in accordance with the requirements of ASTM Standard E1527-13. This assessment included: 1) a property and adjacent site reconnaissance; 2) interviews with key personnel; 3) a review of historical sources; 4) a review of regulatory agency records; and 5) a review of a regulatory database report provided by a third-party vendor. Partner contacted local agencies, such as environmental health departments, fire departments and building departments in order to determine any current and/or former hazardous substances usage, storage and/or releases of hazardous substances on the subject property. Additionally, Partner researched information on the presence of activity and use limitations (AULs) at these agencies. As defined by ASTM E1527-13, AULs are the legal or physical restrictions or limitations on the use of, or access to, a site or facility: 1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or groundwater on the subject

property; or 2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls (IC/ECs), are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or groundwater on the property.

If requested by Client, this report may also include the identification, discussion of, and/or limited sampling of asbestos-containing materials (ACMs), lead-based paint (LBP), mold, and/or radon.

### **1.3 Limitations**

Partner warrants that the findings and conclusions contained herein were accomplished in accordance with the methodologies set forth in the Scope of Work. These methodologies are described as representing good commercial and customary practice for conducting an ESA of a property for the purpose of identifying recognized environmental conditions. There is a possibility that even with the proper application of these methodologies there may exist on the subject property conditions that could not be identified within the scope of the assessment or which were not reasonably identifiable from the available information. Partner believes that the information obtained from the record review and the interviews concerning the subject property is reliable. However, Partner cannot and does not warrant or guarantee that the information provided by these other sources is accurate or complete. The conclusions and findings set forth in this report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services described therein, and not on scientific tasks or procedures beyond the scope of agreed-upon services or the time and budgeting restraints imposed by the Client. No other warranties are implied or expressed.

Some of the information provided in this report is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This report is subject to the limitations of historical documentation, availability, and accuracy of pertinent records, and the personal recollections of those persons contacted.

This practice does not address requirements of any state or local laws or of any federal laws other than the all appropriate inquiry provisions of the LLPs. Further, this report does not intend to address all of the safety concerns, if any, associated with the subject property.

Environmental concerns, which are beyond the scope of a Phase I ESA as defined by ASTM include the following: ACMs, LBP, radon, and lead in drinking water. These issues may affect environmental risk at the subject property and may warrant discussion and/or assessment; however, are considered non-scope issues. If specifically requested by the Client, these non-scope issues are discussed in Section 6.3.

### **1.4 User Reliance**

Melia Homes engaged Partner to perform this assessment in accordance with an agreement governing the nature, scope and purpose of the work as well as other matters critical to the engagement. All reports, both verbal and written, are for the sole use and benefit of Melia Homes. Either verbally or in writing, third parties may come into possession of this report or all or part of the information generated as a result of this work. In the absence of a written agreement with Partner granting such rights, no third parties shall have rights of recourse or recovery whatsoever under any course of action against Partner, its



officers, employees, vendors, successors or assigns. Any such unauthorized user shall be responsible to protect, indemnify and hold Partner, Client and their respective officers, employees, vendors, successors and assigns harmless from any and all claims, damages, losses, liabilities, expenses (including reasonable attorneys' fees) and costs attributable to such Use. Unauthorized use of this report shall constitute acceptance of and commitment to these responsibilities, which shall be irrevocable and shall apply regardless of the cause of action or legal theory pled or asserted. Additional legal penalties may apply.

## **1.5 Limiting Conditions**

The findings and conclusions contain all of the limitations inherent in these methodologies that are referred to in ASTM E1527-13. Specific limitations and exceptions to this ESA are more specifically set forth below:

- Interviews with past or current owners, operators and occupants were not reasonably ascertainable and thus constitute a data gap. Based on information obtained from other historical sources (as discussed in Section 3.0), this data gap is not expected to alter the findings of this assessment.
- Partner was unable to document the property use back to undeveloped land (prior to 1902), or at 5-year intervals or less for all time periods, which constitutes a data gap. Except for property tax files and recorded land title records, which were not considered to be sufficiently useful, Partner reviewed all standard historical sources and conducted appropriate interviews. The lack of this information is not considered to represent a significant data gap, as the earliest available historical documentation (a 1902 topographic map interpretation) shows the subject property and vicinity to be developed residentially. Additionally, no significant changes in property use were identified during coverage gaps of greater than five years.
- Partner submitted Freedom of Information Act (FOIA) requests to Orange County Fire Authority (OCFA) for information pertaining to hazardous substances, underground storage tanks, releases, inspection records, etc. for the subject property and/or adjacent properties. As of this writing, this agency has not responded to Partner's request. Based on information obtained from other historical sources, this limitation is not expected to alter the overall findings of this assessment.

Due to time constraints associated with this report, the Client has requested the report despite the above-listed limitations.

## 2.0 SITE DESCRIPTION

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### 2.1 Site Location and Legal Description

The subject property at 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, California is located to the southeast of the intersection of Forester Street and Camino Capistrano. According to the Orange County Assessor and provided information, the subject property is legally described as *LOT 17 OF TRACT NO 103, IN THE CITY OF SAN JUAN CAPISTRANO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 11, PAGES 29 THROUGH 33, INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA*, and ownership is currently vested in O’Neill Strategic Investments II, LLC.

Please refer to Figure 1: Site Location Map, Figure 2: Site Plan, Figure 3: Topographic Map, and Appendix A: Site Photographs for the location and site characteristics of the subject property.

### 2.2 Current Property Use

The subject property is currently unoccupied land, improved with asphalt/concrete/brick flatwork and multiple concrete pads (former commercial buildings), and overgrown vegetation located throughout the parcels. The subject property is improved with a secured perimeter chain-link fence. Additionally, two metal storage containers and construction materials are stored onsite.

The subject property is designated for commercial development by the City of San Juan Capistrano.

The subject property was identified as a Hazardous Waste Tracking System (HWTS) site in the regulatory database report, as further discussed in Section 4.2.

### 2.3 Current Use of Adjacent Properties

The subject property is located within a commercial and retail area of Orange County. During the vicinity reconnaissance, Partner observed the following land use on properties in the immediate vicinity of the subject property:

#### ***Immediately Surrounding Properties***

- North:** Historical Town Center (31872-31882 El Camino Real) and Marie Callender’s (31791 Del Obispo Street)
- Northwest:** Forster Street, beyond which is an office building (31866 El Camino Real)
- South:** Ellie’s Table (31892 Camino Capistrano) to the south-southwest; a multi-tenant commercial retail building (31952 Camino Capistrano), an office building (31877 Del Obispo Street), and Farmer’s Merchants Bank (31873 Del Obispo Street)
- East:** O’Reilly Auto Parts (31863 Del Obispo Street) and Orange County Fire Authority (31865 Del Obispo Street)
- West:** Camino Capistrano, beyond which is El Adobe De Capistrano (31891 Camino Capistrano)

The adjacent property to the east was identified as a California Environmental Reporting System (CERS), CERS Hazardous Waste Generator (CERS Haz Waste), Facility and Manifest Data (HAZNET), and Resource Conservation and Recovery Act (RCRA) sites; and the adjacent property to the east-southeast is identified as a Historical Underground Storage Tank (HIST UST), Aboveground Storage Tank (AST), Leaking UST (LUST), Statewide Environmental Evaluation and Planning System UST (SWEEPS UST)m UST, Cortese,

Hazardous Waste and Substance Site List (HIST Cortese) and CERS sites in the regulatory database report of Section 4.2.

## **2.4 Physical Setting Sources**

### **2.4.1 Topography**

The United States Geological Survey (USGS) *San Juan Capistrano, California* Quadrangle 7.5-minute series topographic map was reviewed for this ESA. According to the contour lines on the topographic map, the subject property is located at approximately 166 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping gently toward the south.

A copy of the topographic map is included as Figure 3 of this report.

### **2.4.2 Hydrology**

According to groundwater monitoring data available from the SWRCB's GeoTracker database of a nearby site (Chevron #9-8719 at 26988 Ortega Highway, Case Number 9UT3039), the depth and direction of groundwater in the vicinity of the subject property is inferred to be approximately 20 to 35 feet bgs and flow toward the south.

The nearest surface water in the vicinity of the subject property is the Trabuco Creek located approximately 0.3-mile and geographical west of the subject property. No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed at the subject property during this assessment.

No potable water is currently supplied to the subject property. According to available information, a public water system operated by the San Juan Capistrano Utilities Department serves the subject property vicinity. According to the 2019 Water Quality Report, shallow groundwater beneath the subject property is not utilized for domestic purposes. The sources of public water for the City of San Juan Capistrano are groundwater from the Ground Water Recovery Plant, one potable production well, and surface water imported from Northern California and the Colorado River.

### **2.4.3 Geology/Soils**

The subject property is situated within the Peninsular Ranges geomorphic province of California. The Peninsular Ranges is a series of ranges separated by northwest trending valleys, sub-parallel to the faults branching out from the San Andreas Fault. The geology is like the Sierra Nevada, with granitic rock intruding the older metamorphic rocks. The Peninsular Ranges extend into lower California and are bounded on the east by the Colorado Desert.

Based on information obtained from the USDA Natural Resources Conservation Service Web Soil Survey online database, the subject property is mapped as Sorrento clay loam. The Sorrento series consists of very deep, well drained soils that formed in alluvium mostly from sedimentary rocks. Sorrento soils are on alluvial fans and stabilized floodplains and have slopes of 0 to 15 percent.

### **2.4.4 Flood Zone Information**

Partner performed a review of the Flood Insurance Rate Map, published by the Federal Emergency Management Agency. According to Community Panel Number 06059C0443J, dated December 3, 2009,

the subject property appears to be located in Zone X, an area located outside of the 100-year and 500-year flood plains.

### 3.0 HISTORICAL INFORMATION

Partner obtained historical use information about the subject property from a variety of sources. A chronological listing of the historical data found is summarized in the table below:

| <b>Historical Use Information</b> |   |                                   |
|-----------------------------------|---|-----------------------------------|
| <b>Period/Date</b>                | <b>Source</b>   | <b>Description/Use</b>            |
| 1902-1963                         | Aerial Photographs, Topographic Maps, Previous Report                               | Residential                       |
| 1967-2016                         | Aerial Photographs, Building Records, City Directories, Interviews, Previous Report | Commercial (professional offices) |
| 2017-Present                      | Building Records, Interviews, Onsite Observations, Previous Report                  | Vacant                            |

Tenants on the subject property include multiple professional and medical offices (1973-2014). No potential environmental concerns were identified in association with the current or former use of the subject property.

#### 3.1 Aerial Photograph Review

Partner obtained available aerial photographs of the subject property and surrounding area from Environmental Data Resources (EDR) on July 22, 2020. The following features and uses were visible on the subject property and adjacent properties during the aerial photograph review:

| <b>Date:</b>             | <b>1938</b>   | <b>Scale:</b> | <b>1"=500'</b> |
|--------------------------|---|---------------|----------------|
| <b>Subject Property:</b> | Appears to be developed with a residential building on the central portion of the parcels         |               |                |
| <b>North:</b>            | Appears to be developed with agricultural use with remaining portions vacant land                 |               |                |
| <b>Northwest:</b>        | Appears to be vacant land and developed small buildings beyond an unpaved road                    |               |                |
| <b>South:</b>            | Appears to be developed with a small building to the southwest and agricultural uses to the south |               |                |
| <b>East:</b>             | Appears to be developed with agricultural uses  |               |                |
| <b>West:</b>             | Appears to be developed with a farmstead and agricultural uses across a paved road                |               |                |

| <b>Date:</b>             | <b>1946, 1949</b>  | <b>Scale:</b> | <b>1"=500'</b> |
|--------------------------|--|---------------|----------------|
| <b>Subject Property:</b> | No significant changes visible   |               |                |
| <b>North:</b>            | Appears to be developed with small buildings to the north and agricultural uses to the north-northeast |               |                |
| <b>Northwest:</b>        | Appears to be developed with the current office building across a road                                 |               |                |
| <b>South:</b>            | No significant changes visible   |               |                |
| <b>East:</b>             | No significant changes visible   |               |                |
| <b>West:</b>             | No significant changes visible   |               |                |

| <b>Date:</b>             | <b>1952, 1963</b>  | <b>Scale:</b> | <b>1"=500'</b> |
|--------------------------|--|---------------|----------------|
| <b>Subject Property:</b> | No significant changes visible   |               |                |
| <b>North:</b>            | No significant changes visible   |               |                |
| <b>Northwest:</b>        | No significant changes visible   |               |                |
| <b>South:</b>            | Appears to be developed with a commercial building to the south and no other |               |                |

| <b>Date:</b> 1952, 1963 |  | <b>Scale:</b> 1"=500' |
|-------------------------|--|-----------------------|
|                         | significant changes visible  |                       |
| <b>East:</b>            | No significant changes visible   |                       |
| <b>West:</b>            | Appears to be developed with a commercial building and agricultural uses across a paved road |                       |

| <b>Date:</b> 1967        |   | <b>Scale:</b> 1"=500' |
|--------------------------|---|-----------------------|
| <b>Subject Property:</b> | Appears to be developed with a commercial building on the north-central portion with paved parking and graded land on the southern and eastern portions |                       |
| <b>North:</b>            | No significant changes visible  |                       |
| <b>Northwest:</b>        | No significant changes visible  |                       |
| <b>South:</b>            | No significant changes visible  |                       |
| <b>East:</b>             | No significant changes visible  |                       |
| <b>West:</b>             | No significant changes visible  |                       |

| <b>Date:</b> 1974, 1977  |   | <b>Scale:</b> 1"=500' |
|--------------------------|---|-----------------------|
| <b>Subject Property:</b> | Appears to be developed with a two additional commercial buildings on the southern and eastern portions. No other significant changes are visible |                       |
| <b>North:</b>            | Appears to be vacant land to the northeast and no other significant changes visible   |                       |
| <b>Northwest:</b>        | No significant changes visible  |                       |
| <b>South:</b>            | Appears to be vacant land to the southeast and no other significant changes visible   |                       |
| <b>East:</b>             | Appears to be vacant land   |                       |
| <b>West:</b>             | No significant changes visible  |                       |

| <b>Date:</b> 1988, 1990, 1994, 2005, 2009, 2012, 2016 |   | <b>Scale:</b> 1"=500' |
|---|---|-----------------------|
| <b>Subject Property:</b>                              | No significant changes visible  |                       |
| <b>North:</b>   | Appears to be developed with the current commercial building to the northeast and a park to the north |                       |
| <b>Northwest:</b>                                     | No significant changes visible  |                       |
| <b>South:</b>   | Appears to be developed with the current commercial buildings   |                       |
| <b>East:</b>  | Appears to be developed with the current commercial buildings   |                       |
| <b>West:</b>  | No significant changes visible  |                       |

Copies of the aerial photographs are included in Appendix B.

### 3.2 Fire Insurance Maps

Partner contracted with EDR to search for Sanborn Map coverage of the subject property. Sanborn map coverage was not available for the subject property.

A copy of the *Certified Sanborn Map Report* is included in Appendix B.

### 3.3 City Directories

Partner reviewed historical city directories obtained from EDR on July 29, 2020 for past names and businesses that were listed for the subject property and adjacent properties. The findings are presented in the following table:

### City Directory Search for 31872, 31878, and 31882 Camino Capistrano (Subject Property)

| Year(s)    | Occupant Listed   |
|------------|---|
| 1973       | No listings   |
| 1976       | Bank of AM N T &S (31872); Multiple professional offices (31878 and 31882)  |
| 1982, 1987 | XXXX (31872); Multiple professional offices (31878); Multiple medical offices and professional offices (31882)  |
| 1992       | San Juan Institute (31872); Multiple professional offices (31878); Multiple medical offices and professional offices (31882)  |
| 1995       | San Juan Capistrano Research (31872); Multiple professional offices, financial office, realty office, and medical office (31878); Multiple medical offices, a barber, insurance offices, and professional offices (31882) |
| 2000       | Michael J Huber (31882)   |
| 2005       | O Entertainment, RCH Construction (31878); Multiple medical offices, lending office, insurance offices, and professional offices (31882)  |
| 2010       | Market Watch Real Estate Advisors, O Entertainment (31878); Multiple medical offices, a barber, insurance office, and professional offices (31882)  |
| 2014       | Dudek & Associates, O Properties (31878); Colette Catlino DMD, Gorski Tom State Farm INS, O Properties, USO, Madrid (31882)   |

\* XXXX= A phone number is present but is not registered to a tenant or is disconnected.

According to the city directory review, the subject property has been occupied by multiple professional offices, medical offices, and retail tenants from as early as 1976 to at least 2014. Based on the city directory review, no environmentally sensitive listings were identified for the subject property addresses.

### City Directory Search for Adjacent Properties

| Year(s) | Occupant Listed  |
|---------|--|
| 1973    | No listings  |
| 1976    | Residence (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano)  |
| 1982    | Goldenwest Realtors (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Papel Bernard (31892 Camino Capistrano)<br>XXXX (31765 Del Obispo Street); Capistrano National Bank, Sandpiper Travel SERV (31873 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street)   |
| 1987    | Architectural Enterprises (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Papel Bernard (31892 Camino Capistrano)<br>Marie Callenders (31791 Del Obispo Street); Sizzler (31863 Del Obispo Street); Farmers & Merchant BK, Property Concepts CRP (31873 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street)   |
| 1992    | Hernandez Robert, Lohrback E D Assoc. (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Galeria Capistrano (31892 Camino Capistrano); Multiple professional offices (31877 Camino Capistrano)<br>Marie Callender Pie Shops (31791 Del Obispo Street); Sizzler (31863 Del Obispo Street); Farmers & Merchant BK (31873 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street) |
| 1995    | E D Lohrbach Assoc., Metro Natural & Precast Stone (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Galeria Capistrano (31892 Camino Capistrano); Multiple professional offices (31877 Camino Capistrano)<br>Mari Callenders Restaurant (31791 Del Obispo Street); Sizzler (31863 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street)                                    |

### City Directory Search for Adjacent Properties

| Year(s) | Occupant Listed   |
|---------|---|
| 2000    | O2 Investments Inc. (31952 Camino Capistrano)   |
| 2005    | Chino Hill Corp. Park L P, Rivendell Land Co. (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Seasons (31952 Camino Capistrano)<br>Castle Harlan Partner III LP (31791 Del Obispo Street); Sizzler (31863 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street)  |
| 2010    | OCREO Team Inc., Symbion Marketing LLC, Rivendell Land Company (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Multiple professional offices (31952 Camino Capistrano)<br>Marie Callender Pie Shops Inc. (31791 Del Obispo Street); Sizzler (31863 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street)                         |
| 2014    | Rivendell Land Company (31866 Camino Capistrano); El Adobe (31891 Camino Capistrano); Multiple professional offices (31952 Camino Capistrano)<br>Marie Callender Pie Shops Inc. (31791 Del Obispo Street); O'Reilly Auto Parts (31863 Del Obispo Street); Farmers & Merchants Bank (31873 Del Obispo Street); Multiple professional offices (31877 Del Obispo Street) |

\* XXXX= A phone number is present but is not registered to a tenant or is disconnected.

According to the city directory review, the adjacent properties have been occupied by various commercial tenants as early as 1976. The identified adjacent properties on the regulatory database report are further discussed in Section 4.2.

Copies of reviewed city directories are included in Appendix B.

### 3.4 Historical Topographic Maps

Partner reviewed historical topographic maps obtained from EDR on July 22, 2020. The following features and uses were depicted on the subject property and adjacent properties during the topographic map review:

#### Date: 1902, 1906

|                          |   |
|--------------------------|---|
| <b>Subject Property:</b> | Depicted as developed with two small buildings          |
| <b>North:</b>            | Depicted as developed with one building and vacant land |
| <b>Northwest:</b>        | Depicted as developed with one building across a road   |
| <b>South:</b>            | Depicted as vacant land                                 |
| <b>East:</b>             | Depicted as vacant land                                 |
| <b>West:</b>             | Depicted as developed with structures across a road     |

#### Date: 1942, 1948, 1949

|                          |  |
|--------------------------|--|
| <b>Subject Property:</b> | Depicted as developed with two buildings and agricultural land |
| <b>North:</b>            | Depicted as developed with one building and agricultural land  |
| <b>Northwest:</b>        | No significant changes depicted                                |
| <b>South:</b>            | Depicted as agricultural land                                  |
| <b>East:</b>             | Depicted as agricultural land                                  |
| <b>West:</b>             | No significant changes depicted                                |



**Date:** 1968

**Subject Property:** Depicted as developed with one commercial building  
**North:** No significant changes depicted  
**Northwest:** No significant changes depicted  
**South:** Depicted as developed with one small commercial building to the southwest and a larger commercial building to the south  
**East:** No significant changes depicted  
**West:** Depicted as developed with a commercial building across a road

**Date:** 1975

**Subject Property:** Depicted as developed with three commercial buildings  
**North:** Not depicted  
**Northwest:** Not depicted  
**South:** No significant changes depicted  
**East:** Depicted as vacant land  
**West:** No significant changes depicted

Copies of reviewed topographic maps are not included in Appendix B of this report.

## 4.0 REGULATORY RECORDS REVIEW

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### 4.1 Regulatory Agencies

#### 4.1.1 State Department

##### *Regulatory Agency Data*

|                                  |  |
|----------------------------------|--|
| <b>Name of Agency:</b>           | California Environmental Protection Agency (Cal/EPA)   |
| <b>Point of Contact:</b>         | CalEPA Regulated Sites Portal  |
| <b>Agency Address:</b>           | <a href="https://siteportal.calepa.ca.gov/nsite/">https://siteportal.calepa.ca.gov/nsite/</a><br>1001 I Street, Sacramento, California 95814               |
| <b>Agency Phone Number:</b>      | (916) 323-2514   |
| <b>Date of Contact:</b>          | August 2020  |
| <b>Method of Communication:</b>  | Online Research  |
| <b>Summary of Communication:</b> | No records regarding hazardous substance use, storage or releases, or the presence of USTs and AULs on the subject property were on file with the Cal/EPA. |

#### 4.1.2 Health Department

##### *Regulatory Agency Data*

|                                  |  |
|----------------------------------|--|
| <b>Name of Agency:</b>           | Orange County Health Care Agency (OCHCA)   |
| <b>Point of Contact:</b>         | Lori Orvalle   |
| <b>Agency Address:</b>           | 1241 East Dyer Road Suite 120, Santa Ana, California 92702   |
| <b>Agency Phone Number:</b>      | (714) 433-6000   |
| <b>Date of Contact:</b>          | July and August 2020   |
| <b>Method of Communication:</b>  | Online Request   |
| <b>Summary of Communication:</b> | No records regarding hazardous substance use, storage or releases, or the presence of USTs and AULs on the subject property were on file with the OCHCA. |

#### 4.1.3 Fire Department

##### *Regulatory Agency Data*

|                                  |  |
|----------------------------------|--|
| <b>Name of Agency:</b>           | Orange County Fire Authority (OCFA)  |
| <b>Point of Contact:</b>         | Robin Nelson-Glotfelty   |
| <b>Agency Address:</b>           | 1 Fire Authority Road, Irvine, California 92602  |
| <b>Agency Phone Number:</b>      | (714) 573-6180   |
| <b>Date of Contact:</b>          | July 2020  |
| <b>Method of Communication:</b>  | Emailed Request  |
| <b>Summary of Communication:</b> | As of the date of this report, Partner has not received a response from the OCFA for inclusion in this report. |

#### 4.1.4 Air Pollution Control Agency

##### *Regulatory Agency Data*

|                             |   |
|-----------------------------|---|
| <b>Name of Agency:</b>      | South Coast Air Quality Management District (SCAQMD)<br>Facility Information Detail (FIND) Database               |
| <b>Agency Website:</b>      | <a href="http://www3.aqmd.gov/webappl/fim/prog/search.aspx">http://www3.aqmd.gov/webappl/fim/prog/search.aspx</a> |
| <b>Agency Address:</b>      | 21865 Copley Drive, Diamond Bar, California 91765   |
| <b>Agency Phone Number:</b> | (909) 396-2000  |

#### **Regulatory Agency Data**

**Date of Contact:** August 2020  
**Method of Communication:** Online  
**Summary of Communication:** No Permits to Operate (PTO), Notices of Violation (NOV), or Notices to Comply (NTC) or the presence of AULs, dry cleaning machines, or USTs were on file for the subject property with the AQMD.

#### **4.1.5 Regional Water Quality Agency**

#### **Regulatory Agency Data**

**Name of Agency:** San Diego Regional Water Quality Control Board (RWQCB)  
GeoTracker database  
**Agency Website:** <http://geotracker.waterboards.ca.gov/>  
**Agency Address:** 2375 Northside Drive, Suite 100, San Diego, California 92108  
**Agency Phone Number:** (619) 516-1990  
**Date of Contact:** August 2020  
**Method of Communication:** Online  
**Summary of Communication:** No records regarding hazardous substance use, storage or releases, or the presence of USTs and AULs on the subject property were on file with the RWQCB.

#### **4.1.6 Department of Toxic Substances Control**

#### **Regulatory Agency Data**

**Name of Agency:** California Department of Toxic Substances Control (DTSC)  
EnviroStor and Hazardous Waste Tracking System (HWTS) databases  
**Agency Websites:** <http://www.envirostor.dtsc.ca.gov/public/>  
[http://hwts.dtsc.ca.gov/report\\_search.cfm?id=5](http://hwts.dtsc.ca.gov/report_search.cfm?id=5)  
**Agency Address:** 1001 I Street, Sacramento, California 95814  
**Agency Phone Number:** (800) 728-6942  
**Date of Contact:** July 2020  
**Method of Communication:** Online  
**Summary of Communication:** The subject property was identified as Bircher Pacific (ID Number CAC001345288) and Alpha Chiropractic Center (ID Number CAL000156880). These former tenants are listed as inactive since 2000 and no hazardous materials manifest records were found for the former tenants. Based on this information and nature of onsite operations (medical offices), these listings are not expected to represent an environmental concern.

#### **4.1.7 Building Department**

#### **Regulatory Agency Data**

**Name of Agency:** San Juan Capistrano Building and Safety Services (SJCBS)  
**Agency Address:** 32400 Paseo Adelanto, San Juan Capistrano, California 92675  
**Agency Phone Number:** (949) 443-6347  
**Date of Contact:** July 2020  
**Method of Communication:** Email Request  
**Summary of Communication:** Records were available for review, as further discussed in the following table:

**Building Records Reviewed for 31872, 31878, and 31882 Camino Capistrano (Subject Property)**

| <b>Year(s)</b> | <b>Owner/Applicant</b>     | <b>Description</b>                                    |
|----------------|----------------------------|---|
| 1973           | Sequoia Pacific            | Grading permit for a commercial building              |
| 1973           | Sequoia Pacific Realco     | Interior alterations for a commercial office building |
| 1990           | Birtcher                   | Tenant improvements for Capo Unified School District  |
| 1997           | Birtcher Corp.             | Restroom upgrades                                     |
| 2002           | Birtcher Property Services | Change out water heater                               |
| 2013           | O Properties Inc.          | Permit to advance five geotechnical borings           |
| 2015           | O Properties Inc.          | Demolition of two office buildings                    |
| 2017           | O Properties Inc.          | Demolition of three buildings                         |
| TBA            | O Properties Inc           | Rough grading for a hotel                             |

**4.1.8 Planning Department**

**Regulatory Agency Data**

|                                  |  |
|----------------------------------|--|
| <b>Name of Agency:</b>           | San Juan Capistrano Planning Division (SJCPD)  |
| <b>Agency Address:</b>           | 32400 Paseo Adelanto, San Juan Capistrano, California 92675  |
| <b>Agency Phone Number:</b>      | (949) 443-6331   |
| <b>Date of Contact:</b>          | July 2020  |
| <b>Method of Communication:</b>  | Online   |
| <b>Summary of Communication:</b> | According to records reviewed, the subject property is zoned TC for general commercial development by the City of San Juan Capistrano. |

**4.1.9 Oil & Gas Exploration**

**Regulatory Agency Data**

|                                  |   |
|----------------------------------|---|
| <b>Name of Agency:</b>           | California Division of Oil, Gas and Geothermal Resources (DOGGR)<br>Southern District                           |
| <b>Agency Website:</b>           | <a href="http://maps.conservation.ca.gov/doggr/index.html">http://maps.conservation.ca.gov/doggr/index.html</a> |
| <b>Agency Address:</b>           | 5816 Corporate Avenue, Suite 200, Cypress, California 90630   |
| <b>Agency Phone Number:</b>      | (714) 816-6847  |
| <b>Date of Contact:</b>          | July 2020   |
| <b>Method of Communication:</b>  | Online  |
| <b>Summary of Communication:</b> | According to DOGGR, no oil or gas wells are located on or adjacent to the subject property.                     |

**4.1.10 Assessor's Office**

**Regulatory Agency Data**

|                                  |   |
|----------------------------------|---|
| <b>Name of Agency:</b>           | Orange County Assessor (OCA)  |
| <b>Agency Address:</b>           | 11 Civic Center Plaza, Santa Ana, California 92701  |
| <b>Agency Phone Number:</b>      | (714) 834-2727  |
| <b>Date of Contact:</b>          | July 2020   |
| <b>Method of Communication:</b>  | Online  |
| <b>Summary of Communication:</b> | According to records reviewed, the subject property is identified by Assessor Parcel Number (APN) 124-160-37, 124-160-51, and 124-160-52 t. |

Copies of pertinent documents obtained from the above-referenced regulatory agencies (if available) are included in Appendix B.

## 4.2 Mapped Database Records Search

Information from standard federal, state, county, and city environmental record sources was provided by Environmental Data Resources, Inc. (EDR). Data from governmental agency lists are updated and integrated into one database, which is updated as these data are released. The information contained in this report was compiled from publicly available sources and the locations of the sites are plotted utilizing a geographic information system, which geocodes the site addresses. The accuracy of the geocoded locations is approximately +/-300 feet.

Using the ASTM definition of migration, Partner considers the migration of hazardous substances or petroleum products in any form onto the subject property during the evaluation of each site listed on the radius report, which includes solid, liquid, and vapor.

### 4.2.1 Regulatory Database Summary

| <b>Radius Report Data</b>                            |                             |                         |                            |                         |
|--|-----------------------------|-------------------------|----------------------------|-------------------------|
| <b>Database</b>                                      | <b>Search Radius (mile)</b> | <b>Subject Property</b> | <b>Adjacent Properties</b> | <b>Sites of Concern</b> |
| Federal NPL or Delisted NPL Site                     | 1.00                        | N                       | N                          | N                       |
| Federal CERCLIS Site                                 | 0.50                        | N                       | N                          | N                       |
| Federal CERCLIS-NFRAP Site                           | 0.50                        | N                       | N                          | N                       |
| Federal RCRA CORRACTS Facility                       | 1.00                        | N                       | N                          | N                       |
| Federal RCRA TSD Facility                            | 0.50                        | N                       | N                          | N                       |
| Federal RCRA Generators Site (LQG, SQG, CESQG)       | 0.25                        | N                       | N                          | N                       |
| Federal IC/EC Registries                             | 0.50                        | N                       | N                          | N                       |
| Federal ERNS Site                                    | Subject Property            | N                       | --                         | --                      |
| State/Tribal Equivalent NPL                          | 1.00                        | N                       | N                          | N                       |
| State/Tribal Equivalent CERCLIS                      | 1.00                        | N                       | N                          | N                       |
| State/Tribal Landfill/Solid Waste Disposal Site      | 0.50                        | N                       | N                          | N                       |
| State/Tribal Leaking Storage Tank Site               | 0.50                        | N                       | N                          | N                       |
| State/Tribal Registered Storage Tank Sites (UST/AST) | 0.25                        | N                       | N                          | N                       |
| State/Tribal Voluntary Cleanup Sites (VCP)           | 0.50                        | N                       | N                          | N                       |
| State/Tribal Spills                                  | 0.50                        | N                       | N                          | N                       |
| Federal Brownfield Sites                             | 0.50                        | N                       | N                          | N                       |
| State Brownfield Sites                               | 0.50                        | N                       | N                          | N                       |
| EDR MGP  | 1.00                        | N                       | N                          | N                       |
| EDR US Hist Auto Station                             | 0.125                       | N                       | N                          | N                       |
| EDR US Hist Cleaners                                 | 0.125                       | N                       | N                          | N                       |
| Other Regulatory Databases                           | Varies                      | <b>Y</b>                | <b>Y</b>                   | N                       |

### 4.2.2 Subject Property Listings

The subject property is identified as a HWTS site in the regulatory database report, as discussed below:

- Alpha Chiropractic Center at 31882 Camino Capistrano, was permitted to generate hazardous waste under the ID Number CAL00156880 in 1995. This former tenant has been inactive since 2000 and no hazardous material manifests were listed. Additionally, the former tenant was not listed for any spills or releases in connection with the use or handling of hazardous materials.

Based on the aforementioned and the nature of onsite operations (medical office), this listing is not expected to represent a significant environmental concern.

- Birtcher Pacific at 31872 Camino Capistrano, was permitted to generate hazardous waste under the ID Number CAC001345288 in 1997. This former tenant has been inactive since 2000 and no hazardous material manifests were listed. Additionally, the former tenant was not listed for any spills or releases in connection with the use or handling of hazardous materials. Based on the aforementioned and the nature of onsite operations (medical office), this listing is not expected to represent a significant environmental concern.

#### **4.2.3 Adjacent Property Listings**

The adjacent property to the east is identified as a CERS, CERS Haz Waste, HAZNET and RCRA site in the regulatory database report, as discussed below:

- O'Reilly Auto Parts at 31863 Del Obispo Street, is located adjacent to the east of the subject property and situated hydrologically cross-gradient. This facility reportedly generated hazardous waste in the form of other inorganic solid waste and off-specification/age/surplus organics in 2014. Based on the RCRA listing, this facility is permitted as no longer a hazardous waste generator site in 2014. According to the CERS listings, this facility was inspected by the OCHCA in 2015, 2016 and 2017. No violations were noted. No additional information is listed. Based on the lack of violations or releases, agency oversight, and inferred direction of groundwater flow, this facility not expected to represent an environmental concern and it is unlikely that a regulatory file review for this site would alter the findings of this assessment.

The adjacent property to the east-southeast is identified as a HIST UST, AST, LUST, SWEEPS UST, UST, Cortese, HIST Cortese, and CERS site in the regulatory database report, as discussed below:

- Orange County Fire Station Number 7 at 31865 Del Obispo, is located adjacent to the east-southeast of the subject property and situated hydrologically cross- to down-gradient. This site was formerly equipped with three 1,000 gallon gasoline USTs. This site reported a release of gasoline on April 7, 1994, which reportedly impacted soil only. The release occurred as a result of tank closure and was reported to the lead agency (OCHCA). Regulatory closure was obtained on February 2, 1995. This site currently is equipped with at least one AST. No violations or releases are reported for the AST. Based on the regulatory oversight and closure, and impacted medium (soil only), these listings are not expected to represent an environmental concern and it is unlikely that a regulatory file review for this site would alter the findings of this assessment.

Based on the findings, vapor migration is not expected to represent a significant environmental concern at this time.

#### **4.2.4 Sites of Concern Listings**

No sites of concern are identified in the regulatory database report; however, the property to the north-northeast warrants further discussion.

- Chevron Station #987 at 26988 Ortega Highway, is located approximately 730 feet to the northeast of the subject property, and situated hydrologically cross-gradient. According to the

regulatory database report and online GeoTracker records, this facility was formerly developed as a gas station from at least 1974 to circa 2012. This site reported a release of gasoline and fuel oxygenates on June 30, 1994, which reportedly impacted soil and groundwater. Numerous subsurface investigations were performed from 1994 to 2013. Impacted soil was excavated from the facility in 1994 and quarterly groundwater monitoring initiated in 1996. A pump and treat groundwater system was installed at the property to remove TBA in the groundwater in 2009. Between April 2009 and February 2010, approximately 12 off-site groundwater monitoring wells were drilled. According to analytical reports, discharged of gasoline from the USTs had resulted in a MTBE plume in groundwater extended at least 600 feet south from this facility. As a result, the RWQCB issued a Cleanup and Abatement Order for this facility in 2010. From May 2009 to November 2011, 6,426 gallons of TBA-containing groundwater was removed from the facility. Additionally, 11,419 pounds of TPH in the vapor phase and 37,326 gallon of groundwater was removed. According to records reviewed, Boring B-15 was advanced approximately 40 feet to the southeast of the subject property (maximum depth to 38 feet bgs) and monitoring well MW 14 was advanced approximately 200 feet to the northeast of the subject property (maximum depth to 38 feet bgs). Partner notes that all gasoline constituents were non-detect in MW14 in the latest monitoring results of 2011. Boring B-15 was sampled in 2008 and was analyzed for VOCs. Results indicated no detectable concentrations of these constituents. In February 2013, all USTs, dispenser island and associated piping were removed from the facility. The gasoline station building was also demolished. Based on groundwater monitoring and natural attenuation evaluation results, a closure request was submitted to the RWQCB in April 2013. Regulatory closure was granted for the Chevron facility on August 8, 2013. All groundwater monitoring wells were destroyed in November 2013. Based on the removal of the gas station, analytical results and the regulatory oversight/status, this listing is not expected to represent a significant environmental concern and it is unlikely that a regulatory file review for this site would alter the findings of this assessment.

- Texaco Station/Han Howieng Chua at 26874 Ortega Highway, was formerly located approximately 520-feet to the north of the subject property and situated hydrologically up-gradient. This property was formerly developed with a gasoline service station from 1969 to at least 1995. According to the regulatory database report and online GeoTracker records, the gasoline station and associated USTs were removed from the facility in 1995. Subsequently, this facility reported a release of gasoline in March 1995 which impacted soil and groundwater. Impacted soil was excavated from the facility in May 1995. A soil vapor extraction (SVE) system was utilized on the property from April 2001 to July 2001. The OCHCA, lead agency, required to install an additional off-site groundwater monitoring well down-gradient from the facility. In December 2004, monitoring well MW-8 was advanced approximately 420 feet to the north of the subject property to the depth of 41.5 feet bgs (groundwater was encountered around 30 feet bgs). According to analytical results, no constituents were found in soil samples of MW-8. However, concentrations of xylene at 1.1 J microgram per liter (ug/L) and 2.2 J ug/L of methyl tertiary butyl ether (MTBE). The last sampling event at MW-8 was taken in June 2006 which revealed MTBE concentration of 5

ug/L and no detectable concentrations for the other constituents. Regulatory closure was granted on December 4, 2006. All monitoring wells were destroyed and abandoned in December 2006.

Partner notes that additional groundwater monitoring wells were advanced within the vicinity related to another off-site release (Chevron Station #987 at 26988 Ortega Highway). According to 2011 groundwater monitoring data, MTBE was no longer found in groundwater at the subject property.

Based on the removal to the USTs, analytical results, and regulatory closure, these listings are not expected to represent a significant environmental concern and it is unlikely that a regulatory file review for this site would alter the findings of this assessment.

Based on the findings, vapor migration is not expected to represent a significant environmental concern at this time.

#### **4.2.5 Orphan Listings**

No orphan listings of concern are identified in the regulatory database report.

A copy of the regulatory database report is included in Appendix C.



## 5.0 USER PROVIDED INFORMATION AND INTERVIEWS

In order to qualify for one of the *Landowner Liability Protections (LLPs)* offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the *Brownfields Amendments*), the *User* must conduct the following inquiries required by 40 CFR 312.25, 312.28, 312.29, 312.30, and 312.31. The *User* should provide the following information to the *environmental professional*. Failure to provide this information could result in a determination that *all appropriate inquiries* is not complete. The *User* is asked to provide information or knowledge of the following:

- Review Title and Judicial Records for Environmental Liens and AULs
- Specialized Knowledge or Experience of the User
- Actual Knowledge of the User
- Reason for Significantly Lower Purchase Price
- Commonly Known or *Reasonably Ascertainable* information
- Degree of Obviousness
- Reason for Preparation of this Phase I ESA

Fulfillment of these user responsibilities is key to qualification for the identified defenses to CERCLA liability. Partner requested our Client to provide information to satisfy User Responsibilities as identified in Section 6 of the ASTM guidance.

Pursuant to ASTM E1527-13, Partner requested the following site information from Melia Homes (User of this report).

| <b>User Responsibilities</b>                 |                         |                             |                        |                       |
|--|-------------------------|-----------------------------|------------------------|-----------------------|
| <b>Item</b>                                  | <b>Provided By User</b> | <b>Not Provided By User</b> | <b>Discussed Below</b> | <b>Does Not Apply</b> |
| AAI User Questionnaire                       |                         |                             | X                      |                       |
| Title Records, Environmental Liens, and AULs |                         |                             | X                      |                       |
| Specialized Knowledge                        |                         |                             | X                      |                       |
| Actual Knowledge                             |                         |                             | X                      |                       |
| Valuation Reduction for Environmental Issues |                         |                             | X                      |                       |
| Identification of Key Site Manager           | <b>Section 5.1.3</b>    |                             |                        |                       |
| Reason for Performing Phase I ESA            | <b>Section 1.1</b>      |                             |                        |                       |
| Prior Environmental Reports                  |                         |                             | X                      |                       |
| Other  |                         |                             |                        | X                     |

### 5.1 Interviews

#### 5.1.1 Interview with Owner

The owner of the subject property identified as O'Neil Strategic Investment II, LLC, was not available to be interviewed at the time of the assessment.

### **5.1.2 Interview with Report User**

Mr. Chad Brown, report user, was not aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the subject property; any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the subject property; or any notices from a governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

According to Mr. Brow, the subject property is current unoccupied and was previously developed with commercial office buildings.

### **5.1.3 Interview with Key Site Manager**

Mr. Brown was also identified as the key site manager and further discussion of the interview is included in Section 5.1.2.

### **5.1.4 Interviews with Past Owners, Operators and Occupants**

Interviews with past owners, operators and occupants were not conducted since information regarding the potential for contamination at the subject property was obtained from other sources.

### **5.1.5 Interview with Others**

As the subject property is not an abandoned property as defined in ASTM 1527-13, interview with others were not performed.

## **5.2 User Provided Information**

### **5.2.1 Title Records, Environmental Liens, and AULs**

Partner was provided with a Preliminary Title Report for the subject property dated July 7, 2020 and prepared by Ticor Title for review as part of this assessment. According to the report, title is vested in O'Neil Strategic Investment II, LLC. The title search did not identify any environmentally noteworthy matters.

Partner was not provided with environmental lien and AUL information for review as part of this assessment.

### **5.2.2 Specialized Knowledge**

The User did not have specialized knowledge of environmental conditions associated with the subject property at the time of the assessment.

### **5.2.3 Actual Knowledge of the User**

The User was not aware of environmental liens and/or AULs encumbering the subject property or in connection with the subject property at the time of the assessment.

### **5.2.4 Valuation Reduction for Environmental Issues**

The User was not aware of any reductions in property value due to environmental issues.

### **5.2.5 Commonly Known or Reasonably Ascertainable Information**

The User did not provide information that is commonly known or *reasonably ascertainable* within the local community about the subject property at the time of the assessment.

### **5.2.6 Previous Reports and Other Provided Documentation**

The following information was provided to Partner for review during the course of this assessment:

*Phase I Environmental Site Assessment, EEI Engineering Solutions (March 15, 2019)*

EEI Engineering Solutions (EEI) prepared this report on behalf of Frontier Real Estate Investments. The assessment was performed in accordance with ASTM Standard E1527-13. The assessment consisted of a site reconnaissance, interviews with knowledgeable personnel, review of historical information, a review of federal, state and local regulatory databases. Pertinent information contained in this report is summarized below:

- At the time of the 2019 assessment, the subject property consisted of three parcels which included remnants for three multi-level office buildings the form of concrete pads, paved parking areas, and limited landscaping. A chain-link fence bounded the property boundaries as well as a masonry brink wall.
- According to the EEI report, the subject property formerly occupied by single-family residence from at early as 1939 and was developed with a commercial office buildings in 1967 and two additional office buildings by 1974. Approximately March 2017, the buildings appeared to be demolished.
- No current or former ASTs or USTs were identified on the subject property.

EEI identified no RECs and recommended no further investigation.

Copies of pertinent pages reviewed are included in Appendix B.

## 6.0 SITE RECONNAISSANCE

The weather at the time of the site visit was sunny and clear. Refer to Section 1.5 for limitations encountered during the field reconnaissance and Sections 2.1 and 2.2 for subject property operations. The table below provides the site assessment details:

### **Site Assessment Data**

**Site Assessment Performed By:** Christine Nguyen  
**Site Assessment Conducted On:** August 3, 2020

The table below provides the subject property personnel interviewed during the field reconnaissance:

### **Site Visit Personnel for 31872, 31878, and 31882 Camino Capistrano (Subject Property)**

| <b>Name</b> | <b>Title/Role</b> | <b>Contact Number</b> | <b>Site Walk*<br/>Yes/No</b> |
|-------------|-------------------|-----------------------|------------------------------|
| Chad Brown  | Key Site Manager  | (949) 417-6264        | No                           |

\* Accompanied Partner during the field reconnaissance activities and provided information pertaining to the current operations and maintenance of the subject property.

No potential environmental concerns were identified during the onsite reconnaissance.

### **6.1 General Site Characteristics**

#### **6.1.1 Solid Waste Disposal**

Solid waste is not currently generated at the subject property. However, Partner observed non-hazardous trash and construction debris related to the former commercial buildings throughout the property. No staining or evidence of a release was observed around these materials. No other evidence of illegal dumping of solid waste was observed during the Partner site reconnaissance.

#### **6.1.2 Sewage Discharge and Disposal**

No sanitary sewer discharges are currently generated on the subject property. However, sanitary discharges for the previous buildings were directed into the municipal sanitary sewer system. The City of San Juan Capistrano services the subject property vicinity. No wastewater treatment facilities or septic systems were observed or reported on the subject property.

#### **6.1.3 Surface Water Drainage**

Storm water is removed from the subject property primarily by sheet flow action across the paved surfaces towards storm water drains located throughout the subject property and in the public right of way. The subject property is connected to a municipal owned and maintained sewer system.

The subject property does not appear to be a designated wetland area, based on information obtained from the United States Fish & Wildlife Service. No surface impoundments, wetlands, natural catch basins, settling ponds, or lagoons are located on the subject property. No drywells were identified on the subject property.

#### **6.1.4 Source of Heating and Cooling**

No heating or cooling equipment were observed on the subject property. San Diego Gas & Electric (SDG&E) and Southern California Gas Company provide electricity and natural gas to the subject property vicinity

#### **6.1.5 Wells and Cisterns**

No aboveground evidence of wells or cisterns was observed during the site reconnaissance.

#### **6.1.6 Wastewater**

Domestic wastewater is not currently generated at the subject property. No industrial process is currently performed at the subject property.

#### **6.1.7 Septic Systems**

No septic systems were observed or reported on the subject property.

#### **6.1.8 Additional Site Observations**

No additional general site characteristics were observed during the site reconnaissance.

### **6.2 Potential Environmental Hazards**

#### **6.2.1 Hazardous Substances and Petroleum Products Used or Stored at the Site**

No hazardous substances or petroleum products were observed on the subject property during the site reconnaissance.

#### **6.2.2 Aboveground & Underground Hazardous Substance or Petroleum Product Storage Tanks (ASTs/USTs)**

No evidence of current or former ASTs or USTs was observed during the site reconnaissance.

#### **6.2.3 Evidence of Releases**

No spills, stains or other indications that a surficial release has occurred at the subject property were observed.

#### **6.2.4 Polychlorinated Biphenyls (PCBs)**

No potential PCB-containing equipment (transformers, oil-filled switches, hoists, lifts, dock levelers, hydraulic elevators, etc.) was observed on the subject property during Partner's reconnaissance.

#### **6.2.5 Strong, Pungent or Noxious Odors**

No strong, pungent or noxious odors were evident during the site reconnaissance.

#### **6.2.6 Pools of Liquid**

No pools of liquid were observed on the subject property during the site reconnaissance.

#### **6.2.7 Drains, Sumps and Clarifiers**

No drains, sumps, or clarifiers, other than those associated with storm water removal, were observed on the subject property during the site reconnaissance.

### **6.2.8 Pits, Ponds and Lagoons**

No pits, ponds or lagoons were observed on the subject property.

### **6.2.9 Stressed Vegetation**

No stressed vegetation was observed on the subject property.

### **6.2.10 Additional Potential Environmental Hazards**

No additional environmental hazards, including landfill activities or radiological hazards, were observed.

## **6.3 Non-ASTM Services**

### **6.3.1 Asbestos-Containing Materials (ACMs)**

Asbestos is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1101 requires certain construction materials to be presumed to contain asbestos, for purposes of this regulation. All thermal system insulation (TSI), surfacing material, and asphalt/vinyl flooring that are present in a building that have not been appropriately tested are "presumed asbestos-containing material" (PACM).

No buildings or structures are located on the subject property. As such, an asbestos evaluation was not required by the scope of services.

### **6.3.2 Lead-Based Paint (LBP)**

Lead is a highly toxic metal that affects virtually every system of the body. LBP is defined as any paint, varnish, stain, or other applied coating that has 1 mg/cm<sup>2</sup> (or 5,000 ug/g or 0.5% by weight) or more of lead. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as "Title X", to protect families from exposure to lead from paint, dust, and soil. Under Section 1017 of Title X, intact LBP on most walls and ceilings is not considered a "hazard," although the condition of the paint should be monitored and maintained to ensure that it does not become deteriorated. Further, Section 1018 of this law directed the Housing and Urban Development (HUD) and the US EPA to require the disclosure of known information on LBP and LBP hazards before the sale or lease of most housing built before 1978.

No buildings or structures are located on the subject property. As such, a LBP evaluation was not required by the scope of services.

### **6.3.3 Radon**

Radon is a colorless, odorless, naturally occurring, radioactive, inert, gaseous element formed by radioactive decay of radium (Ra) atoms. The US EPA has prepared a map to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. The map divides the country into three Radon Zones, according to the table below:

| <b>EPA Radon Zones</b> |                                       |                  |
|------------------------|---------------------------------------|------------------|
| <b>EPA Zones</b>       | <b>Average Predicted Radon Levels</b> | <b>Potential</b> |
| Zone 1                 | Exceed 4.0 pCi/L                      | Highest          |

### ***EPA Radon Zones***

| <b>EPA Zones</b> | <b>Average Predicted Radon Levels</b> | <b>Potential</b> |
|------------------|---------------------------------------|------------------|
| Zone 2           | Between 2.0 and 4.0 pCi/L             | Moderate         |
| Zone 3           | Less than 2.0 pCi/L                   | Low              |

It is important to note that the EPA has found homes with elevated levels of radon in all three zones, and the US EPA recommends site-specific testing in order to determine radon levels at a specific location. However, the map does give a valuable indication of the propensity of radon gas accumulation in structures.

Radon sampling was not conducted as part of this assessment. Review of the US EPA Map of Radon Zones places the subject property in Zone 3. Based upon the radon zone classification, radon is not considered to be a significant environmental concern.

#### **6.3.4 *Lead in Drinking Water***

No potable water is currently supplied to the subject property. According to available information, a public water system operated by the San Juan Capistrano Utilities Department serves the subject property vicinity. According to the 2019 Water Quality Report, shallow groundwater beneath the subject property is not utilized for domestic purposes. The sources of public water for the City of San Juan Capistrano are groundwater from the Ground Water Recovery Plant, one potable production well, and surface water imported from Northern California and the Colorado River. According to the City of San Juan Capistrano and the 2019 Water Quality Report, water supplied to the subject property is in compliance with all State and Federal regulations pertaining to drinking water standards, including lead and copper. Water sampling was not conducted to verify water quality.

#### **6.3.5 *Mold***

Molds are microscopic organisms found virtually everywhere, indoors and outdoors. Mold will grow and multiply under the right conditions, needing only sufficient moisture (e.g. in the form of very high humidity, condensation, or water from a leaking pipe, etc.) and organic material (e.g., ceiling tile, drywall, paper, or natural fiber carpet padding).

No buildings or structures are located on the subject property. As such, a mold evaluation was not required by the scope of services.

#### **6.4 *Adjacent Property Reconnaissance***

The adjacent property reconnaissance consisted of observing the adjacent properties from the subject property premises. No items of environmental concern were identified on the adjacent properties during the site assessment, including hazardous substances, petroleum products, ASTs, USTs, evidence of releases, PCBs, strong or noxious odors, pools of liquids, sumps or clarifiers, pits or lagoons, stressed vegetation, or any other potential environmental hazards.

## 7.0 FINDINGS AND CONCLUSIONS

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### Findings

A *recognized environmental condition (REC)* refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. The following was identified during the course of this assessment: .

- Partner did not identify evidence of RECs during the course of this assessment.

A *controlled recognized environmental condition (CREC)* refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The following was identified during the course of this assessment:

- Partner did not identify evidence of CRECs during the course of this assessment.

A *historical recognized environmental condition (HREC)* refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. The following was identified during the course of this assessment: .

- Partner did not identify evidence of HRECs during the course of this assessment.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, warrant further discussion. The following was identified during the course of this assessment:

- Partner did not identify evidence of environmental issues during the course of this assessment.

### Conclusions, Opinions and Recommendations

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, Orange County, California (the "subject property"). Any exceptions to, or deletions from, this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of RECs or environmental issues in connection with the subject property. Based on the conclusions of this assessment, Partner recommends no further investigation of the subject property at this time.



## 8.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

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Partner has performed a Phase I Environmental Site Assessment of the property located at 31872, 31878, and 31882 Camino Capistrano in San Juan Capistrano, Orange County, California in conformance with the scope and limitations of the protocol and the limitations stated earlier in this report. Exceptions to or deletions from this protocol are discussed earlier in this report.

By signing below, Partner declares that, to the best of our professional knowledge and belief, we meet the definition of *Environmental Professional* as defined in §312.10 of 40 CFR §312. Partner has the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the subject *property*. Partner has developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared By:



Christine Nguyen  
Environmental Professional

Reviewed By:



Sheryl A. Amezcua  
Senior Author



Robert Vaughn  
National Client Manager

## 9.0 REFERENCES

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### Reference Documents

American Society for Testing and Materials, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E1527-13.

Environmental Data Resources (EDR), Aerial Photo Decade Package, Certified Sanborn Map Report, City Directory Abstract, Historical Topo Map Report, Radius Report, July 2020

Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, Flood Insurance Map, accessed via internet, July 2020

United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, accessed via the internet, July 2020

United States Environmental Protection Agency, EPA Map of Radon Zones (Document EPA-402-R-93-071), accessed via the internet, July 2020

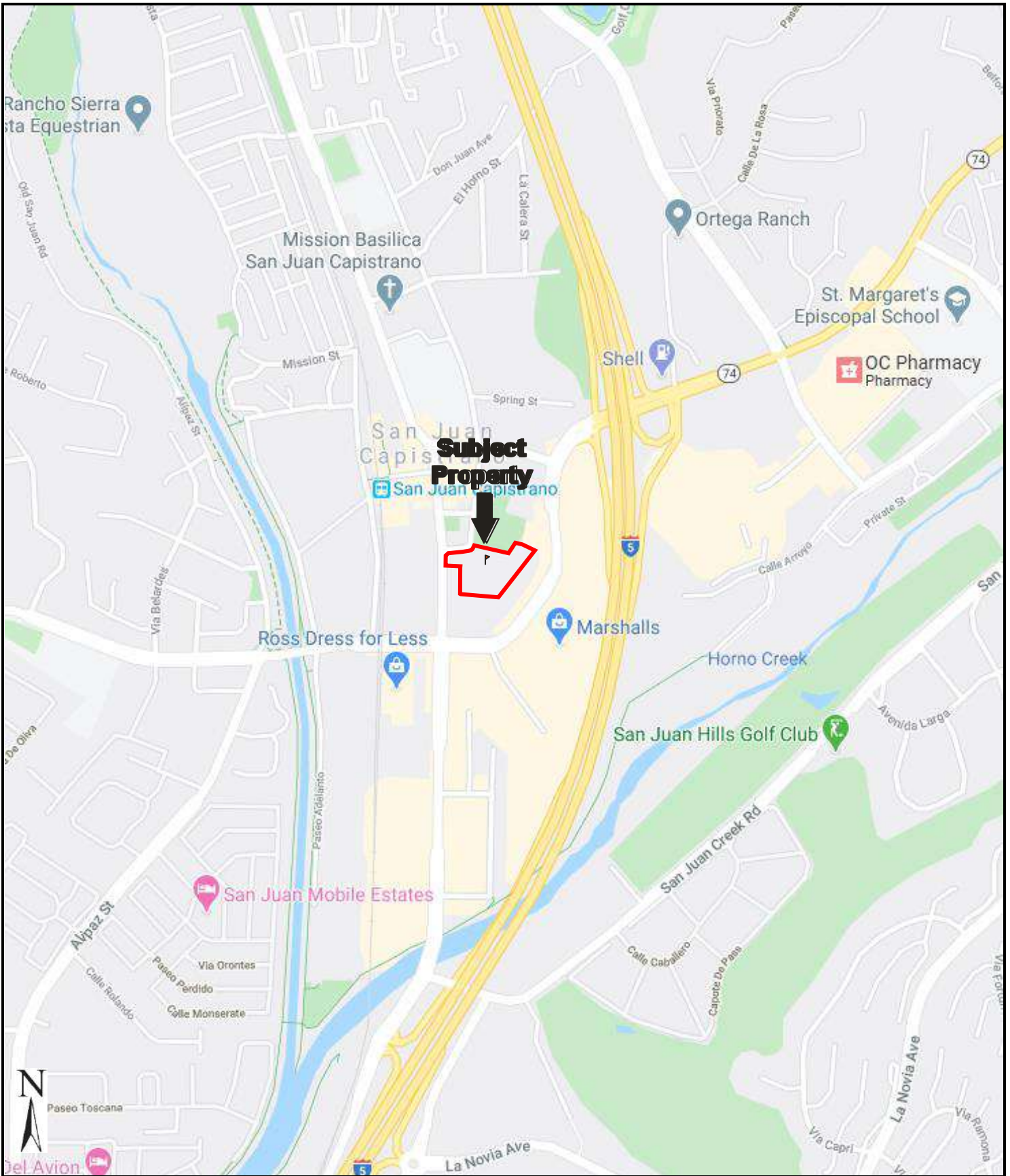
United States Geological Survey, accessed via the Internet, July 2020

United States Geological Survey Topographic Map 2012, 7.5 minute series, July 2020

## **FIGURES**

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- 1 SITE LOCATION MAP**
- 2 SITE PLAN**
- 3 TOPOGRAPHIC MAP**



Drawing Not To Scale

KEY:  
Subject Property 

**FIGURE 1: SITE LOCATION MAP**  
Project No. 20-287802.1

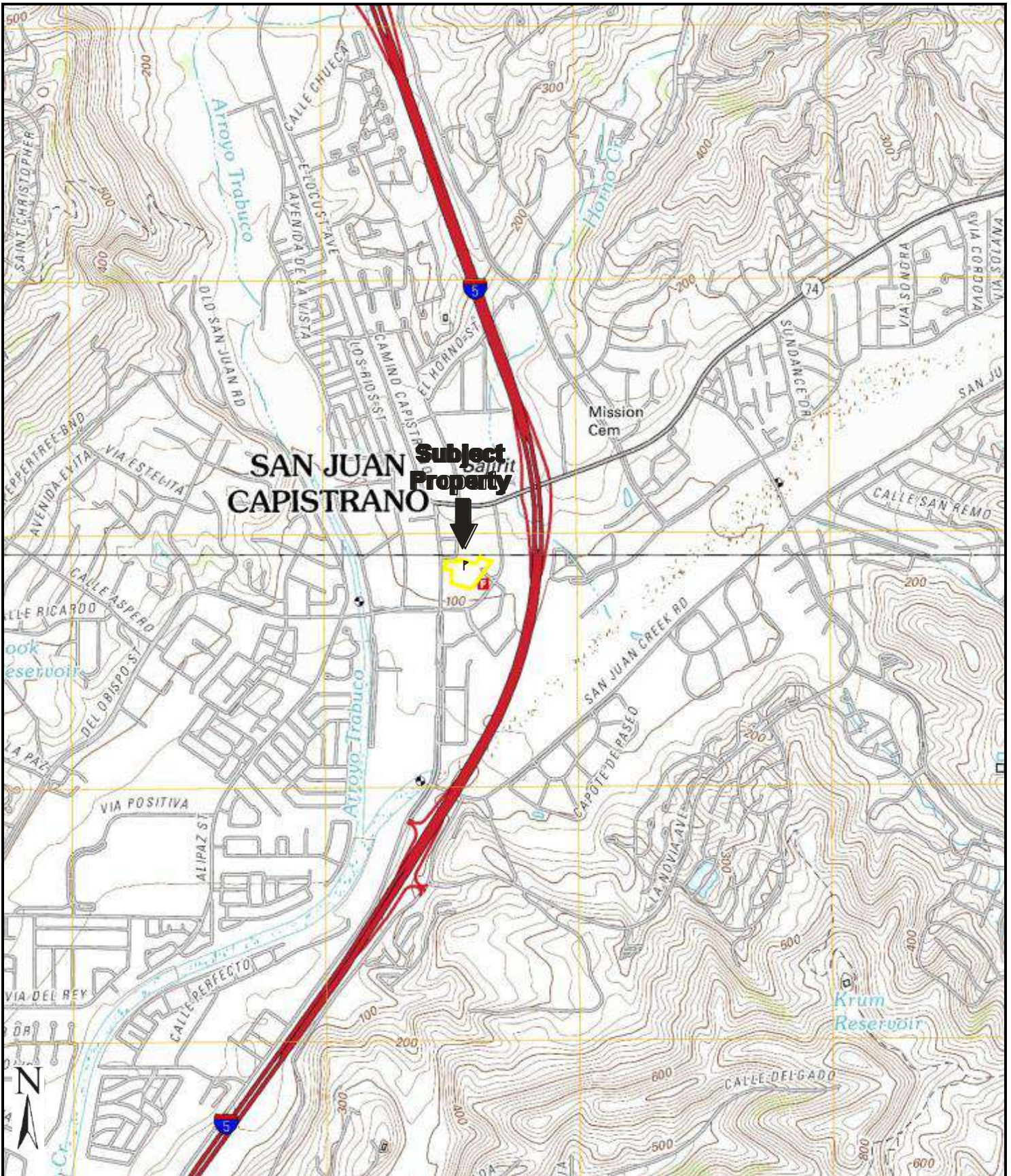


**GROUNDWATER FLOW**



KEY:  
Subject Property 

**FIGURE 2: SITE PLAN**  
Project No. 20-287802.1



USGS 7.5 Minute San Juan Capistrano, California Quadrangle  
 Created: 2012

KEY:  
 Subject Property 

**FIGURE 3: TOPOGRAPHIC MAP**  
 Project No. 20-287802.1

For Appendix A Site Photographs; Appendix B  
Historical/Regulatory Documentation; Appendix C  
Regulatory Database Report; Appendix D Qualifications,  
please visit the City's website at:

[https://sanjuancapistrano.org/444/El-Camino-Specific-  
Plan---Draft-Environm.](https://sanjuancapistrano.org/444/El-Camino-Specific-Plan---Draft-Environm.)