

## **RESPONSE TO PUBLIC COMMENTS**

### **DISTRITO LA NOVIA/SAN JUAN MEADOWS DRAFT ENVIRONMENTAL IMPACT REPORT SAN JUAN CAPISTRANO, CA**

#### **INTRODUCTION**

The 45-day public review period for the Draft Environmental Impact Report (EIR) prepared for the Distrito La Novia/San Juan Meadows Project extended from January 5 through February 19, 2010. The City of San Juan Capistrano received eighteen (18) comment letters on the Draft EIR during the formal public review and comment period. In addition, one comment was received after the close of the public review and comment period. Responses to the comments included in each of the letters received by the City, including those received after the close of the public review period, have been prepared and are included with the Final EIR. The 18 comment letters were received from:

1. Harold and Eva Haight (January 7, 2010)
2. Native American Heritage Commission (January 28, 2010)
3. Department of Toxic Substances Control (February 2, 2010)
4. Orange County Public Works (February 16, 2010)
5. California Department of Transportation (February 18, 2010)
6. Orange County Waste & Recycling (February 19, 2010)
7. Ronald Malanosky (February 15, 2010)
8. Richard Loverde (February 12, 2010)
9. Maryann Pette (February 21, 2010)
10. John Wikle (February 17, 2010)
11. Tom Wittman (February 12, 2010)
12. Yvonne Tschaikowsky (February 19, 2010)
13. Ronald E. Malanosky (February 20, 2010)
14. John Perry (February 22, 2010)
15. Cherrie and Chuck Best (January 29, 2010)
16. Jack Chestek (February 19, 2010)
17. Rick and Kerry Deputy (February 15, 2010)
18. Bert and Louise Dumais (February 5, 2010)
19. Orange County Health Care Agency (March 17, 2010)

Responses to these comments have been prepared according to Section 15088 of the State CEQA Guidelines. The letters received during the public review period have been reproduced in the section that follows. The letters have been reviewed and substantive comments have been identified. Responses have been prepared and follow the letters from the agencies in this "Response to Public Comments" Appendix to the Final EIR. Each comment in each letter for which a response is required has been numbered for easy reference.

In addition, several letters and emails were also submitted to the City that reflect either support or opposition to the proposed project (refer to the table below). Although no specific comments related to the adequacy of the Draft EIR were noted in the letters and emails, they will be forwarded to the Planning Commission and City Council for consideration prior to taking an action on the proposed project.

**Table 1**

**Distrito La Novia/San Juan Meadows  
Support and Opposition Letters/Emails**

<b>Opposition</b>	<b>Support</b>
James W. Elder	Dee Dee Gates
Ronald Malanosky	Karen Fowler
Residents of San Juan Hills Block 1 Petition <sup>1</sup>	Roger France
Bob Savanich	Carol Hanrahan
Nancy and Ralph Sturdevant	Catherine Jooyan
John Wikle	Darrell Joseph
	Cheryl Kaysen
	Marc Kennedy
	Terry R. Vorell
	Melodie Knuchell
	Lisa Holman
	Marcia Llamas
	Carrie D. Morgan
	Ronald Otero
	Neal Pedersen
	Joel Reid
	Ray J. Ruddy
	Gladys Sager
	Susan C. Purel
	Judy Vanetta
	Gretchen Verbeerst
	William Watt
	Dalynn Zampino
	Dianne Beckman
	Sherri Brussel
	Buddy Purel
	Dana Donegan
<p><sup>1</sup>The petition included 15 signatures.</p> <p>NOTE: Claude Weatherwax submitted a letter taking no position on the proposed project.</p>	

## 1. Harold and Eva Haight (January 7, 2010)

### *Response to Comment No. 1*

Although this comment expresses “considerable concern” for the increases in population traffic, noise, pollutant emissions and odors anticipated as a result of the proposed project, no specific issues related to the adequacy of the analysis presented in the Draft EIR are provided. Each of these issues identified by the commenter is described and analyzed in Chapter 4.0 (Environmental Analysis) of the Draft EIR. Specifically, a detailed traffic impact analysis (TIA) was analyzed the project’s potential traffic impacts. The findings and recommendations are summarized in Section 4.2 (Traffic and Circulation). In addition, an air quality (including odors) and an acoustical analysis were also prepared, which are summarized in Section 4.3 (Air Quality) and Section 4.4 (Noise). Potential impacts have been identified and measures have been prescribed to mitigate the potential project-related and cumulative. With the exception of construction-related PM<sub>10</sub> and NO<sub>x</sub> emissions, all of the project-related impacts resulting from project implementation will be mitigated to an acceptable level.

### *Response to Comment No. 2*

Additional issues are raised in this comment related to “quality of life”; however, these issues are related to City policy and do not raise specific environmental questions. As a result, no response is necessary, the concerns expressed in this comment will be forwarded to the decision makers for their consideration prior to taking an action on the proposed project.

## **2. Native American Heritage Commission (January 28, 2010)**

### *Response to Comment No. 1*

As reflected in Section 4.8 (Cultural Resources) in the Draft EIR, a cultural resource survey was conducted for both properties encompassing the Distrito La Novia/San Juan Meadows project site. Table 4.8-1 (refer to page 4.8-2) lists the prehistoric and historic resources (27) that are located within one mile of the subject property.

### *Response to Comment No. 2*

Because the project requires the approval of a General Plan Amendment, the City has complied with SB18, which requires local governments to involve California Native American tribes in the early stages of land use planning. Compliance with the SB18 “early consultation” process is summarized on pages 4.8-6 and 4.8-7 of the Draft EIR. To date, no comments have been received from the affected Native American representatives.

### *Response to Comment No. 3*

Only one cultural resource site was identified on the subject property; however, no artifacts were observed during the 2009 field survey conducted by ICI/Jones & Stokes. As indicated in the analysis of cultural resources, the site may have been destroyed due to soil displacement in the area since the original survey. Nonetheless, because much of the City has been identified as “archaeologically sensitive,” several mitigation measures have been prescribed to ensure that potential impacts to prehistoric and historic cultural resources are avoided or reduced to a less than significant level. These measures include monitoring by a qualified archaeologist as well as a Native American representative during grading. In addition, should human remains be encountered, construction activities will be halted in accordance with Public Health and Safety Code requirements.

### *Response to Comment No. 4*

As indicated in Response to Comment No. 2, the City of San Juan Capistrano has contacted all affected Native American representatives pursuant to SB18. In addition, each of these representatives received a copy of the Draft EIR for the Distrito La Novia/San Juan Meadows project. No comments were received.

### *Response to Comment No. 5*

MM 4.8-1c on page 4.8-8 of the Draft EIR requires compliance with applicable sections of the Health and Safety and Public Resources Code as well as the California Code of Regulations to halt construction in the event that human remains are encountered during grading.

### *Response to Comment No. 6*

As indicated in prior responses, the proposed project will comply with all applicable local, state and federal requirements to ensure that potentially significant adverse impacts to cultural resources are avoided or reduced to a less than significant impact.

### **3. Department of Toxic Substances Control (February 2, 2010)**

#### *Response to Comment No. 1*

This comment letter suggests that the Draft EIR did not address the NOP comments submitted in the Department's letter dated July 3, 2008. Section 4.5 (Public Health and Safety) of the Draft EIR included an extensive discussion of the potential health and safety effects associated with the proposed project, including addressing the issues identified in the July 3, 2008 letter. Nonetheless, the responses presented below provide additional clarification to the comments submitted by DTSC in that letter.

#### *Response to Comment No. 2*

This comment is acknowledged. Although no cleanup requirements have been identified, the project applicant will contact DTSC in the event guidance from the agency is desired for such oversight in the event that subsequent testing reveals a need for cleanup.

The responses provided below correlate to the comments reflected in the July 3, 2008 DTSC letter.

#### *Response to Comment No. 1*

With the exception of the Forster Canyon Landfill, which encompasses a portion of the San Juan Meadows property, the subject properties have been vacant. No development has occurred on either site. A discussion of the Forster Canyon Landfill, a Class II-2 disposal facility, is presented on pages 3-9 and 3-10. As indicated in that discussion, an estimated 2.5 to 3 million cubic yards of waste, including inert construction and demolition debris and municipal wastes, gardening debris, and commercial and industrial solid waste, were deposited within the landfill site. The landfill, which was closed in 1976, currently has a 2- to 8-foot final cover placed over it and has an open space end use. Section 4.5 of the Draft EIR includes the results of an environmental records search through Environmental Data Resources, Inc. (EDR). No known significant releases of toxic or hazardous wastes or substances have occurred on the site. In addition to the EDR database search, the discussion presented in Section 4.5 of the Draft EIR also identifies and describes the potential health risks associated with the proposed project, including the results of a Health Risk Assessment, which concludes that no significant cancer or non-cancer risk would occur as a result of project implementation. Mitigation measures have been prescribed to ensure that construction workers are adequately protected during final closure of the landfill.

#### *Response to Comment No. 2*

Section 4.5 (Public Health and Safety) of the Draft EIR presents the results of the environmental database search conducted by Environmental Data Resources (EDR). As indicated in that table, all of the relevant databases were accessed and the findings summarized in Table 4.5-1 (refer to page 4.5-3). As indicated in that table, the San Juan Meadows site encompasses the Forster Canyon Landfill, which was closed in 1976. Other features within a one mile radius include small quantity generators, underground storage tanks (USTs) and aboveground storage tanks (ASTs), etc.

#### *Response to Comment No. 3*

A Landfill Closure and Post-Closure Maintenance Plan has been prepared that addresses potential health and safety issues and identifies appropriate remediation measures. In addition, a Health Risk Assessment was also conducted (refer to pages 4.5-14 through 4.5-19) to evaluate the potential hazards associated with the prior use of the site and the effect of any groundwater contamination that may have occurred as a result of the historical use of the site. The results of the health risk assessment are presented in Table 4.5-3 (Indoor Air Concentrations – Vapor Intrusion from Chemicals in Groundwater), Table 4.5-4 (Toxicity

Values – Chemicals Detected in Groundwater), and Table 4.5-5 (Cancer and Non-Cancer Hazard). As indicated in that analysis (refer to Table 4.5-4), the cumulative cancer risk to future residents from exposure to vapors from groundwater is 0.8 in 1 million, which is less than the insignificant risk value of 1 in 1 million. In addition, the cumulative non-cancer hazard index for future residents from exposure to vapors from groundwater is 0.003, which is also less than the benchmark value of 1.

*Response to Comment No. 4*

Several mitigation measures have been prescribed in Section 4.5.5, including MM 4.5-1a, which requires the preparation of a site-specific Health and Safety Plan (HSP). The HSP will complement the Clean Closure Plan for the site perimeter clean closure and will establish the policies and procedures that protect site personnel and the public from potential hazards posed by work at the landfill site. In addition, MMs 4.5-1b and 4.5-1c include a soils testing to determine the need for removal of contaminated soils. Oversight of the landfill closure will be conducted by the Orange County Health Care Agency to ensure that remediation and closure of the landfill complies with all applicable regulatory requirements.

*Response to Comment No. 5*

The site is not located within 2,000 feet of a “Border Zone of a Contaminated Property.” However, as indicated in the Draft EIR, existing residential development exists near the westerly limits of the closed Forster Canyon Landfill and 94 single-family residential dwelling units are proposed along the easterly limits of the landfill site. However, the Final Close Plan and Post-Closure Maintenance Plan for the Forster Canyon Landfill incorporates a variety of environmental control systems, including a gas collection system, to ensure that no significant exposure to hazardous conditions would occur. In addition, the landfill closure will comply with all applicable regulatory requirements intended to protect that health and safety of existing and future residents. The Final Closure and Post-Closure Maintenance Plan will be subject to review and approval by the Orange County Health Care Agencies (i.e., Local Enforcement Agency) and the California Regional Water Quality Control Board.

*Response to Comment No. 6*

Refer to Response to Comment No. 4

*Response to Comment No. 7*

As indicated in Response to Comment No. 3, a Health Risk Assessment was conducted to evaluate the potential human health effects associated with closure of the landfill. Based on that HRA, the proposed project will not result in significant cancer or non-cancer health risks either to construction workers or future residents of the proposed project. Nonetheless, closure of the landfill will be overseen by the Orange County Health Care Agency to ensure that the concentrations of any contaminants do not exceed regulatory thresholds. In addition, the Health and Safety Plan will be implemented to protect construction works during closure of the Forster Canyon Landfill.

*Response to Comment No. 8*

There are no hazardous waste treatment process that will be undertaken to implement the Closure Plan for the Forster Canyon Landfill. However, in the event that a hazardous waste is encountered during the landfill closure process, the Certified Unified Program Agency will be notified and authorization will be obtained prior to proceeding with the treatment of any hazardous was that may be encountered.

*Response to Comment No. 9*

As previously indicated, the subject property is vacant and has been used historically for some grazing and, in the case of the San Juan Meadows site, the Forster Canyon Landfill. The Health Risk Assessment has evaluated both groundwater and soil contamination and has determined that no significant cancer or non-cancer risk would occur. However, because the excavation and redispersion of trash existing within the landfill is proposed, several measures, including the preparation of a health and safety plans (MM 4.5-1a, soils sampling/testing (MM 4.5-1b and 4.5-1c, and notification of involved parties (MM 4.5-2j, have been prescribed to ensure that potential health hazards are avoided. These measures include the preparation and implementation of a Health and Safety Plan, assessing soils for any potential adverse conditions, and testing of soils to ensure that the clean-up levels required by the regulatory agencies are not exceeded.

*Response to Comment No. 10*

The Health and Safety Plan that will be required to be implemented will include specific procedures for to be undertaken in the event that soils and/or groundwater contamination is encountered. As indicated in MM 4.5-1c, contaminated soil would be removed until confirmatory sampling indicates that unimpacted soils are encountered. As indicated in Response to Comment No. 5, the Orange County Health Care Agency, acting as the Local Enforcement Agency, and the California Regional Water Quality Control Board will be responsible for oversight of the landfill closure activities.

*Response to Comment No. 11*

The Notice of Preparation (NOP) and Notice of Completion (NOC) that were distributed to the list of recipients, including the Department of Toxic Substances Control, included both the name, title, and telephone number of the City's contact. In addition, the inside cover of the Draft EIR also identified the City's contact and his title telephone number. As requested in this comment, future CEQA documents will also include the contact's email address.

#### **4. Orange County Public Works (February 16, 2010)**

##### *Response to Comment No. 1*

Neither the Distrito La Novia nor San Juan Meadows project sites are located within the 100-year floodplain limits per FEMA's FIRM Map No. 06059C0506J dated December 3, 2009 for San Juan Creek. In addition, the lowest proposed pad elevation for a building structure within either the Distrito La Novia or San Juan Meadows project sites is 118 feet above mean sea level (NAVD88) resulting in a vertical elevation difference of approximately 33 feet above the base flood elevation (85 feet above mean sea level) of San Juan Creek located north of the Distrito La Novia project site. Consequently, no flood hazard for building structures exists within the proposed developments.

##### *Response to Comment No. 2*

As demonstrated in the project's Hydrology Analysis reports dated June 12, 2009 (both included the appendix of the Draft EIR) with the use of retarding basins on both the San Juan Meadows and Distrito La Novia sites post-development peak surface flows will be reduced to pre-development (existing) flow rates. Consequently, existing flooding conditions upstream and downstream of the project site will not be adversely affected with the implementation of proposed development's storm drain improvements.

The project applicant will be required to submit development plans, including those reflecting storm drainage and flood control improvements to the City for review and approval. As indicated on page 4.6-31, potential impacts to existing storm drainage systems and San Juan Creek will be minimized with the implementation of the proposed stormwater detention systems in each of the project components, which will ensure that post-development peak surface flows will be reduced to pre-development flow rates. The project will be required to comply with all local and state requirements for ensure that the existing hydrologic conditions both upstream and downstream of the subject site are not exacerbated.

##### *Response to Comment No. 3*

As indicated in this comment and prescribed in Standard Condition (SC) 4.6-4, the proposed project will comply with the drainage controls imposed by the applicable City building code requirements

##### *Response to Comment No. 4*

The maximum storm size that project treatment control BMPs shall be designed for shall conform to the following standard:

From The County of Orange Proposed 2007 Drainage Area Management Plan Exhibit 7.II MODEL WATER QUALITY MANAGEMENT PLAN WQMP, (REVISED JUNE 12, 2006)

##### *Stormwater Quality Design Volume (SQDV)*

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record;
- The volume of runoff produced by the 85th percentile 24-hour runoff event, determined as the maximized capture urban runoff volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

- The volume of annual runoff based on unit basin storage volume, to achieve 90 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (1993), or
- The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event, 6.

OR

*Stormwater Quality Design Flow (SQDF)*

Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour for each hour of a storm event; or
- The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- The maximum flow rate of runoff, as determined from the local historical rainfall record that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

As indicated in the project's Conceptual Water Quality Management Plans (CWQMPs) for the Distrito La Novia and San Juan Meadows components (both included the appendix of the Draft EIR), the developments' recorded project Covenants, Conditions and Regulations (CC&Rs) shall be the mechanism to ensure long-term maintenance of all structural, non-structural and treatment BMPs. The recorded project CC&R's shall include words to the effect that "all project water quality BMPs shall be maintained in accordance with, and as required by, all water quality laws, regulations, orders and requirements per the project's approved Water Quality Management Plan."

*Response to Comment No. 5*

As a clarification, the proposed equestrian facility will consist of a maximum of 775 horses. In conformance with the current standards of the City of San Juan Capistrano, the County of Orange, the San Diego Regional Water Quality Control Board and the US EPA, the project treatment train is designed to effectively treat the first flush flows (i.e. the water quality flows) related to the project. No other treatment control BMPs beyond the water quality flow capacity are proposed for the project. Treatment of runoff from storms larger than those generating water quality storm flows has been shown by numerous studies to be impracticable; taken to the extreme, treating the largest volume of storm flows, such as those from a Category 5 hurricane, a tsunami or a 500 year rain storm, is a concept not considered practicable. For reference purposes, a 2007 cost/effectiveness study of treatment control by Weiss et al, is attached and should help convey the impracticality of treating storm flows from storms generating large volumes of surface flows/runoff (see attachment). Nevertheless, with implementation of the Best Management Practices (BMPs) detailed in the project's Nutrient Management Plan dated January 26, 2009 (included in the appendix of the Draft EIR) such as the manure management plan with daily collection, proper storage and daily removal/disposal by a local waste management company, a larger storm event should not significantly impact the water quality/runoff treatment of the proposed equestrian facility since the majority of the equestrian related BMPs are source control not treatment control.

As a clarification, the project equestrian facility is not located on a 2:1 slope or similarly steep incline. Instead, it is sited within a hillside development as a very large pad/terrace area that slopes at an

approximate gradient of 3%, which is a relatively flat gradient. As summarized in the project's Nutrient Management Plan (NMP) dated January 26, 2009 (included in the appendix of the Draft EIR), a facility defined as a large Concentrated Animal Feeding Operation (CAFO) with 500 or more horses stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, shall be subject to NPDES permitting requirements for CAFOs through the State of California via a NPDES general or individual permit as authorized by Environmental Protection Agency (EPA). Through the NPDES permitting process, which includes review and implementation of a NMP, the project is regulated based on established EPA guidelines and standards to mitigate surface water quality impacts for an operating CAFO to a less than significant level.

*Response to Comment No. 6*

As suggested in this comment, mitigation measure (MM) 4.5-1b will be revised to reflect that all personnel involve in the excavation of the landfill will be trained to recognize suspected hazardous materials and conditions.

*Response to Comment No. 7*

As described in the Draft EIR 9 (Stability of Underlying Landslide, pages 4.9-15 through 4.9-17) dewatering will be required for proposed project as part of the geotechnical mitigation to help stabilize the Forster Canyon Landfill. Consistent with the dewatering that is currently taking place on the San Juan Meadows project site for the landfill's monitoring wells, pumped water will be retained onsite in evaporation ponds or dispersed for dust control throughout the proposed equestrian facility. Consequently, by not discharging the water, there is no need to obtain a permit from the Regional Water Quality Control Board.

## 5. California Department of Transportation (February 18, 2010)

### *Response to Comment No. 1*

Comment noted. It is acknowledged that an Encroachment Permit is needed from Caltrans for any work that will occur within the State's Right-of Way.

### *Response to Comment No. 2*

The traffic signal warrant analysis for the intersection of Valle Road at I-5 NB Ramps/La Novia Avenue for both near-term and long-term conditions can be found in Section 11.0 (page 73), and Section 17.0 (page 130), respectively, of Appendix C of the DEIR (*Traffic Impact Analysis Report for Distrito La Novia – San Juan Meadows*, prepared by LLG dated December 18, 2009).

As indicated, the need for signalization was assessed on the basis of the peak-hour traffic signal warrant, Warrant #3, described in the *California Manual on Uniform Traffic Control Devices (CA MUTCD)*. Warrant #3 has two parts:

1. *Part A* evaluates peak hour vehicle delay for traffic on the minor street approach with the highest delay, and
2. *Part B* evaluates peak-hour traffic volumes on the major and minor streets.

This method provides an indication of whether peak-hour traffic volume levels are, or would be, sufficient to justify installation of a traffic signal. Other traffic signal warrants are available; however, they cannot be checked under future conditions (Existing plus Project plus Cumulative, or General Plan Amendment) because they rely on data for which forecasts are not available (such as accidents, pedestrian volume, and four- or eight-hour vehicle volumes).

The peak hour traffic signal warrant worksheets for intersection of Valle Road at I-5 NB Ramps/La Novia Avenue were published on pages I-12 through I-14, I-26 through I-28, and S-12 through S-14 of Appendix C of the DEIR.

With regards to impacts, as indicated in Table 4.2-7 on page 4.2-26 of the DEIR, Valle Road at I-5 NB Ramps/La Novia Avenue is forecast to operate at LOS D or better (i.e., acceptable level of service) during the AM peak hour and PM peak hour with the installation of a traffic signal (LOS F conditions are forecast if All-Way Stop Control were to remain).

It is acknowledged that the implementation of MM 4.2-7, improvements recommended at Valle Road and I-5 NB Ramps/La Novia Avenue which includes realignment of the intersections as well as signalization, will need to be prepared according to Caltrans Standards and that an Encroachment Permit is needed from Caltrans for any work that will occur within the State's Right-of Way.

### *Response to Comment No. 3*

In response to the above-referenced request, a "turn pocket" queuing evaluation was prepared for the following four (4) off-ramp key intersections from the I-5 Freeway after the implementation of the planned and/or recommended improvements to determine the minimum required stacking/storage lengths for all off-ramp lanes.

3. I-5 Northbound Ramps at Ortega Highway
4. I-5 Southbound Ramps at Ortega Highway
16. Camino Capistrano at I-5 Southbound Ramps

## 23. Valle Road/I-5 Northbound Ramps at La Novia Avenue

The queuing evaluation was conducted for future conditions (Existing plus Project plus Cumulative, and General Plan Amendment) and the Average Queue methodology, which calculates the average queue value in terms of number of vehicles per lane. At signalized intersections, the storage length for left-turn and right-turn lanes may be based on one and one-half (1½) to two (2) times the average number of vehicles that would store per signal cycle.<sup>1</sup> For the purposes of this traffic analysis, the minimum storage requirement for left-turn lanes and right-turn lanes was calculated by taking 1½ time the average queue length and multiplying it by an average car length of 25 feet (Minimum required storage =  $Q_{av} \times 1.5 \times 25$  feet).

Table 1 (attached) identifies the minimum required stacking/storage lengths for all off-ramp lanes at the four (4) intersections identified above for Year 2015. Table 2 (attached) identifies the minimum required stacking/storage lengths for all off-ramps lanes for Year 2030. The stacking/storage requirements shown in these tables are required at a minimum to ensure that vehicles do not queue beyond the off-ramp causing interruptions to through traffic on the mainline of the I-5 Freeway. Given preparation of design plans associated with the recommended improvements are not a part of the DEIR, the information provided should be considered in the design of the improvements plans. Based on the estimated storage now provided on the off-ramp intersections from the I-5 Freeway to Ortega Highway, Camino Capistrano, and Valle Road/La Novia Avenue, adequate storage will be provided with implementation of recommended improvements, except for the I-5 SB off-ramp shared left-right turn lane, where up to 450 feet of storage will be needed for this future improvement. This project-related cumulative impact would be mitigated by requiring that the fair share fees identified in MM 4.2-4 to include the extension of the right-turn lane to be lengthened to accommodate the required 45-foot distance. MM 4.2-4 will be revised to include this improvement, as indicated below.

- MM 4.2-4      Prior to issuance of the first building permit for the proposed project, the project applicant shall pay a fair share of the construction costs associated with the restriping and/or widening of the I-5 SB Ramps to provide a westbound shared left/right-turn lane and the extension of that lane to accommodate up to 450 feet of storage. The provision of a second left-turn lane will require an additional departure lane on Camino Capistrano. In addition, the existing traffic signal shall be modified to reflect the changed conditions.

### *Response to Comment No. 4*

Traffic volume data for existing and future traffic conditions are graphically illustrated in the figures referenced below. These figures were published in Appendix C of the DEIR (*Traffic Impact Analysis Report for Distrito La Novia – San Juan Meadows*, prepared by LLG dated December 18, 2009).

- Figure 3-2 Existing AM Peak Hour Traffic Volumes
- Figure 3-3 Existing PM Peak Hour Traffic Volumes
- Figure 6-5 Existing Plus Project AM Peak Hour Traffic Volumes Without San Juan Creek Road Extension
- Figure 6-6 Existing Plus Project PM Peak Hour Traffic Volumes Without San Juan Creek Road Extension
- Figure 6-8 Existing Plus Project Plus Cumulative (Year 2015) AM Peak Hour Traffic Volumes – Without San Juan Creek Road Extension
- Figure 6-9 Existing Plus Project Plus Cumulative (Year 2015) PM Peak Hour Traffic Volumes – Without San Juan Creek Road Extension

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<sup>1</sup>Source: Highway Design Manual, Intersections at Grade, page 400-9, CALTRANS.

- Figure 13-2 General Plan Amendment With San Juan Creek Road Extension AM Peak Hour Traffic Volumes
- Figure 13-3 General Plan Amendment With San Juan Creek Road Extension PM Peak Hour Traffic Volumes

*Response to Comment No. 5*

Traffic studies typically focus on the period during the day when the transportation system is most heavily loaded and constrained on a regular basis. The purpose of a traffic study is to determine the potential traffic impacts of the Project during times of average peak demand of the adjacent roadway system. If the transportation system can accommodate the peak period of a project, the system can also accommodate the other time periods. Traffic counts are not typically conducted during holiday periods and/or summer periods, as it is recognized that these periods are not representative of recurring events and can be higher or lower due to schools being out of session, vacations and more atypical travel patterns.

Further, existing traffic count databases are determined at the time of filing of the Notice of Preparation (NOP) associated with an EIR. Appendix A of the DEIR contains a copy of the NOP, which is dated June 2008. Given the NOP was filed during the summer of 2008, the soonest the traffic data collection effort could be scheduled would be in the fall of 2008. As a result, the existing traffic counts are representative of the “baseline” conditions as required by CEQA.

As such, the peak-period manual intersection turning movement volumes at the twenty-five (25) existing study intersections, inclusive of the Caltrans’ ramp intersections, were scheduled and collected by Pacific Traffic Data Services in fall of 2008 to reflect a representative period of overall system-wide peak traffic volumes, when schools were back in session.

More specifically the traffic data was collected over a three day period, from Tuesday, September 9, 2008 to Thursday, September 11, 2008, consistent with the traffic impact requirements of the City of San Juan Capistrano, as documented in *Administrative Policy 310, Preparation and Use of Traffic Studies*. The average of the three-day volume was used for the traffic analysis and the counts were conducted while schools were in session in order to be representative of “typical” weekday peak conditions. Upon review and approval by the City of San Juan Capistrano staff, the traffic data was used to establish existing conditions of the DEIR traffic analysis and a reassessment of the Caltrans ramps intersections is not necessary. Detailed traffic count sheets can be found in pages A-1 through A-200 of Appendix C of the DEIR.

It is important to note that because traffic volumes may vary, depending on one or more conditions that may be present at the time the traffic counts and data are collected, it is not unlikely that a variation may exist between the Caltrans data and that collected for the proposed project following publication of the NOP. However, as indicated previously, the “baseline” conditions, which are the basis for conducting the analysis of impacts, are properly represented in the detailed traffic data collected for the proposed project and reflected in the Traffic Impact Analysis.

*Response to Comment No. 6*

As indicated in Section 4.2.4.1 on page 4.2-17), short-term construction impacts anticipated as a result of the proposed project would be minor. Although some traffic would be generated by construction workers, material deliveries, the number and timing of the trips would not significantly affect Caltrans facilities. Extensive grading (i.e., approximately 1.5 million cubic yards) will be required to accommodate the proposed project; however, because the grading operations will be “balanced” on-site, no significant heavy truck traffic would be generated that would adversely affect Caltrans facilities. Although haul trucks would access the site in the morning and in afternoon from the freeway during the site preparation phase, the limited number of trips would not occur during the peak hours. These trucks would cross La Novia

Avenue, which extends between the two sites, during grading the grading operations. However, once at the project site all of the heavy truck traffic would be contained within the Distrito La Novia/San Juan Meadows property and would not utilize the I-5 Freeway until on-site grading activities for the day are completed. In order to minimize project-related construction traffic impacts on the adjacent arterial roadways, MM 4.2-1 requires the preparation of a Traffic Control Plan and Construction Management Plan, which must address traffic control for any street closure, detour, or other disruption to traffic circulation, including effects on the I-5 Freeway and on- and off-ramps.

*Response to Comment No. 7*

The intersection of Valle Road at I-5 NB Ramps/La Novia Avenue is currently an All-Way Stop Controlled intersection and was evaluated using the methodology outlined in Chapter 17 of the *Highway Capacity Manual 2000 (HCM 2000)* for unsignalized intersections.

Since the information provided in Table 4.1-14 on page 4.2-39 of the DEIR is a summary of an assessment of long-term conditions for “General Plan Buildout and General Plan Amendment with San Juan Creek Road Extension” using the *Intersection Capacity Utilization (ICU) Methodology*, the Level of Service (LOS) information for the intersection of Valle Road at I-5 NB Ramps/La Novia Avenue was not provided. The ICU method is primarily used to assess the LOS of signalized intersections, not unsignalized intersections.

A summary of peak hour LOS results for Valle Road at I-5 NB Ramps/La Novia Avenue for “General Plan Buildout and General Plan Amendment with San Juan Creek Road Extension” based on the HCM method of analysis can be found in Table 4.1-16 of the DEIR.

*Response to Comment No. 8*

Long-term, General Plan Buildout and General Plan Amendment conditions referenced in Chapter 4.2 - Traffic and Circulation of the DEIR and the *Traffic Impact Analysis Report for Distrito La Novia – San Juan Meadows*, prepared by LLG dated December 18, 2009 are representative of Year 2030 conditions.

*Response to Comment No. 9*

Comment noted. It is acknowledged that coordination with Caltrans will be necessary for implementation of any work within the State’s Right-of Way and an Encroachment Permit will be required.

Please note that the recommended improvements for the I-5 SB ramps at Camino Capistrano are generally consistent with the State’s current improvement project for this location. Per the City’s requirements, as documented in the *City of San Juan Capistrano Council Policy No. 111, Fair Share Methodology and Developer Reimbursements, dated March, 17, 1998*, the project applicant shall pay a fair-share of the construction cost associated with the improvement identified in MM 4.2-4 on page 4.2-56 of the DEIR.

*Response to Comment No. 10*

Comment noted. It is acknowledged that coordination with Caltrans will be necessary for implementation of any work within the State’s Right-of Way on Ortega Highway and the I-5 SB Ramps and an Encroachment Permit will be required.

The City of San Juan Capistrano has two mechanisms currently in place, the *Capistrano Circulation Fee Program (CCFP)* and *City of San Juan Capistrano Council Policy No. 111, Fair Share Methodology and Developer Reimbursements, dated March, 17, 1998*, to ensure fair-share contributions from the proposed

project are paid towards the mitigations measure identified at MM 4.2-9 and MM 4.2-10 on page 4.2-57 of the DEIR.

Pursuant to the requirements of the City's *Capistrano Circulation Fee Program (CCFP)*, traffic impact fees that the project will pay are based on the following fee structure:

**Capistrano Circulation Fee Program (CCFP) Traffic Impact Fees**

<b>Land Use Category/Unit</b>	<b>Fee (\$ per applicable unit)</b>
<b>Residential</b>	
Single-Family (Primary and Secondary) Dwelling Unit (DU)	\$7,387.00/DU
Multi-Family Dwelling unit (DU)	\$6,088.00/DU
<b>Non-Residential</b>	
Commercial	\$8.51/sq.ft. of floor area
Equestrian	\$76.00/Stable
Office/R&D	\$6.30/sq.ft. of floor area
SOURCE: City of San Juan Capistrano	

As noted by MM4.2-10, payment of CCFP fees by the project applicant will mitigate the potential cumulative impacts of project as the I-5/Ortega Highway Interchange Improvement is included in the program. Further, as required by *City Council Policy No. 111*, payment of a fair-share of the construction cost associated with the improvements at Rancho Viejo Road and Ortega Highway (MM 4.2-9) by the project applicant will mitigate the potential cumulative impacts of the project at this location.

Table 1

Peak Hour Intersection Queuing Analysis Summary for  
Existing Plus Project Plus Cumulative (Year 2015) Conditions

Key Intersection	Existing Plus Project Plus Cumulative (Year 2015) With Recommended Improvements (if applicable)						
	Estimated Storage Provided (feet) <sup>1</sup>	AM Peak Hour			PM Peak Hour		
		Max. Queue <sup>2</sup>		Adequate Storage (Yes/No)	Max. Queue <sup>2</sup>		Adequate Storage (Yes/No)
		Cars	Feet		Cars	Feet	
I-5 NB Ramps at Ortega Highway							
NB Left/Through/Right Turn	1,080	30	750	Yes	21	525	Yes
NB Right Turn	600	23	563	Yes	17	413	Yes
I-5 SB Ramps at Ortega Highway							
SB Left Turn	450	15	375	Yes	18	450	Yes
SB Left/Right Turn	910	24	600	Yes	18	450	Yes
SB Right Turn	1,320	15	375	Yes	17	413	Yes
Camino Capistrano at I-5 SB Ramps							
WB Left Turn	760	11	263	Yes	18	450	Yes
WB Left/Right Turn	320	11	263	Yes	<b>18</b>	<b>450</b>	<b>No</b>
WB Right Turn	320	8	188	Yes	12	300	Yes
Valle Road at La Novia Avenue/I-5 NB Ramps							
EB Left Turn	1,180	8	188	Yes	11	263	Yes
EB Through/Right Turn	690	6	150	Yes	8	188	Yes
<sup>1</sup> Source: <i>Google Earth</i> . To estimate existing storage length, distance were measured from the gore point to the limit line using <i>Google Earth</i> . <sup>2</sup> Maximum queue in feet is calculated by multiplying the <i>Average Queue</i> by a factor of 1.5 and an average car length of 25 feet.							
SOURCE: Linscott, Law & Greenspan, Engineers, Inc. (March 4, 2010)							

Table 2

Peak Hour Intersection Queuing Analysis Summary for  
General Plan Amendment (Year 2030) Conditions

Key Intersection	Existing Plus Project Plus Cumulative (Year 2015) With Recommended Improvements (if applicable)						
	Estimated Storage Provided (feet) <sup>1</sup>	AM Peak Hour			PM Peak Hour		
		Max. Queue <sup>2</sup>		Adequate Storage (Yes/No)	Max. Queue <sup>2</sup>		Adequate Storage (Yes/No)
		Cars	Feet		Cars	Feet	
I-5 NB Ramps at Ortega Highway							
NB Left/Through/Right Turn	1,080	18	450	Yes	12	300	Yes
NB Right Turn	600	118	263	Yes	8	188	Yes
I-5 SB Ramps at Ortega Highway							
1 <sup>st</sup> SB Left Turn	450	14	338	Yes	18	450	Yes
2 <sup>nd</sup> SB Left Turn	450	14	338	Yes	18	450	Yes
1 <sup>st</sup> SB Right Turn	910	11	263	Yes	8	188	Yes
2 <sup>nd</sup> SB Right Turn	1,320	11	263	Yes	8	188	Yes
Camino Capistrano at I-5 SB Ramps							
WB Left Turn	760	11	263	Yes	15	375	Yes
WB Left/Right Turn	320	11	263	Yes	<b>15</b>	<b>375</b>	<b>No</b>
WB Right Turn	320	6	150	Yes	8	188	Yes
Valle Road at La Novia Avenue/I-5 NB Ramps							
EB Left Turn	1,180	2	38	Yes	20	488	Yes
EB Through/Right Turn	690	2	38	Yes	3	75	Yes
<sup>1</sup> Source: <i>Google Earth</i> . To estimate existing storage length, distance were measured from the gore point to the limit line using <i>Google Earth</i> . <sup>2</sup> Maximum queue in feet is calculated by multiplying the <i>Average Queue</i> by a factor of 1.5 and an average car length of 25 feet.							
SOURCE: Linscott, Law & Greenspan, Engineers, Inc. (March 4, 2010)							

## 6. Orange County Waste & Recycling (February 19, 2010)

### *Response to Comment No. 1*

The City of San Juan Capistrano Utility Department calculated the water demand for the proposed project utilizing existing demand factors. The project-related water demand is presented in the table presented below. As indicated in that table, the proposed project would create a demand for 453.8 equivalent dwelling units (EDUs).

The San Juan Capistrano Utility Department developed the demand factor in acre-feet per year per acre (afa/ac) of domestic use in the process of developing the 2004 Domestic Water Master Plan (DWMP). These values are summarized in table 5-1 of the 2004 DWMP. The methodology used to develop the demand factors for the residential demands was based on data from meter use records, and divided by the acreage of the residential use sites related to the meter records. From those values obvious non-representative use values (high values reflecting waste needing the attention of the conservation coordinator); and obvious low values indicating vacant lot conditions) were discarded and the remainder averaged to get the 2,229 gpd/ac for the average residential use. The 2,229 gpd/ac factor equates to 714 gpd per dwelling unit, based on an average of about 3.10 dwelling units per acre (which is consistent with the gross average of 3.5 DU per acre including high, medium, and low density residential development). The value for residential demand (2,229 gpd/ac) considered the effect of conservation. San Juan Capistrano has had a budget-based water rate since the mid 1990s. The domestic water demand factors used reflect the decline in consumption from conservation efforts, resulting in lower use factors than those developed in the 1998 use study.

The Utility Department development of the demand factor acre-feet per year per acre (afa/ac) of equestrian use is that developed in the process of developing the 2006 Non-Domestic Water Master Plan (NDWMP), and summarized in table 3-3 of the 2006 NDWMP. The factor was based on the same basic methodology used to develop the demand factors for the other afa/ac factors for residential and commercial demands in the 2004 DWMP. Demands for several equestrian sites were taken from meter use records, and divided by the acreage of the equestrian use site. From those values obvious non-representative use values (high values reflecting waste needing the attention of the conservation coordinator, or low values reflecting the likelihood of an onsite well) or unacceptable use levels were discarded and the remainder averaged to get the 1.05 afa/ac for equestrian use (1.05 afa/ac = 937 gpd/ac). The water demand factor of 2,609.3 gpd/acre for equestrian open space is based the "Park" demand factor of 2.925 afa/acre since the demand for the equestrian open space is expected to be grasses more typical of the warm weather turf grass than the normally unvegetated areas of equestrian stables. In addition, the water demand for the equestrian open space assumes irrigation of 50 percent of the area due to the requirement to minimize irrigation within the limits of the landfill. The water demand factor of 2,922.4 gpd/acre for landscaping/manufactured slopes is based on the "Hill" demand of 3.276 afa/acre. These demand factors, which are reflected in Tables 3 of the NDWMP, have been applied to the project to estimate water demand because they more accurately reflect the domestic water demand in the City of San Juan Capistrano than the 0.3 to 0.5 afa/du suggested by the State. These factors also reflect the effect of the conservation efforts that have been implemented by the City since the early 1990s.

As indicated in the below, the proposed project would create a water demand for a total of 453.8 EDUs based on the City's domestic and non-domestic water demand factors described above.

**Project Water Demand  
Distrito La Novia/San Juan Meadows**

Land Use	DUs	Area (sq.ft.)	Area (Acres)	EDUs <sup>1</sup>	Total DUs	Total EDUs <sup>1</sup>
<b>Distrito La Novia</b>						
Mixed Use Apartments	50	56,300	1.292		50	
Residential Condominiums	90	163,000	3.742		90	
Boutique Retail		9,100	0.209	5.8		5.8 <sup>4</sup>
Specialty Market		20,000	0.459			
Restaurants		19,400	0.445			
Mixed Use Retail		25,700	0.590			
Commercial Offices		27,500	0.631			
Common Areas <sup>2</sup>		420,114	9.644	35.2		35.2 <sup>5</sup>
<b>Totals – Distrito La Novia</b>	<b>140</b>			<b>41.0</b>	<b>140</b>	<b>41.0</b>
<b>San Juan Meadows</b>						
Single-Family Residential	94	1,202,256	27.600		94	
Equestrian Trailer Parking/RV Storage		191,664	4.400	5.8		5.8 <sup>6</sup>
Equestrian Open Space <sup>3</sup>		1,785,960	41.000	74.9		74.9 <sup>7</sup>
Clubhouse		82,764	1.900	4.8		4.8 <sup>8</sup>
Landscaping/Manufactured Slopes		779,724	17.900	93.3		93.3 <sup>9</sup>
Landscaped Slope		213,444	4.900			
<b>Totals – San Juan Meadows</b>	<b>94</b>			<b>178.8</b>	<b>94</b>	<b>178.8</b>
<b>Totals – Combined Uses</b>	<b>234</b>			<b>219.8</b>	<b>234</b>	<b>219.8</b>
<b>Total EDUs</b>					<b>453.8</b>	
<b>Total Demand</b>					<b>323,985 gpd</b>	

<sup>1</sup>Equivalent Dwelling Units (1 EDU uses 714 gpd)

<sup>2</sup>Includes planted slopes, landscaped areas, hardscape, courtyards, walkways, trails, pool, and recreational facility.

<sup>3</sup>Includes stables, paddocks, pasture, etc.

<sup>4</sup>Total area – 2.334 ac =  $(1,785 / 714) \times 2.334 = 5.8$  (EDUs)

<sup>5</sup>Estimated common planted area – 2.925 afa/ac = 2,609.3 gpd/ac  $(2,609.3/714) \times 9.644 = 35.24$  (EDUs)

<sup>6</sup>1.05 afa/ac – equestrian = 937 gpd/ac – equestrian =  $(937/714) \times 4.4 = 5.77$  EDUs

<sup>7</sup> $(2,609.3 / 714) \times 41 \times \frac{1}{2} = 74.9$  EDUs (Based on 2.295 afa/ac for “Park” in Table 3-3 in the NDWMP)

<sup>8</sup> $(1,785 / 714) \times 1.9 = 4.75$  EDUs (Table 5-1 “Unit Flow Factors” in the DMWP)

<sup>9</sup> $(2,922.4 / 714) \times (17.9 + 4.9) = 93.3$  EDUs (Based on 3,276 afa/ac for “Hill” in Table 3-3 in the NDWMP)

NOTES: March 2004 DWMP Table 5-1: Land Use

Public/Institutional – 935 gpd/ac; Commercial/Industrial – 1,785 gpd/ac

SOURCE: City of San Juan Capistrano Utility Department

The City has implemented water conservation planning programs throughout the service area, which have resulted in a reduction in the demand (refer to Response to Comment No. 4) for domestic water since the adoption of the Domestic Water Master Plan (DWMP). It is anticipated that the domestic water demand factors in the future will be slightly lower than those reflected in the DWMP as a result of the continued implementation of the conservation programs. In addition, since the adoption of the DWMP, the City's Utility Department has also increased its production of treated groundwater to supplement the imported

water purchased by the City. The groundwater is treated at the Groundwater Recovery Plant (GWRP), which has a current capacity of 5.14 mgd. The City is in the process of expanding the treatment capacity to 6.25 mgd prior to reaching its ultimate design capacity of 8.0 mgd. Treatment of the groundwater at the GWRP will continue to reduce the City's use on imported water (i.e., State Water Project and Colorado River water), which are unreliable sources.

Finally, the City of San Juan Capistrano Utility issued "will serve" letters to the applicant on October 23, 2008, which indicated that the City has adequate water supplies to provide domestic to the Distrito La Novia/San Juan Meadows project. As indicated in that letter, "[T]he City has obtained the import water capacity need to serve continued development within the City through participation in the regional South County Pipeline."

*Response to Comment No. 2*

The DWMP provides a long-range (i.e., "buildout" of the General Plan land uses) view of the City's water supply and facilities. The DWMP focuses on future water demand in an effort to continue to maintain a high service level and reliability in its water system in a cost-effective manner. According to the DWMP, future water demands have been estimated for the vacant areas, based on the general plan land use designations and the corresponding unit flow factors.

The domestic water system has seven (7) active storage reservoirs with a combined constructed volume of 14.32 million gallons (mg) as indicated in the table below. The total operational capacity, estimated at 85 percent of constructed capacity, is 12.17 mg.

**Existing Water Storage Facilities  
Groundwater Recovery Plant Expansion Project**

<b>Storage Facility</b>	<b>Water Pressure Zone</b>	<b>Capacity (mg)</b>
Cooks Reservoir	250S	1.0
Lower Hunt Club Reservoir	350S	0.51
Reed Reservoir	350S	1.74
Terminal Reservoir No. 2	425N	6.0
Upper Hunt Club Reservoir	574N	0.32
Mission Hills Reservoir	574N	0.75
760S Reservoir	760S-A	4.0
<b>Total Storage Capacity</b>		<b>14.32</b>

SOURCE: City of San Juan Capistrano Domestic 2004 Water Master Plan (Updated values as of 2009)

The City of San Juan Capistrano Utilities Department provides domestic water service within an area that encompasses approximately 17 square miles, including 14.4 square miles within its corporate boundaries and 3.0 square miles of Dana Point, with the balance in the Cities of Laguna Niguel and Mission Viejo. The existing population in the City's water service area is about 36,000 and is projected to increase to about 42,000 persons upon ultimate buildout, which is projected in the year 2020, as indicated below.

**Water Service Area Population Estimates  
Groundwater Recovery Plant Expansion Project**

<b>Service Area</b>	<b>Estimated 2000 Population</b>	<b>Estimated 2008 Population</b>	<b>Estimated 2020 Population</b>
San Juan Capistrano	32,500	36,950	38,725
Dana Point	3,000	3,000	3,000
<b>Total</b>	<b>35,500</b>	<b>39,950</b>	<b>41,725</b>
SOURCE: Domestic Water Master Plan (March 2004)			

The existing and ultimate maximum day domestic demands (2020) for the City of San Juan Capistrano are 16.01 mgd, and 17.36 mgd, respectively. The City's goal has been to secure at least 50 percent of the total average day demand from local sources (i.e., groundwater wells). The City will exceed that goal through the Groundwater Recovery Plan, which has an existing capacity of 5.14 mgd and is proposed to be expanded to 6.25 mgd in 2011. The ultimate design capacity of the GWRP is 8.0 mgd. By 2020 the local domestic supply capacity 7.20 mgd will make up approximately 79 percent of the ultimate day average day demand of 9.14 mgd.

In addition to the City's local supply, which is supplemented with imported water, the City also maintains emergency interconnections with the Santa Margarita Water District and South Coast Water District, which are intended to serve the City in emergency situation. With the combination of its local supply and that provided from imported water and through the emergency interconnections, the City has available water to serve both existing and future domestic water demands.

*Response to Comment No. 3*

The City's Water Master Plan Update (March 2004) identifies the "buildout" year as 2020 (refer to pages 1-2 and 2-2 of the DWMP), at which time the City would have an estimated population of 41,725 residents, as indicated above. Refer to Response to Comment No. 2.

*Response to Comment No. 4*

While these documents may be relevant in discussing the current drought conditions that affect the State and County, the City's Utility Department is responsible for providing domestic water service within the San Juan Capistrano service area. Since 1991, the City has actively promoted and encouraged water conservation and water use efficiency, which supports our efforts to reduce illicit discharges and urban runoff. The City has a list of Water Demand Management Programs relating to runoff reduction and public education, described below.

The City of San Juan Capistrano has demonstrated its commitment to conservation by voluntarily signing the California Urban Water Conservation Council Memorandum of Understanding (CUWCC MOU) regarding urban water conservation Best Management Practices (BMPs) in California. Signatories to the MOU have committed to use good-faith efforts to implement cost-effective BMPs.

Services and activities performed by City staff include: refinements to the water-budget-based tiered rate structure; coordination of leak detection and meter replacement programs with water distribution staff; on-site water use surveys (audits) of water use at single and multifamily residences, businesses, and sites with dedicated landscape meters; participation in regional rebate and retrofit programs for residential and commercial toilets, clothes washers, and other water efficiency measures including landscape incentives; working partnerships with other City staff addressing urban runoff issues and California Friendly landscape retrofits of public spaces, and school and public education on a continuing proactive basis and at special events.

The increasing availability of weather-based irrigation controllers, “SmarTimers” or “ET Controllers”, and the availability of grant monies for purchase and installation, has encouraged the City to identify sites appropriate for the installation of these devices. The Fiscal Year (FY) 08-09 budget, approved in June 2008, included funding for participation in a regional rebate program, made possible by MWDOC’s award of grant monies from USBR, with runoff reduction as a primary goal. Since the program’s inception in the second half of FY 05-06, 14 homeowner associations, and 29 individual homeowners have adopted of this technology. An estimated 41.56 acre-feet of water have been saved through this program to date.

To control its own irrigation water use, the City has also implemented a unique program called IRRInet System to control irrigation of all park facilities. Motorola’s IRRInet Control Center (ICC) is a computer-driven central management and control system for water and irrigation systems. Turf/landscape applications include irrigation systems for all the city’s parks (22), open spaces and street landscape medians (totaling 107.5 acres). The City has reduced its water consumption for irrigation by half, since the inception of the IRRInet system in the late 1980’s.

Water demand management activities undertaken by the City of San Juan Capistrano during 2008-09 include:

- Residential surveys performed at single and multifamily dwellings, which included a significant landscape component and / or runoff issues: 102 on-site surveys.
- Low-flow showerheads, aerators, positive shutoff hose nozzles, toilet flappers, etc., are given to customers free of charge on request.
- Ongoing work with water production staff tracking water production and sales, and unmetered authorized uses.
- All sites in the service area are metered and billed by use.
- Landscape audits and consultations, at both public and private sites.
- Increased promotion and implementation of Native and “California Friendly” Planting, for both City-owned sites, and Homeowner Association landscapes.
- Water-budget-based rate structure and monthly billing provide meter-by-meter water budget.
- The City encourages and promotes customer participation in the regional rebate programs, managed by Metropolitan Water District.
- Provided literature and specific information at special events as well as at Water Advisory Commission monthly meetings, HOA Board Meetings.
- Wrote and published quarterly newsletter included with all water bills; each issue included educational material about conservation and urban runoff issues.
- The local newspapers carried several articles specifically about water use efficiency and conservation of water in the landscape to prevent runoff, including articles relating to the development and implementation of the new Water Conservation Ordinance (see #12 below).
- Increased printed material available at the public counter.
- Brochures made available at Planning Department counter promoting California Friendly planting, efficient irrigation practices and SmarTimers (ET Controllers).
- Updated database of homeowner association management companies, their landscape contractors, and water use, which is used to provide quick response to reports of broken sprinkler heads and stuck valves, among other uses.
- School students working on landscape and water conservation topics.
- Commercial/Industrial/Institutional surveys: 5 on-site surveys included a significant landscape component and/or runoff issues.
- Commercial/Industrial/Institutional rebates and incentives: county-wide program via Metropolitan includes toilets, wash rack nozzles, cooling tower conductivity controllers and other devices.

- City water conservation staff regularly attends MWDOC Water Use Efficiency meetings, and monthly Metropolitan Conservation Coordinator meetings, and provides input on research and public outreach projects, including Landscape Forums.
- The City supports and encourages participation in all regional programs.
- San Juan Capistrano has a water-budget-based tiered rate structure. Such rate structures are still uncommon in California, but have become a model for communicating a “prudent use” amount to every customer every month. These rates apply to all residential, landscape, non-domestic, and agricultural customers.
- City Ordinance – finalized a revised, year-round ordinance to replace the existing (declared shortage) ordinance. The updated ordinance contains numerous references to urban runoff prevention, and includes administrative citations and financial penalties for non-compliance. The ordinance took effect in October 2008.
- Stage 1 was declared by City Council, effective June 1, 2009.
- County-wide rebate programs are publicized for single- and multi-family dwellings, and are available via MWDOC.

As indicated in Response to Comment No. 1, conservation will continue to play a role reducing the demand for domestic water within the City and will also contribute to reducing the potential water demand generated by the proposed project. In addition, continued expansion of the City’s GWRP capacity to treat up to 8.0 mgd of groundwater in order to increase its supply of domestic water and reduce its dependence on unreliable and expensive sources (i.e., State Water Project and Colorado River) that now supplement the City’s current domestic water supply.

*Response to Comment No. 5*

As suggested in this comment, the potential demand for 0.60 cfs (not 60 cfs as indicated) represents five percent of the baseline water demand and 25 percent of the growth, which appears to be a substantial amount of the demand by “buildout,” which is estimated to be 2020. However, the City and water service area is nearing “buildout” as forecast in the General Plan. As a result, only a small percentage of potential development project encompasses a substantial portion of the remaining buildout potential within the City based on the General Plan. To date, approximately 90.4 percent of the total area of the City allocated for development in the General Plan has been developed. Of the 4,485 developable acres, 4,058 acres have been developed with residential (3,329.2 acres) and non-residential (723.4 acres) land uses. Approximately 93 percent of the total estimated residential dwelling units have been constructed (i.e., 11,606 of the 12,522 forecast in the General Plan), and 81 percent (i.e., 8,461,867 square feet) of the total 10,445,867 square feet of non-residential development forecast for the City at “buildout.”

*Response to Comment No. 6*

The existing non-domestic water sources utilized by the City of San Juan Capistrano include groundwater and non-potable water purchased from the Moulton-Niguel Water District. The City is entitled to extract 1,825 acre-feet of non-potable water per year, and 1,400 afa of potable water per year from the San Juan Groundwater Basin (in addition to the permitted extraction of 8,026 afa for the City’s Groundwater Recovery Plant). Although non-domestic water is not currently available at the Distrito La Novia/San Juan Meadows properties, the proposed project will be required to construct the infrastructure to provide “non-domestic” water to the project at such time as the City’s system is extended to the project area as proposed in the Non-Domestic Water Master Plan (NDWMP) adopted by San Juan Capistrano. In addition, given the proximity of the external facilities of this development to significant components of the planned recycled water distribution system, the developer will be conditioned to enter into a design construction and reimbursement agreement with the City of San Juan Capistrano to construct planned recycled lines in La Novia Avenue, ad possible Valle Road, as described below. The City is currently purchasing recycled water from the Moulton Niguel Water District (MNWD) and is retrofitting existing

irrigation meters along Rancho Viejo Road and Via Escolar. The Marbella golf course is scheduled for the next phase.

The subject property is located in Service Zone 475, which forms the backbone of the non-domestic water system. The recommended ultimate non-domestic water system facilities proposed in the NDWMP include 20-inch mains in La Novia Avenue and Valle Road south of La Novia Avenue (and a 16-inch main north of La Novia Avenue in Valle Road). An 8-inch main is proposed to be extended from the 20-inch La Novia Avenue main to serve the San Juan Meadows property. When completed, the production of non-potable water will be pumped into the system and to a reservoir through a 20-inch diameter transmission main along San Juan Creek Road and La Novia Avenue. The mains in La Novia Avenue and Valle Road are scheduled for construction in the 2012-13 fiscal year based on current planning for the RWMP implementation. Once these facilities are constructed and extended into the subject property, the demand for domestic water that would be used for irrigation would be reduced by at least 66,000 gallons per day, which is the amount estimated for the approximately 23 acres of landscaping and landscaped slopes proposed in the San Juan Meadows component. That figure represents approximately 20 percent of the total domestic water demand reflected in the table presented in the Response to Comment No. 1.

*Response to Comment No. 7*

A dewatering operation to lower the groundwater table by approximately 60 feet to help achieve a global factor of safety of 1.5 for the Forster Canyon Landslide relative to the project in accordance with Lawson Geotechnical Consultant's (LGC) 2006 soils report took place from approximately June 2003 through November 2006. To maintain the global factor of safety of 1.5 for site development achieved by the past dewatering operation, occasional dewatering of the San Juan Meadows site may be necessary on a long-term basis. A long-term dewatering maintenance and monitoring system for the project has been described in the LGC's letter dated December 3, 2008 to address this need. It should be noted that the "pumping of groundwater" is not anticipated to be a regular activity and will involve relatively minimal pumping in comparison to the initial dewatering operation necessary to maintain the required groundwater level for the long-term stability of the site. Based on monitoring wells observed during intermittent recharge test periods, the groundwater level is recharging at a slow rate. The long-term dewatering maintenance and monitoring system will be installed as a precaution in the event the wells begin to recharge with groundwater to a level that will affect the site's global factor of safety. In that scenario, the pumps will automatically be activated to maintain the proper groundwater level. If the wells do not recharge to the critical groundwater level, groundwater pumping will not occur.

If there is groundwater pumping, and it is determined through testing that the water meets current groundwater standards, it may be retained onsite and used for dust control or irrigation within the proposed equestrian facility. The use of pumped groundwater that for dust control and irrigation, if it meets regulatory standards, would have a less than significant impact on the site's drainage systems because the pumped groundwater will mainly infiltrate into the earth as part of its use and not be conveyed to the site's drainage system via surface flows that ultimately flow into storm drain facilities. If the pumped groundwater is not necessary for irrigation during the wet season, it will be retained on-site in evaporation ponds within the equestrian facility outside of the landfill footprint. It is possible that the pumped groundwater would be used year round for dust mitigation for the equestrian facility's arena, trail and all-weather road surfaces areas; however, only groundwater that meets regulatory standards could be used. If it is determined that the pumped groundwater exceeds regulatory standards and/or is contaminated that would preclude its use for dust suppression during construction and/or dust mitigation for the equestrian facility, it would be treated on-site and/or transported to the Orange County Sanitation District facilities for treatment prior to its discharge.

*Response to Comment No. 8*

As indicated in Response to Comment No. 1, implementation of the proposed project will not create a demand for domestic water that exceeds the mandated 500-dwelling unit equivalent prescribed in SB610. The proposed project will create a demand for only 453.8 EDUs, which is approximately 10 percent less than that threshold. Therefore, a Water Supply Assessment is not required to evaluate the proposed project. It is important to note that although the proposed project would create an additional demand for domestic and, ultimately, non-domestic water when that system is extended to the site, the domestic water demand for the Distrito La Novia/San Juan Meadows project would be less than the demand estimated in the DWMP, which was based on General Plan buildout

*Response to Comment No. 9*

This comment suggests that a Water Supply Assessment is required for the project because it would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling unit project. For the reasons set forth in Response to Comment No. 10, a Water Supply Assessment is not required for this project.

*Response to Comment No. 10*

This comment states that according to the guidance on SB 610 published by the Department of Resources, "it is generally acknowledged that one acre-foot of water can serve two to three households on an annual basis; therefore, one dwelling unit typically consumes 0.3 to 0.5 acre-feet of water per year, depending on several factors including regional climate." DWR, *Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001* (Oct. 8, 2003) at p. 3. This guidance goes on to state, however, that "An agency should contact its local water supplier to obtain its advice on the annual water demand for a development within the local community in order to determine whether the water demand for the development under consideration is equivalent to the water demand of a 500 dwelling unit project." As explained in response to Comment No. 1, the City's Utility Department calculated the water demand for the proposed project utilizing existing demand factors. Based on those existing factors, the project would create a demand for 453.8 equivalent dwelling units (EDU's), approximately ten (10) percent less than the 500 dwelling unit equivalent prescribed in Water Code section 10912(a)(7). Therefore, a Water Supply Assessment is not required to evaluate the proposed project.

This comment references a total demand figure of 434 AFY. One acre-foot of water equates to 325,851 gallons (i.e., 7.48 gallons/cubic foot x 43,560 square feet). Based on the City's estimate of 323,985 gallons per day (refer to the table in Response to Comment No. 1), the proposed project would create a demand for slightly less than one acre-foot of water per day, or approximately 365 acre feet per year, and not 434 acre-feet/year as suggested in the Draft EIR (i.e., 387,583 gpd). As previously indicated, the estimated total of 453.8 EDUs does not reach or exceed the 500-unit threshold required by SB610 for the preparation of a Water Supply Assessment.

*Response to Comment No. 11*

The estimated water demand for the proposed project is based on historical demand factors within the City of San Juan Capistrano and, therefore, more accurately reflect potential demand when compared to the use of 0.3 or 0.5 afa/du as suggested by the County. The table presented in Response to Comment No. 1, which was prepared by the City's Utility Department, revealed that the project would create a domestic water demand that equates to less than the 500-unit threshold prescribed in SB610. The projected demand of 423,013 gallons per day equates to 453.8 EDUs, or approximately 10 percent less water than the 500-unit threshold.

*Response to Comment No. 12*

The commenter is correct in that the DEIR stated construction activities would result in an unavoidable significant impact due to exceedance of the SCAQMD's significance thresholds for PM<sub>10</sub> and NO<sub>x</sub>. However, the City does not consider construction-related air quality impacts to result in a significant cumulative impact because they are short-term in nature and substantial reductions in construction-related emissions would occur with the implementation of the mitigation measures (refer to page 9-5 of the Draft EIR). The commenter contends that the construction period is not "short-term" by citing the entirety of the construction duration of four and half years. This is inaccurate because the period during which an unavoidable significant air quality impact would occur is the mass grading phase, when eight scrapers and other equipment would be used concurrently. This level of activity is projected to last approximately four months. Table 4.3-18 of the Draft EIR documents that significant air quality impacts would not occur for the entire four and half years of construction duration, as the commenter implies. Exceedance of the SCAQMD thresholds for a period of approximately four months is considered to be relatively short term, as the DEIR's cumulative air quality impact evaluation stated.

A substantial number of mitigation measures were also prescribed in the Draft EIR and will be implemented to reduce dust (PM<sub>10</sub> and PM<sub>2.5</sub>) and NO<sub>x</sub> emissions. These mitigation measures include the use of the cleanest commercially available construction vehicles that meet the U. S. Environmental Protection Administration's (USEPA) Tier 3 emissions limits for off-road vehicles. In addition, numerous measures to control dust generation during construction are required to ensure compliance with the South Coast Air Quality Management District's (SCAQMD) Rule 403. Consequently, with the implementation of numerous mitigation measures and the short duration (approximately four months) of the exceedance of the NO<sub>x</sub> and PM<sub>10</sub> thresholds, the City does not consider the project to result in a significant cumulative impact.

*Response to Comment No. 13*

Refer to Response to Comment No. 12.

*Response to Comment No. 14*

This comment refers to Impact 4.2-16 on page 4.2-63, which indicates that a specific plan for the proposed equestrian center has not been prepared to date; however, as further indicated, this component of the proposed project will be subject to future Use Permit and Architectural Control review required by the City of San Juan Capistrano. Additional CEQA review will be conducted as part of that process and appropriate mitigation measures required. The parking analysis presented in the Draft EIR evaluated parking demand of the proposed San Juan Meadows residential and equestrian uses based on the City's parking code and the project as currently proposed. That analysis correctly concludes that the development as currently proposed will require a total of 413 parking spaces, including 155 for the equestrian center and 263 for the 94 single-family residential dwelling units proposed in the San Juan Meadows component. The Draft EIR does not "defer" either the impacts or the mitigation related to parking. Based on the parking analysis, MM 4.2-16 was included, which requires that a detailed parking plan must be prepared and submitted to the City that verifies the adequacy (i.e., performance standard) of the proposed parking supply (i.e., it meets the parking code requirement) prior to finalization of the site plan.

*Response to Comment No. 15*

As indicated in Response to Comment No. 14, the parking analysis correctly evaluates the Distrito La Novia parking requirements based on the proposed mix of uses for that land use component. The analysis concludes that based on the site plan, a total of 931 parking spaces is provided; however, the City's parking code would require the provision of 956 parking spaces for the proposed land use, resulting in a deficit of 25 parking spaces. Again, MM 4.2-15 reflects a performance standard (i.e., comply with the City's parking code), which is sufficient to mitigate the identified parking deficiency identified in the

analysis. Specifically, the project applicant is not requesting a variance from the parking code requirements and must, therefore, either provide the requisite number of parking spaces based on the City's parking code or provide the City with evidence through a shared parking agreement that is verified through a shared parking analysis, that adequate parking is available.

The proposed mix of uses, however, lends itself to shared parking arrangements. Joint use/shared parking for the Distrito La Novia component will be permitted per the project's Comprehensive Development Plan development regulations. At such time as the uses are determined, the shared parking plan shall be subject to the review and approval by the City of San Juan Capistrano Transportation Commission. As indicated above under the "worst case" scenario, the San Juan Capistrano Zoning Ordinance would require a total 956 parking spaces. The total number of parking spaces proposed is 931, thus resulting in a worst case deficiency of 25 parking spaces. Given the proposed mix of uses, this deficiency can be mitigated with joint use/shared parking as the hours of peak parking demands are staggered between the various proposed uses. For example, the office use has a high parking demand during weekday daytime hours while the restaurant uses have a high parking demand during evening hours and weekends.

*Response to Comment No. 16*

The comment states that use of a temporary noise barrier, when stationary-construction equipment cannot be located at least 100 feet from existing uses, is an improper deferral of mitigation. The exact location of every piece of construction equipment is not known; and therefore, the City is requiring temporary noise barriers to be installed where stationary equipment is operating within 100 feet of a noise-sensitive land uses. Consequently, use of a temporary noise barrier would provide noise attenuation from stationary sources of equipment if placement of such equipment within 100 feet of existing noise-sensitive uses is not feasible.

In terms of the level of significance of project-related construction noise after the implementation of standard conditions and mitigation measures, construction noise was not considered by the City to result in a significant impact. This is because construction noise would occur during the least noise-sensitive portion of the day, in compliance with the City of San Juan Capistrano Municipal Code, Title 8, Chapter 2, Section 8-2.04, Permitted Hours of Construction Operation. In addition, construction equipment would be operating at a significant distance from noise-sensitive land uses surrounding the site because the site is very large (154 acres). Therefore, construction equipment would be spread out over the 154-acre site and construction-related noise would be attenuated due to the majority of construction work occurring away from noise-sensitive uses. The existing sensitive receptors are not located adjacent to the subject property. In addition, noise levels are reduced by as much as 6 dBA for each doubling of distance from the source. For example, if a construction activity generates a noise level of 70 dBA 50 feet from the source, that noise level would be 64 dBA at a distance of 100 feet and 58 dBA at 200 feet from the source. Therefore, the combination of factors, including the large site, mobile nature of the construction equipment, and the duration of grading activities is relative short; the areas to be graded are located several hundred feet in most casts from existing sensitive receptors; noise reduction measures will be incorporated during construction (e.g., location of noisy equipment at least 100 feet from sensitive receptors, properly tuned and muffled equipment, etc.), it is expected that adequate noise level reductions would be achieved, particularly when considering the average noise levels reflected in Table 4.4-5 (Distrito La Novia) and Table 4.4-7 (San Juan Meadows). Finally, as indicated above, the construction activities must also comply with the City's Noise Control Ordinance, which confines such activities to 7:00 a.m. and 6:00 p.m. (Monday through Friday). Consequently, the City does not consider that construction noise generated from the proposed project would result in a significant impact.

*Response to Comment No. 17*

The comment implies that DEIR mitigation measure 4.4-3, which requires an acoustical study to detail interior and exterior noise mitigation, is an improper deferral of mitigation. Mitigation measure 4.4-3 is not a deferral of mitigation but establishes a performance standard that is achievable through available commercial products (e.g., STC-rated windows and doors) in accordance with CEQA Guidelines Section 15126.4. The details of building structure assemblies are often not available at the early planning stages of projects. Consequently, a mitigation measure establishing a performance standard for achievable interior noise standards is frequently used and does not constitute a deferral of mitigation.

*Response to Comment No. 18*

Exhibit 4.7-2 and Exhibit 4.7-3 illustrate the jurisdictional waters and their relationship to the limits of grading proposed for the San Juan Meadows project based on the delineation that was prepared by EDAW in 2007. As indicated in Exhibit 4.7-2 (CDFG Waters of the State), a substantial portion (i.e., of Drainage 1 located in the southwestern limits of the property would be impacted by the proposed grading. Drainage 2, located along the eastern property boundary would also be affected. As indicated in that exhibit, most of Drainage No. 2 would not be adversely impacted. Finally, all of Drainage 3 in the northern portion of the San Juan Meadows site will be impacted by the proposed San Juan Meadows project. Waters of the United States under the jurisdiction of the U.S. Army Corp of Engineers illustrates the potential impacts to the three drainages based on the proposed grading plan.

These impacts must be mitigated in accordance with the requirements prescribed by the agency having jurisdiction over the project (i.e., U.S. Army Corps of Engineers and the California Department of Fish & Game). Mitigation may include payment of an in-lieu fee and/or restoration or avoidance of the delineated "waters," subject to the determination of the affected resource agency. In order to ensure that the project-impact is accurately quantified, MM 4.7-3a has been prescribed, which requires an updated jurisdictional delineation (i.e., verification) prior to the issuance of the grading permit for the San Juan Meadows project site.

In addition, although a jurisdictional delineation was not undertaken on the Distrito La Novia project site, a jurisdictional delineation will be required prior to issuance of the grading permit for that site. Should the jurisdictional delineation determine that jurisdictional waters may be affected by project implementation, the project would be subject to the same mitigation measures as prescribed in Section 4.5.5 (i.e., MMs 4.7-3a, 4.7-3b, and 4.7-3c). In order to ensure that adequate mitigation is provided, MM 4.7-3b has been revised to read:

MM 4.7-3b      The applicant shall pay an in-lieu fee, subject to the approval of the CDFG and/or USFWS, and/or provide on-site restoration or avoidance of designated "waters." Potentially impacted jurisdictional "waters" identified in the jurisdictional delineation to be conducted on both the Distrito La Novia and San Juan Meadows sites prior to issuance of the grading permit(s) shall be replaced "in-kind" within the same watershed at a ratio of at least 1:1.

*Response to Comment No. 19*

As indicated on page 4.7-20, the City of San Juan Capistrano has been successful in acquiring and preserving over 1,300 acres throughout the City. These 1,300 acres are preserved through conservation easements and/or open space designations. This substantial open space, including the Glendale Federal open space that adjoins the site, supports grassland habitat throughout the City and in the southern limits of San Juan Capistrano. Preservation of grassland habitat in the vicinity of the proposed project serves as raptor foraging and habitat for other species. Therefore, the biological assessment conducted for the proposed project concluded that the loss of 47.7 acres of grassland habitat resulting from project implementation would not be locally significant. The raptors currently foraging or potentially nesting at the

project site have adjacent designated open space habitat for dispersal. Therefore, impacts to grassland habitat are considered less than significant under CEQA and no mitigation measures are required.

*Response to Comment No. 20*

The biological assessment quantified the potential project-related impacts to the existing habitats on the subject property and determined that 10.25 acres of scrub habitat would be impacted based on the proposed grading plan. As a result, MM 4.7-1a is required to ensure that the loss of this sensitive habitat is adequately mitigated. MM 4.7-1a has been revised to read:

MM 4.7-1a      The project applicant shall mitigate for the loss of 10.25 acres of occupied coastal sage scrub habitat through the enhancement or creation of in-kind habitat within designated critical coastal California gnatcatcher habitat, adjacent to the project site or within the same watershed at a minimum ratio of 2:1.

*Response to Comment No. 21*

The mitigation measures identified for Impact 4.7-1 related to potential noise impacts specifically address construction activities. Based on the noise impacts associated with the proposed equestrian facilities, the 60 dBA Ldn noise contour would not extend into any portion of the coastal California gnatcatcher habitat (refer to Exhibit 4.4-3) near the southern property limits. Therefore, no significant noise impacts to the sensitive habitat would occur. However, as indicated in the Draft EIR, the proposed equestrian center will be subject to the approval of a Use Permit and Architectural Control and may necessitate additional environmental analysis (and mitigation) based on the final design of that development component. Nonetheless, a mitigation measure has been added (MM 4.7-1g) to ensure that noise levels associated from the activities occurring at the equestrian facilities do not exceed 60 dBA Ldn within the limits of the coastal sage scrub located along the southerly property boundary.

MM 4.7-1g      The equestrian center arenas shall be designed to ensure that noise levels within the nearby coastal sage scrub habitat that may be occupied by the coastal California gnatcatcher do not exceed 60 dBA Ldn.

*Response to Comment No. 22*

Mitigation Measure 4.7-2 has been revised to read:

MM 4.7-2      A qualified botanist with expertise with thread-leaved brodiaea, many-stemmed dudleya, and intermediate Mariposa lily shall perform focused spring surveys prior to site disturbance to determine presence/absence. If the thread-leaved brodiaea is found, enhancement or creation of in-kind habitat, adjacent to the project site or within the same watershed shall be provide at a minimum 3:1 ratio. If many-stemmed dudleya and/or the intermediate Mariposa lily are found during the spring survey, enhancement or creation of in-kind habitat, adjacent to the project site or within the same watershed shall be provided at a minimum 2:1 ratio.

*Response to Comment No. 23*

Subsequent observation/testing in the field during grading is a standard practice to ensure that appropriate remediation or mitigation of a geologic constraint is adequately addressed either through grading and/or site design. The geotechnical analysis identified several potential impacts, including the potential for settlement to occur within the landfill and prescribed MM 4.9-1, which may require either removal of soils, and/or the implementation of related mitigation measures, such as recompaction, if determined necessary based on the field observation. All of the potential impacts are identified in the Draft EIR and appropriate

mitigation measures have been prescribed to ensure that the significant impacts can be reduced to a less than significant level. No deferral either of impacts or mitigation exists in the Draft EIR.

*Response to Comment No. 24*

Although the geotechnical analysis evaluated the potential seismic impacts based on the conceptual grading plan, MM 4.9-3 requires the submittal of a detailed grading plan, which is a requirement of the City to ensure that it meets the City's grading ordinance and incorporates all applicable recommendations of the geotechnical analysis and complies with the California Building Code. Such requirements are not a deferral either in identifying potential impacts or mitigation measures

*Response to Comment No. 25*

Again, similar to Responses to Comment Nos. 23 and 24, such subsequent detailed geotechnical studies are a standard practice to confirm the findings of the prior assessments and to ensure that the site and structures are designed to avoid the adverse consequences of problematic soils.

*Response to Comment No. 26*

Refer to Response to Comment No. 25.

*Response to Comment No. 27*

This standard condition is not a mitigation measure but rather is required by the City of San Juan Capistrano prior to any construction.

*Response to Comment No. 28*

As described in the Responses to Comment Nos. 14 through 27, none of the additional analysis represents deferral of impacts or mitigation. The analysis presented in the Draft EIR identified all potential impacts and prescribed mitigation measures to ensure that the significant impacts would be reduced to a less than significant level. The additional studies identified in the mitigation measures do not represent "deferred mitigation."

*Response to Comment No. 29*

The Air Quality Management Plan (AQMP) is prepared jointly by SCAQMD, the California Air Resources Board (CARB), the Southern California Association of Governments (SCAG), and the USEPA. Page 4.1-7 of the EIR describes that SCAG is responsible for determining conformity of projects, plans and programs to the AQMP. The AQMP outlines strategies to achieve the California and national ambient air quality standards (AAQS). Air quality impacts associated with the second indicator of consistency with the AQMP—relating to consistency with regional population, employment, and housing projections—is done through a macro-level consistency evaluation with the General Plan in Section 4.3 (Air Quality). For the proposed project, consistency with the AQMP was not considered to be significant because the project would result in a mix of commercial retail, recreational, and residential land uses. The analysis presented in the Section 4.1 (Land Use and Planning) also includes a consistency evaluation with SCAG's Policies and Programs (refer to Table 4.1-6 on page 4.1-33 of the EIR). Page 4.1-37, which incorrectly identifies that construction-related air quality impacts were considered less than significant with mitigation, will be revised in the Final EIR to state that construction-related NO<sub>x</sub> emissions were found to be significant after the implementation of mitigation measures and are, therefore, unavoidable, as reflected in the air quality analysis (refer to page 4.3-38). The last row of Table 4.1-6 on page 4.1-36 will be revised as reflected below.

5.11	Through the environmental document review process,	The subject property is located within the SCAB, which is
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	ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.	identified as a “non-attainment” area for several pollutants. As indicated above, short-term construction-related air emissions will exceed established significance thresholds. Although mitigation measures have been prescribed and will be implemented during the construction phase, these emissions will remain significant an unavoidable, even with mitigation. However, long-term, operational air emissions will be less than significant.
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It should be noted that the finding of consistency with SCAG's policies and programs is based on an overall consistency with the programs and policies in Table 4.1-6. [SCAG received a copy of the Draft EIR; however, the agency did not comment on the analysis presented in the document.](#)

As indicated in Section 4.1 (Land Use and Planning), the proposed project is consistent with the long-range goals and policies articulated in the San Juan Capistrano. Consistency with the AQMD is a two-step process. Although the project would result in significant air quality impacts and is not consistent with the AQMP for the first indicator (i.e., whether the project would result in an increase in the frequency of severity of existing air quality violations, etc.) as indicated in Section 4.3 (Air Quality), these potential adverse effects are temporary in nature. However, based on the second indicator (i.e., whether the project would exceed the AQMD assumptions), the project’s air emissions have been accounted for in the assumptions that are the basis of the AQMP. As a result, no significant long-term air quality impacts would occur as a result of project implementation. Therefore, as indicated on page 4.3-35, “. . . implementation of the proposed project would not conflict with the AQMP under the second indicator” because it would not exceed the assumptions in the AQMP. It is important to note that General Plan Update Final EIR concluded that implementation of the City’s General Plan (i.e., “buildout”) would result in significant, unavoidable air quality impacts. The significant unavoidable short-term (i.e., construction-related) project-related air quality impacts are identified and acknowledged in the Draft EIR. If the proposed project is approved by the City of San Juan Capistrano, a Statement of Overriding Considerations must also be adopted.

*Response to Comment No. 30*

The commenter states that the project’s air quality impacts create a conflict with Goal 2 of the City’s Safety Element of the General Plan. The comment is referring to Goal 2.1 of the Safety Element, which states:

Safety Goal 2: Work with responsible federal, state and county agencies to decrease air pollution emissions occurring within the air basin to reduce the risk posed by air pollution.

The air pollutant emissions generated by the proposed project are subject to numerous air quality regulations that reduce the number of both stationary and mobile sources of air pollution. The federal, state, and local air quality regulations that the proposed project will comply with include, but are not limited to: Title 24 building energy efficiency standards, Title 20 appliance energy efficiency standards, CARB Rule 2485 – Airborne Toxics Control Measure (ATCM), AB 1493 (Pavley), 40 CFR Part 85 (car emissions standards), EPA Tier 3 off-road emission standards, and SCAQMD Rule 403 (fugitive dust). Therefore, the emissions attributable to the proposed project are consistent with Safety Goal 2 because the project would “[w]ork with responsible federal, state and county agencies to decrease air pollution emissions occurring within the air basin to reduce the risk posed by air pollution.”

Although the some air pollutant emissions will be significant and unavoidable, the proposed project remains consistent with the Safety Element of the City’s General Plan because the project will result in less emissions when compared to the land uses approved for the project site. Further, the mixed use nature of the Distrito La Novia development component, which includes both employment and retail

commercial development, will further reduce vehicular trips and, therefore, mobile source emissions, which is consistent with the City's long-range goals of improving air quality.

Response to Comment No. 31

The project is consistent with the City's goals of providing sufficient water and sewer service to meet the needs of the community. The City has indicated that it has an adequate supply of domestic water to meet the demand created by the proposed project. Based on an analysis conducted for the proposed project by the City's Utilities Department, the proposed project will create a water demand that equates to approximately 454 equivalent dwelling units (EDUs). This figure does not exceed the 500 DU threshold prescribed in SB610 requiring a Water Supply Analysis. The analysis adequately evaluated potential impacts to the City's domestic water supply. No significant impacts are anticipated and no mitigation measures are required.

*Response to Comment No. 32*

As indicated in Table 4.1-2 (refer to page 4.1-11), the proposed project is consistent with Land Use Policy No. 4.1. The geotechnical analysis concluded that the soils and geologic constraints associated with the site would not preclude development as currently proposed. Although the subject property is underlain by landslides and potentially problematic soils, the potential adverse affects can be mitigated through proper site and structure design to ensure that the public safety will be preserved. Site development must comply with the recommendations of the geotechnical analysis as well as those prescribed in the California Building Code and other regulatory requirements that apply. Furthermore, implementation of the Closure and Post Closure Maintenance Plan for the Forster Canyon Landfill will also ensure that no public health or safety hazard will occur.

*Response to Comment No. 33*

The comment states that the project's noise emissions are inconsistent with the policies of the Noise Element of the General Plan. Concerning construction noise, the project is consistent with the policy 1.2 of the Noise Element, which requires that projects "[p]rovide noise control measures and sound attenuating construction in areas of new construction or rehabilitation."

Mitigation measures 4.4-1a, 4.4-1b, and 4.4-1c of the DEIR provide measures to reduce construction noise. In addition, Section 9-3.531 (Noise Standards) of the City of San Juan Capistrano's Municipal Code limits the generation of construction noise to the least noise-sensitive portions of the day. Lastly, the noise would occur over a 154-acre project site; therefore, a majority of the construction noise would be attenuated due to the large distance between the construction noise sources and the offsite sensitive uses.

The comment also cites that the project's noise-sensitive uses would not be consistent with the City's noise compatibility standards of the Noise Element, based on the evaluation provided on page 4.4-25 of the DEIR. While this section discusses that, unmitigated, interior noise levels would potentially exceed the 45 dBA CNEL standard. However, Mitigation Measure 4.4-3 requires that interior noise standards be consistent with the interior noise standards identified by the City's Noise Element of the General Plan. Therefore, with mitigation, the operational phase of the project will be consistent with the Noise Element of the General Plan.

*Response to Comment No. 34*

As indicated in Table 4.1-2 on page 4.1-10 (refer to Land Use Policy No. 1.3), the site is not located within the downtown area of the City; however, the proposed mixed-use development within the Distrito La Novia component does reflect the City's direction to allow for such development to occur on the site in an effort to serve existing and proposed residential development in the area. By doing so, vehicle trips can be reduced which, in turn, result in a reduction in mobile-source air emissions. In addition, the project has been designed to comply with the City's adopted design guidelines, as indicated in Section 4.12 (Aesthetics). The architectural character is consistent with the guidelines. Retaining walls will be required to be planted and mature landscape materials will be incorporated into the project design to enhance the character of the development. As a result, the proposed project is considered to be consistent with the long-term goals and objectives for both mixed-use development and aesthetic character.

*Response to Comment No. 35*

The analysis presented in the Draft EIR analyzes the proposed project against the "baseline" conditions as required by the State CEQA Guidelines. As pointed out in this comment, some of the analysis does also provide a comparison to the "approved" long-range plans for the proposed project. For information purposes, the analysis of utilities (i.e., sewer and water facilities) identifies the demand for potable water as well as the generation of raw sewage anticipated to occur as a result of the proposed project.



*Response to Comment No. 36*

Odors will be managed in accordance with a Clean Closure Plan for refuse excavation. Mitigation measures to control odors during excavation include covering, refuse in the excavation area with clean soil at the end of each working day and at appropriate intervals, as necessary based on landfill gas monitoring and odor complaints. SCAQMD Rule 1150 compliance monitoring will be implemented in accordance with protocols specified in the rule and as described below. Health and safety monitoring procedures will be provided in the site-specific HSP.

During excavation, continuous monitoring of the breathing zone air and within three inches of the exposed refuse will be conducted using a flame ionization detector (FID), in order to measure concentrations of organic emissions from the working face of the excavation. In addition, the same measurements will be performed downwind from the excavation, at the property line. Downwind direction and meteorological conditions, including wind speed, will be monitored on a continuous basis during operations to ensure proper monitoring at the face of the excavation and at the property boundary.

In addition to Rule 1150 monitoring described above, monitoring for hydrogen sulfide (H<sub>2</sub>S) will be implemented in the event that its odor is detected by site personnel. Should hydrogen sulfide (rotten egg) odors be noted by site personnel, the work shall immediately stop and the area isolated. Sensitivity to hydrogen sulfide odors fades quickly, and no work should resume until monitoring confirms that it can be continued. Any determination to resume work following detection of hydrogen sulfide odors shall be made by the health and safety officer in accordance with the Site-specific Health and Safety Plan.

*Response to Comment No. 37*

The proposed equestrian project is defined as a large Concentrated Animal Feeding Operation (CAFO), since it consists of 500 or more horses stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. As such, it is subject to NPDES permitting requirements for CAFOs through the State of California via a NPDES general or individual permit as authorized by Environmental Protection Agency (EPA). Through the NPDES permitting process, which includes review and implementation of a Nutrient Management Plan (NMP), the project is regulated based on established EPA guidelines and standards to mitigate surface water quality impacts for an operating CAFO to a less than significant level. Included in the appendix of the Draft EIR is the project's NMP, dated January 26, 2009. The NMP establishes the required Best Management Practices (BMPs) to ensure that proper manure waste handling and management are provided for the proposed equestrian facility consistent with EPA regulations for a large Concentrated Animal Feeding Operation (CAFO). It should be noted at the time of preparation, the NMP assumed a maximum of 950 horses could be boarded at the proposed facility. Since its preparation, the maximum number of horses to be boarded at the proposed equestrian facility has been reduced to 775 horses.

The manure management plan as prescribed by the project's NMP consists of daily collection of manure and bedding from each stable or paddock which is then transported to a manure staging area for daily (except Sundays) pickup, removal and disposal by a private commercial waste management company. The manure staging area will be properly sized to accommodate the manure and soiled bedding produced by 775 horses over a three-day period (as a factor of safety even though pickup, removal and disposal will be scheduled Monday through Saturday), approximately 167.1 cubic yards. Consequently, approximately ten weekly truck pickups, using 40 cubic yard haul off containers, will be required to dispose of the stored manure and soiled bedding. Covered, impervious surface pads will be used to store the manure and soiled bedding in the manure staging area to ensure that runoff doesn't come in contact with storage areas to prevent leaching or transport of pollutants. Furthermore, the manure staging area will be grading to divert surface runoff from contacting the storage areas. As evident by the number of existing equestrian facilities in San Juan Capistrano adjacent to neighboring residential areas, the implementation of a manure

management plan can successfully mitigate odor and flies issues associate with equestrian facilities to a less than significant level.

Other onsite measures for manure management, such as composting or amending the manure for use as commercial and/or residential fertilizer may be considered by the developer when the precise plan of development for the equestrian facility is submitted to the City for processing with its conditional use permit and architectural control applications. Additional CEQA review will be conducted as part of that process and appropriate mitigation measures based on the final design shall be imposed.

The comment states that a more thorough review of the odor analysis from horse manure is necessary because the buffer distance is less than it would be for a dairy or confined feed lot. However, the project does not involve the development of a dairy or a confined feed lot, which have different odor characteristics than an equestrian facility or manure sheds because of the different type of waste generation, manure management, and odor control technologies available.

The odor evaluation states that a significant air quality impact would occur prior to the incorporation of mitigation measures requiring odor control. The project is required to prepare a Manure Management Plan (MMP). This plan addresses how to control odors and vectors associated with the horse manure. As detailed on 4.3-37 of the DEIR, odors would be controlled through a number of options, which include: biofilters, biological or chemical scrubbers, manure additives, windbreaks, frequent manure removal, bacterial control, plasma oxidation, and enclosures. Some of these odor control measures have an odor control reduction of 90 percent.<sup>1</sup> The remaining odors present after the odor control would be diluted and dissipated over the 1,700-foot buffer area from the nearest offsite residential use.

The project is also required to comply with SCAQMD Rule 402: Nuisance Odors:

SCAQMD prohibits quantities of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property to be emitted within the SoCAB.

Compliance with SCAQMD Rule 402 is mandatory. SCAQMD rule enforcement officers will respond to complaints regarding noncompliance with Rule 402. Consequently, the odors generated by the proposed project would not create a public nuisance.

Based on a review of the equestrian centers that existing in San Juan Capistrano, many are located adjacent to residential neighborhoods. To date, no significant complaints have been filed with the City related to odors and/or nuisances. In addition, correspondence with the Coto Valley Equestrian Center indicates that residential homes immediately adjoining the facility have not complained about odors from the manure compost pile.

With the wide array of odor control technology and management processes available to the MMP, the presence of a 1,700-foot buffer area, and the mandatory compliance with SCAQMD Rule 402, project-related odor impacts were not considered to significantly impact residential uses.

#### *Response to Comment No. 38*

The comment states that the efficacy of Mitigation Measure 4.4-2a has not been demonstrated. The DEIR's finding of less than significant equestrian noise impacts did not rely on this mitigation measure. This mitigation measure will reduce equestrian noise, but Mitigation Measures 4.4-2c and 4.4-2d provide

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<sup>1</sup>University of Nebraska-Lincoln Air Quality Team, <http://water.unl.edu/web/manure/odor-footprint-tool>.

the basis for equestrian event noise being consistent with the City's municipal code. The attached exhibit (Noise Levels from Operation of the Two Westerly Stadiums) reflects the noise levels from Operation of the Two Westerly Stadiums, reveals that residential uses will not be exposed to noise levels in excess of the limits established within the City's Municipal Code.

*Response to Comment No. 39*

It should be noted that ongoing issues with the closure of the landfill were identified in the orders of the San Diego Regional Water Quality Control Board (Order No. 94-106), which identified both the County of Orange and the property owner as responsible parties as co-dischargers. As noted in the order, the previous closure did not meet applicable standards in 1994 and a number of additional measures were required. The closure under current environmental standards will be a benefit of the project and will provide additional protection for the citizens of the City and the County of Orange. While it has not been determined whether and to what extent, if any, the County will be responsible for the cost of meeting current closure standards as a co-discharger, the responsibility of the County for these costs is not an environmental issue. The applicant will be required to comply with the Final Closure Plan whether or not the County is required to contribute.

*Response to Comment No. 40*

The potential for differential settlement is discussed in the Draft EIR in Section 4.9 (Soils and Geology). As indicated on page 4.9-11, "[D]ifferential settlement due to increased loads on or near the areas of left-in-place landfill refuse is not anticipated to be an issue for the proposed San Juan Meadows development because the existing landfill refuse beneath and adjacent to the proposed structures will be excavated and replaced with acceptable compacted soils during grading to avoid potential differential settlement impacts." Differential settlement in other areas of the property is discussed on page 4.9-14 of the document. The greatest potential for settlement is anticipated to occur in the middle of the pre-landfill canyon within the refuse relocation area. Although a localized area along "I" Street southeast of the proposed RV parking area is within the limits of the existing refuse and will likely experience settlement after development, no utilities are planned in "I" Street where the potential settlement may occur. MM 4.9-4a and MM 4.9-4b must be implemented to ensure that potential settlement is reduced to an acceptable level. However, no significant settlement is anticipated within the proposed residential areas.

*Response to Comment No. 41*

Excavation of approximately 225,000 cubic yards of refuse will be performed as part of the project. This activity is not included in the overall project grading quantity estimate of 1,524,280 cubic yards for earthwork. The portion of the landfill that is to be clean closed includes wastes buried primarily along the northeastern, eastern, and southeastern sides of the landfill prism that will be excavated and relocated onto the western front-face of the landfill. Prior to beginning work, a detailed schedule and sequence of operations will be developed for all the parties involved in the refuse excavation activities and will be submitted for approval to CalRecycle, the LEA, the SDRWQCB, and the SCAQMD. No activities will begin without prior authorization of the regulatory agencies having oversight of the project. Similarly, no activity will continue in the event that CalRecycle, the LEA, the SCAQMD, or the SDRWQCB require cessation of the operation.

Activities, including excavation and re-disposal phases of work, will comply with the provisions of the site-specific Health and Safety Plan (HSP) as discussed in Section 4.5.4.2 of the DEIR. In addition to health and safety requirements, site controls will be implemented as listed in the Clean Closure Plan and as mitigation measures discussed in Section 4.5.5 of the DEIR. Controls/mitigation measures for the following are included: air quality, public health and safety, contamination removal, stormwater management, and hazardous materials. Additional measures contained in the Clean Closure Plan include:



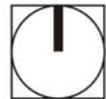
# Noise Levels from Operation of the Two Westerly Stadiums



Noise Level  
Ld, eq in dB(A)

80 <		<= 80
75 <		<= 75
70 <		<= 70
65 <		<= 65
60 <		<= 60
55 <		<= 55

0 460  
Scale (Feet)



- During excavation, air monitoring will be performed in accordance with SCAQMD Rule 1150. During excavation, continuous monitoring of the breathing zone air and within three inches of the exposed refuse will be conducted using a flame ionization detector (FID), in order to measure concentrations of organic emissions from the working face of the excavation. In addition, the same measurements will be performed downwind from the excavation, at the property line. Downwind direction and meteorological conditions, including wind speed, will be monitored on a continuous basis during operations to ensure proper monitoring at the face of the excavation and at the property boundary.
- If the FID shows a reading of 500 ppmv or greater at the working face, the area generating the emissions will be immediately covered with clean dirt and wetted with water.
- If the FID shows a reading of 500 ppmv or greater at the property line of the landfill, the excavation will cease and the area generating the emissions will be immediately covered with clean dirt and wetted with water. Excavation of the affected area will not recommence until the organic readings are below 500 ppmv at the working face.
- In addition to Rule 1150 monitoring described above, monitoring for hydrogen sulfide (H<sub>2</sub>S) will be implemented in the event that its odor is detected by site personnel. Should hydrogen sulfide (rotten egg) odors be noted by site personnel, the work shall immediately stop and the area isolated. Sensitivity to hydrogen sulfide odors fades quickly, and no work should resume until monitoring confirms that it can be continued. Any determination to resume work following detection of hydrogen sulfide odors shall be made by the health and safety officer in accordance with the Site-specific Health and Safety Plan. Monitoring for hydrogen sulfide concentrations can be accomplished with specially calibrated GEM-2000 Plus, GasTech four-gas analyzer GT-402 or H<sub>2</sub>S-specific Jerome 631-X or 631-XC.
- The Occupational Safety and Health Administration (OSHA) has set an acceptable ceiling limit for hydrogen sulfide of 20 ppm in the workplace, with 50 ppm 10-minute maximum. The National Institute for Occupational Safety and Health (NIOSH) recommends a 10-minute ceiling limit of 10 ppm in the workplace. The concentration deemed Immediately Dangerous to Life or Health (IDLH) by NIOSH is 100 ppm. According to the US Department of Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR), the maximum airborne concentration, below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing or developing irreversible or other serious health effects or symptoms, which could impair an individual's ability to take protective action, is 30 ppm. Hydrogen sulfide odors can be detected at concentrations as low as 0.5 ppb.

The proposed temporary refuse excavation slopes have been analyzed for stability, which is discussed in detail in Section 4.9.4.2 of the DEIR.

*Response to Comment No. 42*

Methane generation estimates for the Forster Canyon Landfill have been performed since 1990, which indicated approximately 140 standard cubic feet per minute (scfm)<sup>2</sup> of methane may be produced by the decomposition of the refuse. With an approximate 90% extraction efficiency, and with a methane concentration from 30-50%, a flare type treatment facility would be designed with a maximum flow range between 250-400 scfm. With an approximate turn down ratio of 5:1, the minimum flare station flow would be approximately 80 scfm of LFG. A design flow range from 80 to 400 scfm is readily achieved by use of an enclosed ground flare.

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<sup>2</sup>Standard cubic feet per minute (SCFM) is the volumetric flow rate of a gas corrected to "standardized" conditions of temperature, pressure and relative humidity, thus representing a precise mass flow rate.

Moving forward, very little progress was achieved for the overall site development as well as actual construction of the LFG extraction and treatments systems. The SCAQMD operating permits were renewed many times as well and completely re-permitted on a couple of occasions. Since this is an inactive site the maximum expected methane generation is the last year of accepted waste in 1976. Since that time the methane generation continued to decline following a bell-shaped curve. Currently in year 2010, methane generation is estimated to be approximately 50 scfm. Using an extraction efficiency of 90% and a methane concentration of 40% by volume, it was estimated that a maximum LFG design flow of 112 scfm, of course declining thereafter. Being that it is an inactive landfill and the methane generation is continuously declining, it is not conducive of the use of a flare at these flows. As previously explained, nearly 20 years ago when the project was in its infancy the LFG flow rate was much higher, making the flare a more suitable choice for handling the LFG. Now with the LFG design flow at approximately 112 scfm, a granular active carbon system is a more suitable treatment choice for removing VOCs, contingent upon concurrent by SCAQMD to allow the use and/or the permitting process for carbon treatment.

*Response to Comment No. 43*

As part of the SCAQMD permitting process, following the Risk Assessment Procedures for Rules 1401 and 212, a health risk assessment was performed to evaluate and understand the associated health risks of the toxic air contaminants (TACs) from the potentially vented LFG. As accepted by SCAQMD, this evaluation focuses on the 18 Core Group of compounds listed in SCAQMD's Rule 1150.1. Using the methods described in these rules, a comprehensive analysis of the associated cancer risk and the cumulative health effects based on chronic and acute toxicity were performed. Results of the analysis indicated the cancer risk to be 16% of the allowable levels, while the acute and chronic toxicity to be only a fraction of acceptable levels.

Additionally, visual impacts of the treatment system have been considered during the permitting and conceptual design phase. A Granular Activated Carbon (GAC) treatment system has a much smaller footprint than an enclosed ground flare treatment system and is visually less obtrusive. Another design consideration during the permitting process was to minimize the size and height of the GAC vent stack to the minimum allowable as dictated by the health risk assessment. The calculations in the assessment show that a vent stack height of 14 feet will be acceptable and minimizes visual impacts.

As with all LFG treatment systems installed near residents or sensitive receptors, maximum noise levels are considered and implemented during design. The Forster Canyon Landfill falls within the City of San Juan Capistrano jurisdiction and must comply with the noise standards of the City Code Section 9 Noise Management District. As indicated in Section 9, noise abatement devices, such as a variable frequency drive on the extraction system blowers and sound enclosures will be incorporated into the final design to minimize sound levels to a 45 dB(A) at the property boundary.

*Response to Comment No. 44*

Pursuant to Standard Condition SC 4.6-1 of the Draft EIR, Best Management Practices (BMPs), such as water quality basins, shall be implemented pursuant to the project's Storm Water Pollution and Prevention Plan (SWPPP) during construction in conformance with the General Permit requirements (State Water Resources Control Board, Order No. 2009-0009-DWQ) so that no illegal discharges of pollutants will occur. The locations of the project's water quality/retarding basins for the San Juan Meadows component have been illustrated on Exhibit 4.6-9 (Conceptual Water Quality Management Plan-San Juan Meadows Component) of the draft EIR. All of the basins will be located outside of the final refuse limits per the Forster Canyon Landfill Closure Plan. In addition, the basins have been designed as retarding basins to store peak flows and release over a period of time as oppose to detaining and infiltrating the runoff within the basin. Consequently, by locating the basins beyond the final landfill refuse limits and not infiltrating/percolating the runoff into the basins, the project's design mitigates the potential for runoff water

(from the basins) penetrating through the landfill cover and infiltrating the remaining waste in the landfill to a less than significant level.

*Response to Comment No. 45*

Refer to Response to Comment No. 44.

*Response to Comment No. 46*

Refer to Response to Comment No. 44. The final cover automatic irrigation system consists of a pressurized water supply line and below-grade distribution network on the irrigated deck area. The system design will accommodate an estimated demand of 0.75 inches per week for the deck areas. To protect against final cover infiltration during the rainy season, the irrigation system will be connected to the final cover moisture monitoring system. In order to effectively monitor the movement of fluid within the monolithic cover, a dedicated soil moisture monitoring system will be installed at representative areas throughout the monolithic cover section. In order to effectively monitor the site, a vertical stack of solid state monitoring probes will be placed.

The deck area irrigation system for the FCL is proposed to be a permanent below-grade automatic system. The major components of the system will consist of mainline, lateral pipes, risers, remote control valves, sprinkler heads and controllers. Sprinkler laterals will be placed below-grade, above refuse and within the final cover. Laterals will be placed at a maximum depth of 12 inches and the mainline will be placed at a maximum depth of 18 inches which allows a separation of between two-and-a-half to three feet between the irrigation piping and refuse. The piping is not flexible; however, the system will include automatic shut-off valves if the irrigation system ruptures or begins to leak.

*Response to Comment No. 47*

The potential noise and dust impacts associated with construction activities are discussed in Section 4.7.4.1 (refer to page 4.7-16). As indicated in that assessment, potential noise associated with construction activities would result in potential significant impacts to the coastal California gnatcatcher. As a result, MMs 4.7-1b, 4.7-1c, 4.7-1d, and 4.7-1e have been prescribed to ensure that construction noise is reduced to an acceptable level at all times of the year to include the coastal California gnatcatcher breeding season. Specifically, MM 4.7-1d prohibits construction activity within 200 feet of any active nest, nesting territory and/or adjacent habitat without measures to reduce the noise. As indicated in Response to Comment No. 21, the 60 dBA Ldn noise contour associated with the activities occurring at the equestrian center (i.e., proposed arenas) would not exceed 60 dBA Ldn. Nonetheless, a Mitigation Measure 4.7-1g has been added to ensure that the equestrian center will be designed to ensure that noise levels near the coastal sage scrub habitat along the southern property boundary does not exceed 60 dBA Ldn.

*Response to Comment No. 48*

The subject site, which is private property, is not designated as parkland and no formal trails extend through the site for use by the public. While there has been some recreational use of portions of the San Juan Meadows site, there are currently no safe public access points or trail systems and the site has been burdened with illegal off-road vehicle activity and illegal dumping. The proposed project includes over one mile of trails through the Distrito La Novia and San Juan Meadows components, which will be privately maintained. These trails are designed to link to the existing Forster Canyon Trail located along the ridgeline south of the San Juan Meadows site to the existing San Juan Creek Trail just north of the Distrito La Novia site, providing a vital link for the City and County regional trail system, consistent with the City and County General Plans. Trail lookouts, parking facilities and a staging area for the public have been proposed within the Distrito La Novia and San Juan Meadows sites that will provide additional amenities to

the public as well as access to views from the site. In addition, approximately 29.40 acres of natural open space will be dedicated to the City of San Juan Capistrano. With the addition of the trail improvements, open space dedications, and the future equestrian facility to be provided with the project, the recreational use of the site will be improved.

*Response to Comment No. 49*

As indicated in the description of the proposed project (refer to page 3-10, Section 3.4), the 2-acre reservoir site is identified in the City's Domestic Water Master Plan "... in the general vicinity of this site at the 230-foot elevation or on a portion of the Pacifica San Juan site ...". This feature is not required to serve the site with potable water and is not included as a project component; therefore, potential impacts associated with the future reservoir are not analyzed in the Draft EIR. The Draft EIR includes the reference to the future reservoir as information only for the City's decision-makers as they consider the proposed project. The precise location of that reservoir site will be determined by the San Juan Capistrano City Council at some future time. Until such time as the reservoir site is identified by the City Council, an analysis of its potential impacts would be speculative and, therefore, were not evaluated in the Draft EIR.

*Response to Comment No. 50*

The sewer service for the equestrian facility will be designed and analyzed with its discretionary review process (conditional use permit and architectural control applications) based on the final precise plan of development. However, sewer demands for the equestrian use are anticipated to be relatively low with services generally limited to the equestrian center's office/clubhouse building and restroom facilities. Additionally, as stated in the project's Conceptual WQMP for the San Juan Meadows component, wash rack runoff maybe collected in the equestrian facility's sanitary sewer system if necessary, when wash water cannot be prevented from entering the public storm drain system by draining to a water quality basin. Nevertheless, sewer lines could be extended from both the proposed San Juan Meadows residential sewer system and the existing sewer lines in Pacifica San Juan to adequately serve the project.

*Response to Comment No. 51*

The visual analysis presented in the Draft EIR (refer to Section 4.12) evaluates potential visual impacts from public vantage points in all directions, including from the south and west of the subject property as illustrated in Exhibit 4.12-1 and summarized in Table 4.12-1 (refer to page 4.12-5). Exhibit 4.12-7 illustrates the existing view and post-development visual simulation from View 7 (GlenFed Open Space from the existing major ridgeline trail), which is located south of the San Juan Meadows property. The assessment of potential visual impacts from this public vantage point is presented on page 4.12-16. That assessment concludes that because views onto the site would be limited due to access constraints, views through the site would not affect any important distant ridgeline views to the north and/or northeast, and finally, because the intensity of use and the character of development of the site will be consistent with the design guidelines prescribed by the City, the potential impacts would not be significant.

In addition, Exhibit 4.12-10 (View 9 in Exhibit 4.12-1) illustrates the existing view and post-development visual simulation from the San Juan Capistrano Sports Park, which is located east of the I-5 Freeway southwest of downtown San Juan Capistrano. As indicated in that visual simulation, the proposed development appears in the distant background. None of the development, when viewed from this location, would extend above any important ridgeline identified by the City. As concluded in that analysis, the potential visual impacts of the proposed project, including the vent "stack" associated with the proposed landfill gas treatment facility, from this public vantage point are less than significant.

*Response to Comment No. 52*

As required by Section 15126.6(a) of the State CEQA Guidelines, an EIR must evaluate a “. . . reasonable range of alternatives to the project . . .” Several alternatives that (1) are intended to reduce potentially significant adverse impacts and (2) achieve the basic objectives of the proposed project have been evaluated in Chapter 10.0 of the Draft EIR as required by CEQA. Only those alternatives that are determined by the lead agency, only those that would feasibly obtain most of the project objectives must be evaluated in detail (CEQA Guidelines Section 15126.6(f)).

A residential alternative that would not require relocating the refuse would result in a significant reduction of as many as 20 or more of the dwelling units (i.e., approximately 21 percent), a critical component of the proposed project. In order to replace those dwelling units, it would be necessary to relocate them in the southern area of the subject property, which would result in additional grading/landform alteration and potentially greater adverse impacts to sensitive habitat and the elimination of some open space that is currently proposed. The area in the southern portion of the site encompasses coastal sage scrub habitat and abuts designated open space to the south. Development in this area would adversely affect the City's desire to maximize the amount of open space in San Juan Capistrano and preserve to the maximum extent practicable the amount of native habitat, including coastal sage scrub. In addition, although this alternative would not require the excavation and relocation of refuse from the existing landfill, it is likely that closure of the landfill to current standards would still be required due to the location of residential development within proximity to that facility. Therefore, an alternative that does not require reopening the landfill was not evaluated in detail in the Draft EIR because it would not achieve an important goal of the project (i.e., closure of the landfill consistent with current environmentally protective standards as established by State law to protect groundwater and air quality yet providing for limited recreational uses of the landfill site) and, furthermore, would result in potentially significant impacts to open space and/or sensitive habitat beyond that anticipated to occur as a result of the proposed project.

## **7. Ronald Malanosky (February 15, 2010)**

### *Response to Comment No. 1*

Issues related to odors, flies and manure storage/disposal are regulated by the City's Municipal Code. Specifically, Section 9-3.515 (Equestrian Standards) prescribes the operational standards for commercial equestrian facilities, including manure storage and disposal, rodent control, water management, stable sanitation, dust control, etc. In addition, a Manure Management Plan (MMP) has been prepared for the project that addresses waste storage that also includes Best Management Practices (BMPs) to address manure storage, proper handling of dead animals, diverting clean water from the production area, keeping animals out of surface water, proper handling of chemicals.

Several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures required by the South Coast Air Quality Management District for odors and other measures prescribed in the Municipal Code and in the NMP, the 1,500 to 1,700-foot "buffer" that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that such nuisances are minimized.

**8. Richard Loverde (February 12, 2010)**

*Response to Comment No. 1*

Several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures required by the South Coast Air Quality Management District for odors and other measures prescribed in the Municipal Code and in the NMP, the 1,500 to 1,700-foot “buffer” that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that such nuisances are minimized.

**9. Maryann Pette (February 21, 2010)**

*Response to Comment No. 1*

The proposed project includes a commercial equestrian center that would accommodate up to 775 horses (not 795 as indicated in this comment). Section 9-3.515 (Equestrian Standards) allows for a maximum density of 28 horses per usable acre if the facility has direct access to a designated equestrian/hiking trail. The density of the proposed project is about 16 horses per acre, or less than 60 percent of the maximum allowable density permitted by the adopted equestrian development standards.

*Response to Comment No. 2*

Several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures required by the South Coast Air Quality Management District for odors and other measures prescribed in the Municipal Code and in the NMP, the 1,500 to 1,700-foot “buffer” that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that such nuisances are minimized.

*Response to Comment No. 3*

As indicated in Response to Comment No. 1, commercial equestrian facilities are regulated by the City's Municipal Code (Section 9-3.515). The proposed equestrian center must comply with the standards prescribed in the Municipal Code as well as the Best Management Practices (BMPs) developed for the project that implement many of the development standards required by the City. Section 9-3.515 prescribes the operational standards that ensure sanitation within the facility, including manure storage and disposal requirements, rodent control, grain storage, water management, etc. The City of San Juan Capistrano will be responsible for ensuring that the equestrian facility is operated and maintained in accordance with the applicable requirements prescribed in the municipal code through its Code Enforcement department.

**10. John Wikle (February 17, 2010)**

*Response to Comment No. 1*

It is difficult to quantify the amount of animal waste that would be generated by the proposed equestrian facility. However, it is important to note that manure storage and disposal is addressed in the City's Municipal Code (Section 9-3.515). Operation and maintenance of the proposed equestrian center shall comply with Section 9-3.515 of the San Juan Capistrano Municipal Code. These regulations also address other nuisances, including fly and rodent control, grain storage, water management, etc., to ensure that potential adverse effects are minimized and the South Coast Air Quality Management District regulates odors. In addition, the Nutrient Management Plan prepared for the project also addresses proper storage and disposal of the animal waste and issues related to the equestrian center.

**11. Tom Wittman (February 12, 2010)**

*Response to Comment No. 1*

The proposed equestrian center must comply with the standards prescribed in Section 9-3.515 of the San Juan Capistrano Municipal Code as well as the Best Management Practices (BMPs) developed for the project that implement many of the development standards required by the City. Section 9-3.515 prescribes the operational standards that ensure sanitation within the facility, including manure storage and disposal requirements, pest control, (e.g., rodents and flies), grain storage, water management, etc. The City of San Juan Capistrano will be responsible for ensuring that the equestrian facility is operated and maintained in accordance with the applicable requirements prescribed in the municipal code through its Code Enforcement department.

## 12. Yvonne Tschakowsky (February 19, 2010)

### *Response to Comment No. 1*

Mitigation Measures 4.2-14, 4.2-15, and 4.2-16 address parking not only in the mixed-use area but also for the equestrian center. As indicated in those measures, the project applicant will be required to provide adequate parking that meets current parking code requirements. This can be accomplished by reducing the floor area of some uses (e.g., restaurants), prepare a shared parking agreement, which is supported by a shared parking analysis that indicates that the parking is adequate, or increase the on-site parking to meet parking code requirements.

### *Response to Comment No. 2*

The proposed equestrian center must comply with the standards prescribed in Section 9-3.515 of the San Juan Capistrano Municipal Code as well as the Best Management Practices (BMPs) developed for the project that implement many of the development standards required by the City. Section 9-3.515 prescribes the operational standards that ensure sanitation within the facility, including manure storage and disposal requirements, pest control, (e.g., rodents and flies), grain storage, water management, etc. The City of San Juan Capistrano will be responsible for ensuring that the equestrian facility is operated and maintained in accordance with the applicable requirements prescribed in the municipal code through its Code Enforcement department.

### *Response to Comment No. 3*

Mitigation Measure MM 4.4-2c prescribes the hours that equestrian events will be prohibited (i.e., 10:00 p.m. to 7:00 a.m.). Further, to ensure that noise impacts are reduced further, such events held between the hours of 7:00 p.m. and 10:00 p.m. would be restricted to the use of the two westerly arenas. The City may consider additional restrictions or limitations once a precise plan of development is submitted to the City.

### *Response to Comment No. 4*

Implementation of MM 4.4-3 will ensure that residential development within Distrito La Novia meet both exterior and interior noise levels. Based on the acoustical study, appropriate measures, if determined necessary, will be incorporated into the design of the residential structures to meet City-mandated noise limits.

### *Response to Comment No. 5*

As indicated on page 4.5-5 of the Draft EIR: "If future detection monitoring results indicate that a release has occurred, a work plan for additional evaluation monitoring or corrective action will be submitted to the RWQCB."

### *Response to Comment No. 6*

The proposed project includes the excavation of approximately 225,000 cubic yards of refuse. The area from which the refuse will be excavated will be backfilled with clean fill and compacted. The refuse will be redeposited in the westerly limits of the landfill. These activities will occur over a four to six month period. Forster Canyon Landfill was operated as a Class II-2 facility (now reclassified as a Class III landfill), which accepted inert construction and demolition debris and municipal wastes, gardening debris, and commercial and industrial solid waste. There is no evidence that liquids or hazardous waste materials were ever disposed of at the landfill. Nonetheless, a Health and Safety Plan will be prepared and implemented to ensure that potential hazards to both workers and the public are avoided. In addition,

sampling of the soils is also proposed to ensure that any soils that may exceed regulatory thresholds are properly removed from the site.

*Response to Comment No. 7*

Section 4.6 (Drainage and Hydrology) of the Draft EIR provides a summary of water quality systems, including specific Best Management Practices (BMPs) that will be incorporated into the project design to address potential pollutant contamination of surface water. Site design, non-structure, and structural BMPs have been incorporated to ensure that potential pollutants emanating from the proposed project are eliminated or reduced to the maximum extent practicable. In addition, treatment BMPs in the form of detention basins have also been incorporated into the project to remove heavy metals and nutrients, including phosphorus, metals, organics, bacteria, etc. Other treatment BMPs include media filters and proprietary control measures that are also intended to treat surface water prior to discharge into San Juan Creek downstream from the proposed project. Finally, a Nutrient Management Plan (NMP) has also been prepared to address the potential water quality impacts associated with the proposed equestrian use.

*Response to Comment No. 8*

Although the San Juan Meadows property supports sensitive habitat (i.e., coastal sage scrub), a substantial portion of the property has been altered from past use of the site as the Forster Canyon Landfill. Other portions of the site have also been disturbed. The subject property does contain a small area identified as “mule fat scrub” habitat; however, there is no “marsh” that existing within the property. The remainder of the site is predominantly grassland. Project implementation will result in potentially significant impacts to sensitive habitat (i.e., buckwheat scrub, sagebrush scrub, coyote brush scrub, and mule fat scrub); however, MMR 4.7-1a requires the enhancement or creation of “in kind” habitat within designated critical habitat pursuant to U.S. Fish and Wildlife Service mandates.

*Response to Comment No. 9*

The “meadow” to which the commenter is referring is not unique. As indicated above, the site has been substantially altered as a result of the historical use as a landfill. In addition to the sensitive habitat, sensitive plant and animal species either occupy the site or could occupy the site because conditions on the site are conducive to support such species. As a result, several other measures have also been prescribed in the Draft EIR to ensure that potentially significant impacts to both sensitive habitat and sensitive species are reduced to a less than significant level. Finally, a significant portion of the site along the southern property boundary adjacent to existing open space will remain undeveloped and will supplement the amount of open space in the City.

*Response to Comment No. 10*

The geotechnical investigation conducted for the proposed project thoroughly evaluated the soils and geologic constraints that characterize the San Juan Meadows property. As indicated in this comment, the site is underlain by several landslides and other potentially adverse soils conditions that could affect future development (e.g., erosion, settlement, expansive soils, etc.). However, several measures have been identified, including the preparation of an erosion control plan (MM 4.9-2a), monitoring of grading activities (MM 4.9-4b), laboratory testing of building subgrade (MM 4.9-5), etc., which will be implemented during construction to ensure that the proposed structures and residents are protected from the effects of these conditions. In addition, all structures must be designed in accordance with the California Building Code, the City’s Grading Ordinance, and other regulatory requirements to ensure that the proposed structures are protected and loss of life is minimized.

*Response to Comment No. 11*

The "Forster Canyon Landfill" is located within the limits of the San Juan Meadows property south of La Novia Avenue. This feature would not affect development of the Distrito La Novia project site, which has been designed in accordance with the soils and geotechnical constraints associated with that property.

*Response to Comment No. 12*

Table 4.12-2 (refer to page 4.12-22) in the Draft EIR provides an analysis of the project consistency with the City's adopted design guidelines. While aesthetics is subjective in nature, the project components were evaluated based on the guidelines adopted by the City that address general design objectives, grading, and compatibility. The conclusion of that assessment is that the proposed project is consistent with the guidelines. The analysis in the Draft EIR did conclude, however, that the proposed retaining walls within the Distrito La Novia project along San Juan Creek Road, Valle Road, and La Novia Avenue could adversely affect the aesthetic character of the site when viewed from those scenic corridor vantages. However, appropriate mitigation has been identified to ensure that the aesthetic character is consistent with the design guidelines.

*Response to Comment No. 13*

The View No. 10 visual simulation was taken from a public trail within the residential development to the south, overlooking the proposed project. This simulation and all of the other view simulations included in the Draft EIR to evaluate potential visual impacts reflect both existing and post-development views to the site from public vantage points. Although some development may be seen from private homes in the vicinity of the subject property, it is important to note that the City's emphasis on protecting views and visual resources is from public vantages, including scenic corridors (i.e., the City's arterial highway system), public parks, public trails, etc., and on preserving important scenic amenities and views to those amenities, which may include important ridgelines, rock outcroppings, habitat, etc. Based on that criterion, no visual simulations were created from private vantage points.

**13. Ronald E. Malanosky (February 20, 2010)**

*Response to Comment No. 1*

This letter excerpts several passages from Section 5.3 (Air Quality) of the Draft EIR. As indicated in this letter, the commenter is concerned about the concentration of a 775-horse commercial equestrian center on the subject property. The assessment of odors in the Draft EIR (refer to pages 4.3-32 through 4.3-35) and repeated in this comment, the proposed equestrian center could generate a substantial amount of urine and manure that could result in odor impacts in the project environs. Although the EIR concludes that odors may occur, the equestrian center is buffered from existing residential development by as much as 1,500 to 1,700 feet, which exceeds the setbacks prescribed in the Section 9-3.515 of the San Juan Capistrano Municipal Code. Section 9-3.515 prescribes the operational standards that ensure sanitation within the facility, including manure storage and disposal requirements, pest control, (e.g., rodents and flies), grain storage, water management, etc. The City of San Juan Capistrano will be responsible for ensuring that the equestrian facility is operated and maintained in accordance with the applicable requirements prescribed in the municipal code through its Code Enforcement department.

In addition, it is important to note that several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures prescribed in the Municipal Code as well as required by the South Coast Air Quality Management District, the 1,500 to 1,700-foot “buffer” that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that the odors and flies that may be generated by the proposed project are adequately addressed.

#### **14. John Perry (February 22, 2010)**

##### *Response to Comment No. 1*

This comment, which reflects the commenter's preference to any of the alternatives preferable to the proposed project, is acknowledged. No environmental issues are raised in this comment, which will be forwarded to the Planning Commission and City Council for consideration prior to taking action on the proposed project.

##### *Response to Comment No. 2*

The deficit of parking within the Distrito La Novia project was identified and mitigation measures were prescribed to ensure that adequate on-site parking is provided for the proposed mixed-use development. As indicated, the proposed project must comply with the parking code requirements, either through reducing the floor area and/or increasing the number of parking spaces. As an alternative, verification of the proposed parking based on a shared parking analysis, which would satisfy the City's parking requirement, could also be provided. Similarly, a detailed parking plan for the proposed San Juan Meadows component, including that for the 94 residential dwelling units and the equestrian center must also be submitted to the City for review and approval.

##### *Response to Comment No. 3*

As indicated in this comment and in the Draft EIR, the proposed equestrian center is intended to serve the City of San Juan Capistrano. While it is possible that its use would extend to a larger geographic area, the potential impacts associated with the project, including noise, air quality, traffic and circulation, aesthetics, land use, biological resources, etc., have been evaluated in the Draft EIR.

##### *Response to Comment No. 4*

San Juan Creek Road is classified as a Primary Arterial from Camino Capistrano west of the I-5 Freeway to the eastern limits of the Distrito La Novia property and as a Secondary Arterial to the eastern City limits. As such, the traffic analysis prepared for the proposed project reflects future traffic conditions (i.e., long-term) based on the buildout of the San Juan Capistrano General Plan, including the extension of San Juan Creek Road as currently shown on the City's long-range Circulation Element (refer to Figure C-2 in the Circulation Element of the General Plan) and the Orange County Master Plan of Arterial Highways. The need for signalization at Avenida Larga and Calle Caballero would be addressed through an analysis of traffic signal warrants.

##### *Response to Comment No. 5*

Exhibit 3-13 in the Draft EIR illustrates the building elevations of the non-residential components of the proposed Distrito La Novia project. This exhibit was included in the Draft EIR to illustrate the architectural character and style of the proposed retail commercial and professional office buildings. Exhibit 4.12-2 illustrates the existing and post-development view of the proposed project (specifically, Distrito La Novia) as would travel southwest on San Juan Creek Road. As indicated in the post-development simulation, the proposed view will be changed from one of an undeveloped hillside to that of a mixed-use development. Although the hillside would be altered to accommodate the proposed project, it is not designated as a "major ridgeline" on Figure COS-2 (Major Ridgelines) in the Conservation & Open Space Element of the General Plan. Therefore, the alteration of this landform does not constitute a significant impact. It is important to note that views through the site from the north to the major ridgelines identified in Figure COS-2 in the southern limits of the City will be preserved. Similarly, views to designated ridgelines to the north and east would also be preserved.

*Response to Comment No. 6*

This comment suggest single-story structures for the Distrito La Novia project component and implementation of the “No Project” alternative. No environmental issue is raised in this comment; however, it will be forwarded to the Planning Commission and City Council for consideration prior to taking an action on the proposed project.

**15. Cherrie and Chuck Best (January 29, 2010)**

*Response to Comment No. 1*

Section 9-3.515 prescribes the operational standards that ensure sanitation within the facility, including manure storage and disposal requirements, pest control, (e.g., rodents and flies), grain storage, water management, etc. The City of San Juan Capistrano will be responsible for ensuring that the equestrian facility is operated and maintained in accordance with the applicable requirements prescribed in the municipal code through its Code Enforcement department.

In addition, it is important to note that several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures prescribed in the Municipal Code as well as required by the South Coast Air Quality Management District, the 1,500 to 1,700-foot “buffer” that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that the odors and flies that may be generated by the proposed project are adequately addressed.

*Response to Comment No. 2*

Potential truck traffic associated with hauling manure from the site would not impact residential streets in the project area. Any potential truck traffic generated by the equestrian facility would utilize the arterial roadway system and it would be expected to occur during off-peak hours in order to avoid potential traffic impacts. The equestrian center would be subject to Best Management Practices (BMPs) that are intended to address both surface and groundwater quality. The Manure Management Plan (MMP) and Conceptual Water Quality Management Plan (WQMP) include BMPs (e.g., detention basins, storm filters/treatment trains, etc.) that are intended to treat surface runoff before it is discharged downstream into San Juan Creek.

## **16. Jack Chestek (February 19, 2010)**

### *Response to Comment No. 1*

The June 17, 2008 letter submitted by the commenter expresses opposition to the proposed project. Only one comment related to liquid waste from the proposed equestrian center and its potential effect on the City's drinking water was raised in that letter. The remainder of the comments do not raise environmental issues and no response is necessary. Nonetheless, the letter will be submitted to the Planning Commission and City Council for consideration prior to taking an action on the proposed project.

### *Response to Comment No. 2*

The proposed equestrian project is defined as a large Concentrated Animal Feeding Operation (CAFO), since it consists of 500 or more horses stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. As such, it is subject to NPDES permitting requirements for CAFOs through the State of California via a NPDES general or individual permit as authorized by Environmental Protection Agency (EPA). Through the NPDES permitting process, which includes review and implementation of a NMP, the project is regulated based on established EPA guidelines and standards to mitigate surface water quality impacts for an operating CAFO to a less than significant level. Included in the appendix of the Draft EIR is the project's Nutrient Management Plan (NMP) dated January 26, 2009. The NMP establishes the required Best Management Practices (BMPs) to ensure that proper manure waste handling and management are provided for the proposed equestrian facility consistent with EPA regulations for a large Concentrated Animal Feeding Operation (CAFO). It should be noted at the time of preparation, the NMP assumed a maximum of 950 horses could be boarded at the proposed facility. Since its preparation, the maximum number of horses to be boarded at the proposed equestrian facility has been reduced to 775 horses. The manure management plan as prescribed by the project's NMP consists of daily collection of manure and bedding from each stable or paddock which is then transported to a manure staging area for daily (except Sundays) pickup, removal and disposal by a private commercial waste management company. The manure staging area will be properly sized to accommodate the manure and soiled bedding produced by 775 horses over a three-day period (as a factor of safety even though pickup, removal and disposal will be scheduled Monday through Saturday), approximately 167.1 cubic yards. Consequently, approximately ten weekly truck pickups, using 40 cubic yard haul off containers, will be required to dispose of the stored manure and soiled bedding. Covered, impervious surface pads will be used to store the manure and soiled bedding in the manure staging area to ensure that runoff doesn't come in contact with storage areas to prevent leaching or transport of pollutants. Furthermore, the manure staging area will be grading to divert surface runoff from contacting the storage areas. As evident by the number of existing equestrian facilities in San Juan Capistrano adjacent to neighboring residential areas, the implementation of a manure management plan can successfully mitigate odor and flies issues associate with equestrian facilities to a less than significant level.

Other onsite measures for manure management, such as composting or amending the manure for use as commercial and/or residential fertilizer may be considered by the developer when the precise plan of development for the equestrian facility is submitted to the City for processing with its conditional use permit and architectural control applications. Additional CEQA review will be conducted as part of that process and appropriate mitigation measures based on the final design shall be imposed.

**17. Rick and Kerry Deputy (February 15, 2010)**

*Response to Comment No. 1*

Several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures, the 1,500 to 1,700-foot “buffer” that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that the odors and flies that may be generated by the proposed project are adequately addressed.

**18. Bert and Louise Dumais (February 15, 2010)**

*Response to Comment No. 1*

As indicated in this comment, the proposed project will allow 775 horses to occupy approximately 46 acres within the San Juan Meadows component of the proposed project, resulting in a density of less than 17 horses per acre. This density is less than that permitted by the City's Municipal Code, which allows for a maximum density of 28 horses per usable acre for facilities that have access to a General Plan designated trail system. Several existing equestrian facilities within San Juan Capistrano are located adjacent to or in close proximity to residential development; however, no significant complaints associated with odors, flies or other nuisances have been reported. As indicated in the Draft EIR, the equestrian center is located more than ¼ mile from the nearest existing residential dwelling units in the City. When combined with abatement measures, the 1,500 to 1,700-foot "buffer" that will separate the proposed equestrian center from the nearest existing residential neighborhoods will be adequate to ensure that the odors and flies that may be generated by the proposed project are adequately addressed.

The remainder of the comments in the letter reflects opposition to the proposed project. Although no response is required, the comments will be forwarded to the San Juan Capistrano Planning Commission and City Council for consideration prior to taking action on the proposed project.

**19. Orange County Health Care Agency (February 17, 2010)**

*Response to Comment No. 1*

The Manure Management Plan prepared for the equestrian facility is conceptual in nature and identifies a menu of measures that may be implemented to ensure that manure is effectively managed on the site to avoid potential odor and nuisance impacts. As suggested in this comment, the project applicant will consult with the LEA prior to implementation of the Manure Management Plan to reflect the appropriate measure, including possible composting permit requirements, in the Plan.

*Response to Comment No. 2*

This comment is acknowledged. The Final Closure and Post Closure Maintenance Plan has been submitted to the LEA for review. This document will be revised to reflect the comments, if any, of the LEA and it will be submitted to the San Diego Regional Water Quality Control Board for review and comment and revised accordingly, if determined necessary, prior to approval by the that agency, as well as by CalRecycle.

*Response to Comment No. 3*

This comment is acknowledged. The LFG collection, control and migration monitoring system will be submitted to the LEA for approval prior to installation.

*Response to Comment No. 4*

This comment is acknowledged. The Partial Clean Closure Plan presented in the Final Closure Plan will be submitted to the LEA and CalRecycle for approval prior to implementation of the Final Closure and Post Closure Maintenance Plan.

The final LFG extraction system design will include perimeter and interior LFG extraction wells throughout the entire footprint of the landfill. Each well will be spaced from each other laterally so that each well's radius of influence will overlap its adjacent wells. Additionally, each well will be designed to extend to a depth within ten feet of the bottom of the landfill, thus the wells influence will too extend to the bottom of the landfill. The landfill engineer does not anticipate any subsurface landfill areas that are not influenced by the LFG extraction system. For protection of the residence, LFG monitoring probes will be installed along the entire perimeter of the landfill. Where there are residents, probes will be spaced 100 foot on center. During routine monitoring each of these probes will be monitored for methane, carbon dioxide, nitrogen, and oxygen concentrations. These will serve as a tool for evaluating the performance of the extraction system. If routine adjustment to the extraction system does not mitigate subsurface migration, additional vertical extraction wells may be added as necessary.

*Response to Comment No. 5*

This comment is acknowledged. Closure of the Forster Canyon Landfill, including waste excavation at certain site areas, will meet the requirements of the California Code of Regulations, Title 27 (27 CCR), §21810, in addition to §21090(f).