

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



RECEIVED

August 9, 2010

AUG 11 2010

Mr. David Contreras, Senior Planner

CITY OF SAN JUAN CAPISTRANO

32400 Paseo Adelanto
San Juan Capistrano, CA 92675

COMMUNITY DEVELOPMENT

Re: SCH#2010051075; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Plaza Banderas Hotel Project," located on 3.18-acres for a 124-three-story hotel situated between El Camino Real and Interstate Highway 5 City of San Juan Capistrano; Orange County, California.

Dear Ms. Navarrete:

1 The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3^d 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

2 The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within the APE identified for the project. However, there are Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

3 Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 10.

4 Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CEQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

5 Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

6 The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

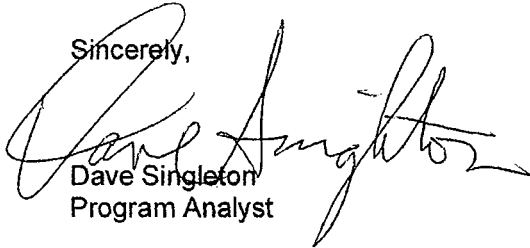
7 CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

8 Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

9 Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse



**South Coast
Water District**
Serving the Public Since 1932

Letter No. 2

August 10, 2010

City of San Juan Capistrano
Development Services Dept.
Attn: David Contreras, Senior Planner
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Dear Mr. Contreras:

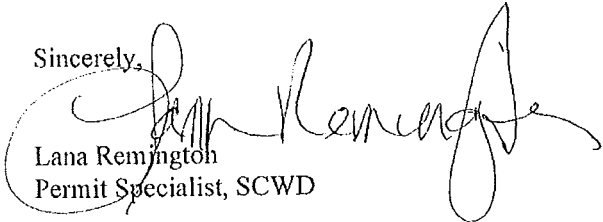
RE: Plaza Banderas Hotel Project

Dear Mr. Contreras:

1 | South Coast Water District has reviewed the following information for the project of Plaza Banderas Hotel. As shown, the project is not a part of our jurisdiction.

If you have any further questions, please feel free to call our office.

Sincerely,


Lana Remington
Permit Specialist, SCWD

Mailing Address: PO Box 30205, Laguna Niguel, CA 92607-0205

Phone: (949) 499-4555

Street Address: 31592 West Street, Laguna Beach, CA 92651-6907

Fax: (949) 499-4256



ORANGE COUNTY FIRE AUTHORITY

P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Rd., Irvine, CA 92602

Keith Richter, Fire Chief

www.ocfa.org

(714) 573-6000

Letter No. 3

August 16, 2010

City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Attn: David Contreras, Sr Planner

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AUG 17 2010

COMMUNITY DEVELOPMENT

SUBJECT: Banderas Plaza EIR

Dear Mr. Contreras:

Thank you for the opportunity to comment on the subject document. OCFA has reviewed the subject document and has no further comments.

1 | OCFA would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. If you have any questions regarding this matter, I can be reached at 714-573-6199.

Sincerely,

Michele Hernandez
Management Analyst, Strategic Services

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES

David Contreras

Letter No. 4

From: David Contreras
Sent: Wednesday, August 18, 2010 3:23 PM
To: 'addconominees'
Subject: RE: Proposed Plaza Banderas Hotel

Mr. Freedman,

Thank you for your email and comments, for more specific information on the project please visit the City's website: <http://www.sanjuancapistrano.org/Index.aspx?page=1353> or attend the public hearing on August 24, 2010. The "Mission Inn" project contained 20 rooms. The proposed hotel project is a private venture and the applicant is Stroscher G3, Gretchen Stroscher Thomson.

Thank you,

David Contreras
Senior Planner

City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
P: (949) 443-6320
F: (949) 661-5451
dcontreras@sanjuancapistrano.org
www.sanjuancapistrano.org

From: addconominees [mailto:addconominees@cox.net]
Sent: Wednesday, August 18, 2010 9:58 AM
To: David Contreras
Subject: Proposed Plaza Banderas Hotel
Importance: High

8/18/2010

Dear David

I am a property owner and resident of San Capistrano.

- 1** | The height and bulk are not in character with the historic nature of the precinct.
- 2** | Please advise which members of the council – past and present – have a direct interest in this project.
- 3** | Also please advise the retail facilities (if any) and how many rooms the previous hotel located in that vicinity offered.

Thank you

William Freedman

31135 Via Santo Tomas, San Juan Capistrano, CA 92675
Tel 949 218 6072
Cell 949 378 1342

David Contreras

Letter No. 5

From: David Contreras
Sent: Wednesday, August 18, 2010 3:24 PM
To: 'bcorp@cox.net'
Subject: RE: Hotel

Mr. Dani,

Thank you for your email and comments, for more specific information on the project please visit the City's website: <http://www.sanjuancapistrano.org/Index.aspx?page=1353> or attend the public hearing on August 24, 2010.

David Contreras
Senior Planner

City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
P: (949) 443-6320
F: (949) 661-5451
dcontreras@sanjuancapistrano.org
www.sanjuancapistrano.org

-----Original Message-----

From: bcorp@cox.net [mailto:bcorp@cox.net]
Sent: Wednesday, August 18, 2010 12:27 PM
To: David Contreras
Subject: Hotel

Dear David,

1 | Hearing for the proposed hotel- This is a private venture, not public dollars, will create jobs not only for construction, but for operation. Are not jobs a concern for the people, what I mean is productive jobs, not costly jobs created by government. Along with the jobs this business creates will be property tax revenue and sales tax revenue for the city. An all out effort to approve this and to speed up the approval process should be top priority. Causing the proposers of this project to jump through the unending series of hoops that government places in front of the private sector is astonishingly stupid. I know, I've been there done that years ago and now it is even more ridiculous.

Brian Dani
Laguna Niguel

David Contreras

From: David Contreras
Sent: Monday, August 23, 2010 4:51 PM
To: 'Tamara Kromm'
Subject: RE: Plaza Banderas Hotel Comments

Letter No. 6

Ms. Craig,

Thank you for your email and comments, for more specific information on the project please visit the City's website: <http://www.sanjuancapistrano.org/Index.aspx?page=1353> or attend the public hearing on August 24, 2010.

Thank you again,

David Contreras
Senior Planner

City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
P: (949) 443-6320
F: (949) 661-5451
dcontreras@sanjuancapistrano.org
www.sanjuancapistrano.org

From: Tamara Kromm [mailto:t_kromm@yahoo.com]
Sent: Saturday, August 21, 2010 10:11 AM
To: David Contreras
Subject:

1 I am excited about the project and cant wait to dine there and have family stay at the hotel. we are in need of a medium priced hotel in this area as long as it is not a motel 6 that will attract pedifiles due to location of elementary across the street.

Tamara Craig
31941 Calle Winona
San Juan Capistrano, Ca 92675
949-923-5162

Heart & Soul
(Floating Charm Necklaces)

David Contreras

Letter No. 7

From: David Contreras
Sent: Monday, August 23, 2010 5:27 PM
To: 'Claire Mackay'
Cc: amackay@centerline.com; Carolyn Toohey
Subject: RE: Plaza Banderas Hotel

Ms. Mackay,

Thank you for your email and comments, for more specific information on the project please visit the City's website: <http://www.sanjuancapistrano.org/Index.aspx?page=1353> or attend the public hearing on August 24, 2010.

Thank you again,

David Contreras
Senior Planner

City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
P: (949) 443-6320
F: (949) 661-5451
dcontreras@sanjuancapistrano.org
www.sanjuancapistrano.org

From: Claire Mackay [mailto:bettymackay@cox.net]
Sent: Thursday, August 19, 2010 7:42 AM
To: David Contreras
Cc: amackay@centerline.com; Carolyn Toohey
Subject: Plaza Banderas Hotel

1 | I am a 15-year resident of SJC at 28831 Via Buena Vista. I received the Planning Commission Public Hearing Notice. I am writing to voice my support of this project. Our town needs a boutique hotel for tourists, visiting family, and business travelers. I trust that Stroscher G3 will build a lovely facility that will bring esteem and pride to our community...along with income to our restaurants, retail shops, etc. I am aware that the Stroscher family have been in San Juan for generations. I believe they have the best interests of our community at heart.

I would like to continue receiving any future public hearing notices for this project.

Thank you,
Claire Mackay



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

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SEP - 9 2010

COMMUNITY DEVELOPMENT

Letter No. 8

September 7, 2010

Mr. David Contreras
City of San Juan Capistrano Planning Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR) FOR
PLAZA BANDERAS HOTEL PROJECT (SCH# 2010051075)

Dear Mr. Contreras:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Completion of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The applicant is proposing the development of a 3.18 acre parcel at the northeast corner of Ortega Highway and El Camino Real in the City of San Juan Capistrano. The proposed project consists of a mixed use retail/hotel that consists of a three-story hotel with 124 rooms, including 75,000 gross square feet, one and two story retail/office buildings encompassing 12,200 gross square feet, and a surface parking lot located to the north and east of the hotel building containing approximately 185 parking spaces".

- 1 | DTSC sent you comments on the Notice of Preparation (NOP) document on 7/1/2010. Based on the review of the submitted document, DTSC has no further comments.
- 2 | DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Mr. David Contreras
September 7, 2010
Page 2

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 2991

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592

Post-it® Fax Note 7671

To	David Contreras	From	M. Molave
Co./Dept.	SJC	Co.	Caltrans D-12
Phone #	433-6380	Phone #	724-2267
Fax #	661-5451	Fax #	

September 14, 2010

FAX & MAIL

David Contreras
City of San Juan Capistrano
32400 Pasco Adelanto
San Juan Capistrano, California 92675

Letter No. 9

File: IGR/CEQA
SCH#: 2010051075
Log #: 2531-A
I-5 & SR-74

Subject: Plaza Banderas Hotel Project

Dear Mr. Contreras,

Thank you for the opportunity to review and comment on the Notice of Preparation for the Plaza Banderas Hotel Project Environmental Impact Report. The project proposes to develop a mixed use retail/hotel project consisting of a 75,000 square feet 3-story hotel with 124 rooms, and two buildings with 12,200 gross square feet of retail/office use, and a 185-space parking lot. The project site is located on 26871 and 26891 Ortega Highway (SR-74) in the City of San Juan Capistrano. The nearest State routes to the project site are I-5 & SR-74.

The Department of Transportation (Department) is a responsible agency on this project and we have the following comment:

1. The Department's project to reconstruct the I-5 and SR-74 Interchange includes the reconstruction of the overcrossing bridge, the on and off-ramps between the two facilities and the realignment of Ortega Highway and Del Obispo Street near the subject property. The construction of the State's project is scheduled to begin the latter part of 2012 and take at least two years to complete. All construction activity for the City's project occurring near or on the State's project limits must be coordinated with the Department and it should not impact the State's construction contract activities. Note that the alignment of Ortega Highway (west of the I-5 ramps) will change as part of the I-5/SR-74 Interchange Project.
2. Any project work proposed in the vicinity of the State right of way would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet the Department's requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with the Department to meet requirements for any work within or near State right of way. All entities other than the Department working within State right of way must obtain an Encroachment Permit prior to commencement of work. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Department's Project Development. Allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for Encroachment Permit, please incorporate

Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, R/W certification and all relevant design details including design exception approvals. For specific details Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the Manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits>

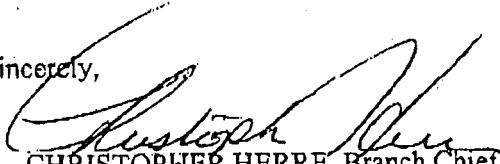
3. Clarify if any mitigation or improvements to the I-5 and SR-74 Interchange or approaches are proposed beyond the currently planned and programmed project to accommodate additional trips generated by this and other proposed development in the area.
4. Mitigation Measure (MM) 4.2-1c: All trucks using SR-74 on-and off-ramps will be rerouted to other nearby public streets during the period of time when the overcrossing bridge is being reconstructed. This is due to a lack of "turning radius" available to the trucks.
5. MM 4.2-2 and 4.2-3: For any work by the applicant within the State's right of way or impacting the State's right of way, the applicant should determine the impacts and propose appropriate mitigation measures, obtain impact and mitigation approval from the State and provide all funding for the mitigation to the State. This will require the approval of the State.
6. Page 4.2-22 states: "The remaining key study intersections are expected to continue to operate at the acceptable LOS based on the City's LOS criteria". Address this issue based on the Department's criteria and submit for the Department's review and comments for all ramp intersections.
7. Section 4.2 Traffic and Circulation: The State has received a request from the applicant to delete, from the State's project, the subject driveway. The State can consider deleting the reconstruction of the driveway from its project based on the following: The applicant will be responsible for constructing and funding the construction of any new driveways from the subject project to any realignment of local streets constructed by the State's project. The applicant will be responsible for obtaining any approvals or rights to construct new driveways constructed across any other properties not owned by the applicant including any public rights of way. The State also reserves the right to review and approve any new driveways within the State's project limits including areas outside the State's Right of Way.
8. Table 4.2-4 I-5 Freeway/Ortega Highway Interchange: The applicant is required to submit a queuing analysis for the impacts of the applicant's project on the existing turn lane lengths with the State's right of way and mitigate any impacts.
9. Page 4.2-3 states "It should be noted that access to the Project site will be provided via a stop-controlled, right-in/right-out driveway located along the north side of Ortega Highway and approximately 300 feet east of El Camino Real." Provide an analysis that would address any potential spill back of traffic from the driveway onto the State Routes. That is SR-74 or the I-5/SR-74 ramps. Please submit a striping plan sheet regarding this driveway with respect to SR-74.

10

10. Page 4.2-48 identifies two impacts with two mitigation measures which indicates that "Prior to issuance of the first building permit for the proposed project, the project applicant shall pay the required Capistrano Circulation Fee Program fees". Please show the calculations for the fair share cost, and will any of the impact fees be contributed to the State for the impacts to State facilities?

Please continue to keep us informed of this project and any future developments, which could potentially, impact State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,



CHRISTOPHER HERRE, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research



Letter No. 10

BOARD OF DIRECTORS

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Ex-Officio Member

CHIEF EXECUTIVE OFFICE

Will Kempton
Chief Executive Officer

September 14, 2010

Development Services Department
ATTN: David Contreras, Senior Planner
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

**Subject: Notice of Availability of a Draft Environmental Impact Report (DEIR)
for the Plaza Banderas Hotel Project**

Dear Mr. Contreras:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comment is provided for your consideration:

- Please consider bicycle parking and pedestrian and bicycle connections to the San Juan Capistrano Metrolink Train Station. The project area is less than a mile away from this station, which provides access to some of the region's most popular destinations.

If you have any questions or comments, please contact Hal McCutchan by phone at (714) 560-5759 or by email at hmccutchan@octa.net.

Sincerely,

Charles Larwood
Manager, Transportation Planning

c: Greg Nord, OCTA



Capistrano Unified School District

Excellence in Education

33122 Valle Road, San Juan Capistrano, CA 92675

Telephone (949) 234-9200/FAX 248-9563

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COMMUNITY DEVELOPMENT

Letter No. 11

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SUPERINTENDENT

JOSEPH M. FARLEY, Ed. D.

September 15, 2010

Planning Department
Attention: Mr. David Contreras, Senior Planner
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

**SUBJECT: RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED PLAZA BANDERAS HOTEL PROJECT**

Dear Mr. Contreras:

The purpose of this letter is to respond to the "Draft Environmental Impact Report (DEIR) for the proposed Plaza Banderas Hotel in San Juan Capistrano. Specifically, the proposed hotel is located immediately south of San Juan Elementary School, and Capistrano Unified School District (CUSD) believes the project will have significant impacts on the school environment and operations. CUSD has prepared the following comments regarding issues concerning the staff, students, and parents of the District.

Section 4.1.4.1 Short Term Construction Impacts – paragraph two.

1

The document indicates: "virtually all of heavy truck traffic during the construction phase would utilize Ortega Highway to gain access to and from the subject property, avoiding El Camino Real and Spring Street, which are used for student drop-off and pick-up at San Juan Elementary School. Construction traffic would not substantially affect either the morning or afternoon schedule by using Ortega Highway." Although keeping construction traffic away from streets adjacent to the school is essential, CUSD believes that any additional traffic on other nearby streets including Ortega Highway and Camino Capistrano would significantly impact the accessibility for staff and parents driving to and from the school. Moreover, if the construction of the I-5 Interchange is underway at the same time which may involve additional construction traffic and/or street closures, the cumulative impacts would be very significant.

2

The project proposes to delay specification of construction related traffic mitigation measures until just prior to issuance of the first building permit of the development (Table 1-1, MM 4.2-1a). This represents impermissible deferral of mitigation measures (14 CCR § 15126.4(a)(1)(B)). The District, being one of the entities most likely to be effected by construction and operational traffic, needs a definitive traffic plan to review in order to adequately comment on the sufficiency of the DEIR.

**DRUG USE
IS
LIFE ABUSE**

- 3** | Section 4.1.4.1 Short Term Construction Impacts – paragraph three.
As stated: “Appropriate measures aimed at abating fugitive dust (e.g., spraying exposed areas, etc.) must be incorporated into the proposed project to ensure that these short-term impacts are minimized.” Construction related air quality impacts on the adjacent school site, including but not limited to fugitive dust, can be very significant. To mitigate this potentially significant effect the applicant should prepare an AQMD approved dust control plan in conjunction with the other listed mitigation measures.
- 4** | Section 4.1.4.1 Short Term Construction Impacts – paragraph three.
This section discusses noise level impacts and the use of “temporary noise barriers to shield the sensitive uses.” It is also mentioned that blankets or plywood would be used to shield the noise. CUSD would like to have a more detailed plan of where and how the shields would be used, and the District requests being informed of the results of the periodic noise measurements. It is also indicated that “the mitigation will be adequate to reduced interior noise levels to not significantly affect the learning environment at the school.”
- 5** | The mitigation monitoring plan must include periodic monitoring of noise levels from the building interior to ensure acceptable levels. Also, the document does not acknowledge the noise impacts on students outside the buildings as significant, as it does with the Mission. With an estimated one year construction schedule, construction noise, both inside and outside the classrooms, may be very significant and damaging to students, and protecting the learning environment for our students is vital for CUSD.
- 6** | Section 4.2.4.1 Short Term Construction Impacts – page 4.2-20.
CUSD appreciates the suggestion of using a “flagger” for construction traffic exiting onto El Camino Real. The District hopes this level of consideration for safety is used throughout the duration of construction.
- 7** | Section 4.2 Traffic and Circulation – page 4.2-38.
The document states: “all four driveways are forecast to operate at acceptable levels of service.” It is not stated what time period was used in the estimate – only A.M. and P.M. peak hours.
- 8** | The school currently uses Spring Street as a vehicle queuing lane for student drop-off and pick-up creating a long line of waiting vehicles. Any additional access/use of Spring Street will greatly impede the parent/student use of the street. The District understands that Spring Street is designated as a “Historical Street,” and therefore, can not be widened to accommodate more traffic and parking.

9 San Juan Elementary School starts at 7:45 a.m. each day. Drop-off times usually span 45 minutes from 7:00-7:45 a.m. School dismisses at 2:05 on Mondays, Wednesdays, Thursdays and Fridays. Pick-up times span 45 minutes from 1:45 p.m. until 2:30 p.m. On Tuesdays, and several other dates, such as parent conferences, first and last day of school, etc., school dismisses at 12:45 p.m. Pick-up times span 45 minutes from 12:30 p.m. until 1:15 p.m. Certainly with the traffic queuing occurring on Spring Street during the A.M. drop-off and P.M. pick-up, the two proposed driveways on Spring Street will not be accessible.

It's important to note that currently more than 1/3 of the students are on "Open Enrollment" from other schools into our "Two Way Immersion Program." In the next 2-3 years we expect 1/2 our school population to drive from other areas. Traffic volumes are expected to increase accordingly and if the school is left without an effective vehicle queue, future impacts will be severe.

Section 4.2 Traffic and Circulation – page 4.2-44.

10 There is very little available parking at the school and on the surrounding streets. Most of the parents who walk with their students to school park in the two available City parking lots on the corner of El Camino Real and Ortega Highway. The parking discussion does not address the parking issue of parents who temporarily park their car in the surface lot to walk their student to and from school. The loss of this opportunity will create very significant on-street parking impacts.

11 As for pedestrian activity, many of the students that attend San Juan Elementary are from the immediate neighborhood and walk to and from school daily. The majority of walk from La Zanja Street across Camino Capistrano (there's a crossing guard at that intersection) to El Camino Real and straight to the school. Any additional vehicle traffic along these roadways is a great concern to the District as safety for pedestrians is critical.

Section 4.10 Public Services and Facilities – page 4.10-3.

12 This section discusses potential measures to guard against the potential threat of sexual predators at the hotel. The document mentions "defensive space measures" such as barriers, and lighting to help reduce the potential threat. CUSD urges the use of any and all measures to aide in this prevention.

Section 10 – Project Alternatives.

13 The DEIR Alternatives section does not adequately describe the effect of each project alternative on San Juan Elementary School. (See e.g. DEIR section 10.4.4.2) It appears that the DEIR is underestimating the benefits of the project alternatives on the San Juan Elementary School, but the District can not make

this determination without additional analysis of the alternatives impact on the school in the Alternatives section.

14

Also, as previously mentioned in the District's response to the Notice of Preparation, District is very concerned about the cumulative impacts of the proposed I-5 Freeway/Ortega Highway interchange construction schedule in relation to the proposed hotel since the projection is to have both projects under construction concurrently. As a mitigation measure to this cumulative effect, CUSD requests periodic meetings with developers and City representatives to review construction schedules and the effectiveness of mitigation measures in place.

15

In closing, the proposed Plaza Banderas Hotel will have significant impacts on San Juan Elementary School and there must be mitigation measures in place to protect the school's learning environment. The District appreciates the City's responsiveness to our environmental concerns in identifying appropriate mitigation for the school and community. If you have any questions regarding this information, please do not hesitate to contact me at (949) 234-9211.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Lebs", with a long horizontal flourish extending to the left.

Ron Lebs,
Deputy Superintendent, Business and Support Systems