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### 2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

#### 2.1.1 California Environmental Quality Act Compliance

This EIR has been prepared to evaluate the potential environmental impacts associated with the proposed River Street Marketplace project (referred to in this EIR as the “proposed project” or “project”), as required under the California Environmental Quality Act (CEQA), as amended (California Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, Sections 15000 et seq.)

CEQA requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. This draft environmental impact report (DEIR) has been prepared to satisfy CEQA and the CEQA Guidelines. The environmental impact report (EIR) is the public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project, to indicate possible ways to reduce or avoid environmental damage and to identify alternatives to the project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present, and reasonably foreseeable future projects.

The intent of the EIR is to provide sufficient information on the potential environmental impacts of the proposed project, to allow the City to consider environmental consequences and make an informed decision whether to approve, modify or deny approval of the proposed project. The EIR also serves to inform the public and responsible, and other public agencies on the project. Specific discretionary actions to be considered by the City and other agencies are described in Section 3.4, *Intended Uses of the EIR*.

This EIR addresses the potential environmental effects of the proposed project, including effects that may be significant and adverse; evaluates a range of alternatives to the proposed project; and identifies mitigation measures to reduce or avoid adverse effects.

#### 2.1.2 Lead Agency and Responsible Agencies

Pursuant to CEQA in Public Resources Code Section 21067 and State CEQA Guidelines Section 15051, the lead agency means “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” The City of San Juan Capistrano (City) has the principal responsibility for approval of the River Street Marketplace Project and is the lead agency. The City will be reviewing and considering the determinations of the Final EIR prior exercising its

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independent judgment to approve, modify or reject recommendations related to implementing the proposed project.

A “responsible agency” is the public agency which proposes to carry out or approve a project for which a lead agency is preparing or has prepared an environmental document. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.

### **2.2 ENVIRONMENTAL PROCEDURES**

This EIR has been prepared pursuant to CEQA to assess the environmental effects associated with implementation of the proposed project, as well as anticipated future discretionary actions and approvals. The six main purposes of this document as established by CEQA are listed below:

1. To disclose to decision makers and the public the significant environmental effects of proposed activities.
2. To identify ways to avoid or reduce environmental damage.
3. To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
4. To disclose to the public reasons for agency approval of projects with significant environmental effects.
5. To foster interagency coordination in the review of projects.
6. To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in CEQA and the State CEQA Guidelines to provide the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported analysis and full disclosure the environmental consequences of a proposed project with the potential to result in significant adverse environmental impacts.

An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Before approving a proposed project, the lead agency must consider the information in the EIR; determine whether the EIR was properly prepared in accordance with CEQA and the State CEQA Guidelines; determine that it reflects the independent judgment of the lead agency; adopt findings concerning the project’s significant environmental impacts and alternatives; and adopt a Statement of Overriding Considerations if the proposed project would result in significant environmental impacts even after incorporation of feasible mitigation measures, but there are, on balance, overriding benefits which outweigh the remaining adverse impacts.

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### 2.2.1 EIR Format

This EIR has been formatted as described below.

**Chapter 1. Executive Summary:** Summarizes the background and description of the proposed project, project alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the project.

**Chapter 2. Introduction:** Describes the purpose of this EIR, background on the project, the format of this EIR, the notice of preparation, the use of incorporation by reference, and Final EIR (FEIR) certification.

**Chapter 3. Project Description:** A detailed description of the project, including its objectives, its area and location, approvals anticipated to be required as part of the project, necessary environmental clearances, and the intended uses of this EIR.

**Chapter 4. Environmental Setting:** A description of the physical environmental conditions in the vicinity of the project as they existed at the time the notice of preparation was published, from local and regional perspectives. These provide the baseline physical conditions from which the lead agency determines the significance of the project's environmental impacts.

**Chapter 5. Environmental Analysis:** Each environmental topic is analyzed in a separate section that discusses:

- Regulatory Setting
- Existing Environmental Setting
- Thresholds used to determine if a significant impact would occur
- Methodology to identify and evaluate the potential impacts of the project
- Potential adverse and beneficial effects of the project
- Potential cumulative impacts
- Level of impact significance before mitigation
- Mitigation measures for the proposed project
- Level of significance after mitigation is incorporated

**Chapter 6. Significant Unavoidable Adverse Impacts:** Describes the significant unavoidable adverse impacts of the proposed project.

**Chapter 7. Alternatives to the Proposed Project:** Describes a reasonable range of alternatives to the proposed project, the impacts of the alternatives compared to the proposed project.

**Chapter 8. Impacts Found Not to Be Significant:** Describes the potential impacts of the project that were determined not to be significant and were therefore not discussed in detail in this EIR.

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**Chapter 9. Significant Irreversible Changes Due to the Proposed Project:** Describes the significant irreversible environmental changes associated with the project.

**Chapter 10. Growth-Inducing Impacts of the Project:** Describes the ways in which the proposed project would cause increases in employment or population that could result in new physical or environmental impacts.

**Chapter 11. Organizations and Persons Consulted:** Lists the people and organizations that were contacted during the preparation of this EIR.

**Chapter 12. Qualifications of Persons Preparing EIR:** Lists the people who prepared this EIR for the proposed project.

**Chapter 13. Bibliography:** The technical reports and other sources used to prepare this EIR.

**Appendices:** The appendices for this document (in PDF format on a CD attached to the front cover) comprise these supporting documents:

- Appendix A: Notice of Preparation (NOP) and NOP Comments
  - A1: NOP
  - A2: NOP Comments
- Appendix B: Air Quality and Greenhouse Gas Emissions Modeling Data
- Appendix C: Biological Resources Reports
  - C1: Tree Survey and Mitigation Plan
  - C2: Biological Resources Technical Memorandum
- Appendix D: Cultural Resources Reports
  - D1: Cultural and Paleontological Technical Report
  - D2: Extended Phase I Testing Report
  - D3: Historical Resources Analysis Report
- Appendix E: Geotechnical Investigations
  - E1: Preliminary Geotechnical Investigation
  - E2: Infiltrometer Testing
  - E3: Geotechnical Responses to Third Party Review
- Appendix F: Environmental Site Assessments
  - F1: Phase I Environmental Site Assessment
  - F2: Phase II Soil Site Investigation
- Appendix G: Hydrology and Water Quality Assessments
  - G1: Preliminary Hydrology Report
  - G2: Water Quality Management Plan

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- Appendix H: Noise Modeling Data
- Appendix I: Public Services Correspondence
- Appendix J: Transportation Reports
  - J1: Traffic Impact Analysis Report
  - J2: Memorandum on Average Trip Length
- Appendix K: Infrastructure Reports
  - K1: Sewer Analysis
  - K2: Water Flow Test

### 2.2.2 Type and Purpose of this EIR

This EIR has been prepared as a “Project EIR” as defined by State CEQA Guidelines Section 15161. This type of EIR examines the environmental impacts of a specific development project and should focus primarily on the changes in the environment that would result from the development project. The EIR examines all phases of the project, including planning, construction, and operation.

## 2.3 SCOPING PROCESS

### 2.3.1 NOTICE OF PREPARATION

The City of San Juan Capistrano determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) on January 12, 2018 (see Appendix A). Comments received during the public review period, from January 12, 2018, to February 28, 2018, are summarized below and included in Appendix A.

The NOP process helps determine the scope of the environmental issues to be addressed in the DEIR. Based on this process, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered Potentially Significant are addressed in Chapter 5, *Environmental Analysis* this DEIR; issues determined to have no impact and how the determination was made is provided in Chapter 8, *Impacts Found Not to Be Significant*. Because the City decided to prepare an EIR during initial review of the proposed project, as permitted by CEQA Guideline 15063, no Initial Study was required to determine that the proposed project required an EIR, and no Initial Study was prepared.

Four agencies and twenty-three residents/interested parties responded to the NOP. This DEIR has taken those responses into consideration. Table 2-1 summarizes the issues identified by commenting agencies or persons and references the section(s) of this DEIR where the issues are addressed.

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**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
<b>Agencies</b>				
California Department of Transportation (Caltrans)	02/08/2019	Traffic	<ul style="list-style-type: none"> <li>▪ Requests the inclusion of a Traffic Impact Study (TIS) that analyzes effects of the traffic generated on the State Highway System (SHS); specifically, a queue analysis on impacts to the I-5 off ramps.</li> <li>▪ The TIS should also include existing and future average daily traffic volumes, traffic generation including peak hour, traffic distribution, intersection capacity utilization analysis, and projected capacities of local streets.</li> <li>▪ Proposed mitigation measures should be submitted for Caltrans review prior to DEIR.</li> <li>▪ All intersection capacity analysis shall be conducted by the 2010 or newer Highway Capacity Manual methodology.</li> <li>▪ Advises that projects proposed in the vicinity of the SHS will require Encroachment permit.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> </ul>
California Cultural Resource Preservation Alliance	02/25/18	Tribal Cultural Resources	<ul style="list-style-type: none"> <li>▪ Expresses concern over adverse impact to the historic setting of the Los Rios District and emphasizes significance of district to Juaneno Acjachemen descendants.</li> <li>▪ Requests that a social impact assessment by an ethnographer be conducted.</li> <li>▪ Notes concern that the project may impact buried archeological remains.</li> <li>▪ Requests to be included in the CEQA process and to review DEIR.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.4, <i>Cultural Resources</i></li> <li>▪ Section 5.13, <i>Tribal Cultural Resources</i></li> </ul>
California Native American Heritage Commission	1/17/2018	Tribal Cultural Resources	<ul style="list-style-type: none"> <li>▪ Cites text from the Public Resource Code (§§ 21000 et seq.) and notes that in order to determine if a project will cause substantial adverse change to a historical resource, it must be determined whether there are historical resources within the project area.</li> <li>▪ Cites the AB 52 amendment to CEQA to create a separate category of cultural resources, cites SB 18 noting requirement of tribal consultation, and cites National Historic Preservation Act tribal consultation requirement.</li> <li>▪ Recommends lead agency consult with all California Native American Tribes affiliated with project area as early as possible to protect tribal cultural resources, specifically human remains.</li> <li>▪ Provides summary of portions of requirements for AB 52, SB 18, and NAHC recommendations for conducting cultural resource assessments.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.13, <i>Tribal Cultural Resources</i></li> </ul>

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**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
Orange County Public Works	02/15/2018	Floodplains Water Quality Stormwater	<ul style="list-style-type: none"> <li>▪ An exhibit should identify the regional flood control facilities that will be impacted by the project.</li> <li>▪ Notes that the Trabuco Creek Channel contains segments that have not been improved to convey runoff from a 100-year storm; therefore, the project should not worsen existing conditions.</li> <li>▪ Requests appropriate mitigation measures be provided if necessary.</li> <li>▪ Notes that the City of San Juan Capistrano should approve all local hydrology analyses and that it be ensured that the project is protected from flooding in a 100-year event.</li> <li>▪ Hydrologic/hydraulic analysis should evaluate the runoff volumes, peak flow rate increases, and adequacy of existing drainage facilities to ensure existing conditions stay the same.</li> <li>▪ All hydrologic/hydraulic studies must meet guidelines in the Orange County Hydrology Manual, Addendum No. 1 to the OCHM, and the Orange County Flood Control District (OCFCD) Design Manual.</li> <li>▪ The City should ensure floodplains are properly identified and structures are outside of the 100-year floodplain.</li> <li>▪ Any work adjacent to an OCFCD right-of-way should not impact channel's structural integrity, hydraulic flow conditions/capacity, and access for maintenance purposes; and all work within any right-of-way requires encroachment permit.</li> <li>▪ Notes that potential long-term water quality impacts should be evaluated with provisions outlined in Section 7 of the County of Orange Drainage Area Management Plan (DAMP) and notes a list of information that should be provided in evaluation.</li> <li>▪ Projects that disturb one or more acres are required to obtain a NPDES permit for Storm Water Discharges.</li> <li>▪ Notes the South Orange County Watershed Management Area Water Quality Improvement Plan strategies for the highest priority water quality conditions.</li> <li>▪ Notes the issues that arise from increasing impervious areas; the EIR should address any increase in impervious surfaces.</li> <li>▪ Notes that the City of San Juan Capistrano selected the Track 2 compliance pathway as an MS4 permittee under the San Diego</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.8, <i>Hydrology and Water Quality</i></li> <li>▪ Section 5.14, <i>Utilities, Service Systems, and Energy</i></li> </ul>

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**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
			Regional Board and this should be considered in the design of BMPs for the project.	
<b>Individuals</b>				
Rhen Kohan	01/24/18	Traffic Land Use	<ul style="list-style-type: none"> <li>▪ Expresses concern over increased traffic flow.</li> <li>▪ Buffer project from surrounding neighborhoods</li> <li>▪ Notes that existing store types are strategically constructed to meet needs of community and suggests farm-to-market services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 3, <i>Project Description</i></li> <li>▪ Section 5.9, <i>Land Use and Planning</i></li> <li>▪ Section 5.13, <i>Transportation and Traffic</i></li> </ul>
Mary Ann Davidson	01/24/18	Traffic	<ul style="list-style-type: none"> <li>▪ Existing congestion when turning left from Adelanto onto Del Obispo and with train backup.</li> <li>▪ Traffic from River Street to Del Obispo is a concern.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.13, <i>Transportation and Traffic</i></li> </ul>
Anna Dickinson	01/24/18	Support	<ul style="list-style-type: none"> <li>▪ Agricultural look and open-air market will beautify downtown.</li> </ul>	n/a
Tina Anclair	01/24/18	Home-values Traffic	<ul style="list-style-type: none"> <li>▪ Home-values will increase as a result of project due to increased walkability.</li> <li>▪ Related traffic consequences are positive due to walkability.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.13, <i>Transportation and Traffic</i></li> </ul>
Keith Byland	01/27/18	Support	<ul style="list-style-type: none"> <li>▪ Proposed project is positive for community and should not be mired down.</li> </ul>	n/a
Roberto Carteno	02/28/18	Historical Resources Noise Traffic	<ul style="list-style-type: none"> <li>▪ Concern that project will impact historically significant Los Rios District area.</li> <li>▪ Project will increase traffic.</li> <li>▪ Project construction will negatively affect living conditions due to noise and home-value reductions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.4, <i>Cultural Resources</i></li> <li>▪ Section 5.10, <i>Noise</i></li> <li>▪ Section 5.13, <i>Transportation and Traffic</i></li> </ul>
Lorrie DeBellis	02/06/18	Support	<ul style="list-style-type: none"> <li>▪ Supports project and encourages incorporation of community-members local business into marketplace.</li> </ul>	n/a
PJ Douglas	01/12/18	Traffic	<ul style="list-style-type: none"> <li>▪ Concerned with traffic.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Ron Freezer	1/24/18	Mailing List	<ul style="list-style-type: none"> <li>▪ Wishes to be on mailing list</li> </ul>	n/a
Corinna Henson	1/26/18	Support	<ul style="list-style-type: none"> <li>▪ Supports the project and finds it compatible with surrounding uses.</li> </ul>	n/a
Michael Laux	02/26/18	All impact areas	<ul style="list-style-type: none"> <li>▪ Notes a lack of information about zoning and potential business types.</li> <li>▪ Property will block ridgeline views, which are protected under the General Plan; the current site use preserves an open space buffer between site and neighborhood under the Los Rios Specific Plan.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.1, <i>Aesthetics</i></li> <li>▪ Section 5.2, <i>Air Quality</i></li> <li>▪ Section 5.3, <i>Biological Resource</i></li> </ul>



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Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
			<ul style="list-style-type: none"> <li>▪ The existing nursery protects air quality, and the new project will harm air quality.</li> <li>▪ Noise related to construction may create night noise inconsistent with current zoning regulations.</li> <li>▪ Concerned about hazardous waste during operation.</li> <li>▪ Concerned about traffic and parking on Paseo Adelanto and Del Obispo; emergency vehicles; shared parking.</li> <li>▪ Concerned about geology and soils: project will raise the level four feet and alter FEMA floodplain.</li> <li>▪ Project will overburden water system and created polluted runoff.</li> <li>▪ Cultural resources need to be monitored by federal tribes not local tribes.</li> <li>▪ Zoning changes will be precedent setting and create sprawl.</li> <li>▪ Concerned with operation noise impacts on surrounding neighborhood</li> <li>▪ Project does not address housing shortage.</li> <li>▪ Concerned with light pollution.</li> <li>▪ Concerned with impact to animals.</li> <li>▪ Aesthetics will violate the General Plan and Los Rios Specific Plan, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.5, <i>Geology and Soils</i></li> <li>▪ Section 5.7, <i>Hazards and Hazardous Materials</i></li> <li>▪ Section 5.8, <i>Hydrology and Water Quality</i></li> <li>▪ Section 5.9, <i>Land Use and Planning</i></li> <li>▪ Section 5.10, <i>Noise</i></li> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> <li>▪ Section 5.13 <i>Tribal Cultural Resources</i></li> <li>▪ Section 5.14, <i>Utilities, Service Systems, and Energy</i></li> </ul>
Diane Medrick	02/01/18	Support	<ul style="list-style-type: none"> <li>▪ Supports the project and approves of design.</li> </ul>	n/a
Jason Murphy	02/28/18	Fiscal Historic	<ul style="list-style-type: none"> <li>▪ Project will hurt quality of life for resident and neighbors as project area is historically significant.</li> <li>▪ Project will cost the city by decreasing tourism, decreasing tax-revenue from home-ownership, and failing to attract commerce.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.4, <i>Cultural Resources</i></li> </ul>
Ben and Andrea McCallister	02/05/18	Support	<ul style="list-style-type: none"> <li>▪ Support the project and feel it will benefit the community.</li> </ul>	n/a
Kathleen and Bob Owens	01/19/18	Traffic	<ul style="list-style-type: none"> <li>▪ Concerned about traffic along Del Obispo and delays caused by railroad.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Allan and Claudia Niccola	02/13/18	Safety Noise Traffic Tribal Cultural Resources	<ul style="list-style-type: none"> <li>▪ Concerned with affects of density on surrounding homes and businesses.</li> <li>▪ Concerned about the increase in parking demand.</li> <li>▪ Concerned about alcohol use and hours of operation on community safety.</li> <li>▪ Will the basement area excavation require Native American monitoring?</li> <li>▪ Concerned about hours of operation, potential noise impacts and restrictions on events</li> <li>▪ Concerned about congestion at intersection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 5.3, <i>Biological Resources</i></li> <li>▪ Section 5.10, <i>Noise</i></li> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> <li>▪ Section 5.14, <i>Tribal Cultural Resources</i></li> </ul>

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Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
			<p>of Paseo Adelanto and Del Obispo.</p> <ul style="list-style-type: none"> <li>Inquired about the potential removal of Sycamore trees and notes that it requires a special permit.</li> </ul>	
Jerry Nieblas	01/07/18	Support	<ul style="list-style-type: none"> <li>Expresses numerous reasons why they stand in support of the project.</li> </ul>	n/a
Stephen M. Rios	01/22/18	Lighting Pedestrian Safety Noise Traffic	<ul style="list-style-type: none"> <li>Traffic congestion on Del Obispo between Alipaz Street and Camino Capistrano compounded by railroad tracks should be addressed in EIR.</li> <li>Concerned about traffic—specifically, pedestrian vehicular conflicts which exist on Los Rios Street from Del Obispo Street to Ramos Street.</li> <li>Commercial delivery trucks contribute to dangerous pedestrian-vehicle conflicts.</li> <li>Concerned about affects of lighting on nighttime ambiance.</li> <li>Concerned about noise impacts, specifically at night.</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 3, <i>Project Description</i></li> <li>Section 5.1, <i>Aesthetics</i></li> <li>Section 5.10, <i>Noise</i></li> <li>Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Margaret Smith	01/22/18	Land Use Traffic	<ul style="list-style-type: none"> <li>Changing zoning will decrease property values.</li> <li>Traffic on Del Obispo is congested; project and parking spaces will worsen the condition.</li> <li>Concerned about changing the zoning and Los Rios Specific Plan.</li> <li>Requests the results of the traffic study.</li> </ul>	<ul style="list-style-type: none"> <li>Section 5.9, <i>Land Use and Planning</i></li> <li>Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Mark Speros	1/11/18	Traffic Vehicle Access Hydrology Noise	<ul style="list-style-type: none"> <li>Address traffic impacts from deliveries from Los Rios and impact near train tracks; address turning movements on traffic and safety.</li> <li>Paseo Adelanto would backed up for east/west access.</li> <li>Drainage study needs to be done to prevent flooding.</li> <li>Noise operational concerns for homes in nearby areas.</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 3, <i>Project Description</i></li> <li>Section 5.10, <i>Noise</i></li> <li>Section 5.8, <i>Hydrology and Water Quality</i></li> <li>Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Jeff Vasquez	02/26/18	Aesthetics Light Noise Planning Air Quality Hazards Hydrology Traffic	<ul style="list-style-type: none"> <li>Concerned about building height, exceedance of building height maximum for the Los Rios Specific Plan, and impact on views and historic area</li> <li>Suggest proximity of the building site be moved closer to Paseo Adelanto and square footage be reduced to comply with the Los Rios Specific Plan</li> <li>Concerned about impact of noise, light, crime and traffic on quality of life.</li> <li>Suggests numerous measures to mitigate noise effects.</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 3, <i>Project Description</i></li> <li>Section 5.1, <i>Aesthetics</i></li> <li>Section 5.2, <i>Biological Resources</i></li> <li>Section 5.4, <i>Cultural Resources</i></li> <li>Section 5.5,</li> </ul>

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**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
			<ul style="list-style-type: none"> <li>▪ Concerned about the legality of alterations to the Los Rios Specific Plan and need to amend the General Plan.</li> <li>▪ Concerned about air quality—specifically, odors and traffic diesel fumes from the train.</li> <li>▪ Concerned about habitat of local swallows and bats.</li> <li>▪ Concerned about pad elevation.</li> <li>▪ Suggests soil assessment for pesticides from nursery.</li> <li>▪ Concerned about flooding for residents and for water quality.</li> <li>▪ Los Rios Specific Plan consistency.</li> <li>▪ Housing concerns</li> <li>▪ Concerned about traffic increases on Del Obispo with increased train crossings.</li> <li>▪ Disapproves of request for diagonal parking on Adelanto due to traffic.</li> </ul>	<p><i>Geology and Soils</i></p> <ul style="list-style-type: none"> <li>▪ Section 5.7, <i>Hazards and Hazardous Materials</i></li> <li>▪ Section 5.8, <i>Hydrology and Water Quality</i></li> <li>▪ Section 5.9, <i>Land Use and Planning</i></li> <li>▪ Section 5.10, <i>Noise</i></li> <li>▪ Section 5.11, <i>Public Services</i></li> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> </ul>
Sandie Weaver	01/25/18	Support	<ul style="list-style-type: none"> <li>▪ Supports the project.</li> </ul>	n/a
Nick Zornes Damian Orozco	2/10/18	Historical Resources General Plan and zoning consistency Cultural Resources Traffic/Parking Greenhouse Gas Emissions Economic Floodplain Noise Land Use Compatibility Design	<ul style="list-style-type: none"> <li>▪ Requests clarification from developer about 01/24/18 meeting where it was stated that the project location is not within the Los Rios Historic District.</li> <li>▪ Lead agency must provide supporting documentation of the project site's historical significance in EIR.</li> <li>▪ Address consistency with the purpose and intent of the Low Density Commercial zoning.</li> <li>▪ Address consistency with the General Plan Community Design Element Goals and Policies (Policy 1.2); requires general plan amendment.</li> <li>▪ Address impacts to archeological and paleontological resources.</li> <li>▪ Consult with Caltrans and all relevant agencies.</li> <li>▪ Question about the process of assessing greenhouse gas emissions.</li> <li>▪ Concerned about significant irreversible impact and effects on surrounding businesses.</li> <li>▪ Concerns about impacts to floodplain and watersheds on-site.</li> <li>▪ Concerned about noise impacts and suggests plant materials for abatement. Question about hours of operation for the proposed development.</li> <li>▪ Concerned that the proposed project will take business away from the Los Rios District, and requests that the EIR address economic impacts of project.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chapter 3, <i>Project Description</i></li> <li>▪ Section 5.1, <i>Aesthetics</i></li> <li>▪ Section 5.4, <i>Cultural Resources</i></li> <li>▪ Section 5.6, <i>Greenhouse Gas Emissions</i></li> <li>▪ Section 5.8, <i>Hydrology and Water Quality</i></li> <li>▪ Section 5.9, <i>Land Use</i></li> <li>▪ Section 5.10, <i>Noise</i></li> <li>▪ Section 5.12, <i>Transportation and Traffic</i></li> <li>▪ Chapter 9, <i>Significant Irreversible Changes Due To The Proposed Project</i></li> </ul>

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**Table 2-1 NOP Comment Summary**

Commenting Agency/Person	Date	Comment Type	Comment Summary	Issue Addressed In:
			<ul style="list-style-type: none"> <li>▪ Concerned about parking and impacts on traffic.</li> <li>▪ Developers should consider “intertwining” the River Street Development and the existing businesses with signage.</li> <li>▪ Needs Cultural Heritage Commission review.</li> <li>▪ Requests mitigation for all issues identified in letter.</li> </ul>	

The City held a Scoping Meeting for the EIR from 5:00 to 7:00 PM on January 24, 2018, at the Community Center Community Hall at 25925 Camino Del Avion, San Juan Capistrano, California. The purpose of the Scoping Meeting was to provide an open house forum for the public and other agencies to learn about the project and the CEQA process and to provide input on the environmental issues that should be addressed in the EIR. Attendees were instructed to provide comments on the proposed project and EIR in writing; comment letters received from attendees are included in Table 2-1.

### 2.4 SCOPE OF THIS DEIR

Based in part upon the State CEQA Guidelines Appendix G Environmental Checklist Form, City staff determined that an EIR should be prepared for the proposed project. The scope of the EIR was determined based upon review of the current conditions of the project site and surrounding area, the scope of the proposed project, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City. Pursuant to Sections 15126.2 and 15126.4 of the State CEQA Guidelines, the EIR should identify any potentially significant adverse impacts and recommend mitigation that would reduce or eliminate these impacts to levels of insignificance.

The information in Chapter 3, *Project Description*, establishes the basis for analyzing future, project-related environmental impacts.

#### 2.4.1 Potentially Significant Adverse Impacts

Seven environmental have been identified as having potentially significant impacts if the proposed project is implemented. These topics are:

- Air quality
- Biological Resources
- Cultural Resources
- Noise
- Transportation and Traffic
- Tribal Cultural Resources

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- Utilities and Service Systems

### 2.4.2 Unavoidable Significant Adverse Impacts

This DEIR identifies that there is one temporary significant and unavoidable adverse impact, as defined by CEQA, that would result from implementation of the proposed project. Unavoidable adverse impacts may be considered significant on a project-specific basis, cumulatively significant, and/or potentially significant. Where there are unavoidable adverse impacts, the City must prepare a “statement of overriding considerations” before it can approve the project, attesting that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and has determined that the benefits outweigh the adverse effects, and therefore the adverse effects are considered acceptable. The impact that was found in the DEIR to be significant and unavoidable is:

- Construction-related noise

## 2.5 INCORPORATION BY REFERENCE

Some documents are incorporated by reference into this DEIR, consistent with Section 15150 of the CEQA Guidelines, and they are available for review at the City of San Juan Capistrano, Development Services Department, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675.

- *Los Rios Specific Plan Boundary, (1978)*. In 1978, the San Juan Capistrano City Council adopted the Los Rios Specific Plan to protect the City’s historically significant “Los Rios area.” The Los Rios Specific Plan emphasizes a goal to allow the district to evolve with changing conditions while preserving the historic essence of the area. It consists of several elements, including the Land Use Element, Circulation Element, Design Element, and Housing Element. Implementation of the proposed project requires City Council approval of Code Amendment (CA16-003) to the Los Rios Specific Plan.
- *City of San Juan Capistrano General Plan (2002)*. The General Plan serves as the major blueprint for directing growth in the City of San Juan Capistrano and presents a comprehensive plan to accommodate the City’s growing needs while prioritizing historic preservation. Currently this document regulates the existing land uses on the proposed project site. The General Plan analyzes existing conditions in the City, including physical, social, cultural, and environmental resources and opportunities. It also looks at trends, issues, and concerns that affect the region; describes City goals and objectives; and provides policies to guide development and change. The San Juan Capistrano General Plan consists of 12 elements—the 6 elements required by California Government Code Sections 65300 et seq.: land use, circulation, housing, open space and conservation, safety, and noise; and 6 optional elements: cultural resources element, community design, growth management, parks and recreation, public services and utilities, and floodplain management. The General Plan is available at <http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/General-Plan>. Implementation of the proposed project requires City Council approval of General Plan Amendment (GPA 18-002) to the City’s General Plan.

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### 2.6 PUBLIC REVIEW OF THE EIR

This DEIR is being circulated for public review for 45 days. Interested agencies and members of the public are invited to provide written comments on the DEIR to the City address shown below. Upon completion of the 45-day review period, the City of San Juan Capistrano will review all written comments received and prepare a written response for each comment on a proposed project feature or environmental issue. The EIR is being distributed to responsible and trustee agencies, other affected agencies, surrounding cities, interested parties, and all parties who requested a copy of the EIR in accordance with CEQA. A notice announcing the availability (NOA) of the EIR was published in the Orange County Register. An electronic notice was also posted on the City of San Juan Capistrano website.

A FEIR will then be prepared with this EIR, and will incorporate the received comments, responses to the comments, and any changes to the DEIR that result from comments. The FEIR will be presented to the City of San Juan Capistrano for potential certification as the environmental document for the project. All persons who comment on the DEIR will be notified of the availability of the FEIR and the date of the public hearing before the City Planning Commission and City Council.

The DEIR is available to the general public for review at various locations:

- San Juan Capistrano Library, 31495 El Camino Real, San Juan Capistrano, CA 92675
- City of San Juan Capistrano, Planning Division, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675
- <http://sanjuancapistrano.org/Departments/Development-Services/Planning-Zoning/Environmental-Documents>

### 2.7 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that agencies adopt a monitoring or reporting program for any project for which it has made findings pursuant to Public Resources Code Section 21081 or adopted a Negative Declaration pursuant to Section 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration.

The Mitigation Monitoring Program for the River Street Marketplace project will be completed as part of the FEIR, prior to consideration of the project by the San Juan Capistrano City Council.