

4.9 LAND USE AND PLANNING

This section analyzes the existing land uses on the project site and in its vicinity and analyzes the consistency of the proposed Tirador Residential Development (proposed project) as it relates to surrounding land uses and relevant policy and planning documents. Information presented in this section is based on information provided in the City of San Juan Capistrano General Plan Land Use Element (1999, Revised September 2014), the Housing Element (Adopted January 21, 2014, Revised September 19, 2017), and Zoning Ordinance (Municipal Code Title 9).

4.9.1 Scoping Process

The City of San Juan Capistrano (City) received 11 comment letters during the public review period of the Initial Study/Notice of Preparation (IS/NOP). For copies of the IS/NOP comment letters, refer to Appendix A of this EIR. Three of the comment letters included comments related to Land Use and Planning.

Two of the three letters from Capistrano Mutual Water Company (CAMWC), both of which were received on December 9, 2019, state that the easements used to serve water wells and water transmission facilities on the site held by CAMWC are not identified properly on the project's site plan, and that certain project improvements shown on the site plan cannot be constructed as proposed because they lie within the easement areas. The third letter from CAMWC, received on December 12, 2019, provides a copy of the grant deed showing the easement areas on the project site reserved for CAMWC's water well and water transmission facilities.

4.9.2 Methodology

The analysis contained in this section considers the physical effects of the proposed project related to land use compatibility and considers whether or not there are any potential inconsistencies of the proposed development with planning documents, as amended by the project entitlements, from the City and other agencies with applicable land use plans or policies (e.g., City of San Juan Capistrano General Plan Land Use Element and the City of San Juan Capistrano Zoning Code, Title 9). Regulations and policies from the City's General Plan are also discussed in applicable topical sections of the EIR, where policies related to physical effects are addressed.

The consistency analysis presented in this section was prepared in compliance with *State CEQA Guidelines* Section 15125(d). The purpose of the required analysis is to identify potential inconsistencies between the proposed project and applicable general plans and regional plans. Neither CEQA nor the *State CEQA Guidelines* set forth standards for determining when a project is inconsistent with an applicable plan, but the final determination that a project is consistent or inconsistent with an applicable plan should be made by the Lead Agency when it acts on the project. Using the methodology described below, the analysis in this EIR presents the findings of policy review and is intended to provide a guide to the decision-makers for policy interpretation.

A project's inconsistency with a policy is only considered significant if such an inconsistency would cause significant physical environmental impacts (per *State CEQA Guidelines* Section 15382). This section determines whether any project inconsistencies with public land use policies and documents would be significant and whether mitigation is feasible. Under this approach, a policy conflict is not

in and of itself considered to be a significant environmental impact. An inconsistency between a proposed project and an applicable plan is a legal determination that may or may not indicate the likelihood of environmental impact. In some cases, an inconsistency may be evidence that an underlying physical impact is significant and adverse. Conversely, plan consistency may also indicate that a potential environmental impact is less than significant.

4.9.3 Existing Environmental Setting

The project site consists of a vacant, undeveloped site that is approximately 16.1 acres and comprises 7 parcels. The project site is bordered on the north by Calle Arroyo, with commercial and institutional uses located beyond. El Horno Creek (a tributary of San Juan Creek) and San Juan Creek are adjacent to the south of the project site; a portion of the San Juan Creek Trail is located along the southern portion of the project site. The San Juan Hills Golf Club and multiple-family residential developments are located further south of the project site. Paseo Tirador is located along a portion of the eastern boundary of the project site with the Ortega Equestrian Center located further east. The Interstate 5 (I-5) freeway forms the western boundary of the project site with the Del Obispo Shopping Center located beyond.

In its existing condition, the project site is undeveloped and vacant. Access to the northwestern portion of the site is restricted due to the presence of a chain-link fence along the perimeter. However, the San Juan Creek Trail is publicly accessible; the trail begins at the intersection of Calle Arroyo and Paseo Tirador, traverses the project site in a southwest direction, and terminates at the Pacific Ocean in the City of Dana Point.

4.9.4 Regulatory Setting

4.9.4.1 Federal Regulations

There are no federal land use policies or regulations that are applicable to the proposed project with respect to land use regulation.

4.9.4.2 State Regulations

Senate Bill (SB) 166, which went into effect on January 1, 2018, requires a local jurisdiction to ensure that its Housing Element inventory can accommodate its remaining unmet Regional Housing Needs Assessment (RHNA) at all times. RHNA refers to housing unit construction goals set by the State Department of Housing and Community Development allocated to cities through regional planning agencies such as the Southern California Association of Governments (SCAG). RHNA identifies the number of units needed for different housing types within a jurisdiction during specific planning periods. The 2012 Final RHNA Allocation Plan prepared by SCAG assigned the City 147 very low income units, 104 low income units, 120 moderate income units, and 267 above moderate income units. During the current 2014–2021 Housing Element planning period, no local jurisdiction shall permit or cause its inventory of sites to be insufficient to meet its remaining unmet share of the RHNA for lower or moderate income households.

4.9.4.3 Regional Regulations

SCAG Regional Comprehensive Plan and Guide. In 2008, the Southern California Association of Governments (SCAG) adopted the Regional Comprehensive Plan (RCP) for the purpose of providing a comprehensive strategic plan for defining and solving housing, traffic, water, air quality, and other regional challenges. The RCP outlines a vision of how the Southern California region can balance growth with conservation in order to achieve a higher quality of life. The 2008 RCP has two primary objectives in implementing this strategic plan: (1) integrating transportation, land use, and air quality planning approaches, and (2) outlining key roles for public and private sector stakeholders to implement reasonable policies regarding transportation, land use, and air quality approaches. While the 2008 RCP outlines several policies to inform local decision-makers within the SCAG region with respect to policy and planning decisions, these policies are considered recommendations and are not mandated by law. The 2016–2040 RTP/SCS also provides a comprehensive outline for transportation investments throughout the SCAG region. The RTP was most recently adopted in 2016 and is updated every four years to address regional transportation needs. In order to receive State and federal funding, transportation projects must be outlined in the RTP.

With respect to land use policy, the 2008 RCP includes a Land Use and Housing chapter that aims to link land use and transportation planning decisions to the projected population and economic growth in the SCAG region. Specifically, the Land Use and Housing chapter of the 2008 RCP promotes sustainable planning for land use and housing in the SCAG region by maximizing the efficiency of the existing circulation network, providing a greater variety in housing types, promoting a diverse and growing economy, and protecting the existing natural environment. The 2008 RCP identifies 2% Strategy Areas as part of the Sustainability Planning Grant (formerly known as Compass Blueprint growth vision); however, these areas have since been updated and replaced by the high-quality transit areas (HQTAs) identified in the 2016–2040 RTP/SCS.

Natural Communities Conservation Plan (NCCP). In an effort to respond to growing concern regarding the conservation of coastal sage scrub and other biological communities, federal, State, and local agencies have developed a multispecies approach to habitat conservation planning known as the NCCP process. The goal of this NCCP program is to identify important coastal sage scrub habitat and to develop ways and means to preserve and/or restore the ecological value of this and associated plant communities and their attendant sensitive species in a rapidly urbanizing setting.

This was made possible by legislation (Assembly Bill [AB] 2172) that authorized the California

Department of Fish and Wildlife (CDFW) to enter into agreements for the preparation and implementation of NCCPs. The United States Fish and Wildlife Service (USFWS) joined in this effort, utilizing both the Section 4(d) Special Rule and the HCP processes.

In Orange County, the development of two subregional NCCP/HCPs for coastal sage scrub and other covered habitats was undertaken jointly by the County of Orange, the Transportation Corridor Agencies (TCA), USFWS, and CDFW, in cooperation with several large private landowners, including the Irvine Company, with the County as the Lead Agency and other cities as participating agencies. The NCCP/HCP for the Central and Coastal Subregion, which was approved by the participating agencies in July 1996, addresses a range of species issues and, in particular, subregional habitat

needs of the coastal California gnatcatcher. As part of the NCCP/HCP, projects that would impact sensitive habitat areas, as designated by the NCCP/HCP, are required to pay NCCP/HCP in-lieu fees to mitigate impacts to sensitive biological resources.

4.9.4.4 Local Regulations

The City has preeminent authority over deciding the land uses on the site. The adopted planning documents regulating land use within and around the project site are the City's General Plan and Zoning Code. The following paragraphs explain the City's regulations, plans, and policies applicable to the site.

City of San Juan Capistrano General Plan. The City of San Juan Capistrano General Plan was approved by the City Council in December 1999, with the exception of the Housing Element, which was updated and adopted by the City Council in January 2014. In May 2002, the City Council approved a General Plan Amendment, which included a variety of changes to several of the General Plan Elements. The current General Plan consists of the Land Use, Housing, Circulation, Safety, Conservation and Open Space, Noise, Cultural Resources, Community Design, Growth Management, Parks and Recreation, Public Services and Utilities, and Flood Plain Management Elements. Each of these General Plan Elements is briefly described below.

- **Land Use Element:** The Land Use Element presents goals and policies pertaining to how existing development is going to be maintained and enhanced and new development occur. The Land Use Element identifies the proposed distribution, location, and extent of land uses. The Land Use Element goals and policies directly affect the establishment and maintenance of existing neighborhoods, districts, corridors, and open spaces that distinguish and contribute to the City's livability, vitality, and image, while enhancing the City's existing setting through new development. A key ingredient to successful implementation of this vision is through the management of land uses and the appropriate mix of land uses. To this end, a Land Use Map was adopted and included in the Land Use Element to guide future development decisions.

The majority of the approximately 16.1-acre project site is designated Planned Community on the City's General Plan Land Use Map (2002). According to the City's General Plan Land Use Element (2002), the Planned Community designation allows for the development of residential, commercial, industrial, institutional, recreational, or open space uses. There are also small portions of the project site designated as General Open Space and Community Park. The proposed land uses are consistent with these designations, and no General Plan Amendment would be required to implement the proposed project.

- **Housing Element:** The Housing Element addresses issues, goals, and policies to ensure an adequate supply of housing opportunities for all residents. Unlike the other elements, state law sets forth very specific regulations regarding the content and breadth of the Housing Element. Typically, Housing Elements must be updated every 5 years in response to Regional Housing Needs Assessment (RHNA) cycles established by the State Department of Housing and Community Development.

On May 6, 2008, the San Juan Capistrano City Council adopted a resolution that certified the Final EIR and approved preliminary development plans for the proposed Ventanas Business Center for a 19.43-acre property that included the present subject project site in its entirety. The Ventanas Business Center project consisted of 11 proposed buildings totaling 225,000 gross square feet (sf). Following the approval of the Ventanas Business Center project, the City identified the subject project site as being suitable for high-density housing, and for inclusion in the City's 2014–2021 Housing Element as a site that could accommodate affordable housing (230 very-low-income units). The proposed project includes 118 market-rate units and 14 moderate-income affordable units on the site. As such, the project would result in fewer units by income category for the site than identified in the City's Housing Element. SB 166, which went into effect on January 1, 2018, requires a local jurisdiction to ensure that its Housing Element inventory can accommodate at all times its remaining unmet Regional Housing Needs Assessment (RHNA). To ensure compliance with SB 166, the Project Applicant and the City have identified a separate site to accommodate the "net loss" of affordable housing units that would result from development of the site.

- **Circulation Element:** The Circulation Element addresses the movement of people and goods via automobiles, transit, bicycles, and other modes. It addresses key issues such as trip reduction; parking, bicycle, pedestrian, and equestrian access; traffic flow; transportation improvements and funding; traffic safety; and enhancement of public water transportation services.

The project site is located east of I-5. Calle Arroyo borders the project site to the north, and is designated in Figure C-2 of the Circulation Element as a Commuter Arterial (two lanes). Paseo Tirador, an undivided two lane local street located along a portion of the eastern boundary of the project site, does not have a designation in the Circulation Element and will become a private road as part of the proposed project. Calle Arroyo and Paseo Tirador will provide direct access to the project site. Ortega Highway, located further north of the project site, is designated as a Primary Arterial (four lanes divided).

- **Safety Element:** The Safety Element provides goals and policies to reduce the potential risk of death, injuries, and property damage resulting from natural and human-induced hazards. This element specifically addresses geologic, seismic, flood, and fire hazards and disaster planning.

As discussed in Section 4.6, Geology and Soils, according to the Safety Element, the project site is located in an area with a high potential for soil liquefaction in the event of a seismic occurrence. As discussed in Section 4.8, Hydrology and Water Quality, the project site is also located within an area at risk for inundation as a result of a 100-year flood and/or a catastrophic failure of the Trampas Canyon Dam. The site is not located within an area at risk for wildfires or landslides.

- **Conservation and Open Space Element:** The primary objective of the Conservation and Open Space Element is to provide direction regarding the conservation and enhancement of the City's parks, creeks, agricultural land, hillsides, ridgelines, and canyons. It identifies the City's natural resources and provides goals and policies for their preservation and use. This element addresses

open space, agricultural resources, biological and ecological resources, hillsides and ridgelines, air quality, and water quality.

The project site is not located within an area identified for the preservation of open space nor is the site located on a protected hillside/ridgeline. The area immediately south of the project site along the San Juan Creek is designated as General Open Space and Open Space Recreation.

- **Noise Element:** The Noise Element identifies noise-sensitive land uses and noise sources, and defines areas of noise impact. Goals and policies within this Element provide a framework to ensure that City residents will be protected from excessive noise intrusion.

The main noise source for the project site is traffic on surrounding roadways, including I-5, Calle Arroyo, and Paseo Tirador. Additionally, the project site is located approximately 2,150 feet east of the Los Angeles - San Diego - San Luis Obispo (LOSSAN) rail corridor.

- **Cultural Resources Element:** The goals and policies of the Cultural Resources Element are intended to be a guide for preserving historic, archaeological, and paleontological resources within the City. The purpose of the goals and policies in this element intended to preserve important cultural resources to enhance the character and tradition of the community as a whole.

According to the Cultural Resources Element, there are no known historic buildings and structures on the site; however, the project site is located within an area with potential prehistoric and archaeological resources. One prehistoric site (CA-ORA-1672) was identified in the 2007 Cultural Resources Assessment prepared for the *Ventanas Business Center Environmental Impact Report* (Ventanas EIR). However, as concluded in the Ventanas EIR, prehistoric site CA-ORA-1672 neither possesses significant cultural materials nor represents a significant cultural resource.

- **Community Design Element:** The Community Design Element addresses the conservation and enhancement of the visual quality of the City. The goals and policies in the Community Design Element aim to protect natural hillsides and features in the City (e.g., creeks and floodplains), preserve and enhance the historic character of the community, incorporate new development into existing developed neighborhoods, and maintain the community's "small-village" and "rural atmosphere."

The project site is not located within a protected district for which specific design guidelines have been established (e.g., the Mission District). However, the Community Design Element establishes general design guidelines, such as those related to exterior lighting, with which the project must comply.

- **Growth Management Element:** The goals and policies outlined in the Growth Management Element are intended to assure that capital facilities are planned and provided in a manner that will adequately serve existing and future residents of the City. The Growth Management Element aims to phase new development in tandem with the required expansion of public

services and infrastructure to assure that growth does not decrease the level of service provided by existing public services and infrastructure.

The Growth Management Element does not establish specific areas within the City that are targeted for growth. Rather, the Growth Management Element contains some goals to consider when contemplating new development, particularly on undeveloped parcels such as the project site. These include requirements to coordinate rational and orderly growth that assures the economic and efficient provision of public services and infrastructure to new development (Growth Management Goal 1) and provide for a balance of jobs and housing through land use planning (Growth Management Goal 3). The proposed project's consistency with these goals is evaluated below in Table 4.9.A.

- **Parks and Recreation Element:** The Parks and Recreation Element addresses the provision of parklands and recreation programs for the City's residents. Specific recreational issues and policies contained in the Parks and Recreation Element include parks and recreation facilities; hiking, biking, pedestrian, and equestrian trails; and open space.

The proposed project includes a multi-use trail that would create and/or enhance pedestrian and bicycle linkages to the San Juan Creek Trail, located immediately south of the site along San Juan Creek.

- **Public Services and Utilities Element:** The Public Services and Utilities Element addresses the community's need for public services and utilities related to police, fire, school, library, water, wastewater treatment, natural gas, electricity, and solid waste disposal. The purpose of this element is to ensure that sufficient levels of public services and utilities are provided as development continues to occur within the City.

Given the current undeveloped nature of the project site, the Public Services and Utilities Element does not identify any schools, police or fire stations, or libraries on or adjacent to the project site.

- **Floodplain Management Element:** The goals and policies outlined in the Floodplain Management Element are intended to protect streambeds, creeks, and ponds within the City. The Floodplain Management Element also aims to maintain recreational facilities within floodplain areas, as well as provide effective protection of life and property from floodwaters.

The San Juan Creek borders the project site to the west. Due to the site's proximity to the creek, the property is located within the inundation area in the event of catastrophic failure of Trampas Canyon Dam, as discussed in Section 4.8, Hydrology and Water Quality.

City of San Juan Capistrano Zoning Code. Title 9, Land Use, Chapter 3, Zoning Districts and Standards, of the City's Zoning Code ensures consistency with the City's General Plan and defines land use categories, boundaries, and development standards for various land uses in the City.

The project site is zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP 78-01). The purpose of the Planned

Community zone is to encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses.

Because the project will include residential units restricted to households of moderate income, the Project Applicant will request a concession and waivers from certain development standards. In total, 14 of the townhomes, or approximately 10.6 percent of the total units, would be designated as restricted affordable units. The project is therefore entitled to one incentive or concession under the State density bonus law and the City's affordable housing ordinance. The project is also entitled to waiver of development standards as necessary to prevent physical preclusion of the project to the extent those waivers do not have a specific adverse impact upon health, safety, the physical environment, or a designated historical resource. The concession requested by the Project Applicant would negate the requirement that the second-story floor area not exceed 80 percent of the first-story floor area.

Imposition of all of the design standards applicable to the project site would result in a significant reduction of the floor area and the number of units the project proposes to yield, making it infeasible to include restricted affordable units. Construction of the project, including the designated affordable units, would therefore be physically precluded if certain City development standards are applied. The Project Applicant will therefore request waiver of those standard as permitted by the State density bonus law and the City's affordable housing ordinance. The requested waivers will allow a building separation of 8 ft in lieu of the otherwise required 20 ft; a 0 ft setback from the property line between the site and Assessor's Parcel Number (APN) 666-131-08, where the City of San Juan Capistrano water well is located, rather than the otherwise required 20 ft; and the elimination of recreational vehicle parking spaces.

4.9.5 Thresholds of Significance

The thresholds for land use and planning impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines* and the City's *Local Guidelines for Implementing the California Environmental Quality Act* (2019). The proposed project may be deemed to have a significant impact with respect to land use and planning if it would:

Threshold 4.9.1: Physically divide an established community.

Threshold 4.9.2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The Initial Study, included as Appendix A, substantiates that there would be no impact associated with Threshold 4.9.1 as the proposed project would not physically divide an established community because the roughly triangular site is bordered on its three sides by open space, commercial development, and the I-5 freeway. All improvements proposed as part of the project would be restricted to within the boundaries of the site, which is currently vacant. This threshold will not be addressed in the following analysis.

4.9.6 Project Impacts

Threshold 4.9.2: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. Several regionally and locally adopted land use plans, policies, and regulations would be applicable to development for the proposed project, including the SCAG 2008 Regional Comprehensive Plan, the SCAG 2016–2040 RTP/SCS, the City of San Juan Capistrano General Plan, and the City of San Juan Capistrano Zoning Code.

Southern California Association of Governments Regional Comprehensive Plan. The 2008 Regional Comprehensive Plan (RCP) addresses regional goals related to growth and infrastructure in the Southern California region. The RCP also addresses issues such as housing, traffic, air quality, and water resources as a guide for local agencies to use in preparing plans that deal with regional issues. The RCP outlines a vision of how the Southern California region can balance growth with conservation in order to achieve a higher quality of life. In order to achieve this balance, the RCP aims to establish the following land use goals: (1) focus growth in existing centers and along major transportation corridors, (2) encourage mixed-use development, (3) provide new housing opportunities, (4) encourage development near existing and planned transportation stations to reduce traffic congestion and associated air pollutants, (5) preserve existing single-family neighborhoods, and (6) protect open space and environmentally sensitive habitat areas from development. The proposed project is residential in nature and does not feature a mixed-use component; therefore, Goal (2) is not applicable to the proposed project and is not discussed further in the following RCP consistency analysis below.

The project site is located immediately east of I-5, south of Calle Arroyo, northwest of Paseo Tirador, and north of San Juan Creek. The proposed project would develop the currently undeveloped and underutilized project site with a 132-unit residential development with recreation amenities and a multi-use trail along San Juan Creek. Development of the proposed project would introduce a residential land use to an area that is characterized by commercial and residential land uses, and provide additional housing near employment and retail centers. Uses proposed as part of the project would be easily accessed from Calle Arroyo and Paseo Tirador, and other major transportation corridors near the project site (e.g., I-5, Rancho Viejo Road, and Ortega Highway/State Route 74 (SR-74)). In addition, the proposed project would be located immediately north of a Class 2 bike lane along the San Juan Creek trail, 1.1 miles east of the nearest bus station (e.g., Orange County Transportation Authority Route 91 station near the intersection of Del Obispo and Camino Capistrano), and 1.2 miles southeast of the San Juan Capistrano Train Station. Due to the proximity to these facilities, residents of the proposed residential development and visitors may utilize alternative transportation to access the site.

The proposed project would be consistent with RCP Goal 1 to focus growth along major transportation corridors, Goal 3 to provide new housing opportunities, and Goal 4 to encourage new development near existing transportation stations.

The proposed project would improve the currently vacant and underutilized site with landscaping and amenities that would serve future residents; it would not interfere or conflict with the existing land use patterns and visual character of established residential neighborhoods near the site. Therefore, the project would be consistent with RCP Goal 5 of preserving existing single-family neighborhoods. Though the southernmost and easternmost portions of the project site have General Plan Land Use designations of Open Space and Community Park, the proposed residential development uses would not be sited in these areas. The portions of the project site designated as Open Space and Community Park would be developed with vegetation and landscaping. In addition, a portion of the multi-use trail would be sited with the area designated as Open Space. As such, the proposed land uses are consistent with these land use designations. Furthermore, the project proposes to designate a 5.5-acre area adjacent to the project's southern boundary along the San Juan Creek as a conservation area. As such, the project would protect existing open space and environmentally sensitive areas; therefore, the proposed project would be consistent with RCP Goal 6 to protect open space and environmentally sensitive habitat areas from development.

For the reasons stated above, the proposed project would be consistent with applicable goals and policies in SCAG's 2008 RCP.

SCAG RTP/SCS Consistency. The 2016–2040 RTP/SCS also provides a comprehensive outline for transportation investments throughout the SCAG region. The RTP was most recently adopted in 2016 and is updated every four years to address regional transportation needs. In order to receive State and federal funding, transportation projects must be outlined in the RTP. In addition, the 2016–2040 RTP outlines the following primary goals: (1) align the plan investments and policies with improving regional economic development and competitiveness, (2) maximize mobility and accessibility for all people and goods in the region, (3) ensure travel safety and reliability for all people and goods in the region, (4) preserve and ensure a sustainable regional transportation system, (5) maximize the productivity of our transportation system (6) protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking) (7) actively encourage and create incentives for energy efficiency, where possible, (8) encourage land use and growth patterns that facilitate transit and active transportation, and (9) maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies. Goal 9 of the 2016–2040 RTP/SCS relates to planning/policy actions to be taken by regional and local agencies; therefore, the project's consistency with Goal 9 is not discussed further in the 2016–2040 RTP/SCS consistency analysis provided below.

As previously stated, the proposed project would result in the conversion of the currently vacant and underutilized project site to a residential community with recreational outdoor amenities. Access to the project site is provided by Calle Arroyo, a Commuter Arterial that runs in an east-west fashion. Calle Arroyo connects with Rancho Viejo Road, which would serve to connect the project site with the local and regional transportation network. Additionally, Ortega Highway/SR-74, which is located to the north of the project site, provides regional access. The project would provide access to the site from Calle Arroyo and Paseo Tirador, which would serve to connect the site with the local and regional transportation systems. The project site would

contain internal drive aisles, and three access points would be provided from Calle Arroyo. Paseo Tirador would serve as an east-west entry to the project site. By providing multiple access points and a robust on-site circulation system, traffic queueing and congestion at any individual access point would be reduced, and the productivity of the existing roadway network would be maximized. In addition, the project would provide connections to the existing regional bikeway and equestrian trail network along the San Juan Creek, which would encourage greater use of the region's existing sidewalks, bikeways, and multi-purpose trails. As such, development of the proposed project would help maximize the productivity of the existing roadway network in the vicinity of the site and would improve accessibility to the site and areas adjacent to the site (Goals 2 and 5), including I-5 to the west. The project's on-site circulation system would accommodate pedestrians and cyclists. The project would also provide connections to the existing regional bikeway and equestrian trail network, thereby encouraging the use of active transportation modes (Goals 4 and 6). Moreover, all access improvements included as part of the proposed project would comply with City and OCFA standards to ensure the safety and reliability of transportation improvements included as part of the project (Goal 3). Development of the currently underutilized project site would also provide additional housing opportunities in the City. Therefore, the proposed project would improve the regional economy by promoting economic activity and ensuring that area workers would have access to new housing in close proximity to their jobs. (Goal 1).

The proposed project would promote energy efficiency through compliance with the California Green Building Standards Code (CALGreen Code). Sustainability features proposed as part of the project would include the installation of an off-site recycled water main to allow the future use of recycled water in the vicinity of the project, the installation of on-site private recycled water lines to allow the future use of recycled water for irrigation of common landscaped areas, installation of energy-efficient lighting techniques and "smart" weather-based irrigation controllers, the exclusion of landscaping materials that are invasive species and the inclusion of vegetation requiring minimal watering, and the utilization of drip-irrigation for all non-turf areas. As such, the project would be consistent with Goal 7 in the 2016–2040 RTP/SCS.

As described above in the analysis for Goals 2 and 5, the project would provide an on-site circulation system that would encourage pedestrian and bicycle traffic, and specifically a connection to the San Juan Creek Trail, thereby encouraging the use of active transportation modes. OCTA Route 91 serves the City and provides bus service from the City of Dana Point to the City of Rancho Santa Margarita, through the City of Mission Viejo. Route 91 provides connections to other major OCTA routes that provide greatest access to the northern portion of Orange County. An OCTA bus stop is provided approximately 1 mile west of I-5 on Camino Capistrano north of Ortega Highway. OCTA Route 91 provides transportation to/from the Laguna Hills Transportation Center and the San Clemente Metrolink Station with a stop at the San Juan Capistrano Train Depot. This stop can be accessed by foot or by bicycle from the project site along the San Juan Creek Trail and Camino Capistrano.

The project would facilitate transit use and active transportation by providing new housing on the project site, which is already adjacent to a Class 2 bikeway. Additionally, the project site is located 1.2 miles from the San Juan Capistrano Train Station along the LOSSAN corridor. This

train station is served by the Amtrak and Metrolink lines, which provide connectivity throughout Orange, San Diego, and Los Angeles counties, as well as to major the employment centers near the Irvine, Tustin, Fullerton, and Orange train stations. New residents would be able to cycle or take transit to work at major employment centers within the area. Therefore, the proposed project would be consistent with Goal 8 in the 2016–2040 RTP/SCS.

For the reasons stated above, the proposed project would be consistent with applicable goals outlined in the 2016–2040 RTP/SCS.

City of San Juan Capistrano General Plan. The existing General Plan land use designation for the project site is Planned Community. According to the City’s Land Use Element (1991), the Planned Community land use designation denotes large areas of land under common ownership for the detailed planning and development of residential, commercial, industrial, institutional, recreational, or open spaces uses. There are also small portions of the project site designated as General Open Space and Community Park. The proposed land uses are consistent with these designations, and no General Plan Amendment would be required to implement the proposed project.

The project site is identified in the City’s General Plan 2014–2021 Housing Element as accommodating 230 very-low-income units. The proposed project would develop the site with 118 market-rate units and 14 moderate-income affordable units on the site. As such, the project would result in fewer units by income category for the site than identified in the City’s Housing Element. SB 166, which went into effect on January 1, 2018, requires a local jurisdiction to ensure that its Housing Element inventory can accommodate at all times its remaining unmet Regional Housing Needs Assessment (RHNA). To ensure compliance with SB 166, the Project Applicant and the City have identified a separate site to accommodate the “net loss” of 216 affordable housing units that would result from development of the site with the proposed project. The City identified an alternative site, which includes 9.3 acres designated as Very High Density Residential on the City’s Land Use Map. This site, identified as APN 121-070-57, is entitled to be developed at a density of 30 dwelling units per acre, or 279 units. The 219 units which are no longer able to be accommodated by the proposed project can be accommodated on this alternative site. The City will notify the State Department of Housing and Community Development regarding the site identified to accommodate the replacement housing should the development be approved to ensure the project’s compliance with SB 166.

The City of San Juan Capistrano General Plan also contains goals and policies that are considered applicable to the proposed project. These goals and policies are discussed in Table 4.9.A, General Plan Consistency Analysis, and a consistency analysis is provided for each applicable General Plan goal and policy. Goals and policies that are not applicable to the proposed project are not included in this table. This discussion is intended to provide a guide to the decision-makers for policy interpretation. As identified through this consistency analysis, the proposed project would not conflict with any applicable General Plan land use plan, policy, or regulation adopted by the City for the purpose of avoiding or mitigating an environmental impact.

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
Land Use Element	
<p>Land Use Goal 1: Develop a balanced land use pattern to ensure that revenue generation matches the City's responsibility for provision and maintenance of public services and facilities.</p>	<p>Consistent. The proposed project would allow for the development of a 132-unit residential development consisting of 43 two-story detached single-family units and 89 three-story attached townhome units. In its existing condition, the proposed project site is vacant. Implementation of the proposed project would result in permanent occupants on the project site, which would promote economic activity in the City, thereby generating sales tax revenue for the City. The project would also be required to pay all applicable Development Impact Fees established by the City and public service providers to ensure the adequate provision and maintenance of public services and utilities. Therefore, the proposed project would be consistent with Land Use Goal 1.</p>
<p>Land Use Policy 1.1: Encourage a land use composition in San Juan Capistrano that provides a balance or surplus between the generation of public revenues and the cost of providing public facilities and services.</p>	<p>Consistent. As discussed above, the proposed project would generate sales tax revenue for the City, and would pay all applicable Development Impact Fees as established by the City and public service providers. As such, the proposed project would encourage a balanced land use composition. Therefore, the proposed project would be consistent with Land Use Policy 1.1.</p>
<p>Land Use Goal 2: Control and direct future growth within the City to preserve the rural village-like character of the community.</p>	<p>Consistent. The proposed project would introduce residential uses on a currently undeveloped and vacant site. However, the proposed project would not introduce any land uses on the site that would increase population growth in the City in a manner that would result in changes to the village-like character of the community. The residential development would be designed with California Spanish- and Farmhouse- style designs, which would be visually consistent with existing Spanish mission style character of San Juan Capistrano. Further, the styles are cohesive and would provide for consistent design throughout the project site. Moreover, the proposed project would be required to comply with all development standards outlined in the City's Municipal Code, including those with respect to density and scale. Compliance these standards would ensure consistency between the proposed project and surrounding uses, and would serve to preserve the character of the community. Therefore, the proposed project would be consistent with Land Use Goal 2.</p>
<p>Land Use Policy 2.1: Continue controlling growth through the implementation of the City's residential growth management program.</p>	<p>Consistent. As discussed later in this section, the proposed project would be consistent with all applicable Growth Management Element Goals and Policies. As such, growth associated with the proposed project would occur in a manner consistent with the City's established policies for residential growth management. Therefore, the proposed project would be consistent with Land Use Policy 2.1.</p>
<p>Land Use Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.</p>	<p>Consistent. The proposed residential development would be designed with California Spanish- and Farmhouse- style designs, which would be visually consistent with existing character of San Juan Capistrano. Further, the styles are cohesive and would provide for consistent design throughout the project site. Therefore, the proposed project would be consistent with Land Use Policy 2.2.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Land Use Policy 2.3: Ensure that development corresponds to the provision of public facilities and services.</p>	<p>Consistent. As discussed in Section 4.15, Public Services, in the Initial Study (included as Appendix A in this EIR), the proposed project’s generated demand for public facilities and services would be minimal compared to the service capacities of existing facilities and providers. Furthermore, the Project Applicant would pay Development Impact Fees to the Capistrano Unified School District and in-lieu fees for the dedication of parkland, as established by the City’s Municipal Code. As such, development associated with the proposed project would correspond to the provision of public facilities and services. Therefore, the proposed project would be consistent with Land Use Policy 2.3.</p>
<p>Land Use Goal 3: Distribute additional population within the City based on risk factors.</p>	<p>Consistent. As previously discussed, the proposed site has been identified in the City’s Housing Element as a suitable location for residential units. As discussed in Section 4.9, Hazards and Hazardous Materials, in the Initial Study (Appendix A of this EIR), all project-related impacts with respect to hazards and safety would be less than significant. Furthermore, as established in Section 4.20, Wildfire, of the Initial Study (Appendix A of this EIR), the project site is not located within a High Fire Hazard Zone according to the Fire Hazards Area map in the City’s General Plan public Safety Element (2002). Additionally, according to the CalFire Fire and Resources Assessment Program, the project site is not located within or near a Very High Fire Hazard Severity Zone (VHFHSZ) of State or Local Responsibility Area. As established in Section 4.6, Geology and Soils, and Section 4.8, Hydrology and Water Quality, of this EIR, risks related to seismicity, geology, and flooding would be less than significant with the incorporation of mitigation and adherence to regulatory compliance measures. Therefore, the proposed project would be consistent with Land Use Goal 3.</p>
<p>Land Use Policy 3.2: Limit density of development in the hillsides, floodplains, and other high risk areas.</p>	<p>Consistent. The proposed project would not be located in the hillsides or an area associated with high seismic, geologic, or wildfire risks. As discussed in Section 4.8, Hydrology and Water Quality, of this EIR, the proposed project site is within the 100-year floodplain Zone AE and Zone X. However, as established in Section 4.8, Hydrology and Water Quality, the proposed project would have a less than significant impact related to flood flows. With the incorporation of Regulatory Compliance Measures WQ-1 and WQ-2, impacts related to flood hazards would be less than significant. As such, the proposed project would be consistent with Land Use Policy 3.2.</p>
<p>Land Use Goal 4: Preserve major areas of open space and natural features.</p>	<p>Consistent. The proposed project would not develop any designate open space areas. The project proposes to designate 5.5 acres immediately south of the site as a conservation area. As discussed in Section 4.1, Aesthetics, in the Initial Study (Appendix A of this EIR), the proposed project would not visually interfere with any natural features, such as the ridgelines associated with the hillsides and scenic views to the south of the site. Therefore, the proposed project would be consistent with Land Use Goal 4.</p>
<p>Land Use Policy 4.3: Preserve designated ridgelines and the immediate adjacent area to maintain the open space character of the community.</p>	<p>Consistent. As discussed above, the proposed project would not develop and existing open space areas. The project proposes to designate 5.5 acres immediately south of the site as a conservation area. As discussed in Section 4.1, Aesthetics, in the Initial Study (Appendix A of this EIR), the proposed project would not visually interfere with any natural features, such as the ridgelines and immediate areas associated with the hillsides. Therefore, the proposed project would be consistent with Land Use Policy 4.3.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Land Use Goal 7: Enhance and maintain the character of neighborhoods.</p>	<p>Consistent. Refer to the consistency discussion under Land Use Goal 2. All new buildings proposed as part of the project would be compatible the physical characteristics of surrounding land uses (e.g., density and scale). Development of the project site, which is currently undeveloped and vacant, would improve the visual character of the site and surrounding neighborhoods. As previously stated, the residential development would be designed with California Spanish- and Farmhouse- style designs, which would be visually consistent with existing character or San Juan Capistrano. Therefore, the proposed project would be consistent with Land Use Goal 7.</p>
<p>Land Use Policy 7.1: Preserve and enhance the quality of San Juan Capistrano neighborhoods by avoiding or abating the intrusion of non-conforming buildings and uses.</p>	<p>Consistent. The proposed project is surrounded by a variety of residential, commercial, recreational, and open space land uses. The proposed project would allow for the development of up to 132 residential units and recreational amenities on the project site. Additionally, the project would include a 20 ft wide multi-use trail along the southern boundary of the site, which would connect recreational amenities on the site (i.e., the gathering areas, climbing boulder, play areas, equestrian hitching post, and exercise stations) to off-site amenities (e.g., the Ortega Equestrian Center and Cook La Novia Park). Further, the proposed project would be consistent with the site’s General Plan land use designations, and would also be consistent with development standards required by CDP 78-01 as amended by virtue of a concession and waivers requested by the Project Applicant under the State and local density bonus law. The waivers would not result in the intrusion of non-conforming buildings and uses. For the reasons stated above, the development of the proposed project would preserve and enhance the quality of the City’s neighborhoods because it would not introduce incompatible land uses. Therefore, the proposed project would be consistent with Land Use Policy 7.1.</p>
<p>Land Use Policy 7.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.</p>	<p>Consistent. In its existing condition, the proposed project site is currently vacant and unimproved, and has been identified by the Housing Element as suitable for a residential development. As previously described, the proposed project is surrounded by a variety of residential, commercial, recreational, and open space land uses. The proposed project would introduce residential uses with recreational amenities and a multi-use trail utilizing the existing San Juan Creek Trail to the project site. As such, the proposed project would be compatible with the physical characteristics of the site, surrounding land uses, and available public infrastructure. Therefore, the proposed project would be consistent with Land Use Policy 7.2.</p>
<p>Housing Element</p>	
<p>Housing Goal 1: Provide a broad range of housing opportunities with emphasis on providing housing which meets the special needs of the community.</p>	<p>Consistent. The proposed project would provide both single-family detached and multi-family attached housing opportunities. Of the 132 residential units associated with the proposed project, 14 of the townhomes (or 10.6 of the total units), would be considered affordable. As such, the proposed project would provide a range of housing opportunities and would meet various housing needs. Therefore, the proposed project would be consistent with Housing Goal 1.</p>
<p>Housing Policy 1.1: Consistent with the Land Use Element, provide a range of different housing types and unit sizes for varying income ranges and lifestyles.</p>	<p>Consistent. The proposed project would provide single-family detached and multi-family attached housing opportunities. Of the 132 residential units associated with the proposed project, 14 of the townhomes (or 10.6 of the total units), would be considered affordable. As such, the proposed project would provide a range of housing opportunities and would meet various housing needs. Additionally, as previously established, the proposed project</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
	would be consistent with applicable goals and policies in the Land Use Element. Therefore, the proposed project would be consistent with Housing Policy 1.1.
Housing Goal 2: To the maximum extent feasible, encourage and provide housing opportunities for persons of lower and moderate incomes.	Consistent. The proposed project would provide single-family detached and multi-family attached housing opportunities. Of the 132 residential units associated with the proposed project, 14 of the townhomes (or 10.6 of the total units), would be considered affordable. As such, the proposed project would provide a range of housing opportunities and would meet various housing needs. Therefore, the proposed project would be consistent with Housing Goal 2.
Housing Policy 2.1: Encourage the development of affordable housing through the Density Bonus, Inclusionary Housing, and City financial assistance programs.	Consistent. The proposed project would include affordable units in exchange for which it would be entitled to a concession and waivers to development standards. As such, the proposed project would be consistent with Housing Policy 2.1.
Housing Policy 2.7: Promote the development of affordable and special needs housing near transit and/or “smart growth areas.”	Consistent. The proposed project site is identified in the Housing Element as a potential site for housing due to access to transit and schools. Additionally, of the 132 residential units that would be developed as part of the proposed project, 14 units (or 10.6%), would be considered affordable. As such, the proposed project would result in the development of affordable housing near a “smart growth area.” Therefore, the proposed project would consistent with Housing Policy 2.7.
Housing Policy 2.8: Encourage energy efficient design in new and rehabilitated development and in existing housing units as a means to lowering housing costs.	Consistent. The proposed project would be developed with energy efficient appliances and would comply with California State law regarding water conservation measures, including pertinent provisions of Title 24 of the California Government Code (Title 24) regarding the use of water-efficient appliances and low-flow plumbing fixtures. As such, the proposed project would be consistent with Housing Policy 2.8.
Housing Goal 4: Create and maintain decent housing and a suitable living environment for all households in the community.	Consistent. The proposed project would construct 132 new residential units on a currently undeveloped site. Implementation of the proposed project would create new housing in an area that is conducive for residential development due to the existing public infrastructure, including roadways and utilities. As such, the proposed project would create a suitable living environment for future occupants. Therefore, the proposed project is consistent with Housing Goal 4.
Housing Policy 4.4: Provide and maintain adequate level of services and facilities in all areas of the City.	Consistent. The proposed project would not impact the ability of service providers and facilities to maintain adequate levels of services. The project-generated increase in demand would be minimal and within the existing service capacities of all utility providers. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would not interfere with the ability of OCSO, OCFA, or City libraries to provide sufficient levels of police protection, fire protection, and library services, respectively. The project would also be required to pay Development Impact Fees to the Capistrano Unified School District, and park in-lieu fees, established by the City, which would serve to ensure the provision of public services and infrastructure to the project. As such, the proposed project would not interfere with the provision and maintenance of adequate levels of services in facilities in all areas of the City. Therefore, the proposed project would be consistent with Housing Policy 4.4.

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
Circulation Element	
<p>Circulation Goal 3: Provide an extensive public bicycle, pedestrian, and equestrian trails network.</p>	<p>Consistent. The proposed project includes improvements to the multi-use trail along the San Juan creek, and would allow for pedestrian, bicycle, and equestrian use of the portion of the project site along San Juan Creek. The existing trail provides connectivity from the eastern portion of the City to the City of Dana Point to the southwest. By providing a linkage to the existing trails network, the proposed project would be consistent with Circulation Goal 3.</p>
<p>Circulation Goal 4: Minimize the conflict between automobile, commercial vehicles, pedestrians, horses, and bicycles.</p>	<p>Consistent. Vehicular access to the project site would be provided at multiple access points on Calle Arroyo and Paseo Tirador. Pedestrian and bicycle access to the project site would be provided by sidewalks and a bicycle route on Calle Arroyo and Paseo Tirador. Pedestrian circulation within the project site would be provided with sidewalks, which would travel through the project's multiple drive aisles. A 20 ft multi-use trail would be installed along the project's southern boundary, and would support bicycle, pedestrian, and equestrian uses. As such, each mode of transportation would have multiple options for access and internal circulation to minimize the potential for conflict within the project site's circulation system. Therefore, the proposed project would be consistent with Circulation Goal 4.</p>
Safety Element	
<p>Safety Goal 1: Reduce the risk to the community from hazards related to geologic conditions, seismic activity, wildfires, structural fires, and flooding.</p>	<p>Consistent. Impacts with respect to geologic conditions and seismic activity are addressed in Section 4.6, Geology and Soils, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to geology and soils would be less than significant following implementation of mitigation. Mitigation Measures GEO-1, GEO-2, and GEO-3 require the City to comply with recommendations of the project Geotechnical Investigation and the most current CBC, which stipulate appropriate design provisions that shall be implemented with project design and construction.</p> <p>Impacts with respect to wildfires are addressed in Section 4.20, Wildfire, of the Initial Study (Appendix A of this EIR). As described in the Initial Study, the project site is not located within a fire hazard zone as determined by the City or by CAL FIRE. However, in the event of a structural fire on the site, emergency vehicles would be able to access the property via project access points on Calle Arroyo and Paseo Tirador, and from a designated fire department emergency access point from the adjacent 24 Hour Fitness parking lot.</p> <p>Impacts with respect to flooding are addressed in Section 4.8, Hydrology and Water Quality, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to flooding would be less than significant with the implementation of Regulatory Compliance Measures WQ-1 and WQ-2. Regulatory Compliance Measure WQ-1 requires an Elevation certificate to ensure compliance with community floodplain management ordinances governing the project site. Regulatory Compliance Measure WQ-2 ensures that construction of the proposed project would not begin until the required Conditional Letter of Map Revision (CLOMR-F) and Letter of Map Revision (LOMR-F) are approved by FEMA and the City, respectively.</p> <p>Therefore, the proposed project would be consistent with Safety Goal 1.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Safety Policy 1.1: Reduce the risk of impacts from geologic and seismic hazards by applying proper development engineering, building construction, and retrofitting requirements.</p>	<p>Consistent. Impacts with respect to geologic conditions and seismic activity are addressed in Section 4.6, Geology and Soils, of this EIR. As established above, project-related impacts with respect to geology and soils would be less than significant following implementation of mitigation. Mitigation Measures GEO-1 and GEO-2 require the City to comply with recommendations of the project Geotechnical Investigation and the most current CBC, which stipulate appropriate design provisions that shall be implemented with project design and construction. As such, risks or impacts from geologic or seismic hazards would be reduced on site by project adherence to proper development engineering, building construction, and retrofitting requirements. Therefore, the proposed project would be consistent with Safety Policy 1.1.</p>
<p>Safety Policy 1.2: Protect the community from flooding hazards by providing and maintaining flood control facilities and limiting development within the floodplain.</p>	<p>Consistent. As discussed in Section 4.8, Hydrology and Water Quality, of this EIR, although the proposed project would feature development within the 100-year flood zone located on the southern portion of the project site, the proposed project would not place improvements or structures within a regulatory floodway. In addition, in compliance with the City Municipal Code requirements, all new residential construction and substantial improvement of any structure in Zone AE on the project site shall have the lowest floor, including basement, elevated at least 1 foot above the base flood elevation (Regulatory Compliance Measure WQ-1). An existing scour protection wall within the project limits also provides flood protection and soil stability onsite. Furthermore, project-related impacts related to flood flows would be less than significant, and no mitigation is required. Therefore, the proposed project would be consistent with Safety Policy 1.2.</p>
<p>Safety Policy 1.3: Reduce the risk of wildfire hazards by requiring fire retardant landscaping and project design for development located in areas of high wildfire risk.</p>	<p>Consistent. The project site is not located within a High Fire Hazard Zone according to the Fire Hazards Area Map in the City’s General Plan Public Safety Element (2002). In addition, according to the CalFire Fire and Resource Assessment Program, the project site is not located within or near a Very High Fire Hazard Severity Zone (VHFHSZ) of a State or Local Responsibility Area. Moreover, the proposed project design would conform to all standards for residential development in the 2016 California Fire Code (adopted in section 8-10.01 in the City’s Municipal Code). As such, the design of the proposed project would reduce risks of hazards in the unlikely event of a wildfire on the project site. Therefore, the proposed project would be consistent with Safety Policy 1.3.</p>
<p>Safety Policy 1.5: All residential projects with more than 48 units should be required to provide a secondary access to the project site. The secondary access may be designated as emergency access only.</p>	<p>Consistent. The proposed project would contain more than 48 units, and would have primary and secondary access points on Calle Arroyo and Paseo Tirador. These access points would be ungated and therefore accessible to both the public and to emergency response personnel. The project would also contain a security gate with designated fire department emergency access, which would be located in the northwest portion of the project site, along the boundary shared with the 24 Hour Fitness Parking lot. Therefore, the proposed project meets the requirement to provide secondary access to the project site, and would be consistent with Safety Policy 1.5.</p>
<p>Safety Goal 2: Protect the community from hazards related to air pollution, nuclear power production, hazardous materials, and ground transportation.</p>	<p>Consistent. Impacts with respect to air quality are addressed in Section 4.2, Air Quality, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to air quality would be less than significant with the implementation of Regulatory Compliance Measures AQ-1 through AQ-3, which require compliance with emission reduction measures during construction. The proposed project would develop the project site with residential uses.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
	<p>However, the proposed project would not result in the introduction of new residents in the community that would be subject to risks related to nuclear power production because the project would not interfere with existing evacuation routes identified in the project area in the event of a nuclear emergency.</p> <p>The project site is not included on any hazardous materials site list pursuant to Government Code Section 65962.5 and would not result in a significant hazard to the public or the environment. Operation of the proposed project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Adherence to applicable rules and regulations as required during construction regarding hazardous materials, including fugitive dust emissions, would reduce potential risks associated with the release of hazardous materials to the environment or public, including nearby schools, to less than a significant level.</p> <p>Access to the project site would be provided via Calle Arroyo and Paseo Tirador. The project would also include internal circulation routes. Pedestrian and bicycle access to the project site would be provided by sidewalks and a multi-use trail would be provided. As such, the project would result in the provision of an on-site circulation network that would promote connectivity with the surrounding network. No impacts with respect to increased risks related to ground transportation would occur as a result of project construction or implementation. Therefore, the proposed project would be consistent with Safety Goal 2.</p>
<p>Safety Goal 3: Protect citizens and business from criminal activity.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would have a negligible impact on the Orange County Sheriff’s Department goal of providing one police officer for every 1,300 residents. As such, the proposed project would not interfere with the ability of OCSO to protect citizens and business from criminal activity. New lighting proposed as part of the project would also provide additional security on the site as compared to existing conditions. Therefore, the proposed project would be consistent with Safety Goal 3.</p>
<p>Conservation and Open Space Element</p>	
<p>Conservation & Open Space Goal 1: Preserve and enhance open space resources.</p>	<p>Consistent. The project site is not located within an area identified for the preservation of open space. As such, the project would not result in the conversion of open space resources to a developed use. Therefore, the proposed project would be consistent with Conservation & Open Space Goal 1.</p>
<p>Conservation & Open Space Goal 2: Protect and preserve important ecological and biological resources.</p>	<p>Consistent. Impacts with respect to biological resources are addressed in Section 4.3, Biological Resources, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to biological resources would be less than significant following implementation of mitigation. Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 require worker environmental awareness training, erosion control and amphibian exclusionary fencing, construction site housekeeping, and preconstruction surveys for nesting birds. Furthermore, the project proposes a 5.5 acre area south of the project site along the San Juan Creek as a designated conservation area. No development would occur within this area. Therefore, the proposed project would be consistent with Conservation & Open Space Goal 2.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
Conservation & Open Space Goal 5: Shape and guide development in order to achieve efficient growth and maintain community scale and identity.	Consistent. Refer to the consistency discussion under Land Use Goals 1 and 2. All new buildings proposed as part of the project would be compatible the scale and nature of surrounding land uses and would be served by existing public infrastructure. Therefore, the proposed project would be consistent with Conservation & Open Space Goal 5.
Conservation & Open Space Policy 5.1: Encourage high-quality design in new development and redevelopment to maintain the low-density character of the City.	Consistent. The proposed residential development would be constructed using high-quality building materials. The project would be designed with California Spanish- and Farmhouse-style architectural influences, and both designs would feature contemporary architectural elements, multi-level rooflines, and a complementary color scheme. The California Spanish-style units would feature tile roofs and accents, wrought-iron window planters, painted exteriors, steel garage doors, and a cement plaster exterior finish. The Farmhouse-style units would feature asphalt shingle roofing, wooden window planters and trim, horizontal siding, steel garage doors, and a cement plaster exterior finish. Further, the proposed project includes open space and recreation amenities, such as a multi-use trail, gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations, which are representative of the low-density character of San Juan Capistrano. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 5.1.
Conservation & Open Space Policy 5.3: Ensure that no buildings will encroach upon any ridgeline designated for preservation.	Consistent. According to Figure COS-2, Major Ridgelines, in the Conservation & Open Space Element, there are no major ridgelines in the vicinity of the project site. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 5.3.
Conservation & Open Space Goal 6: Improve air quality.	Consistent. Impacts with respect to air quality are addressed in Section 4.2, Air Quality, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to air quality would be less than significant with the implementation of Regulatory Compliance Measures AQ-1 through AQ-3, which require compliance with emission reduction measures during construction. Therefore, the proposed project would be consistent with Conservation & Open Space Goal 6.
Conservation & Open Space Policy 6.4: Achieve a greater balance between jobs and housing in San Juan Capistrano.	Consistent. The proposed project would 132 single-family residential units on the project site, thereby providing new housing opportunities near commercial uses and improving the jobs/housing balance in the City. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 6.4.
Conservation & Open Space Goal 7: Protect water quality.	Consistent. As discussed in Section 4.8, Hydrology and Water Quality, of this EIR, project-related impacts to water quality would be less than significant because the proposed project would comply with NPDES and City requirements governing hydrology and water quality. In compliance with these requirements, drainage facilities to accommodate stormwater runoff and BMPs to reduce pollutants in stormwater runoff would be implemented. As such, impacts related to surface and groundwater quality would be less than significant. Therefore, the proposed project would be consistent with Conservation & Open Space Goal 7.
Conservation & Open Space Policy 7.2: Encourage the production and use of recycled water.	Consistent. As part of the proposed project, an off-site recycled water main would be installed to allow future recycled water service in the vicinity of the project. Additionally, the project would include the installation of on-site private recycled water lines to allow the future use of recycled water for irrigation of common landscaped areas. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 7.2.

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Conservation & Open Space Policy 7.3: Conserve and protect watershed areas.</p>	<p>Consistent. As discussed in Section 4.8, Hydrology and Water Quality, of this EIR, the proposed project is located within the San Juan Creek Watershed. As previously discussed, the proposed project would comply with NPDES and City requirements governing hydrology and water quality. In compliance with these requirements, the proposed drainage facilities and BMPs would accommodate additional stormwater runoff and reduce pollutants generated on the project site. As such, development of the proposed project would not interfere with the conservation and protection of watershed areas. Therefore, the proposed project would be consistent with Conservation & Open Space Policy 7.3.</p>
Noise Element	
<p>Noise Goal 1: Minimize the effects of noise through proper land use planning.</p>	<p>Consistent. Impacts with respect to Noise are addressed in Section 4.10, Noise, of this EIR. As discussed in this section of the EIR, project-related impacts with respect to noise would be less than significant following implementation of Mitigation. Mitigation Measure NOI-1 would require noise reduction measures during construction, such as restricting construction hours and requiring the staging of construction equipment in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors. Mitigation Measure NOI-2 would require an acoustical study to ensure that the exterior and interior noise levels would not exceed acceptable levels as defined by the California Building Code. As established in Section 4.10, Noise, of this EIR, operational noise impacts would be less than significant. Therefore, the proposed project would be consistent with Noise Goal 1.</p>
<p>Noise Policy 1.1: Utilize noise/land use compatibility standards as a guide for future planning and development decisions.</p>	<p>Consistent. As discussed in Section 4.10, Noise, of this EIR, the land use compatibility of the project site was assessed based on the City's exterior and interior noise standards. The City's exterior and interior noise standards are 65 dBA CNEL and 45 dBA CNEL, respectively, for single-family and multifamily residences. Based on the noise analysis results shown in Table 4.10.H, the City's noise standards would be exceeded at some receptors; however, with the implementation of Mitigation Measure NOI-2, noise levels would be reduced to a less than significant level and would be consistent with the City's Noise Element standards. Therefore, the proposed project would be consistent with Noise Policy 1.1.</p>
<p>Noise Goal 3: Minimize non-transportation-related noise impacts.</p>	<p>Consistent. Refer to the consistency analysis for Noise Goal 1. In addition to transportation-related noise in the project vicinity, the project site is subject to ambient noise associated with the operation of uses surrounding the site given its location in a highly developed area (e.g., operation of nearby commercial uses). Mitigation Measure NOI-2 would require an acoustical study to ensure that the exterior and interior noise levels would not exceed acceptable levels as defined by the California Building Code. Therefore, the proposed project would be consistent with Noise Goal 3.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
Cultural Resources Element	
<p>Cultural Resources Goal 1: Preserve and protect historical, archaeological, and paleontological resources.</p>	<p>Consistent. As described further in Section 4.5, Cultural Resources, of this EIR, there are no known historic resources on the sites. As such, the proposed project would not interfere the preservation of historical resources.</p> <p>Impacts with respect to archaeological and paleontological resources are addressed in Sections 4.5, Cultural Resources, and 4.6, Geology and Soils, of this EIR. As discussed in these sections of the EIR, project-related impacts with respect to archaeological and paleontological resources would be less than significant following implementation of mitigation. Mitigation Measures GEO-4, GEO-5, and CUL-1, which include measures to reduce potential impacts to archaeological and cultural resources and previously undiscovered buried human remains. Therefore, the proposed project would be consistent with Cultural Resources Goal 1.</p>
<p>Cultural Resource Policy 1.1: Balance the benefits of development with the project’s potential impacts to existing cultural resources.</p>	<p>Consistent. As described further in Section 4.5, Cultural Resources, of this EIR, the project site is located in an area of the City of San Juan Capistrano that is archaeologically sensitive for cultural resources. Potential project-related impacts with respect to cultural resources would be less than significant following implementation of mitigation. Mitigation Measures CUL-1 and CUL-2 involve cultural resources monitoring during construction and procedures for the handling of any cultural artifact encountered during construction or operation. As such, potential impacts to cultural resources would be minimized, and the project would be consistent with Cultural Resource Policy 1.1.</p>
Community Design Element	
<p>Community Design Goal 1: Encourage and preserve a sense of place.</p>	<p>Consistent. The proposed residential development would be constructed using high-quality building materials. By incorporating both farmhouse style and a California Spanish architectural design, the project would be visually consistent with surrounding development and the general character of San Juan Capistrano. Further, the multi-use trail and associated recreation amenities proposed as part of the project would incorporate human-scale features, such as gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations. All buildings and structures developed as part of the project would be a cohesive design and would be required to comply with development standards and regulations outlined in the City’s Municipal Code. Therefore, the proposed project would be consistent with Community Design Goal 1.</p>
<p>Community Design Policy 1.2: Encourage high-quality and human scale design in development to maintain the character of the City.</p>	<p>Consistent. The proposed residential development would be constructed using high-quality building materials. By incorporating both farmhouse style and a California Spanish architectural design, the project would be visually consistent with surrounding development and the general character of San Juan Capistrano. Further, the multi-use trail and associated recreation amenities proposed as part of the project would incorporate human-scale features, such as gathering areas, a climbing boulder, play areas, an equestrian hitching post, and exercise stations. Therefore, the proposed project would be consistent with Community Design Policy 1.2.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Community Design Goal 2: Preserve the historic character of the community.</p>	<p>Consistent. The project site is not located within close proximity to buildings exhibiting the historic or traditional character of the community. Building design features as part of the project would feature California Spanish- and Farmhouse- style designs, which would be visually consistent with existing character of San Juan Capistrano and the setting of surrounding development (e.g., commercial uses developed with a similar architectural character and design). Therefore, the proposed project would be consistent with Community Design Goal 2.</p>
<p>Community Design Policy 2.1: Encourage the development which complements the City’s traditional, historic character through site design, architecture, and landscaping.</p>	<p>Consistent. The proposed residential development would be designed with California Spanish- and Farmhouse- style elevations for both the single-family residential units and townhomes. Incorporation of this architectural style would ensure the project would be visually and historically consistent with San Juan Capistrano’s character. Additionally, proposed improvements to the San Juan Creek Trail would include a multi-use trail and associated recreation amenities. Recreation amenities and landscaping improvements proposed as part of the project would enhance the existing natural features of the adjacent San Juan Creek. Further, the multi-use trail would allow equestrian use and would complement the City’s equestrian heritage. Therefore, the proposed project would be consistent with Community Design Policy 2.1.</p>
<p>Community Design Goal 3: Preserve and enhance natural features.</p>	<p>Consistent. Although the project site is not considered to be a natural feature, the proposed project would enhance the existing visual setting of the project site by converting the existing underutilized property to a residential community featuring California Spanish- and Farmhouse- style designs, which would be visually consistent with existing character of San Juan Capistrano. Following development of the site, views of the property from the San Juan Creek trail and adjacent roadways would be improved. Furthermore, views of existing natural features, such as the San Juan Creek and adjacent hillsides, will be enhanced and more accessible during project operation. Therefore, the proposed project would be consistent with Community Design Goal 3.</p>
<p>Community Design Policy 3.1: Limit development of important natural characteristics such as ridgelines, unique hillside features and creeks.</p>	<p>Consistent. The existing project site is primarily characterized by dirt and scattered ruderal vegetation and is relatively flat with a slight slope to the east/southeast. Although the project site is located adjacent to San Juan Creek, the proposed residential development is located in a developed portion of San Juan Capistrano and would not infringe on the natural characteristics of the creek. As part of the project, proposed improvements to the San Juan Creek Trail would improve pedestrian, cyclist, and equestrian access and use of the trail. Further, proposed recreation amenities and landscaping improvements would enhance the existing natural features of San Juan Creek. Therefore, the proposed project would be consistent with Community Design Policy 3.1.</p>
<p>Community Design Policy 3.3: Preserve and enhance scenic transportation corridors, including Interstate 5 and the railroad.</p>	<p>Consistent. The project site is visible from I-5. Currently, views of the project site from I-5 consist of a vacant lot, as well as views of adjacent commercial uses and the Ortega Equestrian Center. Following project implementation, views of adjacent development across the site would be slightly obstructed compared to existing conditions, but views of the Santa Ana Mountains beyond would be preserved. All structures developed on the project site would be of either California Spanish or Farmhouse architectural styles. As such, the architectural style and design of the proposed residences would be consistent with the visual character of the surrounding area, including the nearby 24 Hour Fitness facility and senior apartments. Further, improvements associated with the proposed project are anticipated to enhance views of the</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
	project site from I-5 and would serve to provide increased visual cohesion between the project site and the surrounding area. Therefore, the proposed project would be consistent with Community Design Policy 3.3.
Community Design Policy 3.4: Preserve important viewsheds.	Consistent. The project site contains scenic views of the Colinas Hills, Saddleback Mountain, and the Santa Ana Mountains, and is near public scenic corridors associated with San Juan Creek Road and La Novia Avenue. Implementation of the proposed project would not substantially affect viewsheds in the vicinity of the project due to the prominence of the surrounding hillsides. Further, landscaping proposed throughout the project site would enhance and frame important viewsheds. Therefore, the proposed project is consistent with Community Design Policy 3.4.
Growth Management Element	
Growth Management Goal 1: Coordinate rational and orderly growth that assures the economic and efficient provision of public services and infrastructure to new development.	Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would be served by existing public services and infrastructure. The project would also be required to pay Development Impact Fees to the Capistrano Unified School District, and park in-lieu fees, established by the City, which would serve to ensure the provision of public services and infrastructure to the project. In addition, the proposed residential uses are consistent with the allowable General Plan land use designations for the site, and would implement the orderly growth envisioned in the General Plan. Therefore, the proposed project would be consistent with Growth Management Goal 1.
Growth Management Policy 1.2: Approve only those development proposals for which there is sufficient funding through the developer, City, or other agency to provide a level of service and infrastructure which meet established goals.	Consistent. The Project Applicant would fund the proposed project and pay all applicable Development Impact fees. The project would comply with all regulations established in the City’s Municipal Code, and would be consistent with the City’s General Plan. As such, approval of the proposed project would be sufficiently funded such that existing services and infrastructure would meet established goals. Therefore, the proposed project would be consistent with Growth Management Policy 1.2.
Growth Management Policy 1.3: Monitor growth to ensure that service standards are achieved.	Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would be served by existing public services and infrastructure. The project would also be required to pay Development Impact Fees established by the City, which would serve to ensure the provision of public services and infrastructure to the project. In addition, the proposed residential uses are consistent with the allowable General Plan land use designations for the site, and would implement the orderly growth envisioned in the General Plan. As such, the proposed project would not interfere with the ability of providers to achieve service standards. Therefore, the proposed project would be consistent with Growth Management Policy 1.3.
Growth Management Goal 3: Provide for a balance of jobs and housing through land use planning.	Consistent. The proposed project would result in population growth because the proposed project would provide 132 residential units on the project site. It is anticipated that some of these residents would find employment or have existing employment within the City. The City has been developed primarily with residential uses and some commercial and service sector uses. San Juan Capistrano and the surrounding subregions are considered “housing rich,” and many residents drive to other parts of Orange County or neighboring counties for employment. SCAG applies the jobs-to-housing ratio at the regional and subregional level as a tool for analyzing the fit between jobs, housing, and infrastructure.

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
	<p>The American Planning Association (APA) is an authoritative resource for community-planning best practices, including recommendations for assessing jobs-to-housing ratios. The APA recognizes that an ideal jobs-to-housing ratio will vary from jurisdiction to jurisdiction. In general, the recommended target for an appropriate jobs-to-housing ratio is 1.5, with a recommended range of 1.3 to 1.7 (Weitz 2003).</p> <p>San Juan Capistrano is currently within the jobs-to-housing ratio range recommended by the APA. According to the 2016–2040 RTP/SCS Final Growth Forecast by Jurisdiction (SCAG 2016), San Juan Capistrano had a jobs-to-housing ratio of 1.28 in 2012 and is projected to have a jobs-to-housing ratio of 1.29 in 2020 and 1.35 in 2035 through 2040. Therefore, San Juan Capistrano is currently just below the jobs-to-housing ratio range recommended by the APA. The increase in the jobs-to-housing ratio suggests that the job growth expected in the region will be larger than the expected growth in housing.</p> <p>Due to the assumption that job growth in the region would be larger than the expected growth in housing, it is likely that the additional residents generated by the proposed project would contribute to a balance between jobs and housing. Additionally, the proposed project was identified in the Housing Element as a site suitable for residential development. As such, the proposed project has already been planned for in City planning documents, which take into account the need to provide a balance of jobs and housing. Therefore, the proposed project would be consistent with Growth Management Goal 3.</p>
<p>Growth Management Policy 3.1: Consider jobs/housing balance in the City and the region as a factor in land use decision making.</p>	<p>Consistent. As discussed above, the proposed project would provide housing on a site identified for residential development in the Housing Element of the City’s General Plan. According to the 2016–2040 RTP/SCS Final Growth Forecast by Jurisdiction (SCAG 2016), it is anticipated that the region will experience job growth larger than the expected growth in housing. As such, project implementation would result in jobs/housing balance in the City and the region. Therefore, the proposed project would be consistent with Growth Management Policy 3.1.</p>
Parks and Recreation Element	
<p>Parks & Recreation Goal 1: Provide, develop, and maintain ample park and recreational facilities that provide a diversity of recreational activities.</p>	<p>Consistent. The proposed project would include a recreational area containing a gathering area with barbeques, seating, a shade structure, a climbing boulder, and a wishing well; an open play turf area with benches; an equestrian hitching post; and exercise stations. Additionally, the project would install a 20 ft wide multi-use trail for pedestrian, bicycle, and equestrian use along the San Juan Creek Trail. The Homeowner’s Association (HOA) for the site would provide regular maintenance of the trail and recreation amenities. Therefore, the proposed project would be consistent with Parks & Recreation Goal 1.</p>
<p>Parks & Recreation Policy 1.6: Increase the accessibility of existing open space areas for recreational activities.</p>	<p>Consistent. The 20 ft wide multi-use trail proposed as part of the project would improve the connection to existing open space areas along the San Juan Creek trail for pedestrian, bicycle, and equestrian users. The trail provides access to the City of Dana Point and the Pacific Ocean, as well as linkages with other trails and recreational facilities along the trail. As such, implementation of the proposed project and the associated 20 ft multi-use trail would increase the accessibility of existing open space areas for recreational activities. Therefore, the proposed project would be consistent with Parks & Recreation Policy 1.6.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Parks & Recreation Policy 1.7: Provide parkland improvements and facilities that are durable and economical to maintain.</p>	<p>Consistent. Amenities included as the proposed project, such as a climbing boulder, an open play turf area, exercise stations, and a 20 ft wide multi-use trail, are typically long-lasting and do not require frequent maintenance or replacement. As such, the proposed project would provide parkland improvements and facilities that are durable and economical to maintain. Therefore, the proposed project would be consistent with Parks & Recreation Policy 1.7.</p>
<p>Parks & Recreation Goal 2: Develop and expand the existing bicycle, hiking, and equestrian trail system and facilities.</p>	<p>Consistent. As previously discussed, the project would install a 20 ft wide multi-use trail for pedestrian, bicycle, and equestrian use along the San Juan Creek Trail. This improvement would develop and expand the existing trail system for pedestrian, bicycle, and equestrian uses. Therefore, the proposed project would be consistent with Parks & Recreation Goal 2.</p>
<p>Parks & Recreation Policy 2.1: Develop and expand the existing trails network that supports bicycles, pedestrians, and horses, and coordinate linkages with those networks of adjacent jurisdictions.</p>	<p>Consistent. The proposed project would install a 20 ft wide multi-use trail along the southern boundary of the site along San Juan Creek. This multi-use trail would connect on-site recreational amenities to off-site locations via a linkage with the existing San Juan Creek Trail, which continues to the adjacent City of Dana Point. The proposed trail would support bicycles, pedestrians, and horses, and would provide access to the Ortega Equestrian Center to the east and the Trabuco Creek Trail to the west. Therefore, the proposed project would be consistent with Parks & Recreation Policy 2.1.</p>
<p>Parks & Recreation Policy 2.2: Preserve the equestrian lifestyle by designating land for the preservation or provision of new equestrian facilities.</p>	<p>Consistent. As discussed above, the proposed project would install a 20 ft wide multi-use trail along the southern boundary of the site, which would connect recreational amenities (such as an equestrian hitching post) to off-site amenities (e.g., the Ortega Equestrian Center). As such, project operation would encourage access to the multi-use trail and promote opportunities for equestrian activities by providing designated riding space along the San Juan Creek Trail, and provide connectivity to existing equestrian facilities such as the Ortega Equestrian Center. Therefore, the proposed project would be consistent with Parks & Recreation Policy 2.2.</p>
<p>Public Services Element</p>	
<p>Public Services & Utilities Goal 1: Work with the Orange County Sheriff’s Department to provide a sufficient level of law enforcement.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would have a negligible impact on the Orange County Sheriff’s Department goal of providing one police officer for every 1,300 residents. As such, the proposed project would not interfere with the ability of OCSD to provide sufficient levels of law enforcement. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 1.</p>
<p>Public Services & Utilities Policy 1.1: Work closely with the Orange County Sheriff’s Department in determining and meeting community needs for law enforcement services.</p>	<p>Consistent. As established above, the increase in population associated with the proposed project would be minimal compared to the number of police officers currently employed by the City. As established above, the proposed project would have a negligible impact on the Orange County Sheriff’s Department goal of providing one police officer for every 1,300 residents. As such, the proposed project would not interfere with the ability of OCSD to provide sufficient levels of law enforcement. Therefore, the proposed project would be consistent with Public Services & Utilities Policy 1.1.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Public Services & Utilities Goal 2: Work with the Orange County Fire Authority to provide a sufficient level of fire protection.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would result in a small increase in demand for fire protection services, but would not trigger the need for new or altered facilities. As such, the proposed project would not interfere with the ability of OCFA to provide sufficient levels of fire protection. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 2.</p>
<p>Public Services & Utilities Policy 2.1: Work closely with the Orange County Fire Authority to ensure that San Juan Capistrano has appropriate levels of fire protection services.</p>	<p>Consistent. As established above, the proposed project would not interfere with the ability of OCFA to provide sufficient levels of fire protection. The design of the proposed project would comply all OCFA design and access requirements to facilitate the efficient use of fire protection services in the event of an emergency. Furthermore, the project would meet all California Fire Code Requirements, and Section R337, Materials and Construction Methods for Exterior Wildfire Exposure, of the 2016 California Residential Fire Code, to further minimize impacts related to wildfires. As such, the proposed project would not interfere with the ability of OCFA to maintain appropriate levels of fire protection services. Therefore, the proposed project would be consistent with Public Services & Utilities Policy 2.1.</p>
<p>Public Services & Utilities Goal 3: Work effectively with the Capistrano Unified School District to provide a sufficient level of public education.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would generate approximately 48 new students. It is anticipated that 48 students generated by the proposed project would attend schools within the Capistrano Unified School District (CUSD). The Project Applicant would pay school impact fees pursuant to California Government Code Section 65996 to reduce any impacts of new residential development on school services. Through the payment of impact fees, the proposed project would not interfere with the capacity of CUSD to provide a sufficient level of public education. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 3.</p>
<p>Public Services & Utilities Policy 3.1: Work closely with Capistrano Unified School District in determining and meeting community needs for public education and related activities.</p>	<p>Consistent. As discussed above, the project Application would pay the applicable school impact fees to CUSD to ensure that CUSD is able to continue to meet community needs for public education and related activities. Pursuant to California Government Code Section 65996, a project's impact on school facilities is fully mitigated through the payment of the requisite school facility development fees at the time a building permit is issues. As such, the proposed project would not interfere with the capacity of CUSD to continue to meet community needs for public education and related activities. Therefore, the proposed project would be consistent with Public Services & Utilities Policy 3.1.</p>
<p>Public Services & Utilities Goal 4: Provide sufficient community facilities.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would not have a significant impact to community facilities. Currently, the City maintains a parkland standard of 5 acres of park space per 1,000 residents. The proposed project includes the development of recreation areas along the multi-purpose trail that would satisfy a portion of the total required parkland dedication. In combination with in-lieu park fees, the on-site parkland dedicate would satisfy City requirements for the provision of parkland. The proposed project's increase on library and other community facilities would be incremental and would not necessitate the need for expanded facilities or degrade the quality of existing facilities. As such, the proposed project would not interfere with the City's ability to provide sufficient community facilities. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 4.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Public Services & Utilities Goal 5: Work with the Orange County Public Library to provide a sufficient level of library facilities and services.</p>	<p>Consistent. As described further in Section 4.15, Public Services, of the Initial Study (Appendix A of this EIR), the proposed project would result in an incremental increase in demand for library services or facilities, but would not necessitate the need for expanded library facilities or services.</p> <p>Therefore, the proposed project would be consistent with Public Services & Utilities Goal 5.</p>
<p>Public Services & Utilities Goal 6: Provide sufficient levels of water and sewer service.</p>	<p>Consistent. Impacts with respect to water and wastewater facilities are addressed in Section 4.19, Utilities and Service Systems, of the Initial Study (Appendix A of this EIR). As discussed in this section, project related impacts to water and sewer service would be less than significant. Existing water and sewer service providers would be able to accommodate project-generated water demand and sewer service demand. Receiving waters and existing downstream storm drainage facilities have sufficient capacity to accommodate project-generated increase in runoff. Furthermore, the Project Applicant would fund any required upgrades to adequately serve the project. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 6.</p>
<p>Public Services & Utilities Goal 7: Work effectively with providers of natural gas, electricity, telephone, cable television, and solid waste disposal to provide sufficient levels of these services.</p>	<p>Consistent. As described further in Section 4.19, Utilities and Service Systems, of the Initial Study (Appendix A of this EIR), the proposed project would not impact the ability of providers of natural gas, electricity, telephone, cable television, and solid waste disposal to provide sufficient levels of these services. As discussed in Section 4.19 of the Initial Study, project-related demand for natural gas, electricity, telephone, cable, television, and solid waste disposal services would be minimal in comparison to the existing capacity of the respective providers. Moreover, the Project Applicant would pay all applicable fees for new connections to existing utility infrastructure. As such, the project would not interfere with the ability of existing service and utility providers to serve the project. Therefore, the proposed project would be consistent with Public Services & Utilities Goal 7.</p>
Floodplain Management Element	
<p>Floodplain Management Goal 1: Protect life and property from floodwaters.</p>	<p>Consistent. As discussed in Section 4.8, Hydrology and Water Quality, of this EIR, the proposed would project would comply with regulatory standards as specified in Regulatory Compliance Measures WQ-1 and WQ-2 to ensure that impacts related to flood flows on the project site would be less than significant. Regulatory Compliance Measure WQ-1 requires an Elevation certificate to ensure compliance with Section 8.11-115 of the City’s Municipal Code. In addition, Regulatory Compliance Measure WQ-1 states that all new residential construction and substantial improvement of any structure in Zone AE of the project site shall have the lowest floor, including basement, elevated at least 1 foot above the base flood elevation. Regulatory Compliance Measure WQ-2 ensures that construction of the proposed project would not begin until the required CLOMR-F and LOMR-F are approved by the City, OCFCD, and FEMA and the City. These requirements and approvals would ensure that development of the proposed project would not interfere with the protection of life and property from floodwaters. Therefore, the proposed project would be consistent with Floodplain Management Goal 1.</p>

Table 4.9.A: General Plan Policy Consistency Analysis

Policies	Consistency Analysis
<p>Floodplain Management Goal 2: Preserve and enhance the natural character of the creeks and their floodplains.</p>	<p>Consistent. The proposed project would not include any features or characteristics that would interfere with the natural character or the San Juan Creek and its associated floodplain. As stated previously, the proposed project would install a 20 ft wide multi-use trail along the southern boundary of the site along the San Juan Creek. The design of the multi-use trail would not conflict with the natural character of the creek and its associated floodplain. The multi-use trail would encourage recreational use of the floodplain and open space adjacent to the creek, and as such enhance the natural character of the area. Therefore, the proposed project would be consistent with Floodplain Management Goal 2.</p>
<p>Floodplain Management Goal 3: Preserve and enhance the recreational opportunities and amenities provided by the creeks and their floodplains.</p>	<p>Consistent. The proposed project would include a 20 ft multi-use trail along the southern boundary of the project site. The multi-use trail would connect with the existing San Juan Creek Trail. This trail would provide additional public access to distant views of the surrounding hills. As such, the proposed project would enhance the recreational opportunities available in the San Juan Creek floodplain. Therefore, the proposed project is consistent with Floodplain Management Goal 3.</p>

Source: City of San Juan Capistrano General Plan, as amended.

CAL FIRE = California Department of Forestry and Fire Protection

CBC = California Building Code

CDP = Comprehensive Development Plan

City = City of San Juan Capistrano

CNEL = Community Noise Equivalent Level

dba = A-weighted decibel(s)

EIR = Environmental Impact Report

FEMA = Federal Emergency Management Agency

ft = foot/feet

I-5 = Interstate 5

NPDES = National Pollutant Discharge Elimination System

OCFA = Orange County Fire Authority

OCSD = Orange County Sheriff's Department

RTP/SCS = Regional Transportation Plan/Sustainable Communities Strategy

SCAG = Southern California Association of Governments

City of San Juan Capistrano Municipal Code. As previously stated, the site is zoned as a Planned Community District associated with the adopted Ortega Planned Community Comprehensive Development Plan (CDP) 78-01. The purpose of the Planned Community zone is to encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses. As explained above, the Project Applicant would be entitled to a concession and waivers of certain development standards for providing restricted affordable units in the project.

Development Standards. Section 9-3.301 of the Municipal Code outlines permitted uses and minimum development standards allowed in residential zones. Section 9-3.315, Planned Community (PC) Districts, of the City's Zoning Code includes applicable development standards for the PC District zoning classification. According to CDP 78-01, development standards for the project site are governed by Planning Sectors B-3 and C.

As outlined in this section of the City's Municipal Code, the regulations for the PC District are designed to permit the adoption of a Comprehensive Development Plan (CDP) providing for a diversity of uses, building relationships, and open spaces within planned building groups, while insuring compliance with the General Plan and this Code.

According to CDP 78-01, design standards for the project site are governed by Planning Sectors B-3 and C. Table 4.9.B shows the proposed project’s consistency with development standards outlined in CDP 78-01. As shown in Table 4.9.B, the proposed project would be consistent with development standards required by CDP 78-01 following approval of the affordable housing concession and waivers discussed above.

Table 4.9.B: Ortega Planned Community Development Standards Consistency Analysis

Development Standards	Proposed Project Consistency
CDP 78-01 Planning Sector B-3	
Maximum Density: 30 du/ac	Consistent. The project proposes a density of 8.2 du/ac, which would not exceed the maximum allowable density of 30 du/ac. Therefore, the proposed project is consistent with the maximum density requirement in CDP 78-01 Planning Sector B-3.
Minimum Lot Area: 1 acre	Consistent. The project site is 16.09 acres in size, which exceeds the minimum required lot area of 1 acre. Therefore, the proposed project is consistent with the minimum lot area requirement in CDP 78-01 Planning Sector B-3.
Minimum Street Frontage: 150 ft	Consistent. The project proposes a street frontage of approximately 635 ft. Therefore, the proposed project would be consistent with the minimum street frontage requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Front Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20 ft front yard setbacks, with exception to two units which are proposed to be located 0 ft from two different side yards. State law prohibits local agencies from applying development standards that would physically preclude construction of a development involving a request for incentives in exchange for the inclusion of restricted affordable units pursuant to Government Code Sections 65915(b) and 65915(e)(1). The standards governing the setbacks and distance between buildings of the project would physically preclude construction of the project. Without the requested waivers of those standards, the project would be physically precluded by a lack of space from providing the proposed number of restricted affordable units within the available building envelope. Reducing the setbacks will allow adequate space for construction of the planned 14 restricted affordable units. Under the provisions of Government Code Section 65915(e)(1), the City must therefore approve the waiver requested in order to prevent the physical preclusion of including affordable units and applying derivative incentives. Therefore, the proposed project is consistent with the minimum front yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Side Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20-ft side yard setbacks. Therefore, the proposed project is consistent with the minimum side yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Minimum Rear Yard: 20 ft	Consistent. The proposed residential development would include a minimum of 20 ft rear yard setbacks. Therefore, the proposed project is consistent with the minimum rear yard requirement in CDP 78-01 Planning Sector B-3.
Two-Story Maximum Lot Coverage Ratio: 35%	Consistent. The proposed residential development would cover 13% of the lot, which does not exceed the maximum lot coverage ratio of 35%. Therefore, the proposed project is consistent with the maximum lot coverage requirement in CDP 78-01 Planning Sector B-3.

Table 4.9.B: Ortega Planned Community Development Standards Consistency Analysis

Development Standards	Proposed Project Consistency
Second Story Maximum Floor Area Ratio Limitation of 80%	Consistent. Pursuant to the State Density Bonus Law (Government Code Section 65915) and the City’s Municipal Code Section 9-3.505, the Project Applicant is entitled to one incentive or concession providing relief from site development standards, zoning code requirements, or architectural design requirements otherwise applicable to the project. The proposed project would request a concession rendering the restriction of second- story floor area to no more than 80% of the first-story floor area inapplicable to the project. Because the City is legally obligated to grant the concession, the project would be consistent with the maximum second floor/first floor ratio in CDP 78-01 Planning Sector B-3.
Maximum Building Height: 35 ft	Consistent. The project proposes to build three-story townhomes with a maximum height of approximately 40 ft, which exceeds the maximum building height requirement of 35 ft. However, the areas that exceed the 35 ft height limit consist of roof gables and non-living attic space, which are solely included as articulation of the roofline. The City’s Municipal Code permits architectural projections to encroach into the height limit, and the encroachment of roof gables 5 ft above the height limit is approvable, with 40 ft maximum building heights allowed. Therefore, the proposed project is consistent with the maximum building height requirements in CDP 78-01 Planning Sector B-3.
CDP 78-01 Planning Sector C	
Minimum Lot Size: 15,000 sf	Consistent. The project site is approximately 16.09 acres, or 700,880 sf, which exceeds the minimum lot size requirement of 15,000 sf. Therefore, the proposed project is consistent with the minimum lot size requirements in CDP 78-01 Planning Sector C.

Sources: City of San Juan Capistrano, Ortega Planned Community (CDP) 78-01, Planning Sectors B-3 and C; City of San Juan Capistrano Municipal Code Sections 9-3.301 and 9-3.535.

CDP = Comprehensive Development Plan
City = City of San Juan Capistrano
du/ac = dwelling units per acre
ft = foot/feet
sf = square foot/feet

As shown in Table 4.9.A, the proposed project would be consistent with development standards required by CDP 78-01 following approval of the waiver discussed above.

Parking Standards. The proposed project would provide parking spaces along Paseo Tirador in the southern portion of the project site and along the western boundary.

Section 9-.535, Parking, in the City’s Municipal Code, requires 2 covered spaces per single-family and multi-family residential unit, and 0.8 guest spaces per residential unit. By this standard, the proposed project would require a minimum of 369 parking spaces, including 120 single-family unit spaces and 249 townhome spaces. The project proposes to provide 389 on-site parking spaces, including 139 single-family unit spaces and 250 townhome spaces. Five guest spaces would be Americans with Disabilities Act (ADA) accessible, including one van-accessible space and four standard spaces. To comply with 2019 California Green Building Standards Code (CALGreen Code), 8 of the 72 multi-family guest stalls would be capable of supporting future electric vehicle (EV) connections. The project would satisfy the City’s parking requirements and would provide a surplus of 20 parking spaces on the

project site. Therefore, the project would comply with the City's parking requirements as established in Section 9-5.535 in the City's Municipal Code.

For the reasons discussed above, the proposed project would result in less than significant impacts related to potential conflicts with applicable land use plans, policies, and regulations, and no mitigation is required.

4.9.7 Level of Significance Prior to Mitigation

There would be no potentially significant impacts related to land use and planning.

4.9.8 Regulatory Compliance Measures and Mitigation Measures

4.9.8.1 Regulatory Compliance Measures

No regulatory compliance measures are required for the proposed project.

4.9.8.2 Mitigation Measures

No mitigation is required for the proposed project.

4.9.9 Level of Significance after Mitigation

There would be no significant unavoidable adverse impacts of the proposed project related to land use and planning. No mitigation would be required.

4.9.10 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for land use. The cumulative impact area for land use for the proposed project is the City of San Juan Capistrano. Several residential and commercial development projects are approved and/or pending within the City. Each of these projects, as well as all proposed development in the City, would be subject to its own General Plan consistency analysis and would be reviewed for consistency with adopted land use plans and policies.

The City of San Juan Capistrano is an urbanized area with a wide variety of established land uses. The land around the project site has been developed with a variety of residential, business park, open space, commercial, and equestrian uses. The area immediately south of the project site contains the San Juan Creek channel and a hillside area, and is primarily undeveloped.

As previously stated, the project site is designated for Planned Community uses on the City's General Plan Land Use Map. There are also small portions of the project site designated as General Open Space and Community Park. The proposed land uses are consistent with these designations, and no General Plan Amendment or zoning changes would be required to implement the proposed project. While the proposed project does not require a Zone Change, the Project Applicant would request a concession and waivers to development standards in exchange for providing affordable units restricted to households of moderate income. In total, 14 of the townhomes, or approximately

10.6 percent of the total units, would be designated affordable and would allow the Project Applicant to apply for a concession and waivers to development standards. Following approval of the requested concession and waivers, the project would be consistent with the City's Zoning Ordinance, and cumulative land use impacts would be considered less than significant.

The proposed project would include land uses that are consistent with the surrounding neighborhoods, and therefore would not contribute to a pattern of development that adversely impacts adjacent land uses or conflicts with existing or planned development. As discussed further above, proposed on-site improvements would be consistent with the long-range planning goals of local and regional governing plans and policies for the surrounding area.

There are no incompatibilities between the proposed project and planned future projects in the City, which primarily include residential and commercial developments. All identified City-related projects would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, the related projects are anticipated to be consistent with applicable General Plan and zoning requirements, or would be subject to allowable exceptions; further, they would be subject to CEQA, mitigation requirements, and design review as applicable. Therefore, the proposed project would not contribute to a cumulatively significant land use compatibility impact in the study area, and no mitigation is required.

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