

## 8. Impacts Found Not to Be Significant

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California Public Resources Code Section 21003 (f) states: "...it is the policy of the state that...[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." This policy is reflected in the State California Environmental Quality Act (CEQA) Guidelines (Guidelines) Section 15126.2(a), which states that "[a]n EIR [Environmental Impact Report] shall identify and focus on the significant environmental impacts of the proposed project" and Section 15143, which states that "[t]he EIR shall focus on the significant effects on the environment."

A Notice of Preparation (NOP) for the proposed project was distributed by the City on January 12, 2018 to the State Clearinghouse, responsible agencies, and interested parties (see Appendix A of this DEIR). Four environmental topical areas—Agriculture and Forest Resources, Mineral Resources, Population and Housing, and Recreation—were determined not to require further analysis for the site specific reasons discussed in this section. Furthermore, no impacts would occur with respect to specific environmental issues areas related to Biological Resources (riparian habitat and adopted habitat plans), Geology and Soils (fault rupture, landslides, septic tanks), Hazards and Hazardous Materials (hazardous materials within quarter mile of a school, listed hazardous materials site, airport hazards, emergency response plans, designated fire hazard zone), Hydrology and Water Quality (failure of dam, seiche, tsunami, or mudflow), Land Use (divide established community), Noise (airport noise), Public Services (schools and parks), and Transportation and Traffic (air traffic patterns). These issue areas do not require further analysis for the reasons discussed in this section. All other applicable environmental issue categories have been evaluated in this DEIR.

The impact categories and threshold questions below are taken directly from the CEQA Appendix G Environmental Checklist to provide the brief statements of the reasons for determining no impact and that no further detail is required in the DEIR as permitted by CEQA Guidelines Section 15128.

### 8.1 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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**AG-1** Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**No Impact.** The project site is mapped as Urban and Built-Up Land, and not as important mapped farmland, on the California Important Farmland Finder maintained by the Division of Land Resource Protection (DLRP 2018). Project development would not convert important mapped farmland to non-agricultural use, and no impact would occur.

**AG-2** Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**No Impact.** The General Plan land use and Zoning designation of the project site is Specific Plan/Precise Plan. The project site is designated Low Density Commercial (LDC) in the current Los Rios Specific Plan, which allows for nurseries, open markets, arts and crafts workshops, display, retail and conditionally approved equestrian uses. Permitted non retail uses include greenhouse, crop and tree farming, and wholesale nursery. The proposed project would continue to permit these uses within the Commercial Core Planning Area and would not conflict with existing zoning for agricultural uses.

Williamson Act contracts restrict the use of privately owned land to agriculture and compatible open space uses under contract with local governments. In exchange, the land is taxed based on actual use rather than potential market value. The site is not under a Williamson Act contract (DLRP 2004). No impact would occur.

**AG-3** Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?

**No Impact.** The General Plan land use and Zoning designation of the project site is Specific Plan/Precise Plan. Within the Los Rios Specific Plan, the site is designated as Low Density Commercial (LDC). The site is not zoned as forest land, timberland, or timberland production, and no impact would occur.

**AG-4** Would the project result in the loss of forest land or conversion of forest land to non-forest use?

**No Impact.** The project site is a commercial nursery. The site is not forest land, and project development would not convert forest land to non-forest use. No impact would occur.

**AG-5** Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

**No Impact.** The project site is not mapped important farmland or forest land, and no impact would occur.

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### 8.2 AESTHETICS

**AE-2** Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No Impact.** As discussed under Section 5.1.1.2 of this DEIR, the project site is not located near a state- or county-designated scenic highway. SR-74 east of I-5 and I-5 south of SR-74 are eligible for scenic highway status but not officially designated. These roadway segments are not visible from the project site. Furthermore, due to its location near the downtown of a largely developed community, views of the project site from these highways are obstructed by buildings, trees, and other vegetation. Implementation of the proposed project would not alter scenic resources within a state scenic highway and no impacts would occur.

### 8.3 BIOLOGICAL RESOURCES

**B-2** Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

**No Impact.** Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies; that are known to provide habitat for sensitive animal or plant species; or are known to be important wildlife corridors. Riparian habitats are those occurring along the banks of rivers and streams. No riparian, vernal pool or sensitive natural communities regulated by the CDFW occur within or adjacent to the project site. The project site is dominated by heavily disturbed, developed lands, and does not possess any native vegetation communities. No impact would occur.

**B-6** Would the project conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**No Impact.** The project site is in the plan area of the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for the Central and Coastal Subregion of Orange County. The NCCP/HCP plan area spans approximately 208,000 acres, including 37,378 acres of reserves; and protects 39 covered species in 12 natural communities (CDFW 2017; COEMA 1996). The project site is in an area designated for urban development and is not in a reserve designated under the NCCP/HCP—there are no survey requirements for the site pursuant to the NCCP/HCP. Additionally, the project site is developed/disturbed and in an urbanized of the city, and does not support any sensitive habitat and/or species that are protected by the NCCP/HCP. Therefore, project development would not result in a conflict, either directly or indirectly, with the established NCCP/HCP. No impact would occur.

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### 8.4 GEOLOGY AND SOILS

**G-1(i)** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42?)

**No Impact.** There are no known active faults in or near the project site. The nearest known active fault to the project site is the Newport-Inglewood Fault about 19 miles to the northwest; the nearest Alquist-Priolo Earthquake Fault Zone to the site is along the Newport-Inglewood Fault. Project development would not subject people or structures to hazards from surface rupture of a known active fault.

**G-1(iv)** Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

**No Impact.** The site and surroundings are nearly level. The nearest slope to the site is the east bank of Trabuco Creek, opposite Paseo Adelanto west of the site, which is concrete and does not pose a landslide hazard.

**G-5** Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**No Impact.** There are sewer mains in Paseo Adelanto and Los Rios Street. Proposed project construction would include construction of sewer laterals to connect to existing mains. Project development would not use septic tanks. No impact would occur.

### 8.5 HAZARDS AND HAZARDOUS MATERIALS

**HAZ-3** Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school?

**No Impact.** There are no schools within 0.25 mile of the project site, and project development would not emit hazardous substances or handle hazardous materials within 0.25 mile of an existing or proposed school. No impact would occur.

**HAZ-4** Is the project located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**No Impact.** A regulatory records review and environmental radius report was conducted for the project site as part of the Phase I Environmental Site Assessment (see Appendix F1 of this DEIR). No listings of environmental hazards were identified on the project site. No impact would occur.

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**HAZ-5** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The closest airport to the site is the John Wayne Airport located 17 miles to the northwest. The project site is outside the Airport Environs Land Use Plan (AELUP) for John Wayne Airport (AELUP 2007). Therefore the site is not located within an airport land use plan or within two miles of a public airport or public use airport where such a plan has not been adopted. Thus, no impact would occur.

**HAZ-6** For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The project is not within the vicinity of a private airstrip (AirNav 2018); therefore, the project would not result in a safety hazard for people residing or working in the project area. Thus, no impact would occur.

**HAZ-7** Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The City of San Juan Capistrano has an emergency preparedness plan that designates procedures to be followed in a major emergency. The plan identifies resources available for emergency response and establishes coordinated action plans for specific emergency situations and disasters, including earthquakes, fires, major rail and roadway accidents, flooding, hazardous materials incidents, civil disturbance, and nuclear disasters and attack.

Project construction and operation would not block emergency evacuation routes, such as by construction staging or stockpiling soil or other materials. The construction of internal circulation and dedicated emergency access along the eastern boundary of the site would allow better access and circulation in the project vicinity during an emergency. The proposed project would not interfere with emergency access to or evacuation from surrounding properties. It would also not interfere with implementation of provisions of the City's emergency preparedness plan. No impact would occur.

**HAZ-8** Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands?

**No Impact.** The project site and surrounding land are built out with urban land uses; no wildland vegetation that could fuel wildfires is present. The project site does not lie within, and is not adjacent to Very High Fire Hazard Severity Zones as mapped by the California Department of Forestry and Fire Protection (CAL FIRE 2011). Thus, no impact would occur.

### 8.6 HYDROLOGY AND WATER QUALITY

**HYD-9** Would the project expose people or structures to a significant risk of loss, injury or death as a result of the failure of a levee or dam?

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**No Impact.** The project site is outside any dam inundation areas as indicated on the California Office of Emergency Services Dam Inundation Map (Cal OES, 2016). The project is also not subject to flooding due to levees as indicated on FEMA/ Firm Maps (FEMA, 2018). Thus, no impact would occur.

### **HYD-10 Would the project be subject to inundation by seiche, tsunami, or mudflow?**

**No Impact.** A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. There currently are no active aboveground water storage tanks or reservoirs in close proximity to the project site that could cause flooding if the tanks or reservoirs were to fail during a maximum credible earthquake. Thus, no impact would occur.

Tsunamis are large ocean waves caused by underwater seismic activity. When tsunamis hit the coast, they can cause considerable damage to property and put the public at risk. The project site is outside the tsunami hazard zone as indicated on the California Geological Survey's Tsunami Inundation Zones map. Thus, no impact would occur.

Mudflows are associated with landslides and heavy rainfall. The project site is mostly flat with mild slopes and is surrounded by urban development; therefore, no adjacent hillsides could cause mudflows or landslides onto the project site. No impact would occur.

## 8.7 LAND USE

### **LU-1 Would the project physically divide an established community?**

**No Impact.** The project site is within the Los Rios Specific Plan area and is surrounded by a mix of residential and commercial uses to the north, east, and south. Residential uses are also located west of the site across from Paseo Adelanto, the Trabuco Creek Trail, and the Trabuco Creek Channel. Currently the project site is fenced and provides limited access between surrounding land uses. Development would occur within an infill area. The proposed project is designed to enhance bicycle and pedestrian connectivity and provide connections to the Los Rios Specific Plan area, the San Juan Capistrano Metrolink Station, and downtown area. Project development would not divide an established community, and no impact would occur.

### **LU-3 Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** No impact would occur, as substantiated in Section 8.2, *Biological Resources*, Threshold B-6.

## 8.8 MINERAL RESOURCES

### **MIN-1 Would the project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?**

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**No Impact.** The project site is mapped Mineral Resource Zone 3 (MRZ-3) by the California Geological Survey, indicating that it is in an area containing mineral deposits of indeterminable significance. The project site is in a built-out urban area; surrounding uses include residential uses, a petting zoo, a historic district, and a museum, all of which are incompatible with mining use. The project site has operated as a nursery since the early 1970s and project development would not cause a loss of availability of mineral resources valuable to the region, and no impacts would occur.

**MIN-2** **Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact.** No mining sites are identified in the City of San Juan Capistrano General Plan Conservation and Open Space Element (San Juan Capistrano 2014). Project development would not cause a loss of availability of a mining site identified in the City's General Plan or locally important mineral resource, and no impact would occur.

### 8.9 NOISE

**N-5** **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The closest airport to the site is the John Wayne Airport located 17 miles to the northwest. Project development would not expose people onsite to excessive levels of airport-related noise, and no impact would occur.

**N-6** **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The project is not within the vicinity of a private airstrip (AirNav 2018), and project development would not expose people to excessive noise levels. No impact would occur.

### 8.10 POPULATION AND HOUSING

**PH-1** **Would the project induce substantial population growth in an area, directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**No Impact.** The addition of new commercial uses on the project site would result in approximately 250 new employees on the project site. The Southern California Association of Governments (SCAG) forecasts that there will be approximately 17,900 jobs in San Juan Capistrano in 2040 (SCAG 2016), an increase of 5.3 percent from the existing 17,000 jobs estimated by the California Employment Development Department (EDD) for December 2017 (EDD 2018). Jobs generated by the proposed project would be within the projected job growth for the city, representing 27.8 percent of the job growth anticipated between 2017 and 2040. Furthermore, jobs generated by the proposed commercial uses would not substantially increase the

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workforce employed in San Juan Capistrano—they would represent an increase of 1.5 percent from December 2017—and the jobs would be expected to be filled by existing nearby residents. Southern Orange County has a substantial existing labor force within commuting distance of the project site and new employees would not need to move to San Juan Capistrano from outside the region. The proposed project would not induce substantial population growth; and no impact would occur.

The project site is surrounded by urbanized neighborhoods and is already served by City streets, infrastructure, and public services. The proposed project would connect into the existing infrastructure surrounding the project site and would not indirectly induce population growth through the extension of roads, infrastructure, or utilities. No impact would occur.

**PH-2      Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** There are no homes or residents onsite. The proposed project would not displace housing; no impact would occur.

**PH-3      Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** There are no homes or residents onsite. The proposed project would not displace substantial numbers of people; no impact would occur.

### 8.11 PUBLIC SERVICES

**PS-1      Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools, parks, or libraries?**

**No Impact.** Demands for school, parks and library services and facilities are generated by the population within the service area. The proposed project would not increase the number of residents or households in the region and thus would not generate increased demands for schools, parks, or libraries. The proposed project would increase the number of employees on the project site. However, jobs would be expected to be filled by existing nearby residents and would not increase the demand for schools, parks, or libraries. No impact would occur.

### 8.12 RECREATION

**REC-1      Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**



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**No Impact.** Demand for recreational facilities is generated by the population within the parks and recreation service area. The project does not propose development of housing and would not increase the population within the City. The proposed project would increase the number of employees on the project site. However, jobs would be expected to be filled by existing nearby residents and would not increase the demand on existing parks or other recreational facilities. Project development would not increase use of recreational facilities, and no impact would occur.

**REC-2 Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact.** The project does not propose development of recreational facilities and, as indicated previous, the project would not increase the demand requiring expansion of such facilities. No impact would occur.

### 8.13 TRANSPORTATION AND TRAFFIC

**T-2 Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** Implementation of the project would not result in a change in air traffic patterns. The proposed project area is not within the any Airport Influence Area and there are no private airstrips in the vicinity of the proposed project area (Airnav 2018). Therefore, no impact would occur.

### 8.14 REFERENCES

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