

DOCKETED

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Project Title:	Compass Battery Energy Storage
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Document Title:	Section 4-6_Land Use
Description:	This section describes the land uses present in the vicinity of the Project site, as well as the potential impacts that may result from construction and operation of the Project related to land use.
Filer:	Erin Phillips
Organization:	Dudek
Submitter Role:	Applicant Consultant
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4.6 Land Use

The proposed Project includes a battery energy storage system (BESS) with a rated capacity of up to 250 megawatts (MW) and up to 1,000 megawatt hours (MWh) along with an onsite substation and switchyard, located on an approximately 12.4-acre area within an approximately 40.8-acre parcel identified as Parcel B1, which is a portion of Assessor Parcel Number (APN) 637-082-71 (the Project site) in the City of San Juan Capistrano, California. The Project will also include an offsite access road comprised of approximately 1.6 acres. In accordance with Title 20 of the California Code of Regulations (CCR), this section defines the study area, also referred to as the affected environment, as those areas within 1 mile of the Project as well as areas within 0.25 miles of the loop-in transmission line route (Study Area). The Project site is within the approximately 168-acre property owned by the Saddleback Rancho Capistrano Church (Saddleback Church), located at 29251 and 29343 Camino Capistrano (the Church Property).

This evaluation of land use within the study area includes the following elements: Section 4.6.1 includes a discussion regarding the environment that the project may affect; Section 4.6.2 presents an environmental analysis of project development; Section 4.6.3 discusses potential cumulative effects; Section 4.6.4 presents possible mitigation measures; Section 4.6.5 presents a description of the laws, ordinances, regulations, and standards (LORS) applicable to land use and the project; Section 4.6.6 provides a list of agencies and agency contacts for land use issues applicable to the project; Section 4.6.7 includes a description of the necessary land use permits required to construct and operate the project and its appurtenances; and Section 4.6.8 provides a list of references used in the preparation of this Land Use evaluation. Please note, this section also evaluates impacts to agricultural resources.

4.6.1 Affected Environment

The Project is located in the City of San Juan Capistrano in southern Orange County. Figures 4.6-1 and 4.6-2 include maps of the Study Area which includes the land use designations and zoning, respectively, for the Project site and all properties within a one-mile radius. The Project site is located wholly within the City of San Juan Capistrano. In addition, the cities of Mission Viejo and Laguna Niguel, and the County of Orange, are all within one-mile of the Project site.

4.6.1.1 Existing Land Uses and Zoning within the Project Site

The Project is proposed on a 40.8-acre parcel identified as Parcel B1 within the overall 168.2-acre Saddleback Church property, which is composed of 13 parcels (APN 637-421-06 and 637-082-15, -16, -17, -29, -30, -64, -65, -66, -67, -68, -69, and -71) owned by Saddleback Church, located at 29251 and 29343 Camino Capistrano (Church Property). The core components of the Project will be located on Parcel B1 within APN 637-082-71. Other linear facilities, including an access road and stormwater discharge line, will cross other parcels on the Church Property. The loop-in transmission line route will cross Oso Creek to the east to interconnect with the existing overhead SDG&E Trabuco to Capistrano 138kV transmission line, which is approximately 500 feet east of the Project site.

The Church Property is designated “Planned Community” in the San Juan Capistrano General Plan Land Use Element and designates the Church Property’s land use as 80% Public & Institutional use and 20% Assisted Care Facility and the Oso Creek portion of the site is designated General Open Space (City of San Juan Capistrano 2014; 2019). Accordingly, the Church Property is zoned “Planned Community District with narrow portions of the Church Property along Oso Creek that are zoned and designated as “General Open Space.” (City of San Juan Capistrano

2002). The Oso Creek Channel runs from the North to the South near the eastern portion of the Project site. The location of Oso Creek is believed to have been intended to overlay Oso Creek, however, the Open Space areas are in fact just West of Oso Creek. City maps also show a recreational trail through the Project site called the North Open Space trail (City of San Juan Capistrano 2014).

4.6.1.2 Existing Land Use and Zoning within the Study Area

Beyond the Project site to the south and west, the zones and land use designations are predominantly Open Space with undeveloped land and foothills (City of San Juan Capistrano 2019). Within this area there are two recreational trails: the Oso-Rancho Capistrano Trail and the Colinas Ridge Trail. Beyond the crest of the foothills is the City of Laguna Niguel, where there are Single Family residential zones developed with neighborhoods.

To the north of the Church Property and Project site, the site is bounded by Single Family Residential, Open Space and Community Service/Open Space zones and designations within the City of Laguna Niguel (City of Laguna Niguel 2012a; 2012b).

Immediately east of the Project site are parcels owned by the Orange County Flood Control District, the Union Pacific Railroad, a bridge over Oso Creek to Camino Capistrano (which provides access to the Church Property and Project site), SDG&E transmission lines, and the U.S. Interstate 5 Freeway. Towards the southeast, there are “Agricultural Business District” zoned parcels with a small agricultural operation, an area zoned Single Family Residential with approximately eight homes, and a “Specific Plan/Precise Plan District” area, which includes a community park.

Other surrounding areas within the one-mile radius Study Area include a mix of Single and Multi-Family Residential neighborhoods, Public Institutional areas including two high schools, a Community Park District including Northwest Open Space, Assisted Care Facilities, Community Commercial, Planned Community and Community Commercial Managed Care Overlay District, among others as shown in Figures 4.6-1 and 4.6-2 (City of Mission Viejo 2023, Orange County 2015; 2016).

4.6.1.3 Recent Proposed Zone Changes and General Plan Amendments

Within the one-mile radius and city limits of San Juan Capistrano, there is one pending general plan amendment project, south of the Project site at the western terminus of Oso Road within the Planned Community district area. This amendment will increase the allowable density of the site from 470 to 700 residential units (City of San Juan Capistrano 2022a). The status of this general plan amendment is “under review”, the project (aka the “Highpoint” project) was approved by the Planning Commission on March 8, 2023, and approved by the City Council on April 4, 2023. This site was one of four sites identified in the City’s Housing Element Update for 2021-2029 to be rezoned to accommodate opportunities for very high-density residential developments. The three other sites with pending general plan amendments are not located within the 1-mile radius of the Project site.

Northwest of the Project site, the City of Mission Viejo adopted a general plan amendment, development code amendment and zoning change in October of 2021 (Resolution 21-31). These changes were to accommodate mixed use and higher density residential development as it pertains to 11 sites identified in the City of Mission Viejo General Plan Housing Element update.

West and North of the Church Property, within the City of Laguna Niguel, General Plan Amendment 21-01 was adopted in September of 2021 for the 2021-2029 Housing Element update. This update did not include any zone changes, but identified vacant and underutilized sites within the city’s land inventory that could be used to meet

the Regional Housing Needs Assessment (RHNA) allocation. Some of these sites are within the 1-mile radius of the Project site.

On September 16, 2022, the landowner, Saddleback Church and applicant, submitted an application to commence a Comprehensive Development Plan (CDP) process with the City of for the 168-acre Saddleback Church property that would include public and institutional uses in the form of a BESS and SDG&E switchyard on 15 acres of the site. The San Juan Capistrano City Council denied the application to commence the planning process for the CDP on November 2, 2022.

On April 2, 2024, the City adopted an Interim Ordinance Prohibiting New Commercial Battery Energy Storage Systems (Interim Ordinance) within the City for 45 days with two potential extensions for up to 24 months. During the time the Interim Ordinance is in effect, the City intends to study and consider land use development policies and standards related to BESS facilities that should be added to the City's General Plan and Zoning Regulations.

4.6.1.4 Recent Discretionary Review by Public Agencies

Within the City of San Juan Capistrano, two projects have been recently entitled or completed southeast of the Project site (San Juan Capistrano 2022a). The Groves project (approximately 2 miles South), a 75-unit affordable senior apartment complex located at 30333 Camino Capistrano, was completed and fully occupied in November 2022. Swallows Creek (approximately 2.4 miles Southeast), a conditional use permit for a commercial and industrial complex located at 30700 Rancho Viejo Road, was entitled in May 2022, including 136,310 square feet of warehouses and a vehicle sales building.

Within Laguna Niguel, there are four pending or recently approved discretionary projects within the 1-mile radius of the project: (1) A six story, 309-unit multifamily housing project was approved in June of 2022 at 27942 Forbes Road (SP21-04) (approximately 1.3 miles North); (2) A remodel of a drive-thru restaurant to become a Popeyes was approved in February 2022, located at 28722 Camino Capistrano (SP00-13A01) (approximately .5 miles away); (3) A 38-unit townhome project at 29001 Paseo De Colinas is currently under review (SP20-02) (approximately .5 miles away), and (4) remodel of a church and 108-unit senior living center located at 24600 La Plata Drive (SP20-04) (approximately 2 miles away).

Within the City of Mission Viejo, as part of the State mandated Housing Element update for 2021-2029, a General Plan Amendment (GPA2021-35), Development Code Amendment (DCA2021-19) and Zone Change (ZC2021-25) was adopted by City Council on October 21, 2021. These amendments and modifications to the City's zoning map were required to accommodate new density allowances for residential development on 11 sites and to address new state legislation related to accessory dwelling units, density bonus provisions, agricultural employee housing, low-barrier navigation centers, and transitional and supportive housing. Five of these sites are within the 1-mile radius from the Project site. Site 6 the Mission Viejo Town Center, 7 College Center and 10 Burlington are all located on Marguerite north of Avery Parkway and East of Highway 5. City owned vacant land near Center Drive and Hillcrest Street was also part of the rezone.

4.6.2 Environmental Analysis

4.6.2.1 Significance Criteria

Factors typically used to evaluate the significance of project-related impacts are set forth in Appendix G of the California Environmental Quality Act (CEQA):

- Will the project physically divide an established community?

- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- Will the project convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, given their location and nature, could result in conversion of farmland to nonagricultural use?

4.6.2.2 Potential Effects on Land Use

4.6.2.2.1 Divide an Established Community

Neither the Project nor the loop-in transmission line route will physically divide an established community. This Project and loop-in transmission line are located on vacant parcel within the larger Church Property and would be located in close proximity to one another (the loop-in transmission line would be approximately 500 feet in length to connect to the Project site). While single-family residences and other community uses occur within the Study Area, the Project and loop-in transmission line route will be sited within the larger Church Property which has been in operation since the 1980s and does not divide an established community. The proposed Project would maintain all existing vehicular access routes in the area. The Project would not result in the construction of new access routes or the elimination of existing roadways that could have the potential to isolate existing uses or create a division between existing local uses. There would be new private access roads within the Church Property, but they would not affect public roads. The proposed Project would not impede the movement of goods and services to the surrounding residences because operational traffic demands would be almost negligible. Construction and decommissioning traffic would be temporary and intermittent in nature and, as discussed in Section 4.12, would have less than significant impacts.

The City of San Juan Capistrano has zoned the land for the Project as Planned Community District. The Planned Community District designation allows for several land uses that are compatible with the energy storage facility and interconnection transmission line. Furthermore, the Planned Community District designation allows for an expanded number land uses through the completion of a Comprehensive Development Plan.

Therefore, implementation of the Project by the applicant will not divide an established community, affect access to a city or Project area, or introduce incompatible land uses to the Study Area.

4.6.2.2.2 Conflict with an Applicable Land Use Plan, Policy, or Regulation

The Project site lies within the land use jurisdiction of the City of San Juan Capistrano. There are no other agencies with land use jurisdiction over the Project site as it is outside the coastal zone, does not lie within an Airport Land Use Plan consistency zone, and there are no Williamson Act contracts that cover the Project site.

Consistency with the City's General Plan

The City's Land Use Element designates the Church Property—referred to as the Crystal Cathedral Planned Community—as one of five Planned Communities within the City. According to the Land Use Element, “The purpose of the Planned Community designation is to allow for the utilization of innovative land planning and building design.”

The Crystal Cathedral Planned Community is intended to be used 80% for Public & Institutional use and 20% for Assisted Care Facilities.

The Land Use Element describes the “Public & Institutional” use type as providing “for schools, churches, fire stations, community centers, utility substations and office complexes. Other uses that are determined to be compatible with primary uses may also be allowed.” The Land Use Element describes “General Open Space” as general in nature and provides for combined development of several uses or individual development of the allowable uses in other open space and recreational designations. These other open space and recreational uses may include sport fields, sport courts, swimming pools, golf courses, tennis courts, equestrian facilities, camping facilities, indoor bowling, cinemas, maintenance facilities, and caretaker facilities. As described in Section 2, Project Description, the Project would include and interconnect to the grid through a SDG&E switchyard to be built immediately adjacent to the battery yard portion of the Project, utilizing approximately 2 acres within the 12.4-acre Project site. Accordingly, the SDG&E switchyard is explicitly contemplated and allowed as a Public & Institutional use type, which includes “utility substations.” Under the Land Use Element, 80% of the Church Property is slated for Public & Institutional use.

The battery energy storage system (BESS) use is not expressly included in the Land Use Element’s description of “Public & Institutional” uses because it is a modern technology that is not contemplated in General Plans statewide. Nevertheless, the BESS use type is compatible with the allowed SDG&E switchyard use and, therefore, would also be allowable as a Public & Institutional use pursuant to the Land Use Element because “other uses that are determined to be compatible with the primary uses may also be allowed.”

As described in Section 2, the Project would realign the existing North Open Space Trail to avoid conflicts with the Project site. The North Open Space Trail would be relocated approximately 500 feet to the west as part of the Project. The only improvements within the portion of the Church property designated as General Open Space includes the access road, and a small portion of the northeast corner of the Project.

Because the switchyard and BESS are Public & Institutional uses that are either enumerated or comparable to the General Plan designation for this property and the North Open Space Trail would be realigned outside the Project boundary, the Project conforms with the long-range land use plans and policies for this property within the City of San Juan Capistrano.

Project Consistency with the City’s Municipal Code and Entitlement History

The Project site is zoned “Planned Community District.” The purpose and intent of the Planned Community District 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, which may include varying housing types; commercial retail and service activities; industrial uses; recreation, school, and other public facilities and other appropriate land uses (City of San Juan Capistrano 2022b).

Certain interim uses are allowable in the Planned Community District, and the City’s Municipal Code (SJCMC) require new uses and development projects proposed in Planned Community District to prepare a Comprehensive Development Plan (CDP) as part of the entitlement process if a CDP has not been previously adopted for the property¹. The Church Property does not yet have a CDP. Further, the BESS use is not included in the list of allowable

¹ Without a CDP, the Planned Community District zone allows for Interim uses, including but not limited to various forms of agriculture, equestrian centers, kennels, bed and breakfasts, cemeteries, church facilities, mobile home developments, mining,

interim uses that may be permitted prior to adoption of a CDP. This is because the SJCMC does not contemplate BESS use in *any* zone. The Applicant opined to the City that a BESS and switchyard use could be considered substantially similar to other allowable interim uses, such as the oil and gas, mining or resource extraction as older forms of energy development, or similar to the allowable uses of telecommunications, radar installations and other enumerated interim uses.² In 2021, the City provisionally agreed with this view and invited the Applicant to submit a Conditional Use Permit (CUP) application for a site-specific project without the need for a CDP.

The project description in the initial CUP application proposed approximately 324,000 cubic yards (cy) of grading.(342,000 of cut and 18,000 of fill) This was due to the location of the Project site on the Church Property being adjacent to steep slopes and Oso Creek. Retaining walls up to approximately 35-feet in height were proposed at the base of these slopes to the west, and an approximately 0.25-mile-long subterranean wall was proposed roughly 20 feet from the east bank of Oso Creek to minimize erosion. Upon review of the CUP application, on January 27, 2022, the City cited the significant amount of grading was a key factor in doubting whether the Project could proceed with a CUP and without a CDP, and whether it could be considered similar to the allowable interim uses within the Planned Community District zone. The current project in this application to the CEC proposes 74,070 cy of fill and cut of 15,480cy for a net of 58,590 cy of grading and does not extend as far west towards the hillside or east towards the creek as the original design.

Thus, on April 29, 2022, the City confirmed their determination that a CDP would be required. A CDP requires the City Council to approve their initiation of the process. Therefore, the Applicant and Saddleback Church jointly prepared and submitted the CDP application to the City on September 16, 2022. Both parties were included on the application because the CDP would have applied specifically and exclusively to the Church Property in its entirety, all 168 acres. The CDP would define all allowable uses on all the contiguous parcels of the Church Property, and ensure that these uses would be compliant with the General Plan, the City's primary land use document. In essence, the CDP would serve as a site-specific zoning document that would govern all future development of the Church Property, not just the 15-acre project.

The process by which the City adopts a CDP is similar to the process of a rezone or an amendment to the zoning ordinance. Thus, before the City would determine whether to issue a CUP for the project, it first needed to initiate and then approve a CDP for the Church Property. California land use law requires zoning to be vertically consistent with the General Plan, however, so any future CDP for the Church Property would be required to be consistent with the Land Use Element, as discussed above.

On November 1, 2022, the City Council voted 3-2 not to initiate a CDP for the Church Property. This decision was not based on the compatibility or incompatibility of the Project with San Juan Capistrano land use plans. The decision was largely due to potential concerns with visual impacts that may result from the proposed Project. On this basis, the applicant has no avenue through which to pursue entitlements at the City level.

Within the last year, the Project has been extensively redesigned to avoid steep slopes and minimize grading. To this end, Saddleback Church allowed the location of proposed project to shift north within the Church Property to avoid the steep slopes, and increase the setback from Oso Creek. The tall retaining walls and subterranean wall

oil drilling and other resource extraction, radio and television towers and stations, radar installations, microwave relay stations, and cellular towers and cellular commercial installations. See SJCMC, § 9.3.315, Table 3-15.

² Per the SJCMC, "The Planning Director shall have the authority and responsibility to review uses not listed in this chapter. A proposed unlisted use shall be permitted as a principal, accessory or comparable mobilehome park within a Base District if the Planning Director determines that such use falls within the purpose and intent of that Base District, is of a comparable nature to the principal, accessory or conditional uses set forth as permitted in the Base District, is not listed in another Base District, and will not be detrimental to property in the vicinity of such use. (Ord. No. 869, § 2)."

are no longer required and have been eliminated from the project description. These changes have significantly reduced the amount of proposed grading from 324,000 cy to a net cut/fill onsite of only 58,590 cy of fill. Thus, the redesigned project is now substantially similar to the allowable interim uses in the Planned Community District, such as the oil and gas, mining or resource extraction as older forms of energy development, or similar to the allowable uses of telecommunications, radar installations and other enumerated interim uses.

Summary of City Land Use Approvals for Compass Project and Standard Conditions

Before the Project was redesigned, the City determined that a CDP for the full 168 acre Church Property would be necessary before a CUP application could be submitted or approved. The City did not consider the proposed use to be substantially similar to any of the interim uses allowed within the Planned Community District, and they did not believe the General Plan designation for the Church Property to allow 80% Public & Industrial uses could be applied without first completing a CDP. Since that time, however, the project description has substantially changed to nearly balance grading onsite and increase the proposed setback to Oso Creek from approximately 20 feet to approximately 100 feet. Moreover, as noted above, the SJCMC does not define the BESS use as an allowable use in any zone in the City because the use type did not exist when the current SJCMC was adopted. Accordingly, the City has not identified any standard conditions that it would apply to a BESS project. While these issues could have been established during the CDP process, the City denied the Applicant's request to even initiate the CDP process.

If either the CDP or CUP processes were allowed to commence, they would require compliance with CEQA. The applicant assumed that an EIR would be prepared for this Project with corresponding conditions of approval.

If a CDP or CUP process were to proceed, the City may also require that the Project design be consistent with all local governing provisions, goals and policies in the SJCMC, General Plan, the Community Design Element and the City's Architectural Design Guidelines where applicable. Conditions of Approval may include but are not limited to requirements for water quality, storm water management, on- and off-site improvements, waste management and recycling, fire access, tree conservation, landscaping, lighting, accessibility and other such additional improvements and facilities as determined reasonably necessary for the proper development of the site.

In granting any CUP, the City may impose conditions on projects to ensure compliance with CEQA, the SJCMC and General Plan and safeguard the public health, safety and general welfare. The City may also establish more stringent regulations than those otherwise specified for the zone district if necessary due to environmental factors or to mitigate potentially adverse impacts. Examples of such conditions may include but are not limited to, a dedication of land or easements for public use, restrictions on hours of operation, types of activities, noise levels, use of lighting, and provisions and maintenance of the site, buffer areas and landscaping. Additionally, the City may require operational regulations to manage ingress and egress access, parking, signage, waste management, or other operational considerations as deemed appropriate.

Based on the status quo, the Applicant and the Saddleback Church are unable to proceed with a request of approvals with the City for either a CDP process or a CUP application. However, this decision was based on a now outdated project description. As currently designed, the Project is similar to enumerated interim uses allowed under SJCMC, § 9.3.315, Table 3-15.

The CEC's certification decision for this Opt-in Application would only apply to the Project, not to the rest of the Church Property. Nor would the CEC's action to certify the Project conflict with or impair the City's ability to process and approve a CDP for the Church Property in the future based on the Project's consistency with the General Plan.

Table 4.6-1 details the Project’s conformity with local land use policies.

Therefore, implementation of the Project by the applicant will not conflict with an applicable land use plan, policy, or regulation. Impacts would be less than significant.

On April 2, 2023, the City adopted an Interim Ordinance that prohibits BESS projects within the City for 45 days, with the possible extension of the ordinance for up to 24 months. Therefore, while implementation of the Project by the applicant will not conflict with an applicable land use plan, policy, or regulation, it will, however, conflict with the Interim Ordinance for as long as it is in effect.

Table 4.6-1. Project Conformity with Local Land Use Plans and Policies

Goal/Policy	Project Consistency
City of San Juan Capistrano General Plan	
Land Use Element	
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.	The Project would provide a net economic benefit to the City through construction jobs, property and sales taxes, construction and maintenance services, and increased energy efficiency and reliability, while requiring little in the way of public facilities and services because the project will be unmanned and remotely managed.
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.	
Policy 1.2: Encourage commercial, tourist-oriented, and industrial development that is compatible with existing land uses within the City to improve the generation of sales tax, property tax, and hotel occupancy tax.	
Policy 1.3: Encourage mixed commercial and residential use projects in the Mission District downtown area to conserve land and provide additional housing opportunities and population to support commercial services and retail sales.	Not applicable to the Project; the Project does not contain residential uses, would not result in indirect population growth, and is not located in the Mission District downtown area.
Goal 2: Control and direct future growth within the City to preserve the rural village-like character of the community.	The Project will be sited within the larger Church Property which will not change the rural village-like character of the community. Further, the project will include a 20-foot landscape buffer around the perimeter to create a varied, aesthetically pleasing visual buffer that will blend with the existing hillside and slopes to the west.
Policy 2.1: Continue controlling growth through the implementation of the City's residential growth management program.	Not applicable to the Project; the Project does not contain residential uses and would not result in indirect population growth.
Policy 2.2: Assure that new development is consistent and compatible with the existing character of the City.	See Goal 2, above.
Policy 2.3: Ensure that development corresponds to the provision of public facilities and services.	The Project will consist of a utility-scale battery energy storage system adjacent to the existing SDG&E Trabuco to Capistrano 138kV transmission line. This line already has the capacity required to interconnect to the

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Goal/Policy	Project Consistency
	Project's switchyard in an area that minimizes off-site transmission system upgrades and is capable of being completed by April 2026. The Project would also increase the ability of load-serving entities and system operators to effectively manage intermittent renewable generation on the grid, thereby creating reliable generation as a firm, dispatchable resource.
Goal 3: Distribute additional population within the City based on risk factors.	Not applicable to the Project; the Project does not contain residential uses and would not result in indirect population growth.
Policy 3.1: Confine higher density land uses to the valley areas outside of the floodplain.	The Project would be constructed on the flatter areas of the Church Property therefore the slopes to the west would be maintained in their current, natural condition. The Project will be located outside of the floodplain and on average, 100 feet from Oso Creek.
Policy 3.2: Limit density of development in the hillsides, floodplains, and other high-risk areas.	See Policy 3.1 above. In addition, during the construction and operation of the proposed Project, the Project will adhere to the recommendations provided in the geotechnical evaluation report (see Section 4.4).
Goal 4: Preserve major areas of open space and natural features.	The Project would be constructed on the flatter areas of the Church Property therefore the slopes to the west would be maintained in their current, natural condition. There are narrow portions of the Church Property along Oso Creek that are zoned and designated as "General Open Space." The Oso Creek Channel runs from the North to the South near the Eastern property line of the Project site. City maps also show a recreational trail through the Project site called the North Open Space trail which would be realigned approximately 500 feet to the west as part of the project. The Project would completely avoid Oso Creek (transmission pole would be sited outside the creek area) and the recreational trail would be maintained.
Policy 4.2: Implement land and open space-rights acquisition programs to allow for the long-term preservation of open space resources.	See Goal 4 above.
Policy 4.3: Preserve designated ridgelines and the immediate adjacent area to maintain the open space character of the community.	See Goal 4 above.
Goal 5: Encourage commercial development which serves community needs and is located in the existing central business district.	Not applicable to the Project; the Project does not contain commercial uses, is not located within the central business district, the downtown Mission District, or an underperforming commercial center. Finally, the Project site is not zoned for commercial use.
Policy 5.1: Encourage the location and retention of businesses within the downtown Mission District.	
Goal 6: Enhance or redevelop underperforming commercial centers.	
Policy 6.1: Allow for the transition of the oversupply of commercial land use to other economically viable revenue producing land uses.	

Table 4.6-1. Project Conformity with Local Land Use Plans and Policies

Goal/Policy	Project Consistency
Goal 7: Enhance and maintain the character of neighborhoods.	The Project will incorporate a 20-foot wide landscape buffer around the perimeter. The landscape buffer will consist of a mixture of trees, shrubs and groundcover, and vines to create a varied, aesthetically pleasing visual screening. Trees species will include those native to southern California, ranging in size from 24- to 36-inch boxes, with heights of 20 to 60 feet and widths of 15 to 40 feet, depending on the tree type. All plantings will require minimal supplemental irrigation once established. The Project will also incorporate a 20-foot-tall visual screen comprised of non-combustible lattice and faux ivy.
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.	The Project will be located within the larger Church Property and is a substantially similar land use to already permitted interim uses within the Planned Community zone. The Project will also be screened by a landscape buffer and 20-foot-tall screening fence. See also Goal 2, above.
Policy 7.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.	The Project site was selected given its location within a high energy demand area and the close proximity of existing SDG&E facilities. The Project site is one of the few remaining viable areas of undeveloped land in Orange County. The topography is such that significant grading and civil improvements will not be required, and the Project location results in the need for minimal new high-voltage facilities to interconnect into the SDG&E grid with only 500 feet of improvements. The Project site is also located immediately adjacent to existing roadways that provides readily available access for construction and operations. The site is also located outside of sensitive biological habitat as the site has been mostly previously disturbed.
Policy 7.3: Utilize programs for rehabilitation of physical development, infrastructure and undergrounding of utilities within the City to improve community neighborhoods.	Not applicable to the Project. The Project would not inhibit the City's use of programs to rehabilitate physical development, infrastructure, or underground utilities to improve community neighborhoods.
Policy 7.4: Protect the existing population and social character of older areas subject to rehabilitation and redevelopment.	See Goal 7 and Policy 7.2 above.
Public Services and Utilities Element	
Goal 7: Work effectively with providers of natural gas, electricity, telephone, cable television and solid waste disposal to provide sufficient levels of these services.	The Project will be a remotely operated unmanned facility that will not require natural gas, cable television, or solid waste disposal services. The Project will support the electrical grid because electric energy will be transferred from the existing power grid to the Project batteries for storage and from the project batteries to the power grid when additional electricity is needed.
Policy 7.1: Work closely with providers of energy, communications and solid waste disposal in determining and meeting the needs of the	

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Goal/Policy	Project Consistency
community for energy, communications and solid waste disposal.	
Policy 7.2: Encourage energy efficient development.	The Project will develop a utility-scale battery energy storage system with a rated capacity of up to 250 megawatts (MW) and 1,000 megawatt hours (MWh) to reliably capture and manage electricity in an economically feasible and commercially financeable manner. The Project will assist California by facilitating deployment of additional renewable energy resources in furtherance of several recent federal and state goals and targets regarding renewable energy resources, clean electricity, and zero carbon emissions.
Environmental Justice Element	
Goal 2: Proactively take actions to address potential negative impacts of climate change on the most vulnerable residents and adopt strategies to mitigate impacts and promote adaptation and resiliency for residents in the Community of Focus.	BESS projects assist California by facilitating deployment of additional renewable energy resources in furtherance of several recent federal and state goals and targets regarding renewable energy resources, clean electricity, and zero carbon emissions. They also promote adaptation and resiliency from the effects of climate change.
Policy 2.1: Incorporate climate change and climate variability into planning, health, and emergency preparedness plans and guidance to increase preparedness for natural hazards exacerbated by climate change, especially among vulnerable populations.	
Goal 3: Equitably distribute and maintain public infrastructure, facilities, and services.	BESS projects improve efficiency and the reliability of the electrical grid for the community, and combined with other sustainable new energy technology, decrease the reliance on fossil fuels.
Policy 3.2: Ensure public services are delivered to the Community of Focus in an efficient and equitable manner.	
Policy 3.3: Maintain and improve existing facilities and infrastructure located within the Community of Focus.	

4.6.2.2.3 Convert Farmland to Non-agricultural use

The California Department of Conservation classifies and maps land throughout the state by its Farmland Mapping and Monitoring Program (FMMP). The classification system combines technical soil ratings and current land use which is the basis for the mapping important farmland lands. The seven categories of land include, Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing, Urban and Built Up, and Other. The California Department of Conservation classifies Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as Farmland.

The FMMP mapped areas within 1-mile of the Project site are shown in Figure 4.6-3. The Project site includes the Grazing, Urban and Built Up Land, and Other Land categories (California Department of Conservation 2023). Grazing Land, as defined in the FMMP, is land on which the existing vegetation is suited for the grazing of livestock. This category of land is considered agricultural despite the existing use, historical use, zoning or land use

designation.³ The land currently mapped as “grazing” is used by Saddleback Church for various ancillary uses, which are located north of the Project site, and are categorized in the General Plan for public and institutional uses. The Project will occupy approximately 8 acres of land in the Grazing Land category.

Urban and Built Up Land, as defined in the FMMP, is land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes. The Project will occupy approximately 2 acres of land in the Urban and Built Up Land category.

Other Land, as defined by the FMMP, is all land areas not included in any of the other six categories. Examples include low density rural developments, vegetated, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Land that is vacant and nonagricultural and surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. The Project will occupy approximately 4 acres of land in the Other Land category.

The Project site does not include any agricultural uses, animal grazing or any form of agricultural business. Because the Project will occupy such a small portion of land within the Grazing Land FMMP category and the area has not been and is not currently used for livestock grazing, the impacts are less than significant.

Southeast of the Project site is approximately 66.7 acres of land zoned “Agri-Business District” as shown in Figure 4.6-2. The SJCMC categorizes Agri-Business District as an Industrial Use that allows for a variety of uses including but not limited to, farming, egg production, employee or caretaker housing, mobile homes, kennels and educational or cultural programs. Approximately 11-acres of this Agri-Business District is mapped as Prime Farmland by the FMMP, as shown in Figure 4.6-3.

The Project will have no direct, indirect, cumulative, short term or long term significant impacts to the adjacent parcels, including this mapped Prime Farmland area that, given their location and nature, could result in conversion of farmland to nonagricultural use. Accordingly, the Project’s impact to adjacent parcels is less than significant.

4.6.3 Cumulative Effects

A cumulative impact refers to a proposed project’s incremental effect together with other closely related past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Public Resources Code [PRC] Section 21083; CCR, Title 14, Section 15064[h], 15065[c], 15130, and 15355). The CEQA Guidelines further note that: The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative effects can result from individually minor, but collectively significant, projects taking place over a period of time (CCR Section 15355).

Cumulative land use impacts could occur if the development of the project and other related past, present, and reasonably foreseeable probable future projects will be inconsistent with applicable plans and policies or have other cumulative land use-related impacts such as the conversion of farmland.

³ For environmental review purposes under CEQA, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land constitute “agricultural land.” (Public Resources Code § 21060.1).

The Project is consistent with land use plans and policies and is compatible with adjacent uses. Therefore, the Project will not contribute to cumulative impacts associated with land use compatibility. Moreover, there are no past, present, or reasonably foreseeable future projects proposed within the Study Area that would result in adjacent incompatible land uses (see Section 4 for a list of cumulative projects).

Long-term cumulative impacts are not anticipated with the implementation of the Project and the listed projects because each project is required to comply with CEQA guidelines requirements for evaluating potential cumulative impacts, and/or obtain approval from the Lead Agency prior to permitting and construction by demonstrating conformance to existing land use policies. For these reasons, the Project will not cause a significant cumulative land use impact.

4.6.4 Mitigation Measures

Because the Project will cause no significant adverse impacts to land use and land use plans, no mitigation measures are necessary.

4.6.5 Laws, Ordinances, Regulations, and Standards

This section lists and discusses the land use LORS that apply to the Project. As discussed above, the Project, including all its Project components, is entirely located within the City of San Juan Capistrano. Because the Project is located on private lands within the State of California and in the City of San Juan Capistrano, there are no federal laws and regulations that apply to the construction and operation of the Project. Table 4.6-2 lists applicable local plans and policies.

Table 4.6-2. Laws, Ordinances, Regulations, and Standards for Land Use

LORS	Requirement/Applicability	Administering Agency	Application Section Explaining Conformance
State			
Assembly Bill 205	Legislation that created and gives statutory authority to the CEC.	CEC	Section 4.6.2.2.2
California Lands Conservation Act (Williamson Act)	Preserves agricultural land and encourages open space preservation and efficient urban growth.	CDOC	Section 4.6.2.2.3
Local			
City of San Juan Capistrano General Plan	Comprehensive long-range plan to serve as the guide for the physical development of the City	City of San Juan Capistrano Planning Division	Section 4.6.2.2.2
City of San Juan Capistrano Municipal Code, Title 9, Land Use	Establishes zoning districts governing land use and the placement of buildings and district improvements.	City of San Juan Capistrano Planning Division	Section 4.6.2.2.2

4.6.5.1 State LORS

4.6.5.1.1 Assembly Bill 205

Governor Gavin Newsom signed AB 205 into law on June 30, 2022. This legislative effort significantly expands the California Energy Commission (CEC)'s jurisdiction and encourages the development of new clean energy projects. In short, AB 205 allows developers to opt in to a new streamlined environmental review and authorization process for certain solar, wind, and other qualifying clean energy projects under exclusive state jurisdiction. The law also provides new funding for qualifying generation and energy storage facilities. Before AB 205, the CEC's siting authority was limited to thermal power plants with capacities of 50 megawatts (MW) or more. AB 205 expands CEC's siting authority to include non-thermal generating facilities and establishes a new siting certification process for the following eligible facilities:

- Solar photovoltaic (PV) and onshore wind generating facilities with capacities of 50 MW or more.
- Energy storage facilities capable of storing at least 200 MWh of energy.
- Facilities for the manufacture, production, or assembly of energy storage systems, wind systems, solar PV systems, or the components of those systems if the developer certifies the project will require a capital investment of \$250 million over a period of five years.
- Transmission lines from the above-mentioned generating or storage facilities to the first point of interconnection.
- Thermal generation facilities with capacities of 50 MW or more that are not powered by fossil or nuclear fuels.

AB 205 gives CEC exclusive siting authority over these eligible projects if a developer submits an application to CEC under this certification process instead of an application for entitlements from the jurisdiction in which the project is located. CEC's siting certification is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law. It also supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law, with limited exceptions. AB 205 specifically provides that the certification does not supersede the authority of an exclusive list of agencies: the California State Lands Commission, the California Coastal Commission (CCC), the San Francisco Bay Conservation and Development Commission (BCDC), the California State Water Resources Control Board (SWRCB) or the applicable regional water quality control boards, local air quality management districts, or the California Department of Toxic Substances Control (DTSC).

4.6.5.1.2 California Lands Conservation Act (Williamson Act)

The California Land Conservation Act, better known as the Williamson Act, has been the state's primary agricultural land protection program since its enactment in 1965. More than 16 million of the state's 30 million acres of farm and ranch land are currently protected under the Williamson Act. The Williamson Act creates an arrangement, whereby private landowners agree with counties and cities to voluntarily restrict land to agricultural and open-space uses. In return, the landowner receives property tax assessments that are lower than normal because the assessments are based on farming and/or open space uses rather than full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971. Williamson Act contracts automatically renew each year for a new 10-year period, unless either party files a "notice of non-renewal" to terminate the contract before the end of the current 10-year period. During the ensuing 10-year cancellation period following a "notice of non-renewal," property taxes are gradually raised to the applicable level for developable land.

The Williamson Act also authorizes cities and counties to establish Agricultural Preserves, referred to as Farmland Security Zones. Agricultural Preserves must include at least 100 acres, and generally are intended to avoid areas where public utility improvements and related land acquisitions may be required. Farmland Security Zone contracts require a minimum initial term of 20 years and they renew annually unless either party files a “notice of nonrenewal,” similar to a Williamson Act contract. To be eligible for a Farmland Security Zone contract, the subject land must be designated on the Important Farmland Series maps as predominantly prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance.

4.6.5.2 Local LORS

4.6.5.2.1 City of San Juan Capistrano General Plan

The General Plan identifies five areas designated as Planned Community. The purpose of the Planned Community designation is to allow for the utilization of innovative land planning and building design. The Planned Community designation allows for flexibility in the design of a development project which may not be available with the other land use designations. The percentage mix of land uses for the planned communities serves as a guideline for developers, but may be modified with the approval of the City. As discussed above, the project site is within the Crystal Cathedral Ministries Planned Community which calls for 80% Public Institutional (includes retreat center) and 20% Assisted Care Facility (may include a wellness center. Maximum floor area ratio for Public Institutional will not be allowed unless the project offers exceptional benefits to the community.

Relevant goals and policies of the City’s General Plan are identified above in Table 4.6-1.

4.6.5.2.2 City of San Juan Capistrano Municipal Code, Title 9, Land Use

Title 9, Chapter 3, Zoning Districts and Standards, of the City of San Juan Capistrano’s Municipal Code further refines the City of San Juan Capistrano General Plan and provides additional detail pertaining to allowed and conditional uses and specific development standards for the various zoning districts.

4.6.6 Agencies and Agency Contacts

Applicable permits and agency contacts for soils are shown in Table 4.6-3. Land use approval permits from the City of San Juan Capistrano Planning Division would be superseded by CEC approval of the Project under the opt-in program.

Table 4.16-3. Permits and Agency Contacts

Permit or Approval	Agency Contact	Applicability
Site Certification for Opt-In project (with environmental review under CEQA and AB 52 Tribal Consultation)	California Energy Commission Lisa Worrell Siting, Transmission and Environmental Protection Division 715 P Street, MS-40, Sacramento, CA 95814	Land use entitlement
CDP and/or CUP*	Joel Rojas, Development Services Director City of San Juan Capistrano Planning Division 30448 Rancho Viejo Road San Juan Capistrano, CA 92675 (949) 443-6331	Land use entitlement

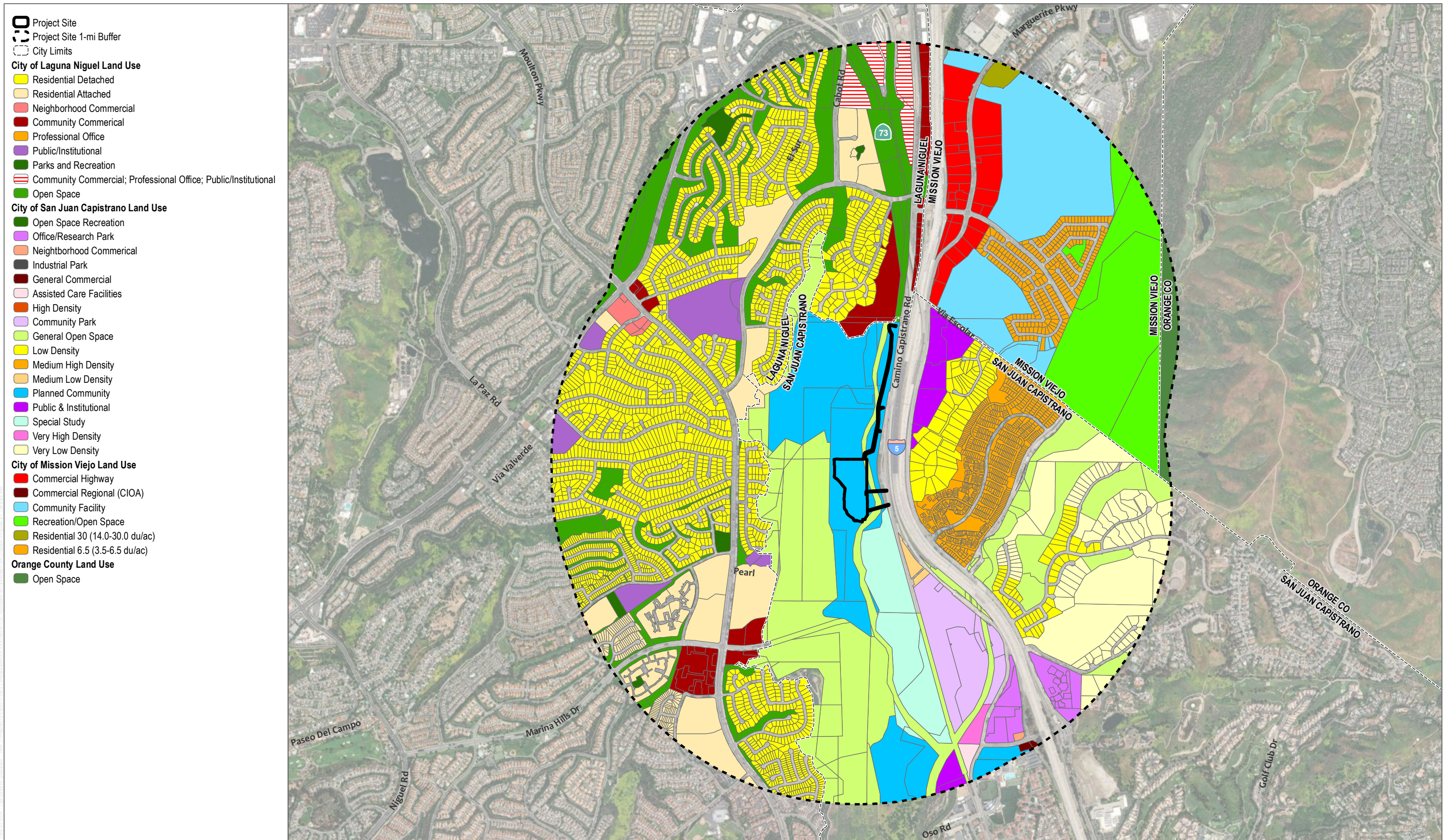
* A CDP and/or CUP from the City of San Juan Capistrano Planning Division would be superseded by CEC approval of the Project under the opt-in program.

4.6.7 Permits and Permit Schedule

Because of the exclusive jurisdiction of the CEC, no land use permits are required for the Project. Pending Project approval from the CEC, construction of the Project would commence.

4.6.8 References

- California Department of Conservation. 2023. Farmland Mapping & Monitoring Program California Important Farmland Finder web viewer. <https://maps.conservation.ca.gov/DLRP/CIFF/>
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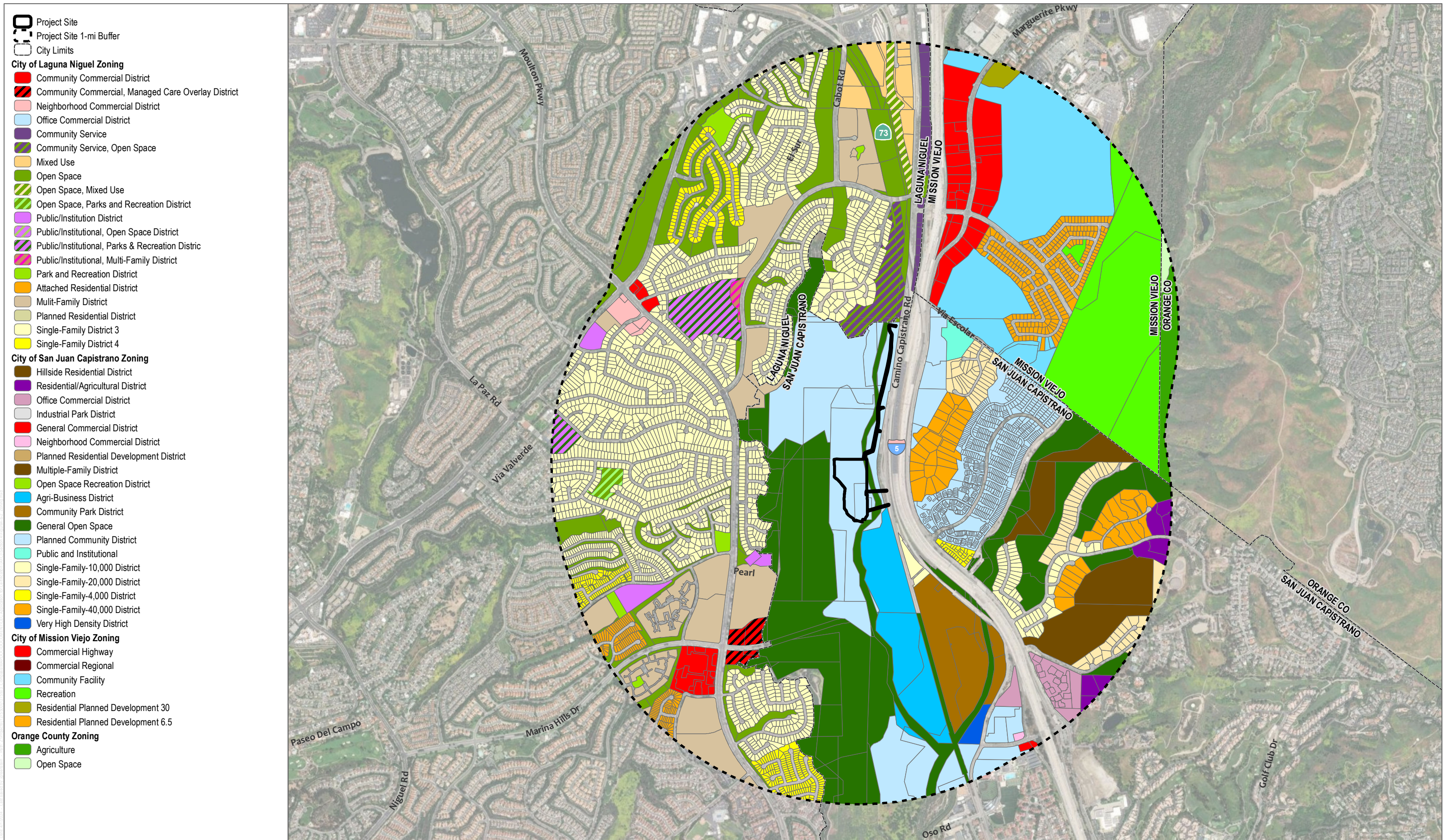


SOURCE: Esri World Imagery; Parcel Quest 2022; County of Orange 2022; City of San Juan Capistrano 2022; City of Laguna Niguel 2022; County of Orange 2022

FIGURE 4.6-1

Land Use

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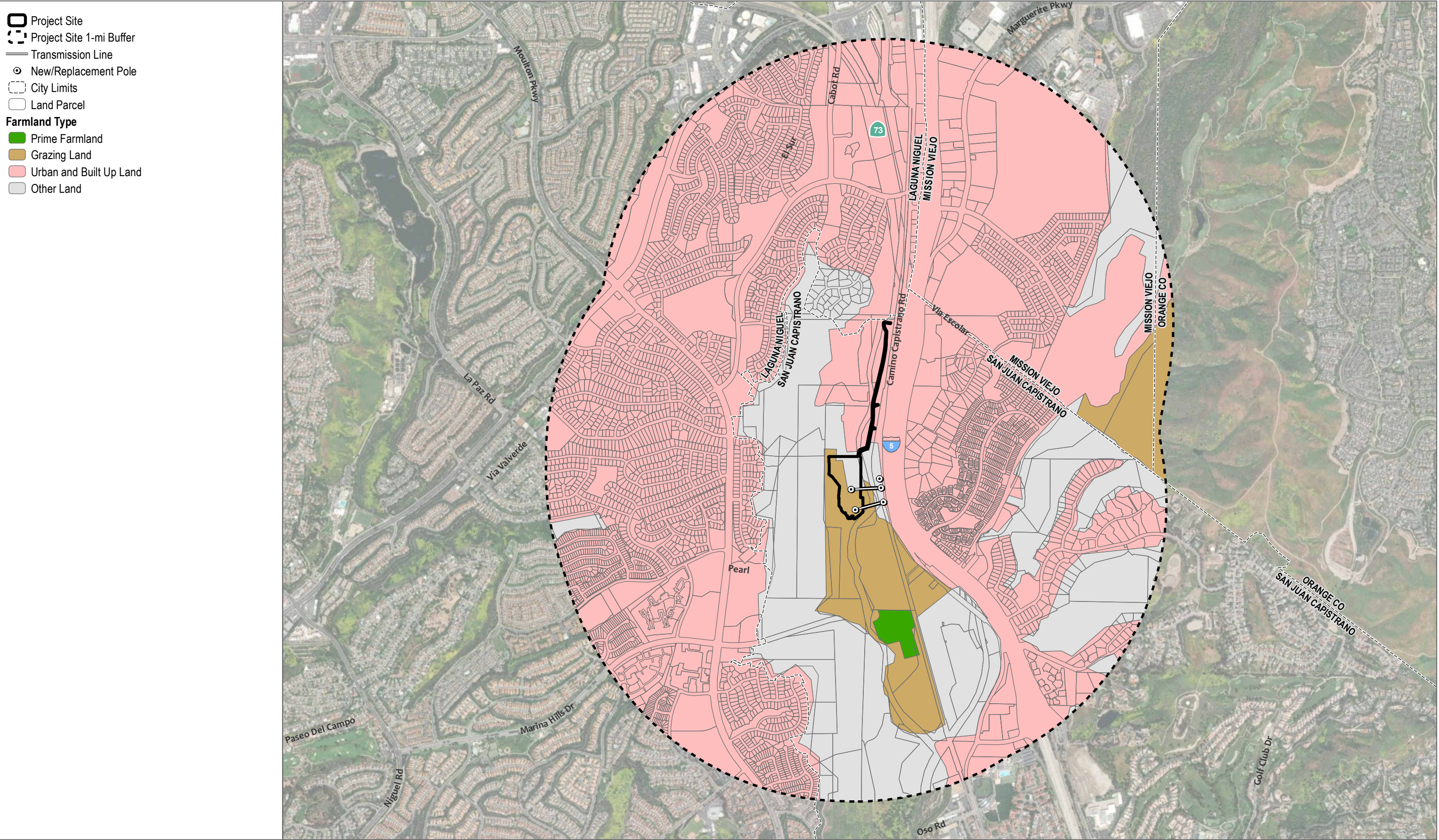


SOURCE: Esri World Imagery; Parcel Quest 2022; County of Orange 2022; City of San Juan Capistrano 2022; City of Laguna Niguel 2022; City of Mission Viejo 2022; County of Orange 2022

FIGURE 4.6-2

Zoning

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SOURCE: Esri World Imagery; Parcel Quest 2022; County of Orange 2022; City of San Juan Capistrano 2022; City of Laguna Niguel 2022; CA Dept. of Conservation 2022

FIGURE 4.6-3

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