



## CITY of LAGUNA NIGUEL

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## CITY COUNCIL

Mayor Fred Minagar  
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Council Member Rischi Paul Sharma

April 1, 2021

**TO:**

Osmahn Kadri  
[Osmahn.kadri@gsa.gov](mailto:Osmahn.kadri@gsa.gov)

**COPY:**

Potomac-Hudson Engineering, Inc.  
ATTN: CHFB Draft EIS  
77 Upper Rock Circle Suite 302  
Rockville, MD 20850

**Subject:** Chet Holifield Federal Building Final Environmental Impact Statement, Laguna Niguel, California

Dear Mr. Kadri:

On behalf of the Mayor and City Councilmembers of the City of Laguna Niguel, thank you for providing the City with an opportunity to review and comment on the Chet Holifield Federal Building (CHFB) Final Environmental Impact Statement (FEIS), including responses to our comments on the Draft EIS. The City also appreciates GSA's recognition that the City of Laguna Niguel is the primary stakeholder affected by this project and your willingness to hear our concerns and work with us on solutions. The City is hopeful it can maintain a strong federal – local partnership as this project moves forward.

The City commends GSA for making the following four substantial changes to the Final EIS.

1. Selecting Alternative 2 as the Preferred Alternative. By identifying Alternative 2 as the Preferred Project, GSA and the public can now evaluate and determine whether Alternative 2 is consistent with the Proposed Action and Purpose and Need.
2. Determining the Proposed Action Includes Disposal of the Property. Response to City of Laguna Niguel comment 28-2 states, *"The Proposed Action also includes disposal of GSA property reported as excess (Section 2.1.1.1 highlights the disposal process for federal facilities)."* The Preferred Alternative 2 must now be analyzed to determine consistency with the Proposed Action.
3. Clarifying and Expanding the Purpose and Need. Response to City of Laguna Niguel comment 28-3 states, *"Section 1.2.1 of the Final EIS includes addition of the following text to describe the purpose: "The Proposed Action would also dispose of any excess federal property within the 92-acre CHFB site". Section 1.2.2 of the Final EIS includes addition of the following text to justify the need for disposal: "The Proposed Action is also*

*needed to address the Public Buildings Reform Board (PBRB) recommendations under P.L. 114-287, the Federal Assets Sale & Transfer Act of 2016 (FASTA) which made a recommendation of disposal of the CHFB (see Section 2.1.1.1 for additional information)."*

Linking the Proposed Action to the PBRB recommendations is an important change for the public to understand because the PBRB recommendations need to be considered by GSA in evaluating Alternative 2 and the outcome of the Section 106 process in the Record of Decision (ROD).

Section 2.1.1.1 (FEIS Page 2-5) was revised to state: *"The Board's [PBRB] mission has two major elements: (1) identify specific federal real property for disposal and reform, the federal real property practices in order to "obtain the highest and best value for the taxpayer" and (2) "facilitat[e]and expedit[e] the sale or disposal of unneeded federal civilian real properties."*

Section 2.1.1.1 also states, *"Disposal of the CHFB is currently planned to be made pursuant to the FASTA and PBRB recommendations."*

4. Eliminating an Impact Reduction Measure Requiring a Deed Restriction or Covenant over the Property. In response to Laguna Niguel Comment 28-7, the FEIS eliminated Impact Reduction Measures requiring a deed restriction or covenant over the Property and replaced the language with the following,

*"The Section 106 process is currently underway to determine effects to the property under NHPA, and results of this process, as well as any applicable impact reduction measures, will be detailed in the ROD for this EIS." (FEIS Page 3-9)*

The City commends this change in language and looks forward to continuing to participate in the Section 106 process as a key stakeholder.

As the GSA moves through the final stages of the FEIS and the Section 106 process, the City requests the following.

- **The Section 106 Process Include Findings Applicable to CEQA in addition to NEPA.** The City recognizes that CEQA is a subsequent environmental review process in which the City of Laguna Niguel would function as the Lead Agency. However, through the NEPA process, GSA has decided to rely on a consultation process under Section 106 with the State Historic Preservation Officers, who represent the State of California. Since the Proposed Action includes demolition of the structure and consistency with PBRB recommendations, if the results of the Section 106 process are not transferable to the CEQA analysis and findings, the Proposed Action would not be feasible. Unless the GSA intends to demolish the CHFB while the building remains in federal ownership and then sell the property, which the GSA could do without CEQA review, the Section 106 determination must be applicable to CEQA for the GSA to achieve its intended action and the PBRB recommendations.
- **Impact Reduction Measures Cannot Preclude Implementation of the Proposed Action.** The Proposed Action mandates disposal of the CHFB property, and as stated in the FEIS, disposal must be "made pursuant to the FASTA and PBRB recommendations," which include "obtain the highest and best value for the taxpayer" and (2) "facilitate and expedite the sale or disposal of unneeded federal civilian real properties."

The Draft EIS included an Impact Reduction Measure that was not consistent with the Proposed Action and not consistent with PBRB's mission. The City of Laguna Niguel has repeatedly voiced its opinion that a covenant or deed restriction over the CHFB requiring consistency with The Secretary of the Interior's

Standards for the Treatment of Historic Properties, which requires preservation, rehabilitation, restoration, or reconstruction is inconsistent with the Proposed Action. This opinion is based on two factors. First, the City has spoken to numerous large developers and all of them have said they would not purchase the property if the existing CHFB had to remain. The developers indicated there is no feasible reuse of the building and the cost to renovate and maintain the structure is infeasible. Second, the GSA reached the same conclusion as the developers the City has spoken with in the Purpose and Need section by stating:

*“Other than some energy-related modifications, there have been no modification to the CHFB since the 1980s. Most of the building’s infrastructure is beyond its useful life and deficiencies have been documented in all major mechanical and electrical systems, including life-safety, fire protection, and fire sprinkler systems. Additionally, numerous issues exist, including the presence of asbestos containing materials (ACM) and the need to improve the building’s response to future seismic events.” (p. 1-5)*

If the federal government, with all of its resources, has determined reuse of the CHFB structure is infeasible then it is inconceivable to assume that a private development company could come to a different conclusion.

For this very reason, the ROD must determine whether the outcome of the Section 106 process and any Impact Reduction Measures placed on the property would allow for feasible attainment of the Proposed Action consistent with the PBRB’s recommendations. If the Section 106 process concludes that the property must be treated consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, which requires preservation, rehabilitation, restoration, or reconstruction, that determination would preclude implementation of the Proposed Action. It would also leave the property vacant and in a state of deterioration and disrepair that would have significant environmental effects on the City of Laguna Niguel and the surroundings, which must be accounted for in the ROD.

The City of Laguna Niguel looks forward to continuing to participate in the Section 106 process. The City also expects the GSA, through the Section 106 process and the drafting of the ROD, to ensure the Proposed Action, including following the PBRB’s recommendations, is adhered to in a feasible manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Orduna', with a long horizontal flourish extending to the right.

Jonathan Orduna  
Community Development Director

Cc: Adam Bodner, PBRB, adam.bodner@pbrb.gov