

2. Introduction

2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

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

The lead agency means “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment” (Guidelines Section 21067). The City of Laguna Niguel (City) has the principal responsibility for approval of the Laguna Niguel City Center Mixed Use Project (project). For this reason, the City is the CEQA lead agency for this project.

The intent of the DEIR is to provide sufficient information on the potential environmental impacts of the proposed project to allow the City to make an informed decision in considering approval of the project. Specific discretionary actions to be reviewed by the City are described in Section 3.4, *Intended Uses of the EIR*.

This DEIR has been prepared in accordance with requirements of the:

- California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code, Section 21000 et seq.)
- State Guidelines for the Implementation of the CEQA of 1970 (CEQA Guidelines), as amended (California Code of Regulations, Section 15000 et seq.)
- Laguna Niguel CEQA Manual, as amended.

The overall purpose of this DEIR is to inform the lead agency, responsible agencies, decision makers, and the general public about the environmental effects of the development and operation of the proposed project. This DEIR addresses effects that may be significant and adverse; evaluates alternatives to the project; and identifies mitigation measures to reduce or avoid adverse effects.

2. Introduction

2.2 NOTICE OF PREPARATION AND SCOPING MEETING

The City determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) on November 1, 2019 (see Appendix A). A scoping meeting was held on November 13, 2019, to elicit comments on the scope of the DEIR. Table 2-1 summarizes the comments received during the scoping meeting and identifies the section(s) of this DEIR where the issues are addressed.

Table 2-1 Scoping Meeting Comments Summary

Commenter	Summary of Comments	Issue Addressed In:
Written Comments		
Beatrice Dargavel	<ul style="list-style-type: none"> Noted that the proposed plan is not a Town Center but a housing project with a parking structure. Concerned about the lack of recreational areas and open space for the community to enjoy. Stated that traffic and congestion will increase due to the proposed project. 	<ul style="list-style-type: none"> Chapter 3, <i>Project Description</i> Section 5.14, <i>Recreation</i> Section 5.15, <i>Transportation</i>
Janet Jacob	<ul style="list-style-type: none"> Concerned about the traffic impact and population increase associated with 275 new apartments. Noted that the modern look of the buildings is not conducive to the current aesthetic of the city. Asked whether low-income apartments are included in the proposed project. 	<ul style="list-style-type: none"> Chapter 3, <i>Project Description</i> Section 5.1, <i>Aesthetics</i> Section 5.15, <i>Transportation</i>
Oral Comments		
Irene Bowie	<ul style="list-style-type: none"> Concerned about traffic increasing on Pacific Island Drive. Concerned about noise impacts associated with demolition and construction, as well as operational noise associated with breweries, restaurants, and outdoor activities. Requested more information regarding alternatives and wants assurance that alternatives will be considered seriously. Concerned with air quality impacts associated with demolition and construction. 	<ul style="list-style-type: none"> Section 5.2, <i>Air Quality</i> Section 5.11, <i>Noise</i> Section 5.15, <i>Transportation</i> Chapter 7, <i>Alternatives</i>
Peggy Schwartz	<ul style="list-style-type: none"> Stated that the existing library has 500 to 1,000 visitors per day and is concerned about pedestrian traffic from the proposed library to and from the multistory garage structure. Noted that the present library has eight parking spots and two dedicated disabled spots right next to the library building. Requested that the new library have parking spots adjacent to the building. Stated that the current library has 93 parking spots and that the developers need to make sure adequate parking is provided for library patrons. Requested that safe pedestrian crossings be provided for seniors and families with young children so that library attendance is not affected. 	<ul style="list-style-type: none"> Chapter 3, <i>Project Description</i> Section 5.15, <i>Transportation</i>

2. Introduction

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Commenter	Summary of Comments	Issue Addressed In:
Janice Sherrets	<ul style="list-style-type: none"> Noted that seniors and families with young children might find it unsafe to cross a street to get to the library from the proposed parking structure and that patrons may choose to go elsewhere. Requested that parking be provided close to the library. 	<ul style="list-style-type: none"> Section 5.15, <i>Transportation</i>
Paul Williams	<ul style="list-style-type: none"> Noted that his concerns were not related to the EIR and did not raise any issues. 	
Robert Davy	<ul style="list-style-type: none"> Requested that the library be addressed in the EIR. The discussion should include a justification for replacing the current building and an interim plan for the construction phase. Asked how many residents and cars would be associated with the proposed multifamily dwelling units. 	<ul style="list-style-type: none"> Section 5.12, <i>Population and Housing</i> Section 5.13, <i>Public Services</i> Section 5.15, <i>Transportation</i>
Julie Davy	<ul style="list-style-type: none"> Concerned about air quality impacts for the two- to three-month construction phase. Asked if noise from live events would affect people using the library and nearby residents. Noted that the aesthetics of the project does not live up to the city's standards and that she does not like the four-story residential building. 	<ul style="list-style-type: none"> Section 5.1, <i>Aesthetics</i> Section 5.2, <i>Air Quality</i> Section 5.11, <i>Noise</i>
John Lovegreen	<ul style="list-style-type: none"> Stated that traffic is increasing on Alicia Parkway and Crown Valley Parkway and requested that updated traffic counts be conducted for the proposed project. Requested that left turn into the proposed project be studied in the EIR. Requested that more pedestrian-friendly transportation options be included in the proposed project and that a pedestrian bridge be considered. Noted that there is no safe way to bike around the area. Requested that wildfire be studied in the EIR because of the slopes that are close to the proposed site. Inquired whether water use and availability would be addressed in EIR. Asked that water use and energy efficiency be addressed in the EIR. Requested lighting safety measures are priority for parking structures. Requested that buildings be sustainable and electricity demand be considered. Asked whether proposed four-story buildings are within the city's 35-foot height limit. Noted that he concurred with previous testimony regarding library. 	<ul style="list-style-type: none"> Section 5.1, <i>Aesthetics</i> Section 5.5, <i>Energy</i> Section 5.15, <i>Transportation</i> Section 5.17, <i>Utilities and Service Systems</i> Section 5.18, <i>Wildfire</i>

2. Introduction

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Commenter	Summary of Comments	Issue Addressed In:
Peter Burdon	<ul style="list-style-type: none">Concerned about noise, fumes, and view impacts from the three- to four-story parking structure that would include 600 parking spaces. He said this structure would be approximately 150 feet from his rear patio.Noted that the Old Courthouse used to have HVAC systems on the roof and the noise would carry to residences to the west. Asked whether the parking structure would include rooftop HVAC equipment and whether noise could impact nearby residents.Concerned about the number of residential units and their impact on water, sewage, noise, and traffic.	<ul style="list-style-type: none">Section 5.2, <i>Air Quality</i>Section 5.11, <i>Noise</i>Section 5.15, <i>Transportation</i>Section 5.17, <i>Utilities and Service Systems</i>
Margarette Waldoski	<ul style="list-style-type: none">Expressed overall support for the development.Noted that traffic on Pacific Island Drive has increased dramatically over the past 20 years and is concerned about speeding on this road. Requested a stop light on Pacific Island Drive at the intersection of Club House Drive.Asked whether the entrance to the proposed project from Pacific Island Drive is only for the residential area or the whole project.Inquired whether the proposed apartments would be rental units and whether low-income housing is proposed.	<ul style="list-style-type: none">Chapter 3, <i>Project Description</i>Section 5.15, <i>Transportation</i>
Jennifer Barb	<ul style="list-style-type: none">Asked if resources for the OC Sheriff's Department would be increased to cater to the proposed project. Concerned about speeding violations and drunk drivers.Concerned about the safety of her young children when crossing the street to go to the library from the parking structure.Requested that the time the library is closed be minimized.	<ul style="list-style-type: none">Section 5.13, <i>Public Services</i>Section 5.15, <i>Transportation</i>

Comments are organized in order of testimony.

In addition to the scoping meeting, the public was provided with a 30-day public review period to comment on the NOP—from November 4, 2019, to December 4, 2019. Table 2-2 compiles the comments received from commenting agencies/persons during the NOP process and identifies the section(s) of this DEIR where the issues are addressed. All NOP comments received during the public review period are in Appendix B.

2. Introduction

Table 2-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
Agencies			
Native American Heritage Commission	9/14/19	<ul style="list-style-type: none"> Summarizes SB 18 and AB 52 requirements applicable to the proposed project. 	<ul style="list-style-type: none"> Section 5.4, <i>Cultural Resources</i> Section 5.16, <i>Tribal Cultural Resources</i>
Andrew Green Staff Services Analyst			
Department of Fish and Wildlife	9/26/2019	<ul style="list-style-type: none"> Recommends that the Draft EIR analyze how changes in lands use would be implemented in the walkable open spaces and provides guidance on minimizing the edge-effect and protecting the riparian corridor. Requests that the Draft EIR describes and identifies defensible space within the proposed project. Mentions an unnamed tributary and associated riparian habitat that appear to bound the project on the west and south sides. Opposes development that would reduce wetland acreage or wetland habitat value. Recommends mitigation measures to compensate for impacts to mature riparian corridors and wildlife corridors. Summarizes the requirements of the California Endangered Species Act applicable to the proposed project. Requests a description of the purpose and need for the proposed project and a range of feasible alternatives. Requests that a complete assessment of the flora and fauna within and adjacent to the project area be included in the Draft EIR. States that the draft EIR should include the analyses of the potential project-related impacts to biological resources. Mitigation measures for adverse direct and indirect impacts to sensitive plants, animals, and habitats should also be discussed. States that for proposed preservation and/or restoration, the Draft EIR should include measures to perpetually protect the targeted habitat values. Recommends that measures be taken to avoid project impacts to nesting birds. States that restoration and revegetation plans should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Provides recommendation for mitigating impacts of the Polyphagous and Kuroshio shot hole borers. 	<ul style="list-style-type: none"> Section 5.3, <i>Biological Resources</i> Section 5.18, <i>Wildfire</i> Section 7, <i>Alternatives</i>
Department of Toxic Substances Control	9/27/2019	<ul style="list-style-type: none"> Requests that the Draft EIR identify and determine whether current or historical uses at the project site may have resulted in any release of hazardous wastes/substances and cause any air emission during the proposed project's operational phase. 	<ul style="list-style-type: none"> Section 5.8, <i>Hazards and Hazardous Materials</i>
Chia Rin Yen Environmental Scientist			

2. Introduction

Table 2-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
Brownfields Restoration and School Evaluation Branch Site Mitigation and Restoration Program		<ul style="list-style-type: none"> If the site was formerly used for agricultural purposes and a field investigation is needed, the investigation and/or remediation shall be conducted under a workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. Requests that an investigation be conducted before any buildings or other structures are demolished. The investigation needs to assess the presence of hazardous chemical such as lead-based paints, mercury, and asbestos. Proper precautions need to be taken if such chemicals are detected. 	
City of Mission Viejo Public Works Department – Traffic Philip Nitollama, Transportation Engineer	12/2/2019	<ul style="list-style-type: none"> Requests that the traffic impact analysis (TIA) analyze the near term and long-range buildup conditions for the following intersections: <ol style="list-style-type: none"> Interstate 5 Southbound Ramps and Crown Valley Parkway Interstate 5 Northbound Ramps and Crown Valley Parkway Crown Valley Parkway and Kaleidoscope States that the level of service analysis shall include both delay (HCM methodology) and volume-to-capacity (V/C) ratio evaluation. A queuing analysis shall also be incorporated. 	<ul style="list-style-type: none"> Section 5.15, <i>Transportation</i> Appendix L, <i>Traffic Impact Analysis</i> <p>*Note that pursuant to SB 743, intersection operation/Level of Service is no longer a CEQA issue and therefore not addressed in this EIR.</p>
Juaneno Band of Mission Indians Joyce Stanfield Perry Tribal Manager, Cultural Resource Director	12/2/2019	<ul style="list-style-type: none"> Noted that once the Draft EIR has been prepared, the tribe will be interested in its results and will provide comments at that time. Requests to continue to keep the tribe informed on this project. 	Comment noted.
Orange County Traffic Authority (OCTA) Dan Phu Manager, Environmental Programs	12/4/2019	<ul style="list-style-type: none"> States that the figure attached to the NOP incorrectly identifies Pacific Island Drive as Pacific Land Drive Notes that Crown Valley Parkway is part of the Congestion Management Program Highway System and should be analyzed as such for potential traffic impacts. 	<ul style="list-style-type: none"> Section 5.15, <i>Transportation</i>
Department of Transportation Scott Shelley Branch Chief, Regional IGR Transit Planning, District 12	12/4/2019	<ul style="list-style-type: none"> Requests that the Draft EIR include a Traffic Impact Study to analyze short- and long-term impacts to the State Highway System. Requests that the Draft EIR discuss the impact of the proposed project on active transportation. Recommends parking and loading dock measures to address the impacts of delivery trucks. States that project work proposed in the vicinity of the State right-of-way requires an encroachment permit. 	<ul style="list-style-type: none"> Section 5.15, <i>Transportation</i>

2. Introduction

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Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
South Coast Air Quality Management District Lijin Sun, J.D. Program Supervisor, CEQA IGR Planning, Rule Development and Area Sources	12/6/2019	<ul style="list-style-type: none"> Recommends that the South Coast AQMD's CEQA Air Quality Handbook be used to conduct the air quality analyses, including the regional and localized significance thresholds developed by the South Coast AQMD. States that the lead agency should identify any potential air quality impacts that could occur from all phases of the proposed project and all air pollutant sources related to the proposed project. Recommends that the lead agency perform a mobile source health risk assessment in the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles. Points out that guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook. Lists several resources that are available to assist the lead agency with identifying mitigation measures for the proposed project. 	<ul style="list-style-type: none"> Section 5.2, Air Quality
Individuals			
Paul Del Bene	9/8/19	<ul style="list-style-type: none"> Stated objection to demolishing the library and including a grocery site within the proposed project. Concerned about traffic and congestion impacts. 	<ul style="list-style-type: none"> Comment noted. Section 5.15, Transportation
Carol Maillett	9/9/19	<ul style="list-style-type: none"> Concerned about traffic, congestion, and air quality issues. 	<ul style="list-style-type: none"> Section 5.2, Air Quality Section 5.15, Transportation
Cassandra Ondryas	9/12/19	<ul style="list-style-type: none"> Concerned about safety and crime in the proposed parking structure. Concerned about pedestrian safety. 	<ul style="list-style-type: none"> Comment noted. Not a CEQA issue. Section 5.15, Transportation
Charlie Maerzke	9/12/19	<ul style="list-style-type: none"> Concerned about hazardous materials, pedestrian access, air quality, public services, construction noise, and utility services impacts. 	<ul style="list-style-type: none"> Section 5.2, Air Quality Section 5.8, Hazards and Hazardous Materials Section 5.11, Noise Section 5.13, Public Services Section 5.15, Transportation Section 5.17, Utilities and Service Systems
Joseph Dreifus	12/3/2019	<ul style="list-style-type: none"> Concerned about traffic and congestion impacts. 	<ul style="list-style-type: none"> Section 5.15, Transportation

2. Introduction

Table 2-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
Kiarash Kalantar	12/4/2019	<ul style="list-style-type: none">• Recommends obtaining LEED certification for the project.• Suggests integrating public and social requirements into the early predesign phase of the project.• Recommends adding a "Green Energy & Recycling" exhibition center to the proposed project to enhance local culture, a healthier lifestyle, and a cleaner environment.	<ul style="list-style-type: none">• These comments do not relate directly to the EIR. Please see Section 5.7 <i>Greenhouse Gas Emissions</i> for analysis and mitigation to reduce GHG.

All comments are organized based on date received.

The NOP process helps determine the scope of the environmental issues to be addressed in the DEIR. Based on this process, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered potentially significant are addressed in this DEIR, but issues identified as less than significant or of no impact are addressed in Chapter 8, *Impacts Found Not to Be Significant*.

2.3 SCOPE OF THIS DEIR

The scope of the DEIR was determined based on the City's preliminary analysis of the project that an EIR is required (as noted in the NOP), comments received in response to the NOP, and comments received at the scoping meeting conducted by the City. Pursuant to Sections 15126.2 and 15126.4 of the CEQA Guidelines, the DEIR should identify any potentially significant adverse impacts and recommend mitigation that would eliminate or reduce these impacts to less than significant levels.

2.3.1 Impacts Considered Less Than Significant

As detailed in Chapter 8, *Impacts Found Not to Be Significant*, the City determined that the following environmental impact categories were not significantly affected by or did not affect the proposed project.

- Agriculture and Forestry Resources
- Mineral Resources

2.3.2 Potentially Significant Adverse Impacts

The City determined that 18 environmental factors have potentially significant impacts if the proposed project is implemented. All but one of these potential impacts can be mitigated to a level of less than significant.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils

2. Introduction

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

2.3.3 Unavoidable Significant Adverse Impacts

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

Greenhouse Gas Emissions

- **Impact 5.7-1:** Development of the proposed project would result in an increase of greenhouse gas (GHG) emissions that would exceed South Coast AQMD's significance criteria. The project is estimated to generate 11,651 metric tons of CO₂-equivalent annually from operational activities and would exceed South Coast AQMD's bright-line screening threshold of 3,000 metric tons of CO₂-equivalent.

The City's Transportation Demand Management (TDM) requirements and Mitigation Measures GHG-1 through GHG-3 would reduce GHG emissions by increasing the use of alternative-fueled vehicles, nonmotorized transportation, and energy-efficient appliances beyond what is required by Title 24. The TDM program and mitigation measures ensure that GHG emissions from the buildup of the proposed project would be minimized. However, additional federal, state, and local measures would be necessary to reduce GHG emissions from the proposed project to meet the long-term GHG reduction goals under SB 32. In addition, the project will comply with Municipal Code section 9-1-102 et seq., which is designed to reduce vehicle travel and associated GHG emissions. The project has no control over state and regional solutions to reduce mobile emissions, and the use of mass transit, alternative modes of transportation, and electric vehicles cannot be estimated with certainty. There are no additional feasible and quantifiable means

2. Introduction

of reducing GHG emissions below the level of significance. The project would result in a substantial increase in GHG emissions, and Impact 5.7-1 would remain significant and unavoidable..

2.4 INCORPORATION BY REFERENCE

Some documents are incorporated by reference into this DEIR, consistent with Section 15150 of the CEQA Guidelines, and they are available for review at the City of Laguna Niguel Community Development Department, 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.

- **Laguna Niguel General Plan.** The Laguna Niguel General Plan serves as the major blueprint for directing growth in Laguna Niguel and regulates the existing land uses on the proposed project site. The General Plan analyzes existing conditions in the city, including physical, social, cultural, and environmental resources and opportunities. The General Plan also looks at trends, issues, and concerns that affect the region, includes City goals and objectives, and provides policies to guide development and change.
- **Laguna Niguel Municipal Code.** The Laguna Niguel Municipal Code is a set of laws governing the City and covers all aspects of City regulations, including zoning, permitted uses and standards, and various development requirements. Zoning district standards are also included in the code. Where applicable, code sections are referenced throughout the DEIR.

In each instance where a document is incorporated by reference for purposes of this report, the DEIR shall briefly summarize the incorporated document or briefly summarize the incorporated data if the document cannot be summarized. Each section provides a complete list of references used in preparing this DEIR.

2.5 FINAL EIR CERTIFICATION

This DEIR is being circulated for public review for 45 days. Interested agencies and members of the public are invited to provide written comments on the DEIR to the City address shown on the title page of this document. Upon completion of the 45-day review period, the City will review all written comments received and prepare written responses for each. A Final EIR (FEIR) will incorporate the received comments, responses to the comments, and any changes to the DEIR that result from comments. The FEIR will be presented to the Laguna Niguel City Council for potential certification as the environmental document for the project. All persons who comment on the DEIR will be notified of the availability of the FEIR and the date of the public hearings before the Planning Commission and City Council.

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

- City of Laguna Niguel Community Development Department – 30111 Crown Valley Parkway, Laguna Niguel, CA 92677
- Laguna Niguel Library – 30341 Crown Valley Pkwy, Laguna Niguel, CA 92677
- City of Laguna Niguel Community Development Department Website – www.cityoflagunaniguel.org/CityCenterDEIR

2. Introduction

2.6 MITIGATION MONITORING

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

The Mitigation Monitoring Program for the proposed project will be completed in conjunction with the Final EIR, prior to consideration of the project by the Laguna Niguel City Council.

2. Introduction

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