

## SECTION 1.0 INTRODUCTION

### 1.1 Purpose of the EIR

The purpose of this Draft Environmental Impact Report (Draft EIR) is to evaluate and disclose potential environmental impacts resulting from implementation of the proposed project, Cove at El Niguel residential project (Project). The approximately 4.2-acre Project site is located at 30667 Crown Valley Parkway in Laguna Niguel, Orange County, California. The location of the proposed Project is illustrated in Figure 1.A, Regional and Project Location, and Figure 1.B, Aerial View of the Project Area.

### 1.2 Authorization

The Draft EIR has been prepared by the City of Laguna Niguel (City) as “Lead Agency” in accordance with the Guidelines for the implementation of the California Environmental Quality Act (State CEQA Guidelines), (Sections 15000-15387 of the California Code of Regulations), and the City’s CEQA Manual. The proposed Project considered in this Draft EIR is a “project,” as defined by Section 15378 of the State CEQA Guidelines, which state that an EIR must be prepared for any project that may have a significant impact on the environment. The City, as Lead Agency, has determined that the proposed Project may have a significant adverse impact on the environment; therefore, preparation of an EIR is required.

### 1.3 Public Review and Involvement

#### 1.3.1 Notice of Preparation

The City has determined an EIR is required for approval of the proposed Project. Pursuant to Section 15060(d) of the State CEQA Guidelines, the City initiated the environmental process without preparation of an Initial Study and proceeded directly to the Notice of Preparation (NOP). Pursuant to Section 15082 of the State CEQA Guidelines, the City prepared and circulated the NOP to responsible and affected agencies and other interested parties for a minimum 30-day public review period that began on November 2, 2021 and ended on February 21, 2022. The NOP was also posted in the Orange County Clerk’s office on January 21, 2022, for 30 days and sent to the State Clearinghouse at the Governor’s Office of Planning and Research to solicit statewide agency participation in determining the scope of the EIR. The purpose of the NOP was to convey formally that the City, as the lead agency under CEQA, solicited input regarding the scope and proposed content of the EIR. The NOP is provided in Appendix A of this Draft EIR. On November 17, 2021, the City held a public scoping meeting in conjunction with the NOP, in order to receive public comments and suggestions regarding the scope and content of the Draft EIR.

A total of five comment letters were received during the NOP review period, and six public speakers presented comments during the NOP scoping meeting. Specific applicable and relevant

CEQA environmental concerns raised in these comment letters and by the speakers are discussed in Table 1-1 below. All comments received during the NOP review period and during the NOP scoping meeting are included in Appendix B of this Draft EIR.

### **1.3.2 Tribal Consultation**

The City is required to comply with the provisions of AB 52 (Pub. Resources Code, §§ 5097.94, 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, 21084.3) regarding consultation with California Native American Tribes and consideration of Tribal Cultural Resources. On June 19, 2021, the City notified the Native American Heritage Commission (NAHC) and California Native American Tribes who have registered with the City to be notified in accordance with AB 52. The two registered tribes include the Juaneño Band of Mission Indians Acjachemen Nation; Belardes and Romero. Both tribes have requested consultation as presented in Appendix E. Consultation with the Juaneño Band of Mission Indians Acjachemen Nation; Belardes and Romero began on August 17, 2021 and concluded on March 1, 2022. The parties agreed to measures to mitigate or avoid potentially significant effects, if significant effects exist, on a tribal cultural resource, thereby concluding consultation. (Pub. Resources Code, § 21080.3.2, subd. (b)(1).)

### **1.3.3 Public Scoping Meeting**

The City hosted a public scoping meeting to solicit input from the public and agencies on the scope of the EIR. The public scoping meeting was held during the 30-day NOP review period on November 17, 2021, at the City of Laguna Niguel City Hall. Public comments received during the scoping meeting are provided in Appendix B. Six speakers presented their comments, and no formal written comments were received from public commentators during the public scoping meeting. Specific applicable and relevant CEQA environmental concerns raised in these comments are discussed in previously referenced Table 1-1. All comments received during the public scoping meeting are included in Appendix B.

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**Table 1-1. Summary of NOP Comments**

<b>Agency / Individual</b>	<b>Summary of Comments</b>	<b>Response / Section in Draft EIR Where Issue is Addressed</b>
Native American Heritage Commission 1550 Harbor Boulevard, Suite 100 West Sacramento, CA 95691 (November 12, 2021)	The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.	Ten Native American Tribes were notified on June 19, 2021. As a result of the notification, two tribes requested to consult. Additional information regarding the consultation and associated mitigation measures can be found in Section 4.13 Tribal Cultural Resources.
NOP Scoping Meeting Speaker 1 (November 17, 2021)	Resident shared their residence backs up to the Project. Resident shared concerns regarding the Project and enjoys the current view and does not support the construction of the Project.	Comment noted.
NOP Scoping Meeting Speaker 2 (November 17, 2021)	Resident asked question regarding the access road on the Site Plan and the purpose of the road.	Location the resident referred to is proposed to be a fitness recreation open space area. Additional information regarding this feature is found in Section 3.2.4 and 3.2.5
NOP Scoping Meeting Speaker 3 (November 17, 2021)	Resident asked question regarding the egress and ingress of construction traffic on Crown Valley Parkway.	Section 4.12 discusses potential impacts to transportation based on the City’s adopted thresholds of significance and provides mitigation to reduce impacts.
	Resident asked question regarding the analysis of construction (air quality, noise, greenhouse gas, etc.) and its impact on the environment.	Section 4.11 discusses potential impacts from construction noise and provides mitigation to reduce impacts.

Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
		<p>Section 4.2 discusses potential impacts from construction on air quality.</p> <p>Section 4.7 discusses potential impacts from construction and resulting greenhouse gases.</p>
NOP Scoping Meeting Speaker 4 (November 17, 2021)	Resident asked question regarding target start date of construction of the Project.	Applicant stated the proposed start date is Quarter 1 of 2023, with the earliest start date at the end of Quarter 1 2023.
	Resident asked question regarding traffic at the entrance into the development off Crown Valley Parkway.	<p>Automobile delay, as described by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, is no longer considered a significant impact on the environment under CEQA under Public Resources Code section 21099 and case law. (Citizens for Positive Growth &amp; Preservation v. City of Sacramento (2019) 43 Cal.App.5th 609).</p> <p>Section 4.12 discusses potential impacts to transportation including consistency with policies addressing the circulation system and the potential for hazards due to geometric design features or potential incompatible uses.</p>
NOP Scoping Meeting Speaker 5 (November 17, 2021)	Resident asked question regarding the historical buttress that was constructed as a legal settlement.	Comment noted. The Project would be subject to standard conditions that require specific engineering and grading requirements be met as described in Section 4.6.
	Resident suggested that a portion of the buttress is to be graded per the proposed grading plans. Resident asked if the buttress fill in its existing condition will be analyzed in the Geotechnical Report, or if only the proposed buttress will be analyzed in the Geotechnical Report.	

Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
NOP Scoping Meeting Speaker 6 (November 17, 2021)	Resident asked if the streets have room for fire trucks, and if the width of the road meets the ladder requirements.	The Project would be subject to the Orange County Fire Authority Standards for street widths and turning radii. Additional information regarding adherence to those standards are described in Section 4.12.
	Resident shared they oppose the proposed Project and in favor of the current conditions.	Comment noted.
Marcello & Kelly Dworzak 30585 N Hampton Rd (December 2, 2021)	Commentor stated the proposed Project would have a negative impact on quality of life and on the value and appeal of the Commentor's property. The Commentor shared their canyon view would change to driveways, windows and rooftops and would reduce privacy.	Comment noted. Private views are not protected under CEQA or by local ordinance, as stated in the City's CEQA manual. Section 4.1 discusses potential impacts to aesthetics in accordance with the City's adopted thresholds of significance and provides mitigation to reduce impacts.
	Commentor stated that noise pollution would increase significantly. The current road sound from Crown Valley Pkwy is monotonous and disguised as background noise.	Section 4.11 discusses potential impacts from construction noise and operational noise compared to existing conditions and provides mitigation to reduce impacts.
	<p>The Commentor opposes the proposed Project. However, if the City decides to move forward and approve the plans, the Commentor would like to see efforts made to minimize the negative impact of the development. The Commentor proposed the potential solutions:</p> <ul style="list-style-type: none"> <li>• Move the entrance/exit and park area to the other side (south side) of the new development</li> </ul>	Comment noted. Consistency with policies addressing the circulation system, emergency access and the potential for hazards due to geometric design features or potential incompatible uses were analyzed as part of this DEIR within Section 4.12. Furthermore, Figure 2.D: Conceptual Site Plan provides locations of retaining wall and height of the walls. Potential impacts from construction noise and operational

Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
	<p>to connect with Vallarta Dr. This would help reduce noise to existing homes and give better visibility for vehicles exiting The Cove and entering onto Crown Valley Pkwy.</p> <ul style="list-style-type: none"> <li>• Create a retaining wall of approximately 35' in height along Playa Blanca and Charter Terrace community, like the wall on the south side of the development along Vallarta Dr. This would create a barrier to help block noise pollution. It would also help maintain privacy and salvage some of the view by extending useable backyard area for 2-3 of the most affected Charter Terrace homes.</li> </ul>	<p>noise compared to existing conditions is analyzed within Section 4.11. This section also provides mitigation to reduce impacts.</p>
<p>Department of Transportation District 12 1750 east Fourth Street, Suite 100 Santa Ana, CA 92705 (December 7, 2021)</p>	<p>1. Commentor requested scale on Figures 1 and 2 of the NOP.</p> <p>2. The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.</p> <p>Caltrans recognizes our responsibility to assist communities of color and underserved communities by removing barriers to provide a more equitable transportation system for all.</p> <p>Please consider including a discussion on equity in the Environmental Impact Report.</p>	<p>Scales have been added to the figures as appropriate. Existing and future opportunities for bicycle and pedestrian movement were analyzed as part of the Traffic Study and can be found within DEIR Section 4.12. Furthermore, potential impacts to transportation including consistency with policies addressing the circulation system and the potential for hazards due to geometric design features or potential incompatible uses were addressed within Section 4.12. No work within the State Right-of-Way (ROW) occurs for the proposed Project.</p>

Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
	<p>3. Caltrans supports projects which provide a diversity of housing choices and destinations accessible by Active Transportation (i.e., bicycle and pedestrian) and transit users. New development projects should incorporate opportunities to support sustainable and multimodal transportation options, including, but not limited to transit, walking and biking, and electric cars and bicycles.</p> <p>4. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at: <a href="http://www.dot.ca.gov/hq/traffops/developserv/permits">http://www.dot.ca.gov/hq/traffops/developserv/permits</a></p>	
<p>California Department of Fish and Wildlife South Coast Region 3883 Ruffin Road San Diego, CA 92123 (December 7, 2021)</p>	<p>1. Recommends indicating the floral and faunal species of the 2.2 acres of open space.</p> <p>2. Adherence to the Migratory Bird Treaty Act (MBTA) and pre-construction nesting bird surveys.</p> <p>3. Analysis of adjacent uses and the Project site and indirect impacts as a result of Project implementation on adjacent public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or</p>	<p>The Project consists of non-native acacia species, scattered laurel sumac and developed streets and infrastructure as outlined within the Biological Section 4.3. Due to impacts to suitable nesting and foraging habitat, the Project includes a pre-construction mitigation measure in accordance with the MBTA. Section 4.3 discusses potential biological impacts from Project implementation</p>

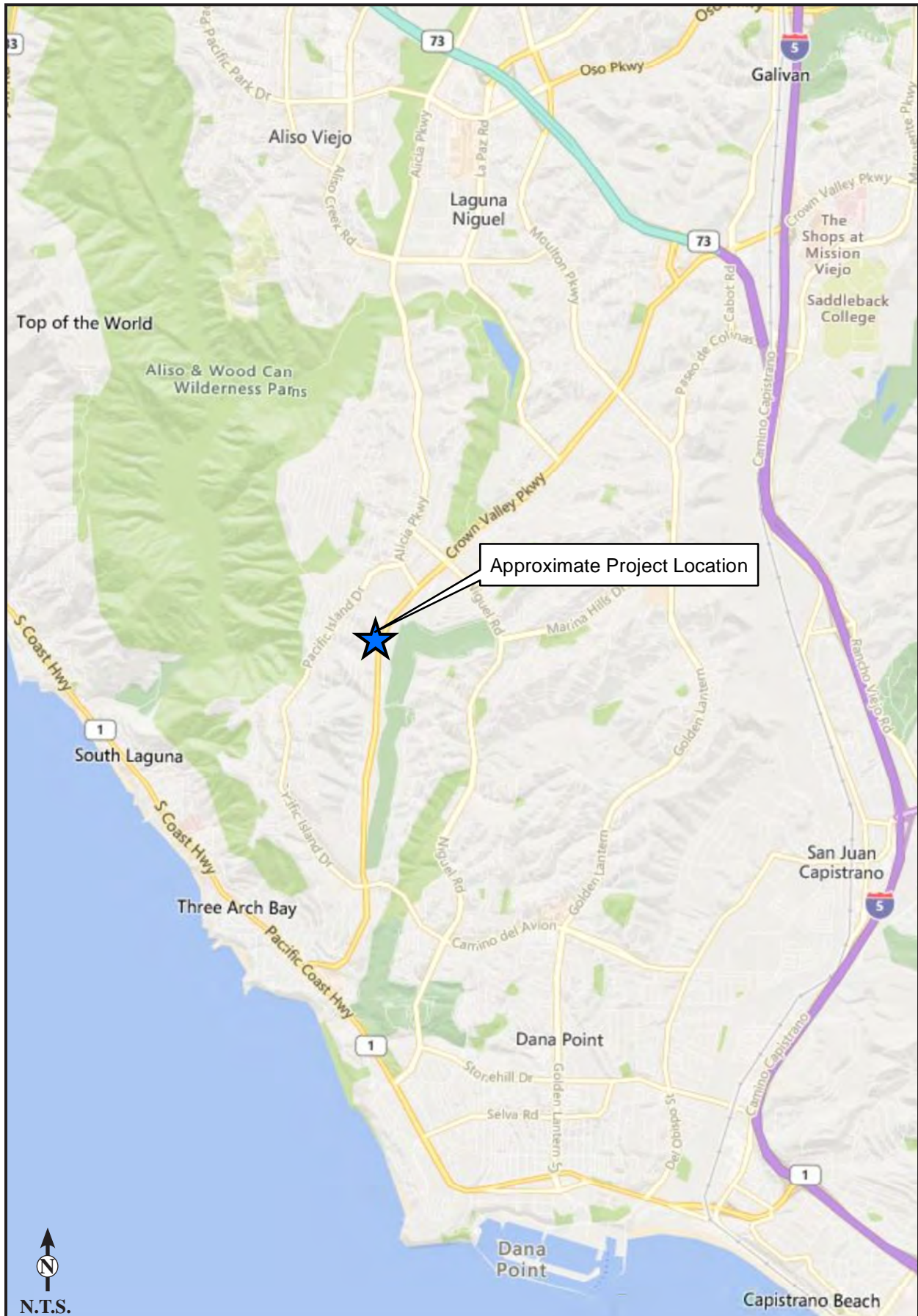
Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
	<p>proposed or existing reserve lands (e.g., preserve lands associated with a NCCP).</p> <p>4. Cumulative biological impacts.</p>	<p>and provides mitigation to reduce impacts.</p>
<p>Jim Kozel, Niguel Summit HOA John Ulrich, Charter Terrace HOA (February 18, 2022)</p>	<p>The Commentors provide two concerns regarding the Project. The Commentors request the following sections be removed:</p> <p>1. Alternative Development Standard – The proposed Project is located at ‘ground zero’ of the most devastating slope failure in Orange County history. What is the basis for allowing ‘alternate development standards’ by the City of Laguna Niguel? We interpret this as an indication that the City is intending to reduce its standards instead of requiring developers to meet and hopefully exceed current development standard. Based on the inherent risk of building in this area, it would appear that any project should be required to strictly adhere to the existing development standards. Moreover, the proponent of the project has a lengthy and well documented record of slope failures within the Laguna Niguel and elsewhere in Orange County. There, the burden should be on the developer to establish compliance with the required City code.</p> <p>2. Minor Adjustment – A 15.5 foot retaining wall that exceeds the zoning Code’s height limit is objectively not a “minor adjustment” and is inappropriate for this site.</p>	<p>The comments are noted. Alternative Development Standards do not reduce grading or geotechnical standards. Alternative Development Standards apply to site planning issues beyond the scope of this EIR. To the extent that site planning issues could have an environmental impact, those issues are analyzed in the Draft EIR. As it pertains to grading and the potential for slope failure, Section 4.6 analyzes potential impacts on soils and geology in accordance with the City’s adopted thresholds of significance and provides mitigation to reduce impacts. Although a prior proposal included residential development on the upper western portion of the site and was shown to be geotechnically stable, consistent with the City’s grading and geotechnical codes and review, the proposed Project, unlike the prior proposal, places the upper 2-acre portion of the site in a lettered lot on the tract map as outlined in project design feature <b>PDF GEO-1</b>. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential homes would occur on the remediated hillside. As it pertains to retaining wall heights, Section 4.1 discusses potential impacts to aesthetics in accordance with the City’s adopted thresholds of significance and</p>



Agency / Individual	Summary of Comments	Response / Section in Draft EIR Where Issue is Addressed
		provides mitigation to reduce impacts. Views of the Project site from private residences are not protected. Additionally, the Zoning Code allows for modifications to the height, size, and location standards with approval of a minor adjustment. (LNMC, § 9-1-35.3 (f).)

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**Figure 1.A Regional and Project Location Map**

Source: Bing Maps (2021).

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Source: Bing Map (2021).

**Figure 1.B Aerial View of the Project Area**

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### **1.3.4 Draft EIR Review**

This Draft EIR was distributed to responsible and trustee agencies, other affected agencies, and interested parties. Additionally, in accordance with Public Resources Code section 21092, subdivision (b)(3), the EIR has been provided to all parties who have previously requested copies. The Notice of Completion (NOC) and Notice of Availability (NOA) of the EIR have been distributed as required by CEQA. During the 45-day public review period, the EIR and technical appendices have been made available for review. The EIR has been made available for review on the City’s website during the public review period.

Written comments related to this EIR should be addressed to:

**Ms. Amber Gregg, Contract Planner**

City of Laguna Niguel

30111 Crown Valley Parkway

Laguna Niguel, California 92677

Email: [agregg@cityoflagunaniguel.org](mailto:agregg@cityoflagunaniguel.org)

After the 45-day public review period, written responses will be prepared to all comments provided on the Draft EIR. These responses will be available for review for a minimum of 10 days prior to the public hearing before the City’s Planning Commission, at which time the certification of the Final EIR will be considered. The Final EIR (which will include the Draft EIR, the public comments and responses to the public comments, and findings) will be included as part of the environmental record used during the consideration of the proposed project by the City decision-makers.

### **1.3.5 Public Hearings**

The Planning Commission will consider the Final EIR and all public comments as part of its deliberation on the Project. The Planning Commission’s action (approve, conditionally approve, or deny) is final unless the Planning Commission’s decision is appealed to the City Council.

## **1.4 Cumulative Impacts**

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CEQA requires that an EIR examine the cumulative impacts of a proposed project. Cumulative effects are defined as “two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines Section 15355, 15130). The Guidelines further state the cumulative impact from several projects is the environmental affect resulting from the incremental impact of the project plus the impact from other closely related past, present, and reasonably foreseeable probable future projects. (Section 15355). With respect to the analysis of cumulative impacts, CEQA generally requires the following:

- a. Cumulative impacts shall be discussed when the project’s incremental effect is cumulatively considerable.
- b. The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Pursuant to CEQA Guidelines, Section 15130, the assessment of cumulative impacts contained in EIRs is typically based on either: (i) past, present, and probable future projects, which are either approved or being considered for approval by the City or other municipalities (or anticipated to be submitted for consideration, including projects in the design phase or under construction); or (ii) growth projections set forth in regional plans, including regional modeling plans. For each of the environmental topics addressed in this EIR (i.e., Sections 4.1 through 4.14), the methodology for determining cumulative impacts and the corresponding cumulative impact area is discussed after the project specific impact analysis of each section.

Table 1-2 summarizes data provided by the City Planning Department pertaining to potential development projects that could contribute to cumulative environmental impacts. The list of cumulative projects includes all projects within the City limits as well as other known projects in neighboring jurisdictions proximate to the project site. This same list of cumulative projects has been used, where applicable, in the cumulative impact assessments for the environmental topics in which the list of project methods has been utilized.

**Table 1-2. Cumulative Projects**

No.	Project	Address	Land Use	Dwelling Units (DU)	Non-residential Area (SF)	Other
1	City Center Mixed-Use Project	Southwest corner of Alicia Parkway and Pacific Island Drive, adjacent to City Hall City of Laguna Niguel	Apartments Commercial/Civic	275 -	- 174,851	- -
2	Sunpointe	Southeast corner of Paseo De Colinas and Cabot Road City of Laguna Niguel	Single-Family	53	-	-



No.	Project	Address	Land Use	Dwelling Units (DU)	Non-residential Area (SF)	Other
3	Senior Living Project	27762 Forbes Road City of Laguna Niguel	Senior Adult	35	-	-
			Assisted Living	44	-	-
			Continuing Care	32	-	-
4	Picerne Apartments	Northeast corner of Crown Valley Parkway at Cabot Road City of Laguna Niguel	Apartments	425	-	-
5	Forbes Road Apartment	Northeast corner of Crown Valley Parkway at Forbes Road City of Laguna Niguel	Apartments Retail	300 -	- 8742	- -
6	River Street Development	Northeast corner of Paseo Adelanto and Del Obispo Street City of San Juan Capistrano	Commercial	-	64,900	-
7	San Juan Hills High School	West of La Pata Avenue City of San Juan Capistrano	Public High School	-	-	2,200 Students
8	J. Serra Catholic High School	North and South of J. Serra Road, west of I-5 City of San Juan Capistrano	Private High School	-	-	2,000 Students
9	Pacifica San Juan	East of I-5 extending from McCracken Hill south to Camino Las Ramblas City of San Juan Capistrano	Estates Single-Family Condominiums	23 311 82	- - -	- - -
10	Plaza Banderas	Northeast corner of El Camino Real & State Route 74	Hotel Restaurant	- -	- 3,898	124 Rooms -

No.	Project	Address	Land Use	Dwelling Units (DU)	Non-residential Area (SF)	Other
		City of San Juan Capistrano				
11	Distrito La Novia - San Juan Meadows	North and south sides of La Novia Avenue, east of Valle Road	Retail	-	75,100	-
		City of San Juan Capistrano	General Office	-	16,000	-
			Condominiums	90	-	-
			Apartments	50	-	-
			Single-Family	93	-	-
			Equestrian Center	-	-	500 Horses
12	LDS Church	North side of Vista Montana, west of La Pata Avenue City of San Juan Capistrano	Church	-	16,558	-
13	The Farm Specific Plan	32382 Del Obispo Street City of San Juan Capistrano	Single-Family	180	-	-
14	Tirador Residential Project	Terminus of Calle Arroyo City of San Juan Capistrano	Townhomes	89	-	-
			Single-Family	47	-	-
15	Proposed Drive Through Coffee Shop	32291 Camino Capistrano City of San Juan Capistrano	Coffee Shop	-	2,000	-
16	Ganahl Lumber	North of Stonehill Drive, adjacent to San Juan Creek	Fast-Food Coffee Shop Car Storage	-	5,040 1,710	- - 622 Spaces
17	Downtown Playhouse	Southeast corner of Ortega Highway and El Camino Real City of San Juan Capistrano	Theater	-	18,828	-
			Commercial	-	31,385	-
			Office	-	3,268	-
18	Mission Grill	31721 Camino Capistrano	Restaurant	-	4,750	-
			Retail	-	4,750	-

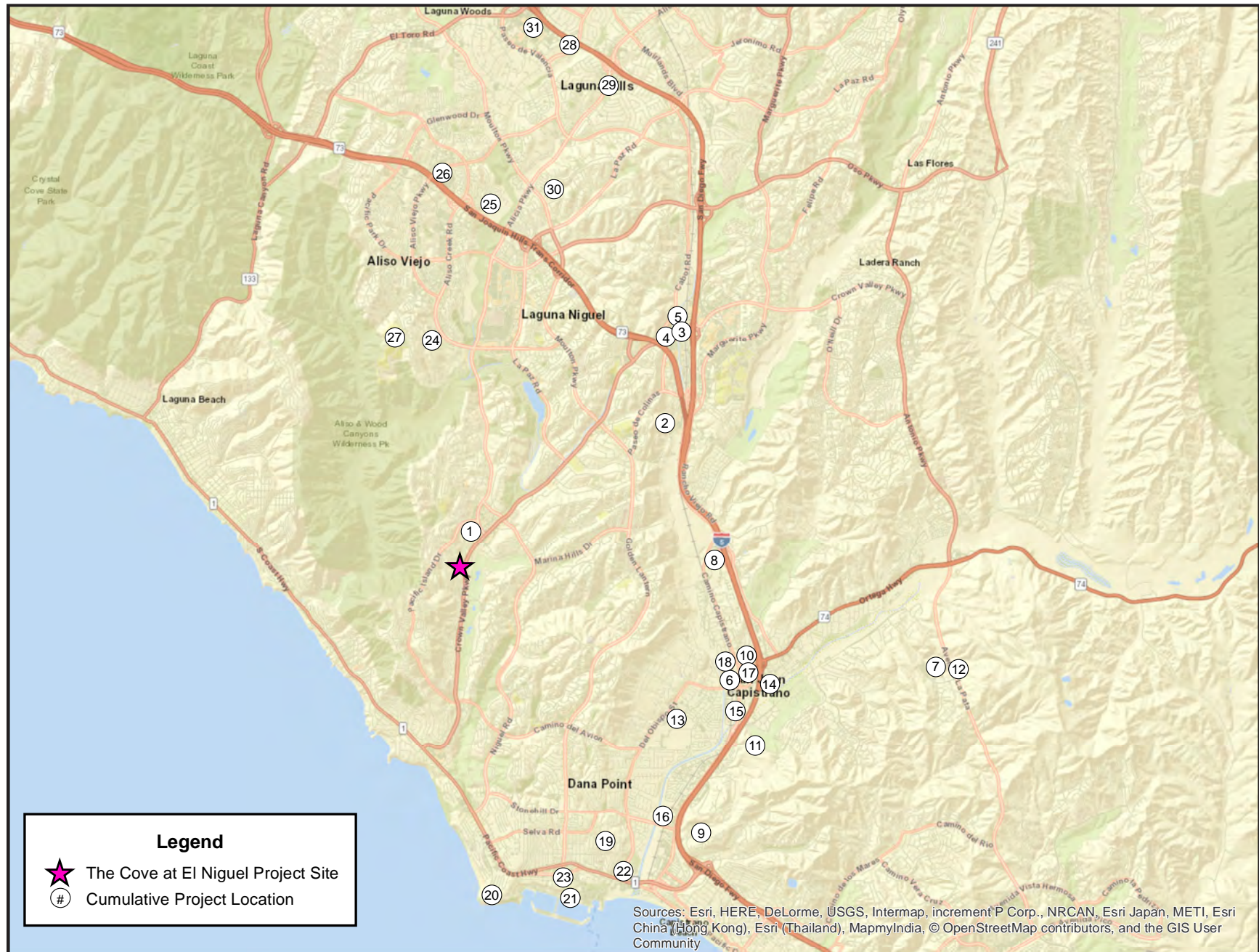
No.	Project	Address	Land Use	Dwelling Units (DU)	Non-residential Area (SF)	Other
		City of San Juan Capistrano	Office	-	7,500	-
19	St. Edwards Pastoral Center	33926 Calle La Primavera City of Dana Point	Church Expansion	-	11,463	-
20	Headlands Specific Plan	Dana Point Marine Life Refuge City of Dana Point	Single-Family Hotel Commercial Hostel Conservation Park Open Space	40 - - - - -	- - 35,000 - - -	- 90 Rooms - 40 Beds 28 Acres 41 Acres
21	Dana Point Harbor Revitalization	Dana Point Harbor City of Dana Point	Retail/Restaurant Parking Deck	- -	25,000 -	- 610 Spaces
22	Doheny Plaza	34202 Del Obispo Street City of Dana Point	Condominiums Commercial	169 -	- 2,500	- -
23	Dana Point Town Center	South side of Pacific Coast Highway, between Blue Lantern Street and Del Obispo Street City of Dana Point	Retail/Restaurant Office Institutional Residential	- - - 237	192,165 31,244 50,000 -	- - - -
24	Orion Public Storage	4 Orion City of Aliso Viejo	Storage Facility	-	17,528	-
25	The Ranch	100 Park Avenue City of Aliso Viejo	Community Facility	-	16,000	-
26	Polaris Office Building	6 Polaris City of Aliso Viejo	Office Parking Structure	- -	42,400 -	- 423 Spaces
27	Soka University Residence Halls	Soka University City of Aliso Viejo	Student Dormitory	102	-	-

No.	Project	Address	Land Use	Dwelling Units (DU)	Non-residential Area (SF)	Other
28	Oakbrook Village	Avenida de la Carlota, north of Los Alisos Boulevard City of Laguna Hills	Retail Multi-Family	- 289	139,000 -	- -
29	Activcare	24888 Alicia Parkway City of Laguna Hills	Elderly Care Housing	-	-	72 Beds
30	MNWD Facility Expansion	26161 Gordon Road City of Laguna Hills	Community/Private Institution	-	64,000	-
31	Five Laguna	Laguna Hills Mall City of Laguna Hills	Mall Medical Office Apartments	- - 988	843,706 45,890 -	- - -
<b>Total</b>				<b>3,701</b>	<b>1,780,325</b>	<b>-</b>
Source: City of Laguna Niguel.						

The locations of the cumulative projects are detailed in Figure 1.C.

Because the nature of individual environmental factors differs from one environmental issue to another, the cumulative area for each environmental issue addressed in this EIR may not be identical. For example, the cumulative area for air quality impacts is reasonably assumed to be the entire South Coast Air Basin, which is much larger than the cumulative area for public service impacts (i.e., the service area of the various service providers). For this reason, the criteria for evaluating the significance of adverse effects are identified for each environmental issue in Section 3.0 and 4.0. These criteria, which are based on resource sensitivity, quality, and quantity, and include whether cumulative effects are based on the list or projection method.

Implementation of the mitigation measures identified in each section of the EIR will reduce the cumulative impact of the proposed project to the extent feasible. In many cases, the mitigation measures result in reducing the proposed project's cumulative impact to a less than significant level. The analyses indicate to what degree the proposed project makes a significant contribution to cumulatively considerable impacts for each environmental issue.



Source: City of Laguna Niguel (July 2021)

**Figure 1.C Cumulative Projects**

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## **1.5 Lead Agency**

CEQA defines a “Lead Agency” as the public agency that has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment. Both the Lead Agency and responsible agencies must consider the information contained in the EIR prior to acting upon or approving a project. The City is the Lead Agency for the proposed Project.

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## **1.6 Responsible and Trustee Agencies**

Pursuant to Sections 15381 and 15386 of the State CEQA Guidelines, “responsible agencies” are public agencies with some authority or responsibility to issue discretionary approvals or permits for projects in which a lead agency is preparing or has prepared an EIR or negative declaration. A trustee agency is a state agency that has jurisdiction by law over natural resources held in trust for the people of California (Section 15386) that may be affected by the project. Trustee agencies include the California Department of Fish and Wildlife (CDFW).

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## **1.7 Project Applicant**

The Project Applicant is:

Laguna Niguel Properties  
27422 Portola Parkway, Suite 300  
Foothill Ranch, CA 92610  
(714) 272-9278

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## **1.8 Documents incorporated by Reference**

Section 15150 of the State CEQA Guidelines permits and encourages an environmental document to incorporate, by reference, other documents that provide relevant data. The documents summarized below are incorporated by reference, and the pertinent material is summarized throughout this Draft EIR, where the information is relevant to the analysis of potential Project impacts. All documents incorporated by reference are available for review at the Laguna Niguel Community Development Department, 30111 Crown Valley Parkway, Laguna Niguel CA 92677. Cited documents are also available for review on the City of Laguna Niguel’s website.

### **1.8.1 City of Laguna Niguel**

- City of Laguna Niguel General Plan, August 1992
- City of Laguna Niguel Zoning Code, February 1999

## **1.9 EIR Technical Documents**

Technical studies prepared specifically for the proposed Project are included as Appendices to the Draft EIR and are therefore part of the Draft EIR.

1. CalEEMod Air Pollution Emissions Calculations, October 2021, EnPlanners. (Appendix C)
2. Biological Resource Assessment, May 2021, Carlson Strategic Land Solutions. (Appendix D)
3. Cultural Resources Assessment, September 2021, Duke CRM. (Appendix E)
4. Geotechnical Reports (Appendix F)
  - F-1. Response to Questions Regarding Geotechnical Review, February 2022, American Geotechnical, Inc.
  - F-2. Addendum Report – Adding Geology to Current Site Plan, May 2021, American Geotechnical, Inc.
  - F-3. Response to City of Laguna Niguel Geotechnical Review Sheet Dated February 15, 2021 and Notice of Incompleteness Dated February 23, 2021, April 2, 2021, American Geotechnical, Inc.
  - F-4. Geotechnical Review of Tentative Tract Map, January 2021, American Geotechnical, Inc.
  - F-5. Conditional Approval of Geotechnical Reports, June 2021, Goffman, McCormick, and Urban Geotechnical Inc.
5. Fire Safety (Appendix G)
  - G-1. Safety Plan, October 2021, FireSafe Planning Solutions
  - G-2. Fuel Modification Plan, December 2021, FireSafe Planning Solutions
6. Phase I Environmental Assessment Report, March 4, 2022, Transaction Management Corporation, Inc. (Appendix H)
7. Hydrology Analysis, August 16, 2021, Hunsaker & Associates Irvine, Inc. (Appendix I)
8. Conceptual Water Quality Management Plan, August 24, 2021, Hunsaker & Associates Irvine, Inc (Appendix J)
9. Noise and Vibration Analysis Report, The Cove at El Niguel, February 2022, A/E Tech LLC (Appendix K)
10. Traffic Assessment for The Cove at El Niguel Project, June 2021, Linscott Law & Greenspan (Appendix L)