

SECTION 3.0 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

3.1 Introduction

The California Environmental Quality Act (CEQA) provides that an Environmental Impact Report (EIR) focus on the significant effects on the environment, discussing the effects with emphasis in proportion to their severity and probability of occurrence.

Section 21100, subdivision (c), and Section 21002.1, subdivision (e), of the Public Resources Code and Section 15128 of the CEQA Guidelines states that an EIR shall contain a statement briefly indicating the reasons various possible effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. Since an Initial Study was not prepared with the Notice of Preparation (NOP), this EIR evaluates all of the possible significant effects of the Project in accordance with Appendix G of the CEQA Guidelines and the City's CEQA Manual.

However, several environmental effects of the Project have been screened out from detailed discussion. These environmental topics are Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. The following discussion briefly indicates the reasons why these significant effects of the Project were determined not to be significant and are not discussed in detail in this EIR.

3.2 Environmental Effects Screened from Detailed Analysis

This section describes the potential impacts on the following environmental topics and why implementation of the proposed Project would result in no impact or a less than significant impact. The significance of impacts is based on the thresholds contained in Appendix G of the CEQA Guidelines and the criteria contained in the City's CEQA Manual.

3.2.1 Agriculture and Forestry Resources

Threshold A *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?*

The proposed Project is within a General Plan designation of Residential Attached, with a zoning designation of RM, Multi-family District. Surrounding land use designations include RS-3 (Single-family District 3), RS-4 (Single-family District 4), OS (Open Space), and PR (Park & Recreation District). The Farmland Mapping and Monitoring Program (FMMP) designates the Project site as Urban/Built-up and Other Land on its California Important Farmlands Finder map

for Orange County. The map does not identify the Project site as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Atkins 2011). Therefore, the proposed Project would not convert any such farmland to non-agricultural use and no impact to farmland would occur.

Threshold B *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Project site is currently vacant, having been previously developed, demolished, and re-graded with existing installed site erosion control due to previous landslide. Neither the Project site nor any parcels within the Project vicinity are zoned for agricultural use or subject to any Williamson Act contracts. Therefore, the proposed Project would not conflict with existing zoning for agricultural use or conflict with a Williamson Act contract, and no impact would occur.

Threshold C *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?*

As previously described, the Project site is currently zoned RM, Multi-family District for Multi-family development and the General Plan land use designation is Residential Attached. No land zoned as forest land or timberland exists within the proposed Project boundaries. The proposed Project would not conflict with existing zoning for forest land or timberland. Therefore, no impact would occur and no mitigation is required.

Threshold D *Result in the loss of forest land or conversion of forest land to non-forest use?*

No land zoned as forest land or timberland exists within the proposed Project boundaries. Approval of the proposed Project would not result in the loss of forest land or conversion of forest land to other uses; therefore, no impact would occur.

Threshold E *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

No agricultural land uses, forest land, or timberland exist in the vicinity of the Project, and the Project site is currently vacant, having been previously developed, demolished, and re-graded with existing installed site erosion control due to a previous landslide. The proposed Project would develop the site with 22 homes configured into 6 triplex and 2 duplex, 3-story buildings on approximately 2.0 acres. The proposed Project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, no impact would occur.

3.2.2 Mineral Resources

Threshold A *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

There are no areas within the City designated by the General Plan or zoning for mineral resources or mineral resource activities. The Project site is designated MRZ-1, which is defined as an area that contains no significant mineral deposits, or where it is judged that little likelihood exists for their presence. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource and impacts would be less than significant and no mitigation measures are required.

Threshold B *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plans.*

As noted above, there are no areas within the City designated by the General Plan or zoning for mineral resources or mineral resource activities. The Project site is designated Residential Attached per the General Plan and zoned RM, Multi-family District, which designates the area for planned Multi-family development. Also as detailed above, the site is designated MRZ-1, which is an area that contains no significant mineral deposits or where it is judged that little likelihood exists for their presence and the site has not been identified as containing locally important mineral resources. As such, the proposed Project would not cause the loss of availability of a locally important mineral resource recovery site. No impacts would occur and no mitigation measures are required.

3.2.3 Population and Housing

Threshold A *Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?*

Direct Impacts

The proposed Project includes the construction of 22 Multi-family condominium residences on 2 acres of a 4.2-acre site, with 2.2 acres remaining open space. The Project site is designated Residential Attached in the LNGP and zoned Multi-family District (RM). The Project is consistent with existing land use and zoning. The proposed 22 condominiums are expected to accommodate approximately 57 residents (22 dwellings x 2.61 average persons per household). Compared to the City's 2020 estimated population of 67,285, the additional 57 residents would represent a less than one-tenth of one percent increase in population. This increase would not be considered substantial population growth. Furthermore, the Project site was previously developed with 41 condominium

units, which generated more population than the proposed Project. Therefore, the proposed population is less than what was previously generated from the Project site and the increase in population from the proposed Project is de minimis, resulting in less than significant and no mitigation is required.

Indirect Impacts

Construction activities associated with the proposed Project would provide short-term employment opportunities. These jobs would be temporary and are expected to be filled by the local labor force. Therefore, construction activities associated with the proposed Project would not indirectly stimulate the need for additional housing or services. The proposed Project would not extend roads and supporting infrastructure. Modifications to existing infrastructure would be conducted to specifically service the Project site as opposed to servicing the greater surrounding areas. Therefore, the proposed Project would not induce indirect population growth by extending infrastructure to previously undeveloped areas.

As the proposed Project would not indirectly stimulate the need for additional housing or services or result in the need for extended roads or addition of new infrastructure, indirect impacts would be less than significant.

Threshold B Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Project site is currently vacant and as a result, the proposed Project does not involve the demolition of any housing or structures. Housing displacement impacts would not occur as a result of Project implementation. Therefore, the proposed Project would not displace people or housing, and no impact would occur and no mitigation measures are required.

3.2.4 Public Services

Threshold A (i) Fire Protection

During construction of the Project, fire protection services could be required; however, this phase of the Project would be temporary and short term in nature, and fire protection services are already available to the Project area. Therefore, impacts are expected to be less than significant.

Operation of the Project would lead to an increased demand for fire protection services by increasing the permanent population. However, given that the City's estimated population in 2021 was approximately 65,168 (Section 3.2.3 Population and Housing), the proposed Project would represent an approximate population increase of less than one-tenth of one percent. Therefore, the Project is not expected to result in an additional strain on fire protection services such that new or

expanded facilities would be required, and impacts related to fire protection services would be less than significant, and no mitigation is required.

Threshold A (ii) Police Protection

With the City's regular coordination with Orange County Sheriff's Department (OCSD) and reviewing staffing levels in concert with population and geography during service contract renewals, as described above in **Threshold A (i)**, it is expected that the Project would not result in substantial adverse impacts on police protection services such that new or expanded facilities would be required due to the Project's minimal impact to population increase. The Project site is in an urbanized area surrounded by residential uses currently served by the OCSD. Patrols to existing residential communities currently pass by the Project site. The addition of the proposed Project would not change the patrol areas or require additional staffing. Therefore, impacts would be less than significant, and no mitigation is required.

Threshold A (iii) Schools

The proposed Project would be served by Hidden Hills Elementary School (K–5), Niguel Hills Middle School (6–8), and Dana Hills High School (9–12). Pursuant to Government Code Section 65996, mitigation of impacts on school facilities is limited to the imposition of statutory school fees. Compliance with **Standard Condition of Approval SCA PUB-1** would ensure that the proposed Project pays the statutory school impact fees to fully mitigate the addition of students to Capistrano Unified School District (CUSD) facilities. Therefore, impacts related to school facilities would be less than significant.

Standard Condition of Approval (SCA): Compliance of the following SCA will render impacts to California Government Code Section 65995 to less than significant.

SCA PUB-1: Consistent with current City requirements, the developer will pay to CUSD no less than the statutory school fees in effect at the time of issuance of building permits.

Threshold A (iv) Parks

Section 3.2.5, *Recreation*, of this Draft EIR includes an analysis of park and open space requirements and the Project design features. Section 9-1-522 of the LNZC requires either parkland dedication or payment of park fees, and based on the formula provided in Section 9-1-522, the proposed Project has a local park code requirement of 0.14 acres. As seen below in Figure 3.2.4.A, the Project would meet and exceed such requirements by implementing **Project Design Feature PDF PUB-1** which provides 0.51 acres of recreational area. As a result, impacts would be less than significant, and no mitigation is required.

Project Design Features (PDF): Implementation of the following PDF will render impacts to Recreation to less the significant:

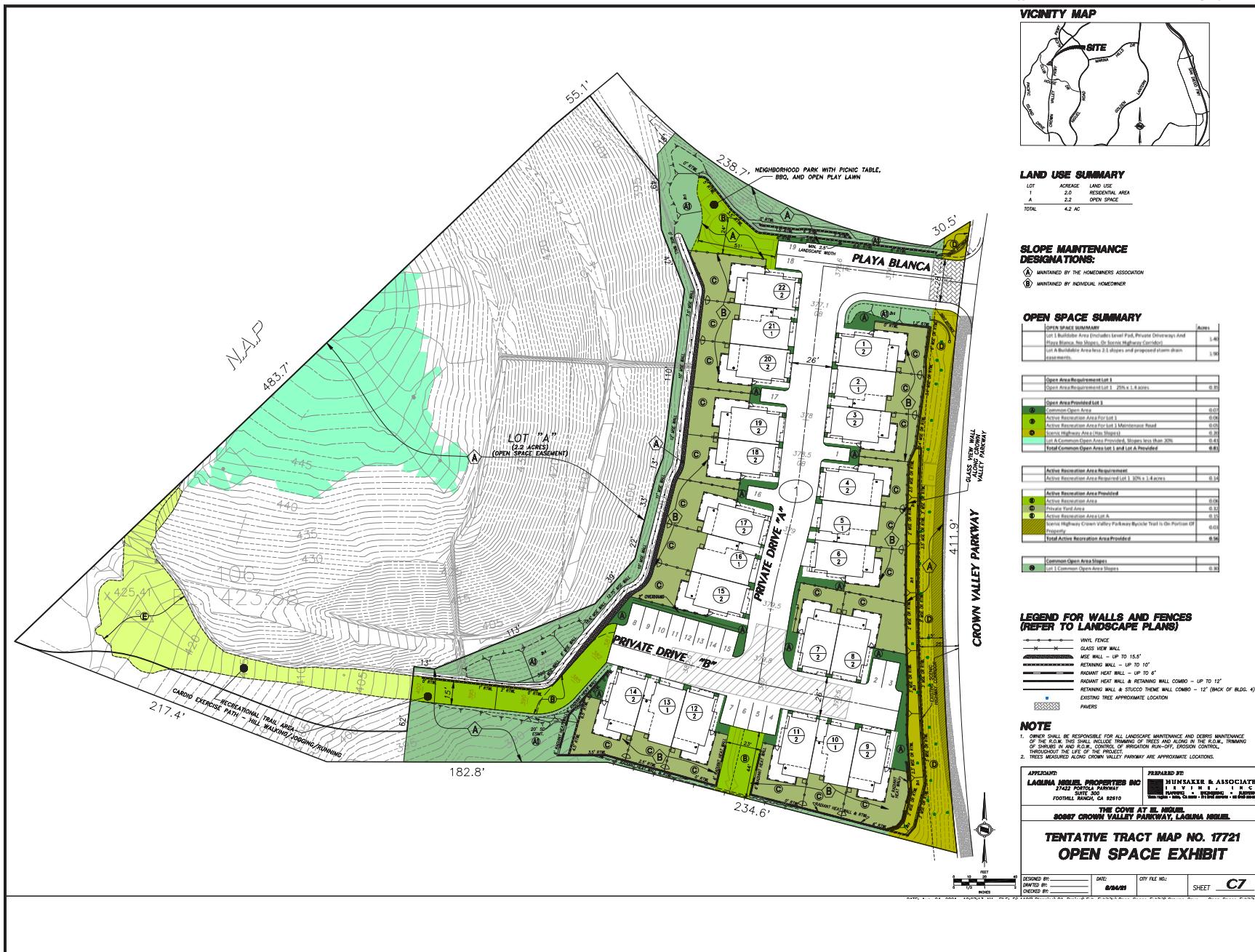
PDF PUB-1: To meet the parkland dedication requirement per the LNZC, the Project has implemented the following areas onsite to achieve such requirement.

- **Area B:** Active Recreation Area, includes two neighborhood parks both with open play lawns and one with a picnic table and BBQ. Totals 0.13 acres.
- **Area C:** Private Yard Area are included for each 22 condominium units. Totaling. Totaling 0.38 acres.

Threshold A (v) Other Public Facilities

Answered above in **Threshold A (i)**, the proposed Project would create an additional demand to library services in the City and County. However, this increase would not be substantial, and new or expanded facilities would not be required as a result of the Project. Furthermore, on June 23, 2013, the Orange County Board of Supervisors adopted resolution No. 13-062 with respect to the Development Fee Program for Branch Libraries, stating that those facilities have been constructed and accordingly the fee program is no longer needed. Therefore, impacts related to other public facilities would be less than significant, and no mitigation is required.

Remainder of this page left intentionally blank.



Source: Hunsaker&Associates (8/24/2021).

This page left intentionally blank.

3.2.5 Recreation

Threshold A	<i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>
--------------------	--

The proposed Project is expected to house up to 57 residents based on the City's 2020 estimated occupancy of 2.61 persons per dwelling unit, which in turn could generate an increased demand for recreation facilities. However, as discussed previously in Section 3.2.3, *Population and Housing*, this increase to the City's population is negligible. Similarly, the increase in demand on parks and recreational facilities attributable to the proposed Project would be negligible and impacts to existing recreational facilities would be less than significant. As described below, the proposed Project is required to satisfy the Quimby Act and meet the requirements for providing parkland per the LNZC Section 9-1-522 and Section 9-1-35.13.

Table 3.2.5-A: Proposed On-Site Recreational Facilities

Open Area	Required (Acres)	Provided (Acres)
Common Open Space	0.35	0.13
Active Recreation	0.14	0.38
Total	0.49	0.51

The proposed Project provides a combination of private yard space and two open play lawn areas for recreation for the residents and guests of the development, all of which would be maintained by the future HOA. Since the Project provides less common open space than required (although more open space overall) and relies on private yard space to satisfy the private recreation requirement, approval of Alternative Development Standards is required.

Since the Project provides overall open space greater than required and approval of the Project is contingent upon approval of Alternative Development standards, potential impacts on existing parks as a result of the increase in population from the proposed Project would be less than significant, and no mitigation is required.

Threshold B	<i>Does the project include recreational facilities or require the construction of or expansion of recreational facilities that might have an adverse physical effect on the environment?</i>
--------------------	---

As described in **Threshold A**, the proposed Project includes sufficient open space and active recreational areas to satisfy the Project's local park code requirements. The construction of open space and active recreation facilities would occur onsite and the potential impacts of constructing

such facilities would be less than significant as they are to be built and approved per code. Furthermore, the proposed improvements would be managed by the HOA and accessible through the neighborhood for residents and guests. The Project would not require the construction of new or expanded off-site recreational facilities. Potential impacts would be less than significant, and no mitigation is required.

3.2.6 Utilities and Service Systems

Threshold A *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The proposed Project would tie-in to existing utilities and services on-site, in adjacent property, and in Crown Valley Parkway. Minimal abandonment of existing utilities and service systems would be required to accommodate the Project. The increase in demand on utilities and service systems from the Project is considered to be minimal, and the Project will be adequately served by the service providers as described below.

Water

Moulton Niguel Water District (MNWD) would provide service to the Project for domestic water, irrigation, and fire suppression. A connection will be made to the existing underground water line located at the Project entrance on Playa Blanca. The tie-in would be designed and coordinated through MNWD during the building permitting process to ensure the water distribution system meets peak flow rate and fire flow requirements. All system improvements would be required to comply with Ordinance No. 15 of the MNWD's Water Rates, Rules, and Regulations that would result in adequate peak flow rate and fire flow requirements. Therefore, the Project would not result in the construction of new or expanded off-site water facilities. Impacts would be less than significant, and no mitigation is required.

Wastewater

MNWD would also provide wastewater services to the Project. In order to make necessary tie-in to existing sewer line, the sewer line will be partially abandonment from Playa Blanca at Private Road "A" to the end of sewer line to the west end of Playa Blanca. Similar to the water system connection, design and coordination of the connection improvements will be made through MNWD during the building permit process to ensure construction requirements are met. Therefore, the Project would not result in the construction of new or expanded off-site wastewater facilities. Impacts would be less than significant, and no mitigation is required.

Natural Gas

SoCalGas would provide natural gas services to the Project. Similar to the previous services mentioned, on-site connection to the existing nature gas infrastructure would be made during

construction for operation. The existing gas line runs under Crown Valley Parkway east to west and tie-in would be made at the Project entrance at Playa Blanca. Compliance with the existing building code and SoCalGas construction and design regulations would ensure the Project's connection to the existing natural gas infrastructure is conducted safely and provides adequate service. Therefore, the Project would not result in the construction of new or expanded off-site natural gas facilities. Impacts would be less than significant, and no mitigation is required.

Electricity

San Diego Gas and Electric (SDGE) would provide electrical service to the Project. An on-site connection to the existing electrical supply and distribution network within the area surrounding the Project would be made during construction and operation. The existing electrical supply is underground and located at the south side of the Project entrance at Playa Blanca and tie-in would be identified prior to construction with proper mark out. Compliance with the existing building code and SDGE construction and design regulations would ensure the Project's connection to the existing electrical infrastructure is conducted safely and provides adequate service. Therefore, the Project would not result in the construction of new or expanded off-site electrical facilities. Impacts would be less than significant, and no mitigation is required.

Storm Water

An existing onsite 36-inch storm drain ultimately conveys onsite storm water flows under Crown Valley Parkway to the Siphon Creek Reservoir. The proposed Project would expand this storm drain to 48 inches to improve the flow of stormwater as discussed subsequently in Section 4.9, *Hydrology and Water Quality*. With implementation of this expanded storm water line within the Project site, estimated stormwater flows with the Project will be adequately accommodated. Therefore, the Project would not result in the construction of new or expanded off-site storm water facilities. Impacts would be less than significant, and no mitigation is required.

Telecommunications

Telephone services will be provided to the Project site by Pacific Bell and AT&T and cable services will be provided by Cox Communication. These services are privately operated and offered to each location in the City for a fee defined by the provider.

The proposed Project would not require the relocation, expansion, or construction of any physical improvements related to the provision of telecommunications services. Therefore, the Project would not result in the construction of new or expanded off-site telecommunications facilities. Impacts would be less than significant, and no mitigation is required.

Threshold B	<i>Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</i>
--------------------	---

As stated in Moulton Niguel Water District (MNWD), 2020 *Urban Water Management Plan*, from the years 2019-2020, approximately 23,000 Acre Feet (AF) of treated drinking water was supplied to over 170,000 customers in its district. Additionally, MNWD expects to be able to meet its districts' projected water supply demand through 2045 and has taken an integrated approach to developing a diversity of supply sources to achieve a reliable and economical water supply system during the current drought conditions. According to CalEEMod calculations seen in Appendix C, the proposed Project would use an estimated 1.43 million gallons of water per year. This is equivalent to 4.4 AF of water which is the increase in the Project's demand for water supplies within MNWD. Additionally, MNWD supplied a June 2017 Conditional Will Serve Letter (Appendix O), which stated there would be adequate domestic water supplies for the previously proposed Project of 23 townhomes. Further stated in the will serve letter, no upsizing was anticipated for water or sewer mains. As a result, the water supply demand will be adequately accommodated for the Project during normal dry, and multiple dry years. Impacts would be less than significant, and no mitigation measures are required.

Threshold C	<i>Result in a determination by the wastewater treatment provider which serves or may serve the project that has adequate capacity to serve the project's projected demand in addition to the provider's existing comments?</i>
--------------------	---

Wastewater would flow to the 3A Treatment Plant located at 26801 Camino Capistrano, in the City of Mission Viejo. The 3A Treatment Plant has an average flow of 1.8 mgd of wastewater with capacity for an additional 4.2 mgd. The Project would generate approximately 6,985 gpd of wastewater, representing 0.001 percent of the remaining daily treatment capacity at the 3A Treatment Plant. Through long-range planning activities, MNWD would be able to accommodate the demand for wastewater treatment generated by the proposed Project and other projects in its service area. Therefore, the proposed Project would not result in a significant contribution to the wastewater flows at the Regional Treatment Plant and would result in less than significant impact related to the wastewater treatment capacity, and no mitigation measures are required.

Threshold D	<i>Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i>
--------------------	---

Solid waste generation and regulation compliance associated with Project construction, and operation are determined to have less than significant impacts due to construction compliance with the City's Construction and Demolition Waste Ordinance which would divert at least 65 percent of solid waste generated during construction activities which an estimated total of waste would be approximately under 100 tons. Described below in Threshold E, of the 100 tons of waste generated

by the project over 65% would be applicable for recycling. The solid waste generation estimate for the operation of the proposed Project would also have a negligible contribution to the daily tonnage processed at approved landfills, as approximately 10 tons would be generated annually. In addition, documentation demonstrating compliance with the City’s debris recycling regulations and with applicable City regulations is required. As a result, the three local landfills would be able to accommodate such demand during the Project’s temporary construction and operation as they each accept 7,000 to 8,000 tons of refuse disposal a day for residential and commercial properties. Therefore, impacts due to generation of excess solid waste are less than significant, and no mitigation is required.

Threshold E *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

As mentioned in Threshold D, CalGreen mandates the reduction of construction and demolition waste disposal in landfills which mandates a minimum 65% diversion goal. The proposed Project would be implemented in a manner consistent with the City’s commitment and in compliance with such requirements, including the Construction and Demolition Waste Ordinance that requires diversion of at least 65 percent of solid waste generated during construction. During construction, all green waste and debris generated from the demolition of existing pavement, curbs, and gutters will be recycled at an approved recycling center for reuse. The City ensures compliance with this ordinance by requiring either the use of the City's Franchise Waste Hauler (CR&R) or self-haul of recycled construction materials to a City approved recycling facility, or implementation of a Waste Stream Reduction Alternative for new construction only.

The proposed Project would be subject to and comply with the conditions of Title 6 of the Laguna Niguel Municipal Code, which regulates solid waste disposal practices. Each resident would be provided with trash bins for curbside refuse, recycling, and green waste pick up. It is the responsibility of the residents for sorting their own individual trash into refuse, recyclable, and green waste.

As a result, the proposed Project would not conflict with federal, state, and local statutes and regulations related to solid waste. No impact would occur, and no mitigation is required.

3.3 Environmental Effects Discussed in Detail in the EIR

With the environmental topics screened out from detailed analysis as discussed above, Chapter 4.0 of this EIR addresses in detail the potential environmental impacts associated with the proposed Project limited to the following issue areas:

- 4.1 Aesthetics
- 4.2 Air Quality
- 4.3 Biological Resources
- 4.4 Cultural Resources
- 4.5 Energy
- 4.6 Geology and Soils
- 4.7 Greenhouse Gas
- 4.8 Hazards and Hazardous Materials
- 4.9 Hydrology and Water Quality
- 4.10 Land Use and Planning
- 4.11 Noise
- 4.12 Transportation
- 4.13 Tribal Cultural Resources
- 4.14 Wildfire