

4.10 Land Use and Planning

This Section describes the existing land uses at the Project site and surrounding vicinity based on the land use and zoning designations established by City planning documents. This section also discusses the proposed Project's consistency with applicable land uses policies and development regulations that control allowable land uses, development intensity, and development standards contained in the City's General Plan and Zoning Code. The analysis in this section is a qualitative assessment of the potential impacts that would occur as part of the proposed Project.

4.10.1 Setting

The Laguna Niguel General Plan (LNGP) in Chapter 2, Land Use, found in Community Profile Areas Figure LU-5 shows that the approximately 4.2-acre proposed Project site is located within the Community Profile Area 8, subgroup (f), Crown Cove/ Country Club Villas/ El Niguel Terrace. The LNGP describes the Community Profile Area 8(f) as built out, with 429 residential dwelling units (dus), which includes the 41 units demolished as a result of the Via Estoril landslide.¹ Of the 429 dus, 389 dus are attached units and 40 are detached units.

The proposed Project site is designated in the LNGP land use map as Residential Attached, which applies to townhomes, apartments, and condominium projects that allow for attached dwelling units constructed on individual and common lots. The surrounding land use designations include similarly designated Residential Attached to the south and Residential Detached to the north, west, and east, which applies to single-family dwellings on individual lots.

Existing zoning for the Project site is Multi-family District (RM). The purpose of the RM zone is to provide for the development and preservation of developments containing multiple dwelling units on each lot, with ample common open space and recreation facilities. The RM zone provides for low- and medium-density neighborhoods with multi-family residences or attached dwelling units constructed on common lots. The RM residential development standards are detailed in Section 9-1-33 of the Laguna Niguel Zoning Code (LNZC). The existing zoning designations for the site and surrounding area include Single-Family District 3 (RS-3) to the north, west, and east. Another RM designation is on the adjacent lot to the south and a Single-Family District 4 (RS-4) designation to the west. The proposed Project is consistent with existing RM zoning for the site.

4.10.2 Existing Site Conditions

The Project site is located on 4.2 acres of land in the southwest portion of the City. As previously stated in Chapter 2.0 *Project Description*, the Project site is situated on an east-facing hillside and is surrounded by residential uses, including single family homes to the north and west, La Vista Condominiums to the south, and Crown Valley Parkway on the east with single family homes

¹ LNGP, Chapter 2 Land Use, Figure LU-5 - Community Profile Areas

further east. As previously stated, the Project site contains a Residential Attached LNGP land use designation and has an existing zoning of RM as seen in Chapter 2, Figure 2.C and Figure 2.D.

4.10.3 Related Policies and Regulations

Federal Regulations

There are no federal regulations regarding Land Use and Planning.

State Regulations

The Housing Accountability Act (Government Code sections 65589.5, et seq.)

In the Housing Accountability Act (HAA), the Legislature declares that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code, § 65589.5, subd. (a)(2)(A).) According to the Legislature, “California’s housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted statutes intended to significantly increase the approval, development, and affordability of housing of all income levels.” (*Id.*, subd. (a)(2)(J).)

According to the HAA, the excessive cost of the state’s housing supply is partially caused by activities and policies of many local governments that may limit the approval of housing. The consequences of those actions result in discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration. (Gov. Code, § 65589.5, subd. (a)(1)(C).) Because the purpose of the HAA is to promote the construction of more desperately-needed housing in the State of California, among other restrictions and requirements, if a housing project is to be denied, a city must base its denial on “written findings supported by a preponderance of the evidence on the record that both of the following conditions exist (A) the housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density,” and (B) there is no feasible method to mitigate or avoid the adverse impact other than denying the project or forcing it to be built at a lower density. (*Id.*, at, subd. (j)(1) [emphasis added].) The HAA further places the burden of proof on the local agency with respect to these findings. (Gov. Code, § 65589.6)

Since its original adoption, the Legislature has made changes to the HAA to, among other things, bolster its enforcement provisions and increase local governments’ liability for violations. The most recent changes are reflected in Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019 and further detailed below.

State Bill 330 (Housing Crisis Act of 2019)

On October 9, 2019, the Housing Crisis Act of 2019 was signed into law, commonly known as Senate Bill 330 (Chapter 654, Statutes of 2019) (SB 330), as part of the ongoing effort to respond to the State of California’s housing crisis. Effective January 1, 2020, SB330 aims to increase residential unit development, protect existing housing inventory, and expedite residential permit processing. This new law makes a number of modifications to existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act and institutes the Housing Crisis Act of 2019. Many of the proposed changes last for a 5-year period and sunset on January 1, 2025.

Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development. The revised definition of “Housing Development” now contains residential projects of two or more units, mixed-use projects (with two-thirds of the floor area designated for residential use), and transitional, supportive, and emergency housing projects.

Local Regulations

The surrounding Project vicinity is within the City and land use decisions fall within the jurisdiction of the City. The primary land use development guidelines, policies, and standards are contained in the Laguna Niguel General Plan and the Laguna Niguel Municipal Code. The existing planning and zoning programs that are applicable to the Project site are discussed below.

Laguna Niguel General Plan

The Laguna Niguel General Plan (LNGP) was adopted in 1992 to set forth objectives, policies, standards, and programs for land use and new development, Circulation and Public access, and Service Systems for the Community as a whole. The following land use and planning goals and policies are applicable to the proposed Project:

Land Use Element

Goal 1. A well-balanced mixture of land uses that meet the residential, commercial open space and public service needs of residents.

- **Policy 1.1.** Encourage the development of land uses that contribute to the goal of a well-balanced community.

Goal 5. Preservation and enhancement of the natural setting of the City

- **Policy 5.1.** Ensure that adequate recreational and open space areas are provided.
- **Policy 5.3.** Strive to maintain or improve the City’s existing environmental setting.

Laguna Niguel Zoning Code

Title 9 of the Laguna Niguel Zoning Code (LNZC) is titled Planning and Zoning, and functions as the LNZC. The LNZC was created to carry out the policies of the LNGP. It is the intent of the LNZC to promote health, safety, and the general welfare of the City and its citizens.

Sec. 9-1-31.6. - RM Multi-family District

To provide for the development and preservation of developments containing multiple dwelling units on each lot, consisting of either rental apartments or condominiums with individual ownership of units. Each project will have ample common open space and recreation facilities.

Sec. 9-1-35.13. - Landscaping and open area

All projects within the RM and RP districts shall include common open area equal to at least 25 percent of the buildable project area. "Buildable project area" means the horizontal area within the boundaries of a development project, less slope areas with a ratio of 2:1 or steeper and less perimeter rights-of-way and easements and areas set aside for public schools, parks, and other public uses.

- *Active Recreation.* At least 10 percent of the buildable project area shall be devoted to active recreational uses. This may be part of the required project common open area. *Recreation facilities* may include swimming pools, spas, and related facilities; clubhouses; tot lots with play equipment; court game facilities such as tennis, basketball, or racquetball; or similar facilities for active recreational use.

4.10.4 Thresholds of Significance

Criteria for determining the significance of impacts related to land use and planning are based on criteria contained in Appendix G of the State CEQA Guidelines and the City's CEQA Manual. The proposed Project could have a significant impact on the environment would the project:

Threshold LU-1 *Physically divide an established community?*

Threshold LU-2 *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Methodology

The potential land use and planning impacts associated with the proposed Project were evaluated through a qualitative comparison of the anticipated project effects with existing site conditions and characteristics of surrounding land uses. The proposed Project was evaluated for consistency with existing land use plans, regulations, and policies applicable to the Project site and its vicinity. Inconsistency with plans and policies alone would not necessarily constitute a significant impact, unless the inconsistency results in what would be considered an adverse physical change to the environment. Significant impacts would occur if the proposed Project would result in adverse physical environmental effects in accordance with the thresholds described below.

4.10.5 Project Design Features and Standard Conditions of Approval

PDF LU-1 The 4.2-acre Project site is designated as APN 656-321-02. The property is to be subdivided into two lots, Lot 1 and Lot A. Lot 1 includes a 2-acre area for the

proposed residential use and Lot A includes a 2.2-acre area for open space. The open space consists of the previous remediated landslide and includes the 30-foot earthen “buttress” (an existing design feature installed for geotechnical purposes to stabilize the former landslide), vegetation planted for the purposes of surface erosion control, and an installed storm drain system. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential development would occur on the remediated hillside.

Furthermore, permanent maintenance of the remediated hillside will maximize the space between the residents upslope and to the west who were impacted by the landslide in 1998 and who expressed concerns about prior development proposals on the Project site.

4.10.6 Environmental Impact Evaluation

The following impact analysis addresses thresholds of significance for disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Threshold LU-1 *Physically divide an established community?*

Less Than Significant Impact. The Project site is located within the Community Profile Area 8, sub-profile (f), Crown Cove/Country Club Villas/El Niguel Terrace of the LNGP. The site is surrounded by compatible residential land uses including single family homes to the west and north, La Vista Condominiums to the south, and Crown Valley Parkway on the east with single family homes further east.

The proposed condominiums would likewise reflect a Spanish architectural theme as commonly seen throughout the City. The basic design elements are simple asymmetrical forms, arched entries, predominantly stucco wall finishes, and shallow gabled ‘S’ tile roofs that animate building elevations. Grouping of accent windows and vertical forms of openings would reinforce this design character. Material blending of slump stone, simulated wood corbels, shutters, shaped wood trims and posts, decorative metal railings and downspouts are purposefully composed to enhance the overall design character on all sides of every building. Moreover, the Project will work to redevelop the previously existing residential site with a residential project consistent with existing General Plan and Zoning designations that provides an updated housing product to meet the City’s growing population and further address the City’s and state’s housing needs.

No changes to surrounding land uses and no barriers that would divide the community are proposed. The existing site is within an existing neighborhood that has been approved for residential development since the 1960s. All proposed construction and operation activities would take place within the existing site boundaries. No existing or proposed transportation routes would be interrupted as a result of the proposed Project. Therefore, implementation of the proposed

Project would not physically divide an established community, and impacts are considered less than significant, and no mitigation is required.

Threshold LU-2 *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Less Than Significant Impact. The proposed Project is consistent with the existing General Plan land use designation and zoning designation for the property. The current land use regulations allow attached residential development up to 41 dwelling units for the 4.2-acre Project site. The Project’s proposed 22 attached dwelling units are less than the maximum number of dwelling units and therefore, consistent with the General Plan limits. However, the proposed 22 units on 2 acres (i.e., Lot 1) provides the same density of development as the 41 units identified in the General Plan applied to the entire 4.2-acre site. Therefore, the proposed Project does not constitute a loss of density and does not conflict with SB 330.

The LNGP contains goals and policies to promote land use compatibility. Table 4.10-1. Laguna Niguel General Plan Consistency Analysis contains a summary of the consistency of the proposed Project with applicable land use compatibility goals and policies of the LNGP.

Table 4.10-1. Laguna Niguel General Plan Consistency Analysis

Policy	Consistency Analysis
General Plan Land Use Element	
Goal 1.0: A well-balanced mixture of land uses that meet the residential, commercial, open space and public service needs of residents.	Consistent. The proposed Project would maintain 2.2 acres of open space. Moreover, the Project would include community features not typically found in Laguna Niguel. For example, the product floor plans would accommodate work from home occupants and each unit would contain an oversized garage enabling in-home exercise and recreation equipment. The Project includes private fenced yard space larger than typically found with townhomes to provide residents additional outdoor living and recreation area. The proposed Project would result in the development of 22 condominium, multi-family residences on 2.0 acres of the 4.2 acres site currently zoned RM. These dwellings are expected to help the City meet residential needs of the City.
Goal 3.0: Compatible relationships between land uses in the community.	Consistent. The proposed Project would result in the development of 22 condominium, multi-family residences on 2.0 acres of the 4.2 acres site currently zoned RM. The Project

Policy	Consistency Analysis
	<p>site is located on an east-facing hillside and is surrounded by residential uses, including single family homes to the west and north, La Vista Condominiums to the south, and Crown Valley Parkway on the east with single family homes further east. The proposed Project would re-introduce residential uses on the lower portion of the site. The site has been previously re-graded to remediate the 1998 Via Estoril landslide, which included installation of an earthen buttress, storm drain system and shrubs for erosion control in the upper, steep portion of the site. The entire 4.2-acre site remains planned for multi-family residential uses. The proposed Lot 1 would be developed with the residential uses similar to and complimentary to the residential uses already established in the area. Lot “A” includes the 2.2-acre area of open space, which consists of the previous remediated landslide and includes the 30-foot earthen “buttress” (a design feature previously approved for geotechnical assurance of future landslide), planted erosion control, and installed storm drain system. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential development would occur on the remediated hillside.</p>
<p>Policy 3.3: Reduce land use conflicts between residential and nonresidential uses.</p>	<p>Consistent. The LNGP assigns specific land uses to each property. The Project site is bordered by residential and open space uses. The Project would provide connection to existing nearby land uses through street connectivity and maintenance of open space.</p>
<p>Policy 3.4: Ensure that residential densities are compatible with the surrounding land uses and buildings are in scale with the neighborhood character.</p>	<p>Consistent. The proposed Project density of 11 du/ac is lower than the average multi-family density of 14.6 du/ac in the City. Multi-family developments have a wide range of densities, and therefore the Project is consistent. Furthermore, the proposed buildings are compatible in scale to the scale of the residential buildings in the surrounding neighborhoods. The maximum building height would be three stories measured 35 feet, and condominium sizes would range from approximately 2,600 square feet to 2,900 square feet which is comparable to the single-family homes, and consistent with adjoining neighborhoods with similar mixture of amenities such as garages, patios, and decks.</p>

Policy	Consistency Analysis
Goal 4.0: Urban design that provides community gathering areas and other pedestrian spaces.	Consistent. The proposed Project includes two neighborhood parks one with a picnic table and BBQ area and both with open play lawns.
Policy 6.1: Provide for the development of pedestrian gathering areas to promote social interaction.	Consistent. See responses to Land Use Element Goal 4.0 above. The Project includes two neighborhood parks one with a picnic table and BBQ area and both with open play lawns.
General Plan Open Space/Parks/Conservation Element	
Goal 1: Well-maintained public and private open space.	Consistent: See response to Land Use Element Goal 4.0 above.
Policy 1.1: Preserve and protect the scenic and visual quality of areas designated for Open Space areas as a resource of public importance.	Consistent. See response to Land Use Element Goal 3.0 above. The Project site is designated Residential Attached by the LNGP, which allows for attached multi-family dwellings. The proposed site design would allow for a large portion of the Project site to remain open space. Lot “A” includes the 2.2-acre area of open space, which consists of the previous remediated landslide and includes the 30-foot earthen “buttress” (a design feature previously approved for geotechnical assurance of future landslide), planted erosion control, and installed storm drain system. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential development would occur on the remediated hillside. The visual character of the Project site would be similar to the adjacent northwest undeveloped hillside property. Furthermore, the existing visual character and quality of the site and surrounding areas would not be impacted. The existing vacant visual character of the site would be developed with residential uses similar to the residential uses already established in the area and enhance the visual quality of the surrounding area.
Policy 2.1: Provide park and recreational facilities that meet the needs of senior citizens, young adults, children, disabled individuals and families.	Consistent. See response to Land Use Element Goal 4.0 above.

Policy	Consistency Analysis
Goal 5: Conservation of natural resource areas of community and regional significance.	Consistent. See response to Open Space/Parks/Conservation Element Policy 1.1.
Policy 5.1: Conserve sensitive species and plant communities and wildlife habitats to the maximum extent feasible through open space dedication and easements, creative site design and other workable mitigation actions.	Consistent. See response to Open Space/Parks/Conservation Element Policy 1.1 above. In addition, as discussed in Section 4.3, <i>Biological Resources</i> , the Project site does not have suitable habitat for sensitive species, plant communities, and wildlife habitats and these biological resources were not found to be present during site surveys. However, because nesting birds protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code (FGC) have the potential to nest in and around the study area, Mitigation Measure MM BIO-1 would be implemented to ensure compliance with the MBTA and FGC and thus reduce the potential impacts to a less-than-significant level.
Policy 5.3: Review the Plant Communities Map for all new development proposals.	Consistent. See response to Open Space/Parks/ Conservation Element Policy 5.1 above.
Goal 6: Carefully review sensitive hillside areas within the community.	Consistent. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential development would occur on the remediated hillside.
Policy 6.1: Provide for the preservation of sensitive hillside and canyon areas in accordance with the City's Hillside Protection Ordinance.	Consistent. See response to Goal 6 above.
Policy 6.2: Consider significant natural features, including sensitive hillsides and ridgelines as part of the development review process.	Consistent. See response to Goal 6 above.
Goal 7: Recognize significant cultural sites or features within the community.	Consistent. A review of the results of the cultural resources record search and studies conducted in the area showed three cultural resources within 1/2 mile of the Project, all prehistoric. The Project is considered to have a low potential to impact prehistoric and historic cultural resources because results from the two prior surveys performed on the site and the study prepared for the proposed Project were negative for cultural resources. In addition, there will be minor disturbance of native

Policy	Consistency Analysis
	<p>soils. Therefore, it is not likely that cultural resources will be impacted by the Project. However, if the proposed Project requires grading in native soils to accomplish its proposed geotechnical work, impacts to potential unknown paleontological resources could be affected. In addition, the Project area sits in the late Miocene Capistrano Formation deposits, within which significant vertebrate fossil material may be encountered during excavations. Any fossils present could be damaged or destroyed as a result of earthwork during Project construction, and a potentially significant impact would occur. Implementation of Mitigation Measure MM GEO-1 would require the presence of a qualified paleontological monitor to reduce potential impacts to a less-than-significant level. Therefore, with implementation of mitigation measure MM GEO-1, the proposed Project would be consistent with this goal.</p>
<p>Policy 7.1 Review the technical data on sensitive cultural resources for all new development proposals.</p>	<p>Consistent. See response to Open Space/Parks/ Conservation Element Goal 7 above.</p>
<p>Policy 7.2: Require mitigation of impacts to significant areas of archaeological and paleontological resources.</p>	<p>Consistent. See response to General Plan Open Space/Parks/ Conservation Element Goal 7 above.</p>
<p>Policy 7.3: Preserve uncovered resources in their natural state, as much as feasible to assure their preservation and availability for later study. Require that uncovered resources are documented and retained in an appropriate museum or institution.</p>	<p>Consistent. See response to General Plan Open Space/Parks/ Conservation Element Goal 7 above.</p>
<p>Goal 10. Effective utilization and Management of Water Resources.</p>	<p>Consistent. The proposed Project would comply with the requirements of the CalGreen building code and water-saving restrictions, including those requiring drought-tolerant landscaping. In addition, the proposed Project would provide landscaped areas with low-flow irrigation heads operated by a smart controller to minimize the on-site water usage to exceed</p>

Policy	Consistency Analysis
	maximum allowed water allowance (MAWA) per City guidelines.
Policy 10.1: Require appropriate water conservation and mitigation measures on all development projects.	Consistent. See response to General Plan Open Space, Parks, Conservation Element Goal 10 above.
Policy 10.2 Future land development and redevelopment must adhere to the standards set forth in the City of Laguna Niguel Local Implementation Plan for the National Pollution Discharge Elimination System Storm Water Program to ensure that new development incorporates measures, to the extent practicable, that reduce the quantity of storm flow and discharge of pollutants in urban runoff to protect the water quality and biological habitats of downstream receiving waters.	Consistent. Compliance with MS4 Permit and Construction General Permit requirements, the installation and maintenance of biofiltration BMPs, and compliance with other applicable stormwater management requirements would ensure that the proposed Project would have a less-than-significant impact on water quality standards during Project operation. Additionally, as described in Section 4.9, <i>Hydrology and Water Quality</i> , the Proposed grading and drainage infrastructure has been designed to maximize the flat buildable area while reducing the amount of runoff flowing directly into Crown Valley Parkway. This is achieved by connecting into the existing storm drain system and installing two modular wetland systems that act as an underground detention facility. As a result, the peak storm flow during the 100-year event would be reduced which complies with current hydromodification requirements consistent with the City’s MS4 permit. Therefore, the proposed Project would result in less-than-significant impacts related to storm flows and runoff and would be consistent with this policy.
General Plan and Public Facilities	
Policy 4.2: Require all buildings located within the City to adhere to fire safety codes.	Consistent. The Project would adhere to and meet all access, water, and fire protection systems per the CAL Fire Prevention Program, California Building Code, and Fire Code as well as other City Municipal Codes. Furthermore, OCFA would require a Secured Fire Protection Agreement prior to approval of the Project to specify the pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities, equipment, and personnel. Therefore, the proposed Project would result in a less-than-significant impact related to fire safety and would be consistent with this policy.

Policy	Consistency Analysis
<p>Policy 8.1: Encourage development that minimizes net energy use and consumption of natural resources.</p>	<p>Consistent. The Project would comply with the energy conservation measures contained in Title 24, which would reduce the amount of energy needed for Project operation. The proposed Project would also incorporate the following energy-efficient features that would minimize energy consumption.</p> <ul style="list-style-type: none"> • Provision of energy-efficient lighting, plumbing, HVAC, appliances, windows, doors, and insulation. • Installation of drought-tolerant plant material from approved material lists of the City, MNWD, and OCFA. • Provision of recycle containers as a part of the weekly trash pickup.
<p>Goal 4. The control of noise from significant noise generators in the community.</p>	<p>Consistent. The Project itself is a multi-family development that is not anticipated to generate significant noise levels onto surrounding properties. However, the proposed Project site could also be affected by traffic noise from the adjacent Crown Valley Parkway. With implementation of SCA NOI-2, which calls for the construction of noise barriers around affected noise-sensitive locations, with actual barrier heights and locations to be determined by a detailed noise study based on final site, grading, and architectural plans for the Project, impacts at proposed onsite noise-sensitive receivers would be less than significant. Furthermore, with implementation of SCA NOI-3, which requires HVAC systems at all residential units and a detailed noise assessment (based on final site, grading, and architectural plans) to determine specific building design features required for compliance with the City’s interior standard of 45 dB CNEL, interior traffic noise impacts would be less than significant. Therefore, with implementation of standard conditions of approval, Project impacts from noise generators would be minimized and consistent with this goal.</p>
<p>Policy 4.1 Regulate noise from construction activities.</p>	<p>Consistent. Implementation of SCA NOI-1 would limit noise-generating construction activity to the permitted daytime hours and implement standard noise-reduction methods to minimize potential annoyance at nearby noise-sensitive receptors.</p>
<p>Goal 5. The consideration of noise issues in the planning process.</p>	<p>Consistent. See responses to General Plan Noise Goal 4 and Policy 4.1 above.</p>

Policy	Consistency Analysis
Policy 5.1 Evaluate potential noise conflicts for individual sites and projects.	Consistent. See responses to General Plan Noise Goal 4 and Policy 4.1 above.
General Plan Seismic and Public Safety	
Goal 1: A reduction of impacts from natural hazards that may affect the City of Laguna Niguel.	Consistent. The Project would adhere to applicable ordinances, goals, and policies of the current California Building Code (CCR Title 24); recommendations contained in the geology investigation study contained in Appendix F; and requirements of the LNGP, which would reduce anticipated impacts of geologic and seismic hazards by requiring the Project to be built to withstand seismic ground shaking. The <i>Geologic Feasibility Investigation</i> has determined the proposed Project would meet minimum factor of safety requirements for slope stability and development of the Project site is feasible from a geotechnical perspective with incorporation of recommendations. PDF-GEO-1 would designate Lot “A”, which includes the 2.2-acre area of open space consisting of the previous remediated landslide and the 30-foot earthen “buttress” (a design feature previously approved for geotechnical assurance of future landslide), planted erosion control, and installed storm drain system. Since Lot A is a lettered lot on the tentative tract map and no residential development is allowed on lettered lots, no residential development would occur on the remediated hillside. PDF GEO-2 and GEO-3 are required to ensure that the recommendations contained in the project’s <i>Geologic Feasibility Investigation</i> . Therefore, with mitigation, impacts would be less than significant.
Policy 1.1: Mitigate potential adverse impacts of geologic and seismic hazards.	Consistent. See response to General Plan Seismic and Public Safety Goal 1 above.
Policy 1.3: Develop plans and programs to mitigate the effects of natural hazards.	Consistent. See response to General Plan Seismic and Public Safety Goal 1 above.
Goal 2: Protection of the public and sensitive environmental resources	Consistent. Implementation of the proposed Project is not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and

Policy	Consistency Analysis
from exposure to hazardous materials and waste	accident conditions involving the release of hazardous materials into the environment. Although development of the proposed Project would involve handling of hazardous materials typical of a construction project, it is expected that construction of the proposed Project would be conducted in compliance with federal, state, and local regulations. Additionally, any potential construction-related hazardous releases or emissions would be from commonly used materials such as fossil fuels, solvents, and paints that would not be considered acutely hazardous materials. Any spills would be localized and immediately contained and cleaned.
Policy 2.1: Reduce risks of exposure to hazardous materials and waste through careful land use and hazardous materials management planning.	Consistent. See response to General Plan Seismic and Public Safety Goal 2 above.
Policy 2.2: Reduce risk of exposure by improving the safety of hazardous materials/waste transportation.	Consistent. See response to General Plan Seismic and Public Safety Goal 2 above.
Goal 3: A safe and secure community free from the threat of personal injury and loss of property.	Consistent. The proposed Project would represent an approximate population increase of less than 1%. Therefore, the proposed Project is not expected to result in an additional strain on police and fire protection services such that new or expanded facilities would be required. Public services to ensure the safety of the community would not be significantly affected.
Policy 3.1: Provide fire protection to ensure the public’s health and safety	Consistent. See response to General Plan Seismic and Public Safety Goal 3 above and response to Public Facilities Policy 4.2 above.
Policy 3.2: Reduce the risk of wildland fire through fuel modification programs.	Consistent. A fuel modification plan has been prepared and conditionally approved by OCFA, which incorporates both vegetation management and alternate means and methods. That fuel modification plan is included in Appendix K, and incorporated into the plan include a fuel modification area with two zones with permanent irrigation, fire resistant landscaping, and proper setbacks. Therefore, implementation of the fuel modification plan as part of project construction would reduce the risk of impacts from wildfire to less-than-significant levels.

Policy	Consistency Analysis
General Plan Housing Plan	
<p>Policy 1.1: Ensure that housing is safe and sanitary with adequate public services to accommodate the needs of City residents.</p>	<p>Consistent. See responses to General Plan Seismic and Public Safety Goal 3 and General Plan Public Facilities Policy 4.2 above. Additionally, as discussed in Section 3.2.6, <i>Utilities and Service Systems</i>, the Project would be accommodated by the three existing landfills in Orange County. Furthermore, the proposed Project would not exceed wastewater treatment requirements or require the construction of new wastewater treatment facilities.</p>
General Plan Circulation Element	
<p>Goal 1: An adequate transportation/circulation system that supports regional and local land uses at adopted level of service (LOS) standards and complies with requirements of the Countywide Traffic Improvement and Growth Management Program (Measure M) (GME Goal1A).</p>	<p>Consistent. The proposed Project trips are estimated to be less than 50 trips during both the weekday AM and PM peak hours. Based on City scoping criteria, this quantity of trips screens out the need for an offsite LOS analysis because the quantity of trip additions would have no impact on the surrounding street network and no further LOS analysis is needed. The proposed Project trips are expected to generate less than 500 daily trips during the weekday, and therefore the Project would be screened out from further VMT analysis and the Project would have a less than significant VMT impact.</p> <p>Review of the Project Driveway located on Crown Valley Parkway indicates that the existing sight lines at the driveway are considered adequate for right-turning vehicles, but insufficient for left-turning vehicles. An acceleration lane to assist motorist with right-turn egress from the site is not required, and left turn egress should be prohibited. Review of the proposed site plan indicates that on-site circulation is adequate and therefore a deceleration lane into the site is not required. A queueing evaluation of the northbound left-turn pocket at the project driveway indicates that the existing storage is adequate to accommodate the projected Project traffic.</p> <p>Recommended improvements to prohibit left turn egress include the installation of a median diverter on Crown Valley Parkway at the project driveway as a safety enhancement.</p>

Policy	Consistency Analysis
	Recommended improvements also include modifying the northbound left-turn on Crown Valley Parkway at the project driveway to provide an adequate storage length of 100-feet. These two improvements are contained in MM TRA-2 and MM TRA-3 .
Policy 1.8: All new development shall be required to participate in the City's transportation fee program(s). These fee programs shall be designed to ensure that all development projects fund their pro-rata share of the necessary long-term transportation improvements identified in this Element or its Technical Appendix.	Consistent. A condition of approval will be placed on the proposed Project requiring participation in the City's adopted fee programs.
Policy 5.1 Require proposed developments, whenever feasible, to dedicate easements for Class I bikeways and to provide additional right-of-way for Class II bike lanes in the project vicinity on all major or primary roadways or other roadways where deemed appropriate.	Consistent. The Project plans show the maintenance of an eight-foot meandering pedestrian/bicycle sidewalk along the Crown Valley Parkway.

As presented in Table 4.10-1, the proposed Project is consistent with applicable goals and policies contained in the LNGP. In the discussion of consistency with the LNGP goals and policies, several mitigation measures for other topical sections are identified. However, as it pertains to Threshold LU-2, the Project is consistent with land use policies without the need for mitigation to achieve that consistency and impacts are less than significant.

4.10.7 Cumulative Impacts

Less than Significant Impact. The cumulative study area for potential land use and planning impacts is the City of Laguna Niguel, which is the geographical area covered by the City's General Plan, including its Goals and Policies included therein. As shown in Section 1.4, illustrated in Table 2-2 and Figure 1.C, several cumulative projects are planned within the City. Construction of the proposed Project, when considered in conjunction with these cumulative projects in the Project vicinity as well as other development citywide, would contribute to continued development of vacant and underutilized parcels within the City.

As discussed in this section, the proposed Project would not have significant impacts related to dividing an existing community or conflicting with applicable land use plans, policies, or regulations approved for the purposes of reducing environmental impacts. In addition, the proposed Project would not represent a shift in land use designation for the Project site. As the proposed Project and any future development including the cumulative projects identified in Table 4.10-1 would be consistent with all applicable land use designations and zoning, implementation of the proposed Project and cumulative projects would not result in a significant cumulative land use impact under CEQA.

4.10.8 Summary of Mitigation Measures

No mitigation measures for Thresholds LU-1 and LU-2 are required.

4.10.9 Significant Environmental Impacts

No significant impacts would occur to land use and planning from the proposed Project.

4.10.10 References

14 CCR 15000–15387 and Appendix A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

City of Laguna Niguel. February 2022. City of Laguna Niguel CEQA Manual.

City of Laguna Niguel. 1992. General Plan for the City of Laguna Niguel. Available: <http://cityoflagunaniguel.org/DocumentCenter/Home/View/1886>. (Accessed: September 10, 2021.)

City of Laguna Niguel. 2021. City of Laguna Niguel 2021–2029 Housing Element. Available: <https://www.cityoflagunaniguel.org/1352/Housing-Element-Update>. Last revised: October 2021. (Accessed February 22, 2022).

City of Laguna Niguel, Laguna Niguel Municipal Code, Planning and Zoning. https://library.municode.com/ca/laguna_niguel/codes/code_of_ordinances?nodeId=TIT9PLZO (Accessed June 20, 2021).

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