



CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

TO: Honorable Mayor and Council Members

FROM: Jonathan Orduna, Community Development Director

DATE: June 21, 2022

SUBJECT: **Environmental Impact Report EIR 22-01, General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Site Development Permit SDP 19-03, Use Permit UP 19-22, and Vesting Tentative Tract Map VTTM 19024 (City Center Mixed-Use Project)** - A request to develop a new mixed-use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.

RECOMMENDATION

That the City Council open the public hearing, take public testimony, close the public hearing, and then take the following actions:

1. Adopt Resolution No. 2022-1396, certifying Environmental Impact Report EIR 22-01 (SCH No. 2019110083) and adopting CEQA Findings of Fact, a Statement of Overriding Considerations, and associated Mitigation Monitoring and Reporting Program;
2. Adopt Resolution No. 2022-1397, approving General Plan Amendment 19-01;
3. Waive full reading, make any amendments to, and introduce Ordinance No. 2022-216 by title:

ORDINANCE NO. 2022-216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAGUNA NIGUEL, CALIFORNIA ADOPTING ZONING CODE
AMENDMENT ZCA 19-01 (CITY CENTER MIXED-USE PROJECT)

Direct that the proposed Ordinance, with any changes to it, be placed on the agenda for the next regularly scheduled City Council meeting and adopt the Ordinance at that meeting;

4. Waive full reading, make any amendments to, and introduce Ordinance No. 2022-217 by title:

ORDINANCE NO. 2022-217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAGUNA NIGUEL, CALIFORNIA ADOPTING ZONE CHANGE
ZC 19-01 (CITY CENTER MIXED-USE PROJECT)

Direct that the proposed Ordinance, with any changes to it, be placed on the agenda for the next regularly scheduled City Council meeting and adopt the Ordinance at that meeting;

5. Adopt Resolution No. 2022-1398, approving Vesting Tentative Tract Map 19024, including extension, subject to conditions; and
6. Adopt Resolution No. 2022-1399, approving Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.

EXECUTIVE SUMMARY

The project is a request by Laguna Niguel Town Center Partners, LLC (Applicant) to create a mixed-use project that features specialty retail, indoor/outdoor restaurants, office, community-oriented event spaces, integrated residential apartment homes, a new community library, and extensive walkable open spaces, paseos, and plazas. A placemaking project that would be the first of its kind in Laguna Niguel.

The site of the proposed City Center Mixed-Use Project is approximately 25-acres and is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west. The property is owned by the County of Orange (County) and has been leased to the Applicant to develop the proposed mixed-use project. The site currently consists of the South County Justice Center (closed in 2008) and its vacant parking lot, the Orange County Library (built in the mid-1980s remodeled in 2011), a County maintenance yard, Orange County Fire Authority (OCFA) Station No. 5 (to remain and outside of leased area by the Applicant), and undeveloped land, typically covered with seasonal weeds.

The project requires a series of City approvals. Significantly, this includes amending the General Plan land use and zoning designations on the subject property (currently limited to commercial and civic uses) to also allow mixed-use development, including residential land uses to make the project economically feasible. In exchange, a series of public benefits are proposed, notably including: 1) a larger, modern new library to replace the existing library originally constructed in the mid-1980s (remodeled in 2011), 2) a central open space plaza area (Town Green) planned for public outdoor events, linked by landscaped paseos and walkways, and 3) facilitating a development that blends complementary land uses and architecturally enhanced building and landscape design that stimulate market driven investment in the Town Center (apart from the construction of City Hall and the Crestavilla senior assisted living facility in 2017, there have been no new significant developments in this area since prior to City incorporation in 1989).

On May 24, 2022, the Planning Commission held a publicly noticed hearing to consider the proposed project. At the meeting, the Commission took unanimous action (4-0) to adopt Resolutions recommending that the City Council approve the proposed project and certify the project's Environmental Impact Report (EIR).

BACKGROUND

Site History - Timeline

Since adoption of the City's first General Plan in 1992, the project site, owned by the County of Orange (Orange) and the whole of Town Center have been designated as an Opportunity Area whereby new growth and development could be focused, reducing pressure for further growth in established lower-density areas. The project site has been of particular interest given its partially developed state, parcel size, and prominent location.

In 2008, following closure of the South County Justice Center and the City's acquisition of 4.1 acres of the approximate 29 acre County property for a new City Hall, the interest in having the project site redeveloped to provide a "downtown" became even more of a City priority. Despite programming of nearly 350,000 square feet of commercial development opportunity for the subject property in the General Plan, meaningful development interest never materialized.

In 2011, a land use study was conducted by the Urban Land Institute (ULI) on behalf of the City and County to explore opportunities for revenue-generating uses of the property (County priority) and creating a catalyst project, to encourage development, connectivity with, and revitalization of the Town Center area as a whole consistent with the General Plan vision (City priority). The evaluation included assessing market and fiscal conditions and consultation with stakeholders. The conclusion of the ULI study was that a mixed-use development had the strongest opportunity to accomplish both the County and City goals. Significantly, the incorporation of a residential component was determined to be necessary as it would serve as a core economic driver to support any such transformative project.

In 2014, the prospect of redevelopment of the project site began with the proposed AGORA Mixed-Use Project by LAB Holding, LLC but ceased in 2017 due to unresolved lease terms between the County and the developer.

In 2019, the prospect of redevelopment was renewed when the County executed a lease with Laguna Niguel Town Center Partners, LLC for the current Laguna Niguel City Center Mixed-Use Project. As part of this effort, City staff has collaborated with the Applicant to create a plan that achieves the place-making vision of an active and vibrant addition to Town Center, including community based benefits.

Laguna Niguel Strategic Plan

On November 19, 2019, the Laguna Niguel City Council adopted the "Laguna Niguel: 2050 - The Pursuit of Happiness Strategic Plan" setting goals and priorities for the City's future. A collaborative process was used to develop the strategic plan, with input received from City residents, business-owners, City Council, and City staff. Included in these efforts was a citywide seven question survey mailed to all Laguna Niguel residential and commercial addresses (26,313 mailed surveys in total). Three of the seven survey questions were related to community/economic development (Key Goals, Weaknesses/Limitations, and Opportunities). Support for the City Center Mixed-Use Project was the top community response for all three of these questions.

Planning Commission Meeting

On May 24, 2022, the Planning Commission, as an advisory body to the City Council, held a publicly noticed hearing to consider the proposed City Center Mixed-Use Project. A total of 22 members of the public provided oral comments. An additional six written comments were submitted to the Commission. After receiving the public input, the Commission asked clarifying questions of City staff and the Applicant. Below is a general summary of the common project-related topics discussed at the hearing. For additional details, please refer to the May 24, 2022 Planning Commission Meeting Minutes included as Attachment H.

- **Project Endorsement.** The majority of the speakers expressed their support for the project, including positive comments related to: 1) the new larger library with updated technology, 2) the quality of the project's architectural design, 3) redevelopment of underutilized land, 4) creating new economic opportunities, including expanding the City's business community, 5) the Applicant's commitment to environmentally sustainable building design (Applicant has indicated that they would be pursuing certification from the Leadership in Energy and Environmental Design - LEED), 6) the abundance of outdoor space, including the Town Green park (programable for a range of community-based events), 7) the project's focus on boutique shops, health and wellness, and indoor/outdoor chef-driven restaurants rather than national chains unlike anything else in Laguna Niguel, 8) the creative office space component (would be the first new office buildings constructed in Laguna Niguel in more than 30 years), and 9) concerns for what the County could repurpose the site for if not the City Center Mixed-Use Project,

including an emergency shelter for the homeless as was previously considered by the County in 2019.

- **New library.** Of all the topics, the proposed replacement library has garnered the most public interest. At the time of initial project application in 2019, details for the replacement library were incomplete and a number of questions and concerns regarding the adequacy of the replacement library were raised. Subsequently, a community-wide library use and needs assessment survey was conducted and a library working group was formed (including County and City staff, elected officials, Applicant, representatives with the Friends of the Library, and Laguna Niguel residents). The compiled feedback assisted the County Library staff in designing and programming the new library in collaboration with the Applicant and their architect, LPA (architect for City Hall and the recently completed Crown Valley Community Park Building). The replacement library, including site location, architecture, size, and floor plan layout for operational programming is now well defined.

The new library is planned as a free-standing two-story building that would stand out as a focal point within the project. The size would be larger than the existing library and has been curated based on the current priorities, technology, and library usage. A focus has been to create a more open floor plan design compared to the existing library to accommodate greater library programming adaptability, both now and in the future. The new library has the endorsement of County Librarian Julie Quillman and the Laguna Niguel Friends of the Library.

- **Traffic Impacts.** Questions were raised regarding the project's impacts on the City's roadway network. A Traffic Impact Analysis (TIA) was conducted by Linscott, Law & Greenspan, Engineers (LLG) per the City's Transportation Assessment Guidelines and the General Plan Circulation Element. The TIA evaluated potential impacts of the project-generated traffic trips on the surrounding street system. Additionally, site access and internal circulation analyses were conducted. As detailed in the TIA, traffic impacts were found to be consistent with the City's performance criteria with the inclusion of project design features. These generally include the installation of a new traffic signal at the intersection of Alicia Parkway and Town Center Drive, inbound/outbound lane and turn pocket expansion, traffic signal modifications, restriping, and a series of safety enhancements for pedestrians and bicyclists at the surrounding intersections and along the project frontage. These project design features and right-of-way improvements are supported by the City's Public Works Department.

- **Pacific Island Drive - Vehicular Speeding.** Concerns were raised regarding traffic speeds on Pacific Island Drive. According to the City's Public Works Department, independent of the proposed project, speeding along Pacific Island Drive has been raised as a public concern. In October 2021, a Traffic Calming Study was completed and led to the implementation of a number of traffic calming measures late last year. These generally included supplemental or enlarged traffic signage to reinforce the speed limit (45 MPH) for motorists, reduced travel lane widths, relocation of a speed feedback sign, and additional speed enforcement by the Orange County Sheriff's Department. Collectively, these traffic calming measures and additional enforcement have resulted in an appreciable reduction in traffic speeds on Pacific Island Drive, based on "before" and "after" speed studies. Also relevant, based on the last three years of reported traffic collision incidents along Pacific Island Drive (15 total), none were determined to be caused by unsafe vehicular speed. The Public Works Department will continue to monitor roadway conditions and implement additional traffic safety measures as determined appropriate.

Specific to the proposed project, the LLG TIA determined that the project's traffic trip contribution to Pacific Island Drive would be minimal. Most project visitors and residents would opt to use the primary signalized project driveways at Crown Valley Parkway and Alicia Parkway as there would be no travel time or distance benefits in traveling on Pacific Island Drive toward Crown Valley Parkway aside from project visitors who live in one of the residential neighborhoods off of Pacific Island Drive. Nevertheless, working with the Public Works Department, the Applicant has agreed to install a series of traffic safety features along Pacific Island Drive, such as buffered bike lanes along the project frontage, continental crosswalks, flashing yellow warning beacon, and fair-share financial contributions toward other City planned traffic improvements in the area. Additionally, conditions of approval are included restricting northbound left turn movements onto Pacific Island Drive from the project site for the driveway (Project Driveway No. 4) east of Fire Station No. 5, with the installation of a new median, and the opportunity for additional modifications should traffic safety or circulation problems arise. For the secondary driveway (Project Driveway No. 3) west of Fire Station No. 5, a median modification is proposed to create an acceleration lane to allow motorists the opportunity to more easily turn left and transition into westbound traffic toward Highlands Avenue.

- **Parking and Other Transportation Options.** Questions were posed regarding the adequacy of project parking and whether other transportation options would be available. The project includes a total parking supply of 1,643 spaces, which includes a combination of surface parking and structured parking. This exceeds the City's minimum parking requirement of 1,497 spaces. As an added safeguard, a condition of approval is included requiring a Parking Management Program should parking and/or circulation problems arise.

Other transportation options to and from the site include dedicated drop-off/pick-up areas at the Town Green (Crown Valley Parkway entrance) and in front of the

library, local bus service provided by the Orange County Transportation Authority (OCTA), and possibly the City's new free summer trolley. Additionally, existing pedestrian and bicycle facilities along the project frontage (proposed to be enhanced) provide connectivity to various nearby residential, commercial, and recreational uses.

- **Fire Safety.** General fire safety concerns were raised in light of the recent "Coastal Fire." Unlike areas affected by the Coastal Fire, the proposed infill project is located outside of the Very High Fire Hazard Severity Zone (VHFHSZ) and is surrounded by existing development. Also significant, the proposed project would replace seasonal brush (often unmaintained) and vacant buildings with new construction that would be subject to the latest fire-science based state and OCFA code requirements.
- **Project Site Plan/Layout.** Mixed opinions were provided regarding the project layout. Public commenters expressed support for the project site planning, including the pedestrian connectivity and the prominence of the Retail Village, Town Green, and library, and other commenters opined that the Applicant should consider adjustments to space planning, including major changes to the residential buildings, parking, and pedestrian connectivity. The Applicant responded at the hearing that community input was considered at the early phases of project development, which yielded site plan improvements (i.e., library) but they now have finalized the project design. The Applicant noted that creating a pedestrian-friendly project with a sense of place was a design focus and the current proposal offers the best opportunity for the project's success.

At the conclusion of the public hearing, the Planning Commission unanimously recommended that the City Council certify EIR 22-01 and approve the corresponding Resolutions approving the project (Attachment H), with two modified conditions of approval. At the recommendation of the Planning Commission Chair, two conditions related to Site Development Permit requirements for a future sign program and a cultural depiction program (e.g., artwork, such as sculptures, mosaics, or murals) were amended to be subject to the approval of the Planning Commission rather than the Community Development Director. The Applicant has requested that the City Council revise these two conditions as originally drafted, consistent with the provisions of the Laguna Niguel Zoning Code, which provide the Community Development Director the discretion to approve Site Development Permits administratively or to refer them to the Planning Commission for consideration. There is a considerable time and cost savings for Site Development Permits that are processed administratively. The two conditions in question (Condition Nos. 46 and 48 of Resolution No. 2022-1399, Attachment F) are proposed for City Council consideration as originally proposed (Community Development Director's discretion).

PUBLIC NOTICE

City Council Meeting

A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

Additional Outreach

In addition to the City Council public hearing noticing and the series of statutory public notices provided throughout the EIR process and for last month's Planning Commission meeting, beginning in 2014, there have been nine public notices advertising City hosted community outreach meetings or soliciting feedback on the current and former mixed-use development proposals for the subject property. Separately, in some cases with City staff, the Applicant has conducted more than 30 meetings and presentations with neighboring communities, individual residents, homeowners' associations, and other groups – including the Chamber of Commerce, Friends of the Library, Laguna Niguel Historical Committee, and Rotary.

ANALYSIS

An in-depth project summary is provided in the Planning Commission Staff Report, dated May 24 2022, which is included as Attachment G. This includes details related to the proposed commercial, civic, residential, and outdoor community gathering spaces, and a comprehensive analysis of the required City approvals, including EIR certification. Below is an abbreviated overview describing the project and City approvals.

Project Overview

The project proposes development of approximately 175,000 square feet of new nonresidential space (restaurant, retail, office, and library), 275 residential apartments, and extensive outdoor courtyards and community gathering areas as summarized below. Ancillary site improvements in support of the development include demolition of existing structures, grading, drainage improvements, landscaping, and parking facilities (both surface and structured parking). Project Plans illustrating details for all proposed development are included in Attachments I and J.

- **Daily Needs Retail.** The project includes approximately 19,920 square feet of what the Applicant has termed "Daily Needs Retail." A project area intended to be anchored by a gourmet market and restaurants.

- **Retail Village.** The Retail Village is one of the project's defining features and is comprised of approximately 43,390 square feet of restaurants and retail shops. According to the Applicant, potential tenant uses in the Retail Village include retailers, breweries, chef-driven food concepts and restaurants, boutique shops, and coffee houses.
- **Health/Wellness-Focused Retail, Medical Office, and Restaurant.** A multi-purpose building dedicated to health and wellness totaling approximately 34,654 square feet. According to the Applicant, the focus would be on curating uses such as spin classes, yoga, Pilates, cross-training classes, medical office, physical therapy, health food cafes, and active lifestyle shops.
- **Creative Office Space.** Two creative office buildings totaling approximately 60,597 square feet. The buildings would feature creative spaces that open to outdoor patios offering indoor-outdoor collaborative workspaces. The office spaces would support daytime workspace that would benefit from walkability to retail, restaurant, and civic spaces as well as residential housing, to complete a fully integrated "live-work-play" project.
- **Library.** The existing County Library would be replaced with a larger, modern new library. The existing library is approximately 14,400 square feet and the new library is approximately 16,290 square feet in size. Additionally, the new library would feature 2,600 square feet of outdoor programmable space, further expanding the library's useable area. The new library would be centrally located within the project next to shops, restaurants, and landscaped outdoor spaces. Parking accommodations include surface and structure parking spaces, including conveniently located spaces and drop-off adjacent to the new library.
- **Residential Village.** The residential component of the project would have 275 total apartment units in two separate buildings with integrated pedestrian connections to the Retail Village and Town Green. Each residential building would be offered on a for-rent basis at market rates and offer a variety of unit floor plans, including one- two- and three-bedrooms in both flats and townhome configurations with surface, structured, and direct-access garages to appeal to a broad segment of the renter market. Resident amenities would include, for example, clubhouses, private balconies, co-work area, fitness center, resort-style pool and spa, cabanas, bike repair shop, and pet spa.
- **Town Green and Open Space Plazas.** Approximately 2.2 acres dedicated to the central outdoor Town Green gathering area and an extensive network of pedestrian-oriented paseos and open spaces weaving through the retail and commercial core. The Town Green would be a project highlight that would feature shade trees, outdoor lighting, soft seating areas, gardens, and water features. The Town Green would be open to the public and would be programmed by the Applicant and others for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, and more.

City Approvals & Adoptions

As detailed in the Planning Commission Staff Report (Attachment G), the project requires a series of interrelated City approvals. Both the Planning Commission and City staff recommend that the City Council make the necessary positive findings approving or adopting each of the discretionary applications requests per their respective Resolutions and Ordinances (Attachments A through F). These findings include, but are not limited to, project consistency with the Laguna Niguel General Plan, the Laguna Niguel Zoning Code (e.g., permissible uses, development standards, design guidelines), the Laguna Niguel Subdivision Code, and the California Environmental Quality Act (CEQA).

- **General Plan Amendment GPA 19-01** to add the “Residential Attached” land use designation over the site (excluding OCFA Station No. 5) allowing up to 275 proposed multifamily residential units, provided the project meets specific criteria in the General Plan Amendment. The General Plan Amendment would also modify the description and statistical summary for the profile area to account for the project.
- **Zoning Code Amendment ZCA 19-01** to create a mixed-use zone for the Town Center area, which establishes the mix of permissible land uses and development standards for the new “Mixed-Use Town Center” (MU-TC) District.
- **Zone Change ZC 19-01** to change the zoning on the project site from “Community Commercial” (CC) and “Public/Institutional (PI)” to “Mixed-Use Town Center” (MU-TC) District over the site, excluding OCFA Fire Station No. 5 (to remain PI).
- **Vesting Tentative Tract Map VTTM 19024** to subdivide the property into a total of 21 lots, including 17 numbered lots and 4 lettered lots.
- **Site Development Permit SDP 19-03** to allow grading (over 5,000 cubic yards, 127,000 cubic yards of net cut and fill grading is proposed) and site development of the site and to allow an alternative development standard for a boundary landscaping reduction at the base of an existing landscaped slope along the southwest property line.
- **Use Permit UP 19-22** to allow multifamily apartment homes on the project site per the new MU-TC District.

The City must also certify EIR 22-01 and adopt Findings of Fact, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program as required by the CEQA before approving the above-listed project entitlements. Please refer to the summary provided below under the CEQA subheading of this staff report.

CEQA COMPLIANCE

EIR 22-01

PlaceWorks, Inc. (City environmental consultant), in collaboration with City staff and other City third-party consultants, has prepared EIR 22-01 for the project pursuant to the CEQA and the City's CEQA Manual. An EIR is the most comprehensive form of CEQA environmental documentation. The purpose of this EIR is to inform the public and decision makers of the project's potential environmental impacts and include mitigation measures, as necessary, to reduce environmental impacts. The EIR includes a description of the project, an evaluation of the potential environmental impacts, and consideration of project alternatives. The project Draft and Final EIR are included as Exhibit 2 and 3, respectively, to Resolution No. 2022-1396 (Attachment A).

In summary, the EIR determined that all but one of the CEQA environmental impact categories were either not significantly impacted by the project or can be mitigated to a level of less than significant. The one exception was greenhouse gas emissions. Even though the project would be designed in a manner consistent with environmentally sustainable planning practices, and feasible mitigation measure implemented, the project would still result in a significant and unavoidable impact. An impact in this environmental category for a fairly large-scale development is not uncommon. As a part of the EIR, a Statement of Overriding Considerations is included supporting the approval of the project based on its merits and benefits. Also notable, the very nature of the project as an infill mixed-use development is a type of desirable development that minimizes greenhouse emissions in offering residents the ability to live within walking distance of shopping, dining, and office space.

EIR Comments

Beginning on March 15, 2022, Draft EIR 22-01 was made available for a 45-day public review period. In response, the City received a total of 11 written comments on the Draft EIR (five from individuals, four from public agencies, and two from law firms - one representing a carpenter's labor union and the other representing the Supporters Alliance for Environmental Responsibility). Responses to these comments are included as part of the Final EIR, included as Exhibit 3 of Resolution No. 2022-1396 (Attachment A).

Subsequent to the close of the CEQA comment period on April 29, 2022, letters from each of the two law firms were received the day of the Planning Commission meeting (May 24, 2022). The letters generally request additional or revised environmental analysis and recirculation of EIR 22-01. Responses to these comment letters and to the sufficiency of EIR 22-01 are provided as Exhibit 6 to Attachment A (Post EIR 22-01 Review Period - Supplemental Comments & Responses).

ALTERNATIVES CONSIDERED

1. Approve the Resolution(s) and/or Ordinance(s) with modifications as directed by the City Council.
2. Deny the project. If the City Council believes that there are insufficient findings for project approval, direct City staff to modify the Resolution(s) and/or Ordinance(s) to reflect their findings for denial.

FISCAL REVIEW

There would be no direct fiscal impact as a result of approving the proposed discretionary applications or certifying the EIR. However, the City would financially benefit from future building permit plan check and inspection revenues and possessory/property and sales tax revenues from project development. The project would also create short-term construction jobs and offer long-term employment opportunities to the community with secondary economic benefits.

LEGAL REVIEW

The City Attorney's Office has reviewed and approved this report and corresponding Resolutions and Ordinances as to form and content.

CONCLUSION

To date, the Town Center area has suffered from a number of constraints that have stifled achievement of the General Plan's vision as well as attainment of its market potential. Excluding the construction of City Hall in 2011 and the Crestavilla senior assisted living facility in 2017, there have been no new significant developments in this area since prior to City incorporation in 1989. The County-owned property with the South County Justice Center courthouse (closed in 2008) continues to remain mostly vacant and underdeveloped.

Facilitating a blend of complementary land uses, including additive residential development in support of foundational commercial activities (new restaurants, shops, and office space) centered around a proposed Town Green park (community gathering hub to be programmed for family-friendly events), offers the City the flexibility necessary to stimulate investment in the Town Center and transform the area into a long envisioned vibrant city center.

City staff recommends that the City Council open the public hearing, take public testimony, close the public hearing, and then take the following actions:

1. Adopt Resolution No. 2022-1396, certifying Environmental Impact Report EIR 22-01 (SCH No. 2019110083) and adopting CEQA Findings of Fact, Statement of Overriding Considerations, and associated Mitigation Monitoring and Reporting Program;
2. Adopt Resolution No. 2022-1397, approving General Plan Amendment 19-01;
3. Waive full reading, make any amendments to, and introduce Ordinance No. 2022-216 by title:

ORDINANCE NO. 2022-216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA
NIGUEL, CALIFORNIA ADOPTING ZONING CODE AMENDMENT
ZCA 19-01 (CITY CENTER MIXED-USE PROJECT)

Direct that the proposed Ordinance, with any changes to it, be placed on the agenda for the next regularly scheduled City Council meeting and adopt the Ordinance at that meeting;

4. Waive full reading, make any amendments to, and introduce Ordinance No. 2022-217 by title:

ORDINANCE NO. 2022-217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA
NIGUEL, CALIFORNIA ADOPTING ZONE CHANGE ZC 19-01
(CITY CENTER MIXED-USE PROJECT)

Direct that the proposed Ordinance, with any changes to it, be placed on the agenda for the next regularly scheduled City Council meeting and adopt the Ordinance at that meeting;

5. Adopt Resolution No. 2022-1398, approving Vesting Tentative Tract Map 19024, including extension, subject to conditions; and
6. Adopt Resolution No. 2022-1399, approving Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.



Tamara S. Letourneau
City Manager



Kevin G. Ennis, Esq.
City Attorney



Jonathan Orduna
Community Development Director



John Morgan
Development Services Manager

Attachments:

- A. Resolution No. 2022-1396 (EIR 22-01)
 - Exhibits
 - 1. Findings of Fact and Statement of Overriding Considerations
 - 2. Draft EIR 22-01
 - 3. Final EIR 22-01
 - 4. EIR 22-01 Appendices
 - 5. Mitigation Monitoring and Reporting Program
 - 6. Post EIR 22-01 Review Period - Supplemental Comments & Responses
- B. Resolution No. 2022-1397 (GPA 22-01)
 - Exhibits
 - 1. Proposed Changes to the General Plan Land Use Map
 - 2. Proposed Changes to the General Plan Land Use Element Text and Statistical Summary
- C. Ordinance No. 2022-216 (ZCA 19-01)
- D. Ordinance No. 2022-217 (ZC 19-01)
 - Exhibit
 - 1. Proposed Changes to the Official Zoning Map
- E. Resolution No. 2022-1398 (VTM 19024)
- F. Resolution No. 2022-1399 (SDP 19-03 and UP 19-22)
- G. May 24, 2022 Planning Commission Staff Report (w/o Attachments)
- H. May 24, 2022 Planning Commission Meeting Minutes and Resolution Nos. 22-02 through 22-07 (w/o Attachments)
- I. Reduced Size Project Plans
- J. Full-Size Project Plans

Attachment A

Resolution No. 2022-1396 (EIR 22-01)

RESOLUTION NO. 2022-1396

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
CERTIFYING ENVIRONMENTAL IMPACT REPORT EIR 22-01 (SCH NO.
2019110083) FOR GENERAL PLAN AMENDMENT GPA 19-01, ZONING CODE
ADMENDMENT ZCA 19-01, ZONE CHANGE ZC 19-01, VESTING TENTATIVE
TRACT MAP VTTM 19024, SITE DEVELOPMENT PERMIT SDP 19-03 AND USE
PERMIT UP 19-22, MAKING FINDINGS PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND
REPORTING PROGRAM
(CITY CENTER MIXED-USE PROJECT)**

WHEREAS, the APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, requests approval of General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Vesting Tentative Tract Map VTTM 19024, Site Development Permit SDP 19-03 and Use Permit UP 19-22 to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new larger community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual, the City of Laguna Niguel is the lead agency for the project, as the public agency with the principal responsibility for approving the project.

WHEREAS, the City, as lead agency, determined that an Environmental Impact Report must be prepared pursuant to CEQA to analyze the potential environmental impacts of the proposed project.

WHEREAS, on November 1, 2019, the City issued a Notice of Preparation (NOP) of the Environmental Impact Report for a comment period of 30 days. The NOP was filed with the California Office of Planning and Research State Clearinghouse and distributed to local, county, and state agencies, property owners within 300 feet of the project site, and interested parties, and was published in the *Orange County Register*. Concurrently, notice of a public Environmental Impact Report scoping meeting was distributed.

WHEREAS, on November 13, 2019, the Environmental Impact Report scoping meeting was held during the NOP review period to receive agency and public input regarding the scope and content of the Environmental Impact Report.

WHEREAS, on March 15, 2022, the City issued a Notice of Availability (NOA) for the Draft Environmental Impact Report. The NOA identified a 45-day public review and comment period beginning March 15, 2022 and ending April 29, 2022. The Draft Environmental Impact Report was made available for review at Laguna Niguel City Hall, and on the City's website. The NOA was distributed to local, county, and state agencies, property owners within 300 feet of the project site, and interested parties, and was published in the *Orange County Register*.

WHEREAS, all potential environmental impact categories of the proposed project were analyzed in Draft Environmental Impact Report EIR 22-01 (SCH No. 2019110083). The Draft Environmental Impact Report determined that all but one of the environmental effects of the project are either less than significant or can be mitigated to less than significant. The one exception is greenhouse gas emissions, which the Environmental Impact Report determined the proposed project would cause a significant and unavoidable impact, despite the implementation of all feasible mitigation measures.

WHEREAS, all comments received on Draft Environmental Impact Report EIR 22-01 during the 45-day public review and comment period beginning March 15, 2022 and ending April 29, 2022 have been responded to in writing. A Statement of Overriding Considerations and Findings of Fact have been prepared. Collectively, the Draft Environmental Impact Report, Response to Comments, Statement of Overriding Considerations, Findings of Fact, and Mitigation Monitoring and Reporting Program constitute the Final Environmental Impact Report.

WHEREAS, the City provided copies of the Final Environmental Impact Report, including Responses to Comments received during the 45-day public review and comment period beginning March 15, 2022 and ending April 29, 2022, to all commenting agencies (pursuant to Public Resources Code Section 21092.5) and to all commentors (pursuant to the City's CEQA Manual), at least ten days prior to the June 21, 2022, City Council hearing.

WHEREAS, subsequent to the 45-day Draft Environmental Impact Report public review and comment period, the City received two supplemental comment letters on May 24, 2022 from Mitchell M. Tsai representing the Southwest Regional Council of Carpenters and Lozeau Drury LLP representing Supporters Alliance for Environmental Responsibility (SAFER). Responses to these comments submitted after the close of the Draft Environmental Impact Report comment period are included as Exhibit 6.

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared to identify all required mitigation measures, the timing of implementation of each measure, and the responsible party for each measure.

WHEREAS, on May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on the project and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to certify Environmental Impact Report EIR 22-01 (Sch No. 2019110083) for General Plan Amendment GPA 19-01, Zoning Code Amendment ZCA 19-01, Zone Change ZC 19-01, Vesting Tentative Tract Map VTTM 19024, Site Development Permit

SDP 19-03 and Use Permit UP 19-22, make findings pursuant to CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program for the City Center Mixed-Use Project.

WHEREAS, a notice of public hearing describing the project (including the Environmental Impact Report), date, time, and location of the City Council hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

WHEREAS, the City of Laguna Niguel Community Development Department shall serve as the custodian of the Environmental Impact Report document and all appendices, supporting studies, figures, and related documents which constitute the record of proceedings and are available for review at the Community Development Department, located at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.

THEREFORE, BE IT RESOLVED that the City Council finds and determines as follows:

1. In accordance with CEQA Guidelines Section 15025(c), the City Council has been presented with the final EIR and independently reviewed and considered the Draft and Final Environmental Impact Reports for the project. The City Council finds that Environmental Impact Report EIR 22-01 (SCH No. 2019110083) is adequate and has been completed in compliance with CEQA, the CEQA Guidelines, and the City's CEQA Manual.
2. The City Council has independently reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments, and received comments provided at the noticed public hearing at which the project was considered prior to making a recommendation on the proposed project.
3. Environmental Impact Report EIR 22-01 contains sufficient information and analysis to allow the City Council to make an informed decision on the project, considering the environmental implications of the proposed project, mitigation measures, and alternatives.
4. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written findings for each significant effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:
 - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;

- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

These required findings are set forth in the attached Exhibit 1 and incorporated herein by this reference.

- 5. Environmental impacts identified in the Final EIR that are found to have no impact or a less than significant and do not require mitigation are described in Section _IV_ of Exhibit 1, attached hereto and incorporated herein by reference.
- 6. Environmental impacts identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Section _V.A_ of Exhibit 1 attached hereto and incorporated herein by reference.
- 7. The environmental impact identified in the Final EIR as significant and unavoidable despite the imposition of all feasible mitigation measures are described in Section _V.B_ of Exhibit 1, attached hereto and incorporated herein by reference.
- 8. Alternatives to the project that might eliminate or reduce significant environmental impacts are described in Section VI of Exhibit 1, attached hereto and incorporated herein by reference.
- 9. Sections 15092 and 15093 of the State CEQA Guidelines require that if a project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts.
- 10. A discussion of the project benefits and a Statement of Overriding Considerations for the environmental impact that cannot be fully mitigated to a less than significant level are set forth in Section _VII_ of Exhibit 1, attached hereto and incorporated herein by this reference.

11. On the basis for the foregoing and all of the evidence in the administrative record before it, the City Council does hereby adopt the CEQA "Findings of Fact" and "Statement of Overriding Considerations" attached hereto as Exhibit 1. As noted above, the Findings of Fact summarize the impacts of the project and the mitigation measures required to avoid or substantially lessen each of those impacts and alternatives for the project, and the "substantial evidence in the record" supporting the finding that each impact will be avoided or substantially lessened. The Statement of Overriding Considerations documents the unavoidable significant impact (greenhouse gas emissions) that will result from the proposed project and the benefits provided by the proposed project that outweigh the impact.
12. The Final EIR reflects the City Council's independent judgment and analysis.
13. No comments or any additional information submitted to the City have produced any substantial new information requiring additional recirculation or additional environmental review of the project under CEQA.
14. On the basis for the foregoing and all of the evidence in the administrative record before it, the City Council does hereby certify Environmental Impact Report EIR 22-01 for General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Vesting Tentative Tract Map VTTM 19024, Site Development Permit SDP 19-03 and Use Permit UP 19-22 (City Center Mixed-Use Project), attached hereto as Exhibits 2 through 4.
15. The City Council does hereby adopt the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit 5, which specifies the measures to mitigate the environmental effects associated with the subject project and the monitoring efforts needed to ensure that the measures are effectively implemented.
16. The City Council does hereby direct that a Notice of Determination be filed with the County Clerk in the County of Orange in accordance with CEQA Guidelines.
17. This Resolution becomes effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

Exhibit(s):

1. Findings of Fact and Statement of Overriding Considerations
2. Draft Environmental Impact Report EIR 22-01
3. Final Environmental Impact Report EIR 22-01
4. Environmental Impact Report EIR 22-01 Appendices
5. Mitigation Monitoring and Reporting Program
6. Post EIR 22-01 Review Period (Supplemental Comments & Responses)

EXHIBIT 1

Findings of Fact & Statement of Overriding Considerations

**CEQA FINDINGS OF FACT
FOR THE
LAGUNA NIGUEL CITY CENTER MIXED-USE PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT
City of Laguna Niguel**

STATE CLEARINGHOUSE NO. 2019110083

I. INTRODUCTION

The California Environmental Quality Act ("CEQA") requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report ("EIR") prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. The State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”].) An alternative may also be rejected because it “would not ‘entirely fulfill’ [a] project objective.” (*Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315.) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) “Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, *supra*, 52 Cal.3d at p. 576.)

When adopting Statements of Overriding Considerations, State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, independently reviewed, and considered the Draft Environmental Impact Report (“DEIR”) and the Final Environmental Impact Report (“Final EIR”) for the Laguna Niguel City Center Mixed-Use Project, SCH No. 2019110083 (collectively, the “EIR”), as well as all other information in the record of proceedings on this matter, the following Findings of Facts (“Findings”) are hereby adopted by the City of Laguna Niguel (“City”) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the Laguna Niguel City Center Mixed-Use Project (“Proposed Project”). This action includes the certification of the following:

- Laguna Niguel City Center Mixed-Use Project Environmental Impact Report, SCH No. 2019110083

A. DOCUMENT FORMAT

These Findings have been organized into the following sections:

- 1) Section I provides an introduction.
- 2) Section II provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.
- 3) Section III provides a summary of the environmental review process related to the project , and a summary of public participation in the environmental review for the project.

- 4) Section IV sets forth findings regarding the environmental impacts that were determined to result in no impact or a less than significant impact given the nature and location of the proposed project.
- 5) Section V sets forth findings regarding significant or potentially significant environmental impacts identified in the FEIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program ("MMRP") for the project and adopted as conditions of the project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to mitigation measures, these findings specify how those impacts were reduced to an acceptable level. Section V also includes findings regarding those significant or potentially significant environmental impacts identified in the DEIRFEIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 6) Section VI sets forth findings regarding alternatives to the proposed project.
- 7) Section VII sets forth the statement of overriding considerations for the proposed project.
- 8) Section VIII sets forth the finding regarding certification of the EIR.
- 9) Section IX sets forth the finding adopting a mitigation and monitoring plan for the proposed project.
- 10) Section X sets forth the finding regarding custodian of records for the proposed project.

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The DEIR for the proposed project
- The FEIR for the proposed project
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR

- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comments
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and Final EIR
- The Resolutions adopted by the City of Laguna Niguel in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City of Laguna Niguel, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Laguna Niguel Planning Division Counter. The custodian for these documents is the City of Laguna Niguel. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

C. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Laguna Niguel Planning Division, 30111 Crown Valley Parkway, Laguna Niguel, CA 92677. The City's Planning Division is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Planning Division Counter. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

II. PROJECT SUMMARY

A. PROJECT LOCATION

The City of Laguna Niguel (City) is in southern Orange County, southern California. It is bordered by Laguna Hills and Aliso Viejo to the north, San Juan Capistrano and Mission Viejo to the east, Dana Point to the south, and Laguna Beach and unincorporated Orange County (Aliso and Wood Canyons Wilderness Park) to the west.

East of Laguna Niguel, Interstate 5 (I-5) runs north-south, connecting the City to the majority of southern California. State Route 73 (SR-73) (San Joaquin Hills Transportation Corridor) runs along the northern City limits and connects with I-5 in the northeastern portion of Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southern boundary of Laguna Niguel.

The project site (Assessor's Parcel Number 656-242-18) is approximately 25 acres, is owned by the County of Orange and leased to Laguna Niguel Town Center Partners LLC to develop the proposed mixed-use project. The property consists of South County Justice Center (closed in 2008), the Orange County Library, a county maintenance yard, Orange County Fire Station No. 5, and undeveloped land. The site is immediately adjacent to City Hall. The site is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west (e.g., Niguel Summit Apartments) and south (El Niguel Terrace townhomes, and Charter Terrace single-family homes).

B. PROJECT DESCRIPTION

The proposed project would include specialty retail, restaurants, office, a new community library, community-oriented event/programmable space, integrated residential apartment homes, and extensive walkable open spaces, paseos, and plazas. The proposed project would include the development of approximately 175,000 square feet of commercial and civic uses and 275 multifamily residential units. The commercial component would include a wide range of uses, such as restaurants, retail shops, health/wellness focused retail medical office, and creative office space. The civic space consists of an approximately 16,290 square foot county library, which would replace the existing library. The residential component of the proposed is comprised of two apartment buildings—one 200-unit apartment building and one 75-unit apartment building. On-site parking accommodations for the proposed project would include a combination of surface and structured parking for the commercial/civic uses and a mixture of surface parking; private garage; and on-grade, multilevel garage for the residential component. The development vision includes a focus on creating a landmark project for the City with an architectural design blending traditional styles with modern elements. The project applicant will pursue Leadership in Energy and Environmental Design (LEED) certification for the commercial and residential component of the project.

C. DISCRETIONARY ACTIONS AND APPROVALS

Project development requires the following discretionary actions and approvals from the City:

- **General Plan Amendment GPA 19-01.** The subject property is in Community Profile 14, Sub-profile Area C (Town Center Expansion) of the Laguna Niguel General Plan. The Land Use Element designates the majority of the property as “Community Commercial” “Professional Office,” and “Public/Institutional,” which allows a wide range of nonresidential uses, such as retail, restaurant, office, personal service, hotel and public/institutional. The portion of the project site that includes the library and OCFA Fire Station No. 5 are designated “Public/Institutional,” which allows a wide range of public, quasi-public, and special-purpose private facilities that provide government or social services to the community. The General Plan Amendment proposes to modify the land use designation for the entire property (excluding OCFA Fire Station No. 5) to “Community Commercial, Professional Office, Public/Institutional, and Residential Attached” (see Figure 3-5, for *Existing Land Use Designations* and *Proposed Land Use Designations*). To accommodate this development program, the General Plan Amendment also includes amending the statistical summary for Sub-profile Area C to account for the proposed project, including residential dwelling units and other modest narrative updates to reflect existing conditions, which have changed since the original adoption of the General Plan in 1992.

The General Plan Amendment also amends the description for Sub-profile Area C (Town Center Expansion, to be retitled Town Center 3) as follows (strikeout: deleted text, underline: new text):

~~This area is designated Community Commercial, Professional Public/Institutional. The area currently includes the County of Orange Civic which encompasses 46,860 sq. ft. If the County Civic Center vacates this area, a maximum of 130,680 sq. ft. of Community Commercial and a maximum of 217,800 sq. ft. of Professional Office uses are envisioned for the site. Future development of the site may also include City Hall facilities. The existing Crown Valley Branch Library and Fire Station #5 will also remain within the sub area.~~

Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,3000 square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

1. The proposed development substantially advances the General Plan’s intent, policies, and actions for Town Center;
2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities,

public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and

3. The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.

Additionally, the proposed General Plan Amendment includes the following policy revisions under Land Use Element Goal 9, “Enhancement of the Town Center” (underline: new text):

- **Policy 9.2.** Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center’s viability are encouraged.
- **Policy 9.3.** Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.
- **Policy 9.4.** Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City’s identity. A focus is also ensuring the appearance of arterials and surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.
- **Zone Change ZC 19-01.** The majority of the project site is zoned “Community Commercial” (CC) District, which allows for a variety of retail, restaurant, office, personal service, hotel, and other nonresidential uses. The portion of the project site that includes the library and OCFA Fire Station No. 5 are zoned “Public/Institutional,” which allows a wide range of public, semi-public, and special-purpose private facilities to provide a variety of government and social services. The applicant is proposing a change in the property’s zoning designation to “Mixed-Use Town Center” (MU-TC) district (see Figure 3-6, *Existing Zoning Districts and Proposed Zoning Districts*), excluding OCFA Fire Station No. 5.
- **Zoning Code Amendment ZCA 19-01.** Accompanying Zone Change ZC 19-01, a zoning code amendment is proposed to establish the mix of permissible land uses and development standards for the new MU-TC district.
- **Vesting Tentative Tract Map VTTM 19024.** The applicant is proposing a vesting tentative tract map to subdivide the property into a total of 21 lots, including 17 numbered lots and 4 lettered lots.

- **Site Development Permit SDP 19-03.** A site development permit is required for all projects that involve construction of any structure, except in certain limited circumstances. The project involves construction of multiple structures. The applicant is therefore proposing a site development permit for the project. A site development permit is also proposed because the project includes over 5,000 cubic yards of earth work and to allow alternative development standards for a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment along proposed Lot 15.
- **Use Permit UP 19-22.** A use permit request to allow multifamily apartment homes on the project site per the new MU-TC District.

Certification of the Environmental Impact Report and Adoption of Findings of Fact and a Mitigation Monitoring and Reporting Program. An EIR is required by CEQA, and the City must certify the EIR and adopt Findings of Fact and a Mitigation Monitoring and Reporting Program before approving the above-listed project entitlements.

The development program, which is described in greater detail in the EIR, is organized based on the five main development areas and includes general categories of uses to allow a broad range of future tenants, as further described by the project applicant below:

- **Daily Needs Retail.** The Crown Valley entrance would include approximately 19,920 square feet of daily needs retail and convenient surface parking for uses such as a gourmet market, specialty foods, culinary supplies, and restaurants. All buildings would be single story.
- **Retail Village Core.** The Crown Valley and Alicia Parkway entrances would converge at the main retail village. The overall village comprises approximately 43,390 square feet of single-story retail built around a central open space plaza area (Town Green), all linked by landscaped paseos that would feature shade trees, outdoor lighting, soft seating areas, gardens, and water features. The buildings are designed as single story with patios that open onto the Town Green area. The Town Green would be open to all residents of Laguna Niguel and be improved with outdoor performance/event spaces and other spaces to be programmed by the applicant and others for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, and more. Potential tenant uses in the Retail Village Core include restaurants; markets; wine stores; breweries; cooking schools; independent-chef-driven food concepts and restaurants; hand-crafted coffee house; specialty markets such as wine, cheese stores, and butchery; retail shops; small artisanal food purveyors; kiosks; educational space; and performance/event space. The buildings would be architecturally distinctive and designed with a natural material such as wood, stone, and plaster siding; crafted storefronts featuring wood and steel windows with fabric awnings and distinctive handcrafted signage; and gabled roofs with standing-seam metal and cedar-shake roofs. Many of the restaurants would feature exposed beamed ceilings, open kitchens, and exterior patio seating areas with landscaped gardens, herb gardens, wood and steel trellis, canvas awnings or umbrellas, fire pits, water features, and wall-mounted fountains.

- **Health/Wellness-Focused Retail and Medical Office.** Directly adjacent to the retail village would be a two-story building totaling 34,654 square feet dedicated to health and wellness that provides for uses such as spin classes, yoga, Pilates, cross-training, stretch/meditation classes, medical office, physical therapy, health food cafes, and active lifestyle shops.
- **Creative Office Space.** Directly adjacent to the retail village would be two creative office buildings totaling 60,597 square feet in two- and three-story structures. The buildings would feature creative spaces with high loft ceilings, skylights, exposed plenum mechanical systems, operable windows, and overhead vertical-lift exterior doors that open to outdoor patios offering soft seating areas with indoor-outdoor collaborative workspaces and recreation areas. The office spaces would support daytime workspace that would benefit from walkability to retail, restaurant, and civic spaces as well as residential housing to complete a fully integrated live-work-play project. The two- and three-story office component is a critical driver in providing an active daytime population to support the proposed commercial uses. The buildings are designed with modern, open floor plans, allowing employees to take a break from their daily work to recharge among open space, shops, and dining options.
- **Library.** The existing Laguna Niguel branch of the Orange County Library system would be replaced with a larger, architecturally significant and modern new library. The existing library is approximately 14,400 gross square feet while the project's proposed library would be approximately 16,290 gross square feet. The total usable square footage would be increased from about 11,100 square feet in the current library to about 13,100 square feet in the new library and would also include approximately 2,600 square feet of outdoor programmable space, expanding the useable area.

The proposed library would be located in the heart of the proposed project's commercial experience. This would provide several benefits to both library patrons and the new commercial uses. By relocating the library, the commercial center would have important drive-by exposure and frontage along Crown Valley Parkway, which is imperative to attracting and maintaining the types of commercial tenants envisioned for the proposed project. Relocating the library within the boundaries of the commercial core would also allow library patrons easier access to the restaurants, retail shops, and community gathering areas, and would enhance library experience and accessibility to community event spaces. Finally, the new library would provide a better designed and more functional library space equipped with modern technologies and improved space planning to support the needs of the broader library community and allow for more programming during the year.

- **Residential Village.** The residential component of the proposed project would have 275 apartment units in two separate locations on the property along Alicia Parkway and Pacific Island Drive, with significant pedestrian and architectural connections to the project's commercial, office, and library components. Each residential building would be offered on a for-rent basis at market rates and offer a variety of unit floor plans, including one to three bedrooms in flats and townhome configurations, with surface, structured, and direct-access garages to appeal to a broad segment of the renter market. The buildings would be

architecturally distinct and provide modern finishes and features with best-in-class amenities and enhanced pedestrian connections to the commercial core of the project.

- **Residential 1.** Residential 1 would be at the southwest corner of Alicia Parkway and Pacific Island Drive between the Laguna Niguel City Hall and the OCFA fire station. It would house 200 -, two-, and three-bedroom apartment units in a three- and four-story building that terraces down the existing slope and entirely wraps a four-story, five-level parking garage. Both the residential and garage structures would be on grade, with the parking entirely screened from view. Building height would not exceed 50 feet above the nearest finished grade. Resident amenities would include a leasing office, clubhouse, co-work area, state-of-the-art fitness center with outdoor workout space, outdoor dining, resort pool and spa, cabanas, bike repair shop, and pet spa. Ground-level units facing the commercial portion of the project would have expanded patios and direct entry to the sidewalk. The gross residential building area would be approximately 290,000 square feet, and the garage would be approximately 160,000 gross square feet. The building would have a contemporary design one vernacular and include a mixture of materials such as plaster, metal, and tile.
 - **Residential 2.** Residential 2 would be at the northwest corner of the site along Pacific Island Drive just west of the OCFA fire station. It would consist of two 3- and 4-story buildings surrounding a surface parking lot and house 75 apartment units consisting of one-, two-, and three-bedroom flats and two-story townhome-style units, some with private rooftop decks. Building height would not exceed 50 feet above nearest finished grade. Building amenities would include a private lounge adjacent to a resort-style pool and spa area that includes outdoor dining, cabanas, and a fire pit. Residents in Residential 2 would also have access to amenities in Residential 1. A number of the ground-floor units facing the south and east would have direct entry at the street level through private, gated patios. The gross residential building area would be approximately 120,000 square feet. Individual private garage space would occupy approximately 15,000 square feet. The project will include a 1.5 kilowatt/unit solar system on carports in the surface parking lot. The buildings would have a modern take on traditional residential design that complement the commercial buildings and would include a mixture of materials such as plaster, metal, stone, tile, and siding.
 - **OCFA Station No.5.** The proposed improvements at the OCFA Station No. 5 would include reconstruction and repaving of the drive aprons and parking lot within the southern portion of the Fire Station property
- Certification of EIR
 - Adoption of Findings of Fact and Statement of Overriding Considerations
 - Adoption of the Mitigation Monitoring Program

D. STATEMENT OF PROJECT OBJECTIVES

Objectives for the Laguna Niguel City Center Mixed Use Project (proposed project) will aid decision makers in their review of the project and associated environmental impacts:

1. Create a dynamic mix of commercial uses, including retail, restaurant, creative office, health/wellness, and civic uses, that will be unique and distinct from other commercial projects in the City and will be complemented by highly amenitized residential apartment buildings, culminating in a vibrant city center in the heart of Laguna Niguel.
2. Create a financially feasible project that promotes the City's economic well-being with (i) a commercial core that generates local tax revenue and provides new jobs; and (ii) a residential component that creates housing options for existing and new residents to support local businesses, including dining, shopping, office, and entertainment venues.
3. Replace the existing Laguna Niguel library with a larger, innovative, and architecturally significant library with modern programming and technologies to better serve the residents of Laguna Niguel for decades to come. The new library will be an integral part of the project and designed to facilitate connections to and integration with surrounding retail, office, and residential uses.
4. Incorporate a pedestrian-oriented outdoor town green and gathering place for the community, connected by an integrated walkable network of passive and active pedestrian-oriented paseos and open spaces weaving through the retail and commercial core.
5. Provide investment and redevelopment of underutilized property in the Town Center Opportunity Area by replacing the vacant South County Justice Center and undeveloped county land with a project that would generate new sources of property and sales tax revenue for the City and County.
6. Create a visually impactful, architecturally distinct design and a retailing experience that will attract differentiated retail, restaurant, and commercial tenants to the City of Laguna Niguel and provide unique live, work, and play opportunities for residents of Laguna Niguel and surrounding communities.
7. Improve and enhance the City's profile and amenities for residents by providing a unique mixed-use environment not seen elsewhere in South Orange County that will attract differentiated retail and commercial tenants and a unique, high-quality, pedestrian-oriented commercial center including a state-of-the-art library that the community can enjoy.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS

In conformance with CEQA, the State CEQA Guidelines, and the City of Laguna Niguel CEQA Guidelines, the City conducted an extensive environmental review of the proposed project.

- The City of Laguna Niguel concluded that a EIR should be prepared, and the Notice of Preparation (NOP) was released for a 30-day public review period from November 4, 2019, through December 4, 2019. The NOP was posted at the Orange County Clerk's Office on November 4, 2019. The notice was published in the *Orange County Register*, a newspaper of general circulation. Under CEQA, a lead agency may proceed directly with preparation of a EIR without preparation of an Initial Study if it is clear that a EIR will be required (State CEQA Guidelines § 15060[d]). The City of Laguna Niguel made such a determination for this project and did not prepare an Initial Study.
- Completion of a scoping process, in which the public was invited by the City of Laguna Niguel to participate. The scoping meeting for the EIR was held on November 13, 2019, at 6:00 p.m. at the City Council Chambers at 30111 Crown Valley Parkway in Laguna Niguel. The notice of a public scoping meeting was included in the NOP distributed on November 4, 2019.
- Preparation of a DEIR by the City of Laguna Niguel, which was made available for a 45- day public review period (March 15, 2022 through April 29, 2022). The Notice of Availability (NOA) for the DEIR was sent to all persons, agencies, and organizations on the list interested persons, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and published in the *Orange County Register*. The NOA was posted at the Orange County Clerk's Office on March 14, 2022. Copies of the DEIR were made available for public review at the City of Laguna Niguel, Planning Division Counter at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677, and the County Library – Laguna Niguel Branch at 30341 Crown Valley Parkway, Laguna Niguel, CA 92677. The DEIR was also available for review and download on City website: <https://www.cityoflagunaniguel.org/CityCenterDEIR>.
- The Final EIR contains comments on the DEIR, responses to those comments, revisions to the DEIR, if any, and appended documents. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- After considering the EIR and in conjunction with making these findings, the City of Laguna Niguel hereby finds that, pursuant to Section 15092 of the CEQA Guidelines, approval of the project will result in significant effects on the environment; however, the significant effects will be eliminated or substantially lessened where feasible, and the City has determined that remaining significant effects are acceptable under Section 15093.
- The Mitigation Monitoring and Reporting Program is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City of Laguna Niguel finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

- The City of Laguna Niguel finds that the project is in the public interest and is necessary for the public health, safety, and welfare.
- The City of Laguna Niguel hereby certifies the Final EIR in accordance with the requirements of CEQA.
- Pursuant to CEQA Guidelines Section 15095, staff is directed as follows: a) copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files; b) copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing copy of same to all CEQA "responsible" agencies.

IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE SCOPING PROCESS

Based on the public scoping process (including review of NOP responses and input at the public scoping meeting), in addition to analysis prepared for the DEIR, the City determined, based upon the threshold criteria for significance, that the project would have no impact or a less than significant impact on the following potential environmental issues (see DEIR, Chapter 8, Impacts Found Not to Be Significant). It was determined, therefore, that these potential environmental issues would be precluded from detailed discussion in Chapter 5, *Environmental Analysis*, of the DEIR. Based upon the environmental analysis presented in the DEIR, and the comments received by the public on the DEIR, no substantial evidence was submitted to or identified by the City which indicated that the project would have an impact on the following environmental areas:

- (a) **Agriculture and Forestry Resources:** There are no existing agricultural uses on the project site and there are no lands within all of Laguna Niguel under Williamson Act contracts. The project site is not zoned for forest land, timberland, or timberland production and would have no impact on important farmlands or convert any farmland to nonagricultural use or result in the loss of any forest land.
- (b) **Mineral Resources:** The project site is mapped as Mineral Resources Zone 1 which indicates that there is adequate information that no significant mineral deposits are present, or it is judged that little likelihood exists for their presence. The project site is also not available as a mining site.

All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in the DEIR.

B. IMPACTS DETERMINED TO EITHER RESULT IN NO IMPACT OR BE LESS THAN SIGNIFICANT IN THE DEIR

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination assumes compliance with existing regulations, as detailed in each respective topical section of Chapter 5 in the DEIR.

- (a) **Aesthetics:** No views of the Pacific Ocean exist from the project site because of obstruction by trees, buildings, rooflines, and existing topography. No mountains, forests, or urban skylines can be seen from the project area either. While there are vantage points west of the project site along Pacific Island Drive, the proposed project does not obstruct these views. No state scenic highways exist onsite nor is the project site visible from any officially or eligible state scenic highways. Additionally, the project site would alter the existing visual character of the project site, however, there are no significant visual resources on or near the project site. The visual character and quality of the site and its surrounding would not be

adversely impacted, and the project would not conflict with applicable zoning standards. Despite new sources of light, development is not expected to generate a substantial increase and the proposed project would be required to comply with Sections 9-1-35.15, 9-1-45.14, and 9-1-71.5 of the Laguna Niguel Zoning Code.

- (b) **Air Quality:** The proposed project's population and employment growth would be within SCAG's forecast growth projections and the long-term emissions generated by the proposed project would not produce criteria air pollutants that exceed the South Coast AQMD significance thresholds for operations. The potential overlap of construction and operation for a limited 12-month period in the latter phases of construction would not exceed the South Coast AQMD construction or operation thresholds. Buildout of the proposed project would generate an increase in criteria air pollutant emissions from transportation (i.e., vehicle trips), area sources (e.g., landscaping equipment, architectural coating), and energy (i.e., natural gas used for heating and cooking). Operation of the proposed project would not generate substantial quantities of emissions from onsite stationary sources; net localized air quality impacts from project-related operations would be less than significant. The proposed project would not generate enough trips needed to generate a significant CO impact because the project does not approach the single-intersection volume increase that would be necessary to result in a significant impact. The proposed project would develop retail and residential uses which do not produce foul odors that constitute a public nuisance. Construction odors would be produce odors, but these would be temporary.
- (c) **Biological Resources:** No sensitive natural communities, riparian habitat, or jurisdiction waters were identified onsite. The project site is within the boundaries of the Orange County Central and Coastal NCCP/HCP. However, the City is not a participant or permittee to this NCCP/HCP. There are no significant trees present on the project site.
- (d) **Cultural Resources:** There is no indication that the project area has been used for human burial purposes. If human remains are discovered during project construction activities, compliance with California Health and Safety Code Section 70505.5, CEQA Section 15064.5, and PRC Section 5097.98 would be required.
- (e) **Energy:** Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels which would result in short-term, transportation-related energy use. The construction of the project is not wasteful or unnecessary because the project responds to existing demands for commercial, residential, and civic uses. Locating these uses together on an urban infill site allows for efficiencies of scale and reduces construction waste. The proposed project would result in an increase in energy use under the operational phase of the project. However, the electricity demand generated by the proposed project would be less than 0.03 percent of the SCE's yearly electricity consumption and gas demands would be less than 0.001 percent of SoCalGas' yearly natural gas supplies. Furthermore, in accordance with Title 24, Part 6, the proposed project would include a 1.5 kilowatt/unit residential photovoltaic (PV) system on carports in the surface parking lot, which would further add to the project's energy efficiency. The PV system would reduce energy

requirements of the project by 45 MTCO₂e/year. In addition, the new proposed buildings would be more energy efficient than the existing buildings on-site.

- (f) **Geology and Soils:** The Newport-Inglewood Fault is four miles from the project site, and as such, would not cause adverse impacts from potential rupture. The project site is not within a liquefaction zone, and therefore, lateral spread is unlikely. The proposed project would include the construction of retaining structures on the project site to support the off-site western and southwestern slopes where they extend onto the site and establish adequate offsets between the base of the slopes and the proposed site structures. Collapse of soil at the project site is considered very low and there appears to be little or no potential for ground subsidence due to withdrawal of fluids or gases at the site. Highly expansive soils were encountered up to depths of 30 feet in recent and previous explorations; the project design would implement appropriate controls to minimize the impact of expansive soil such as in-place chemical treatment. Prior to issuance of any future grading permit for project development, a final Geotechnical Design Report in accordance with the Laguna Niguel Building Code (i.e., proper earthquake design and engineering) would be required. The final Geotechnical Design Report would supplement the preliminary Geotechnical Evaluation Report for CEQA Purposes and would incorporate recommendations from the preliminary report and provide more detailed analyses and geotechnical recommendations for design and construction. The report would include requirements pertaining to structural design and construction recommendations for earthwork, grading, slopes, foundations, pavements, and other necessary geologic and seismic considerations. The proposed project would not use septic tanks as it has sewer connections maintained by the Moulton Niguel Water District. Neither soil erosion or loss of topsoil would be significant. Since the project would disturb more than one acre of land, future development of the proposed project would require compliance with the statewide Construction General Permit, which requires the preparation and implementation of a SWPPP. A SWPPP estimates sediment risk to receiving waters from construction activities and specifies BMPs that would be used by the project to minimize pollution of stormwater. Operationally, the project is required to prepare and implement a Water Quality Management Plan and low impact development and hydromodification BMPs to control runoff at the project site.
- (g) **Hazards and Hazardous Materials:** The project site is not within an airport land use plan; the closest public airport is the John Wayne Airport approximately 13.6 miles northwest of the site. The proposed project would be required to provide adequate access for emergency vehicles per the California Fire Code. Construction material and equipment would be staged or stored onsite and would not interfere with emergency access to or evacuation from surrounding properties. Development of the proposed project would be required to incorporate all applicable design and safety requirements from the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards. The City would coordinate with the OCFA and OCSD during building plan check. Pacific Island Drive, Crown Valley Parkway, and Alicia Parkway would still be available as major evacuation routes during project operation. The project site is adjacent to a local responsibility area for Very High Fire Hazard Severity Zone (VHFHSZ). The proposed project would provide site-

specific on- and off-site access and circulation for emergency vehicles and services during the proposed project's construction and operational phases. During project operation, Pacific Island Drive, Crown Valley Parkway, and Alicia Parkway would still be available as major evacuation routes. No policy or procedural changes to an existing risk management plan, emergency response plan, or evacuation plan would be required due to project implementation. The proposed project would comply with the California Building Code, California Fire Code, and OCFA Fire Prevention Guidelines.

- (h) **Hydrology and Water Quality:** As the project would disturb more than one acre of land, future development of the proposed project would require compliance with the statewide Construction General Permit, which requires the preparation of a SWPPP. The SWPPP would include construction BMPs, including erosion controls, sediment controls, wind erosion controls, tracking controls, among others, which would control runoff during construction and reduce impacts to less than significant. Operational BMPs would be implemented as detailed in the project-specific WQMP to ensure adequate capacity to treat all design stormwater flows. Low Impact Development and Hydromodification BMPs would be implemented, including the installation of modular wetlands. The Moulton Niguel Water District provides water to the project site and relies on imported water from the Municipal Water District of Orange County and local recycled water. Groundwater resources are not significantly used, therefore, the proposed project would not substantially deplete groundwater supplies. Groundwater at the project site was encountered; the contractor would anticipate the potential for groundwater seepage when planning cuts below the existing grades and groundwater seepage would be considered for below-grade structures such as retaining walls and basement walls. The site is not a managed aquifer recharge site and site soils have low infiltration rates. Erosion control BMPs would minimize erosion or siltation on- or off-site during the operational phase of the proposed project. Prior to the issuance of grading permits, a final hydrology report would be submitted to the City for review and approval which would include calculations for catch basin, drainage pipe sizing, and detention basin sizing to ensure the proposed project does not increase the flow and velocity of runoff compared to the pre-development condition. The project site is not within a 100-year flood hazard area, an inundation area, and there are no inland bodies of water near the project site that could pose a seiche hazard. The project site is approximately 2.3 miles inland from the Pacific Ocean and is outside of the tsunami zone. Implementation of the SWPPP and WQMP, along with BMPs and LID would ensure the proposed project would not obstruct the San Diego Basin Plan or obstruct sustainable groundwater management.
- (i) **Land Use Planning:** The proposed project would not divide any established communities; neighborhoods to the west of the project site are physically separated by a downhill slope. With adoption of the proposed General Plan Amendment, the proposed project would be consistent with the Laguna Niguel General Plan because, as outlined in the EIR, considering all of the project's aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment. The project is also consistent with MU-TC zone, and SCAG 2020-2045 RTP/SCS Goals, as analyzed in the EIR. The project site is within the boundaries of the Orange County Central and Coastal Natural Community Conservation Plan/Habitat

Conservation Plan, however, the City is not a participant or permittee to this Plan and are not subject to its requirements.

- (j) **Noise:** Project operations would generate noise from HVAC/mechanical equipment, daily retail uses and special events, deliveries, and parking, among other sources. However, operational noise impacts would not exceed any applicable LNMCM standards. Special events, although exempt from the LNMCM's exterior noise standards, could generate noise that could impact surrounding communities. Condition of Approval (COA) N-1 requires a temporary permit from the City and a demonstration that special event noise will not exceed 65 dBA L_{eq} at off-site residential property lines. Moreover, to ensure noise associated with trash compaction remains below applicable standards, COA N-2 limits the hours of operation of the trash compactor. Noise associated with project traffic would also not exceed applicable thresholds. Noise at the proposed residential uses would not exceed applicable standards, though compliance with applicable CBC and City requirements. Construction activities, including construction traffic and equipment operation, would not exceed the City's construction noise thresholds. Construction activities would generate groundborne vibration or groundborne noise which would be within the City's standards. The project site is not within two miles of an airport or private airstrip.
- (k) **Population and Housing:** The proposed project would develop 275 dwelling units and generate 704 new residents, which is within SCAG's RTP/SCS's projected growth for Laguna Niguel and Orange County. The proposed project would develop 174,851 square feet of commercial/office/medical uses which would generate 412 employees. The proposed project's addition of 275 units and 412 jobs would be expected to nominally, but beneficially, affect the City's jobs-housing balance. The project would contribute toward the attainment of regional goals and policies to encourage mixed-use development and walkable communities. The project site is not currently developed with dwelling units and no residents occupy the site. No displacement would occur.
- (l) **Public Services:** The proposed project would increase residents and employees onsite. The project would increase the population of the City by approximately 1 percent. OCFA indicates that there are no existing deficiencies in the level of fire protection currently provided to the site. OCFA finds that existing OCFA equipment and personnel are adequate to maintain a sufficient level of service for the project area after project completion. OCSD's existing resources adequately serve the City without any deficiencies. OCSD indicated that the proposed project may require policing that relies more heavily on foot and bicycle patrols which may result in the need to hire more personnel and/or equipment. However, OCSD does not anticipate requiring new or physically altered police facilities in order to maintain acceptable levels of service. The proposed project is estimated to generate approximately 75 students; the project applicant would be required to pay development impact fees to CUSD per SB 50. Upon project completion, the remaining capacities at the schools serving the proposed project would be 438 seats. The proposed project would increase the use of library services, but the proposed project would replace the existing Laguna Niguel Library with a larger and more modernized building.

- (m) **Recreation:** The proposed project would comply with the City's Local Park Code and MU-TC District requirement, which requires the proposed project to provide public and private recreation facilities. While the increase in population associated with the project would likely use existing recreation facilities, by providing substantial active and passive recreation facilities on the project site, the new residents would not solely need to rely on existing recreation facilities. Extensive landscaping and common gathering areas would be developed throughout the project site. The Town Green at the main entrance to the Retail Village Core would have a central open space plaza area that would be linked by landscaped paseos, which would feature mature shade trees, outdoor lighting, soft seating areas, gardens and water features, event/performance space, and other programmable space. The City is currently meeting its parkland standard of three acres per 1,000 residents and would continue to meet this parkland standard with the additional residents associated with the proposed project.
- (n) **Transportation:** For the project's VMT analysis, the proposed project could not be screened out as a locally serving land use project because it is not in a low MT area or a transit priority area, is neither an affordable housing project or classified as a redevelopment, does not fall under the locally serving land uses in the Transportation Assessment Guidelines, and exceeds the screening threshold of 50,000 square feet. However, conducting a VMT analysis, the proposed project's residential and nonresidential components were estimated to generate a lower rate of VMT than the Citywide average under Baseline Year 2016 and Cumulative Year 2045 conditions. The project site is served by OCTA Routes 85 and 87, and the proposed project would include enhancements to bicycle lanes and pedestrian crosswalks within the project site's vicinity. As the project is a locally-serving mixed-use project, it would provide more options to live and work locally that can reduce VMT and GHG emissions. The proposed project includes roadway improvements which would minimize potential transportation-related hazards and would ensure consistency with the City's LOS standards. The proposed project has been designed to address potentially hazardous conditions (pedestrian access, queuing, etc.) through strategic design of traffic signals, sight distances at driveways, access points, and queuing. Development of the proposed project would be required to incorporate all applicable design and safety requirements from the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards, such as those outlined in Section 11-3 of the City's Municipal Code, which incorporates by reference the California Fire Code. The proposed project would also be required to provide adequate access for emergency vehicles per the California Fire Code. The proposed project would be reviewed by OCFA and OCSD during building plan check, construction activities would occur within the project boundaries and not on major arterials, and Pacific Island Drive, Crown Valley Parkway, and Alicia Parkway would remain available as major evacuation routes during operations.
- (o) **Utilities and Service Systems:** The estimated net wastewater generation at project buildout would be 96,997 gallons per day (gpd). The SOCWA Regional Treatment Plant has a residual capacity of 3.5 million gallons per day (mgd) and would therefore have sufficient residual capacity for project-generated wastewater. MNWD has no deficiencies in the sewer system

with regularly planned capital improvement projects. Furthermore, MNWD has enough capacity to serve the proposed project. The proposed project would generate a water demand of approximately 158.3 acre-feet/year (afy), the potable water demand is estimated at 146.3 afy, and the recycled water demand is 12 afy. The proposed project's water demand was incorporated in MNWD's 2020 UWMP. The UWMP has adequate water supplies to meet the demand within its service area including the proposed project. MNWD forecasts that it will have sufficient water supplies to meet demands in its service area over the 2025 to 2045 period, in normal, single-dry, and multiple-dry year conditions. Catch basins, drainage pipe sizing, and final sizing for detention basin would be calculated in the final hydrology and hydraulics report to be submitted and approved by the City's Community Development Department prior to issuance of the construction permit. The proposed project is estimated to generate approximately 11,604 pounds of solid waste per day. Sufficient landfill capacity is available in the region for estimated solid waste generation by the proposed project. The proposed project would comply with AB 939, AB 1327, AB 341, and AB 1826.

- (p) **Wildfire:** The project site is adjacent to but outside of an LRA for VHFHSZ. Construction activities associated with the proposed project would occur within the project boundaries and not on any major arterials or highways that could be used during potential emergency situations. The proposed project would provide site-specific on- and off-site access and circulation for emergency vehicles and services during the operational phase. The proposed project would be required to comply with California Building Code and California Fire Code. Pacific Island Drive, Crown Valley Parkway, and Alicia Parkway would be available as major evacuation routes during operations. The project site contains approximately 65.1 percent pervious surfaces which is covered by grasses and other vegetation. The proposed project would remove the undeveloped land from the project site and increase impervious surfaces, most of which are nonflammable. The project would also place electrical lines underground which avoids risk of fire caused by downed electrical lines. The project site is not directly adjacent to wildlands that would require fuel breaks. The proposed project would not expose people or structure to significant risks due to postfire slope instability or drainage changes.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

A. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the DEIR, the impacts would be considered less than significant.

1. Air Quality

Impact 5.2-2: Construction activities associated with the proposed project would generate short-term emissions in exceedance of South Coast AQMD's threshold criteria. [Thresholds AQ-2 and AQ-3]

Construction activities produce combustion emissions from various sources. Construction of the proposed project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from site abatement, demolition, site preparation, grading and trenching, building construction, architectural coating, pavement of asphalt and other surfaces, and finishing and landscaping of the site. Table 5.2-9, *Maximum Daily Regional Construction Emissions*, shows an estimate of maximum daily construction emissions for the proposed project. The construction-related NO_x emissions generated from construction phases that overlap with site preparation and rough grading as well as soil import and export, would exceed the South Coast AQMD regional significance threshold. To reduce the impact, Mitigation Measure AQ-1 would require use of EPA's Tier 4 (Final) emissions standards for construction activities. Mitigation Measure AQ-2 would prohibit the overlap of demolition activities and cap the maximum miles per day for hauling of soil from rough grading at 3,626 miles per day. As shown in Table 5.1-13, *Maximum Daily Regional Construction Emissions with Mitigation Incorporated*, with the implementation of Mitigation Measures AQ-1 and AQ-2, construction-related NO_x emissions would be reduced to below the South Coast AQMD threshold for NO_x. Impacts would be less than significant with the implementation of mitigation measures.

Mitigation Measures

- AQ-1 The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for site preparation and rough grading/earthwork, utilities trenching, and building construction activities that overlap with site preparation and rough grading activities. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating

equipment associated with these phases in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.

AQ-2 The construction contractor(s) shall implement the following measures to reduce construction exhaust emissions during demolition and soil hauling activities associated with demolition and rough grading:

- Demolition activities shall be prohibited from overlapping with grading activities. Ground-disturbing activities shall commence following the demolition of the existing structures on-site.
- Hauling of soil generated from rough grading activities shall be limited to a maximum of 3,626 miles per day. Air quality modeling was based on the assumption that the 3,626 miles per day would consist of 98 one-way haul trips per day with 14 cubic-yard trucks and a one-way haul distance of approximately 37 miles. All plans shall identify the disposal site for exported material, the distance to the disposal site, and the number of permitted truck trips to the disposal site to remain under the miles per day limit.

These requirements shall be noted on all construction management plans prior to issuance of any construction permits and verified by the City of Laguna Niguel during the demolition and soil-disturbing phases.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

Impact 5.2-4: Construction activities associated with the proposed project would expose sensitive receptors substantial pollutant concentrations. [Threshold AQ-3]

Construction-Phase LSTs

Screening-level LSTs (pounds per day) are the amount of project-related mass emissions at which localized concentrations (ppm or $\mu\text{g}/\text{m}^3$) could exceed the AAQS for criteria air pollutants for which the SoCAB is designated nonattainment. Table 5.2-12, *Construction Emissions Compared to the Screening-Level LSTs*, shows the maximum daily construction emissions (pounds per day) generated during on-site construction activities at the project site compared with the South Coast AQMD's screening-level LSTs thresholds. As shown in Table 5.2-12, PM_{10} and $\text{PM}_{2.5}$ would exceed their respective South Coast AQMD screening-level LSTs for all construction phases that include site preparation and rough grading. In addition to Mitigation Measures AQ-1

and AQ-2, Mitigation Measure AQ-3 would require the preparation of a dust control plan which would reduce PM_{2.5} and PM₁₀ emissions. As shown in Table 5.2-14, *Construction Emissions Compared to the Screening-Level LSTs with Mitigation Incorporated*, with the implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3, construction-related PM₁₀ and PM_{2.5} emissions would be reduced to below the South Coast AQMD screening-level LST

Construction Health Risk

South Coast AQMD currently does not require the evaluation of long-term excess cancer risk or chronic health impacts for a short-term project. Emissions from construction equipment primarily consist of DPM. The project is anticipated to be developed in approximately 36 months, which would limit the exposure of on- and off-site receptors. Based on guidance from South Coast AQMD, construction risk is extrapolated based on the LST analysis. Because all construction phases that include site preparation and rough grading exceeded their respective PM_{2.5} and PM₁₀ LSTs, project-related construction health impacts would be potentially significant. Mitigation Measure AQ-3 would require the preparation of a dust control plan which would reduce PM_{2.5} and PM₁₀ emissions, and therefore, impacts would be less than significant.

Mitigation Measures

- AQ-3 The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities—in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (AQMD) Rule 403—to further reduce PM₁₀ and PM_{2.5} emissions:
- Following all grading activities, the construction contractor shall prevent dust and wind-born erosion by either planting ground cover or applying a binder/gel tackifier.
 - During all construction activities, the construction contractor shall sweep streets with South Coast AQMD Rule 1186—compliant, PM₁₀—efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
 - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and shall tarp materials with a fabric cover or other cover that achieves the same amount of protection.
 - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
 - During all construction activities, the construction contractor shall limit on-site vehicle speeds on unpaved roads to no more than 15 miles per hour.
 - During all ground-disturbing activities, the construction contractor shall apply nontoxic soil stabilizers to minimize fugitive dust.

Prior to construction activities, the construction contractor shall ensure that all construction plans submitted to the City clearly show the watering and soil stabilizer requirement to control fugitive dust. During construction activities, the City of Laguna Niguel shall verify that these measures have been implemented during normal construction site inspections.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

2. Biological Resources

Impact 5.3-1: Development of the proposed project could impact the Cooper's hawk, a California Department of Fish and Wildlife Watch List species when nesting, and white-tailed kite, a Sensitive Species. [Threshold B-1]

No sensitive plant species or sensitive habitat were documented on site during the 2016 and 2019 field surveys. Additionally, the project site is not with USFWS critical habitat for federally threatened and endangered species. The Cooper's hawk (*Accipiter cooperii*), a CDFW Watch List species when nesting, was observed during the August 2019 field survey. There is foraging and nesting potential onsite for other avian species, including sensitive species such as the white-tailed kite (*Elanus leucurus*), which is California Fully Protected. Construction of the proposed project could disturb raptor or songbird nests on the project site and such impact would be potentially significant. Potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite, would be mitigated to less than significant through the implementation of Mitigation Measure BIO-1 which requires all vegetation removal activities to be scheduled outside of the nesting season (February 15 to September 15 for songbirds and January 15 to September 15 for raptors) or, if vegetation removal cannot be avoided during the nesting season, engagement of a qualified biologist to survey potential nesting locations and taking action to avoid any potential nesting impacts.

Mitigation Measures

BIO-1 Prior to removal of potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Laguna Niguel that the following has been or will be accomplished:

The project applicant and construction contractor shall schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite. The

nesting season is February 15 to September 15 for songbirds and January 15 to September 15 for raptors.

If vegetation removal cannot be avoided during the nesting season—January 15 through September 15—the project applicant shall have a qualified biologist survey all potential nesting vegetation within the property for nesting birds prior to commencing vegetation removal. If no nesting activities are observed, work activities may begin. If an active bird nest is located, the nest site should be avoided, and a buffer should be marked/flagged at an appropriate distance in all directions. The buffer distance is dependent on the nesting bird species, typically 500 feet for endangered, threatened, and candidate species and all raptors, and 100 to 300 feet for other species, as determined appropriate by the qualified biologist. No work shall occur within the buffer area until after the nest becomes inactive, or unless a qualified biologist monitors the nest during construction activities within the buffer and does not observe any signs of stress or erratic behavior that indicate a negative effect on nesting. The biologist shall inform construction personnel of the location of active nest(s) and required avoidance measures. The survey results shall be submitted to the City of Laguna Niguel Planning Division for review and approval.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

Impact 5.3-4: The proposed project would not interfere with wildlife movement or a wildlife corridor; however, the proposed project could interfere with a native wildlife nursery site. [Threshold B-4]

The site is not in any contiguous native habitat corridors and is unlikely to provide any significant function as a wildlife corridor or wildlife movement area due to the proximity of major roads and residential development. Therefore, development of the proposed project would not interfere with an established wildlife corridor.

The 2016 field survey determined that the project site contains suitable breeding, nesting, and/or roosting habitat for breeding bird species. The 2019 field survey observed one sensitive animal species, the Cooper's hawk (a CDFW Watch List species when nesting). Therefore, development of the proposed project would result in a potentially significant impact with regard to impeding the use of native wildlife nursery sites. Potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite, would be mitigated to less than significant through the implementation of Mitigation Measure BIO-1.

Mitigation Measures

Refer to Mitigation Measure BIO-1 above.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

3. Cultural Resources

Impact 5.4-1: Development of the project would not impact an identified historic resource pursuant to Section 15064.5. [Threshold C-1]

The records search conducted for the project site identified two previously recorded cultural resources within the project site—CA-ORA-33 and CA-ORA-131. The pedestrian survey and cultural resources study conducted for the project site determined that CA-ORA-33 and CA-ORA-131 are no longer extant and are completely covered by urban built environment. No built historical resources are recorded at the project site.

Although it was determined that the known subsurface resources identified within the project site no longer exist, unknown subsurface resources that qualify as historical resources could still exist within the project site. The presence of previously recorded prehistoric archaeological sites in the vicinity of the project suggests the potential for buried unknown archaeological resources within the project site which could be uncovered during ground-disturbing activities. Mitigation Measure CUL-1 would require archaeological monitoring during construction in native soils, and appropriate treatment of unearthed historical resources during construction. Potential impacts to unknown historical resources would be mitigated to less than significant through the implementation of Mitigation Measure CUL-1.

Mitigation Measures

- CUL-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading and other significant ground-disturbing activities in native soil. Prior to the initiation of grading, the project applicant shall meet with the Juaneño Band of Mission Indians, Acjachemen Nation Cultural Resource Director to coordinate monitoring by a Native American monitor. During all ground-disturbing activities/earthwork, a professional Native American monitor, procured by the Juaneño Band of Mission Indians, Acjachemen Nation, shall be present to monitor grading activities. During initial

monitoring, if the qualified archaeologist and/or designated Native American representative can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist and/or designated Native American representative can demonstrate a need for continuing monitoring, the qualified archaeologist and Native American representative, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, the archeological monitor and designated Native American monitor shall have the authority to halt any activities that may adversely impact potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or designated Native American monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA) and determined construction activities can resume without damaging resources.

If archaeological resources are discovered, the archeologist and designated Native American monitor shall assess the most appropriate treatment for the resources, prioritizing preservation in place. When data recovery through excavation is the only feasible treatment method, the archeologist, in consultation with the designated Native American monitor, shall prepare a data recovery plan with provisions for adequately recovering the scientifically consequential information from and about the historical resource and shall deposit studies with the California Historical Resources Regional Information Center. Recovered archeological resources shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered for which a treatment plan must be prepared the project applicant or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby

finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

**Impact 5.4-2: Development of the project could impact archaeological resources.
[Threshold C-2]**

The Cultural Resources Summary identifies four records within one mile of the project site (refer to Table 5.4-1, Previously Recorded Resources Within a One-Mile Radius of the Project Area). Of the four records, two recorded cultural resources are on the project site—CA-ORA-33 and CA-ORA-131.

Resource CA-ORA-33 was recorded in 1960 as a prehistoric shell midden site with manos, metate fragments, a stone pendant, scrapers, and choppers, part of a seasonal camp. Site surveys in 2008 yielded no trace of the site and noted that the site is in the terraced parking lots leading upslope to the courthouse facility. Given the grading activities needed to build the existing parking lots, it is unlikely that any portion of the Resource CA-ORA-33 site has been preserved.

Resource CA-ORA-131 was recorded in 1963 as a prehistoric site; however, the site was destroyed in 1976. Site surveys in 2008 found that significant grading and filling took place in this area to fill and relocate the creek and to level the land for the current library and other development, which makes it improbable that any part of the Resource CA-ORA-131 site was preserved. Overall, the two resources previously present in the project site no longer exist, and those sites are completely developed.

Nevertheless, portions of the project site have not been excavated or graded. Construction of the proposed project would require earthwork activities that could unearth archeological resources. Therefore, development of the proposed project has the potential to result in a significant impact on unique archeological resources. Potential impacts to unknown unique archaeological resources would be mitigated to less than significant through the implementation of Mitigation Measure CUL-1.

Mitigation Measures

Refer to Mitigation Measure CUL-1 above.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

4. Geology and Soils

Impact 5.6-5: The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. [Threshold G-6]

No paleontological resources are known to exist within the project area. The Capistrano Formation underlies the project area. The closest vertebrate fossil locality identified by the NHMLA is LACM 4166 in the Capistrano Formation, found approximately 0.4-mile south of the project site along Crown Valley Parkway and north of the intersection with Paseo del Niguel. LACM 4166 included fossil specimens of bonito shark (*Isurus*), bull shark (*Carcharhinus*), undetermined bony fish (*Osteichthyes*), sea lion (*Otariidae*), and porpoise (*Phocoenidae*).

Although no resources were found on-site, the majority of the site has not been excavated or graded and could have undiscovered paleontological resources. Therefore, development of the proposed project has the potential to result in a significant impact. Potential impacts to unknown paleontological resources would be mitigated to less than significant through the implementation of Mitigation Measures GEO-1.

Mitigation Measures

GEO-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified paleontologist and paleontological monitor who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will monitor all grading and significant ground-disturbing activities in areas identified as likely to contain paleontological resources during project construction. These areas are defined as all excavations of previously undisturbed sediments in areas mapped as the Capistrano Formation and in areas of Quaternary alluvium where excavations would exceed depths of five feet.

The qualified paleontologist and/or paleontological monitor shall attend all pre-grade meetings to ensure all construction personnel that would conduct grading and significant ground-disturbing activities receive training to recognize fossil materials in the event any are uncovered during earthwork.

The qualified paleontological monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert grading activities in order to recover the fossil specimens. The paleontological monitor may establish a protected buffer around a discovery for the duration of recovery of the discovery.

If previously undiscovered paleontological resources are discovered on-site, suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontological monitor has evaluated discoveries to assess whether they are

classified as unique paleontological resources pursuant to the California Environmental Quality Act (CEQA) and authorized the resumption of construction activities. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Found specimens shall then be curated into the John D. Cooper Center in Santa Ana or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository is willing to accept the resource, it shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion to avoid a significant impact.

Upon completion of construction activities, the qualified paleontological monitor shall prepare a report of paleontological resource findings within 30 days of construction completion. The report shall append itemized inventory of recovered resources, documentation of each locality, and interpretation of recovered fossils. The report and inventory, when submitted and approved by the City, will signify completion of the program to mitigate impacts to paleontological resources.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

5. Hazards and Hazardous Materials

Impact 5.8-1: Project construction and operations would involve the transport, use, and/or disposal of hazardous materials. [Thresholds H-1, H-2, and H-3]

Construction

Project-related construction activities would involve the use of larger amounts of hazardous materials than would project operation. The use of hazardous materials would not be in such quantities or stored in a manner that would pose a significant safety hazard. These activities would cease upon completion of the proposed project's construction phase. Compliance with applicable laws and regulations would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts.

Grading Activities

Grading activities required to develop the project would involve the disturbance of on-site soils. The Phase II Investigation showed PCE and trimethylbenzene concentrations at the vehicle VMF that exceed the DTSC's residential screening level. Soil sample analyses found volatile organic

compound impacts at the same location. Residential 1 (apartments) is proposed for this area. The handling and transport of contaminated soils found at the Vehicle Maintenance Facility (VMF) could expose workers and the surrounding environment to hazardous materials, and impacts could be potentially significant. Mitigation Measure HAZ-1 requires, prior to issuance of grading permits, the project applicant to prepare and implement a soils management plan (SMP) for the vehicle maintenance facility and the former fire station. The plan shall be approved by the appropriate oversight agency, among other things (as identified below).

Demolition

Demolition of buildings and equipment onsite has the potential to expose and disturb ACM found in existing buildings onsite. Destructive sampling for ACM was conducted on all buildings except the library. These materials must be removed by a licensed Cal/OSHA-registered asbestos abatement contractor prior to any demolition or renovation activity. Demolition and ACM removal activities would be conducted in accordance with the South Coast Air Quality Management District's Rule 1403, California OSHA regulations, 40 CFR Parts 61 and 763, and 29 CFR Part 1926. Mitigation Measure HAZ-3 requires, prior to issuance of a demolition for any structure on the property, a comprehensive survey for asbestos-containing materials to identify the locations and quantities in above-ground structures. Compliance with law during demolition and removal, and implementation of HAZ-3, would reduce impacts to a less than significant level.

Operation

Operation of the proposed project would involve the use of small amounts of hazardous materials. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the EPA, US Department of Transportation, California Division of Occupational Safety and Health, and the OC EHD. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Mandatory compliance with laws and regulations would ensure that operational impacts would be less than significant.

However, the presence of tetrachloroethylene (PCE) and trimethylbenzene concentrations at the VMF exceed the DTSC's residential screening level and could pose a significant impact due to indoor vapor intrusion. Mitigation measures HAZ-1 and HAZ-2 require the preparation of a soil management plan, which will assist in the identification and safe removal of petroleum and VOC-impacted soil and a post-grading soil vapor survey to verify hazards are fully remediated.

Schools within one-quarter mile of the project site include the Laguna Niguel Kinder Care, immediately north of the OCFA fire station across Pacific Island Drive, and Ocean View School, approximately 0.2 mile east of the project site. The proposed project would not include industrial land uses that could routinely emit toxic air contaminants in concentrations that could be hazardous to persons at schools within one-quarter mile of the site. As stated above, the proposed development of residential and commercial uses would use relatively small amounts of hazardous materials and would be required to comply with state and local hazardous materials regulations.

Impacts related to the transport, use, and/or disposal of hazardous materials would be mitigated to less than significant with the implementation of mitigation measures HAZ-1 through HAZ-3.

Mitigation Measures

- HAZ-1 Prior to issuance of grading permits, the project applicant shall prepare and implement a soils management plan (SMP) for the vehicle maintenance facility and the former fire station to address removal of contaminated soil prior to grading of the area. The SMP shall be approved by the City and the appropriate oversight agency, such as Orange County Environmental Health Department or Department of Toxic Substances Control. Prior to grading, proper identification and removal of petroleum (>100 mg/kg) and VOC-impacted soil shall occur in order to comply with applicable limits for the proposed land uses. The SMP will ensure that safe and appropriate handling, transportation, off-site disposal, reporting, oversight, and protocols are used during removal of the contaminated soil. The SMP shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered. If, during grading activities, additional contamination is discovered, grading within that area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the SMP to render the area suitable to resume grading activities. Soil remediation and/or export of hazardous materials must be performed in accordance with the appropriate agency's requirements (Regional Water Quality Control Board, Orange County Environmental Health Department, Department of Toxic Substances Control, and/or South Coast Air Quality Management District).
- HAZ-2 After grading is complete, the project applicant shall perform a post-grading soil vapor survey within the footprint of future structures in the areas of the vehicle maintenance facility and former fire station. The survey results shall be approved by the City and the appropriate oversight agency (OC EHD or DTSC) and document soil vapor levels less than applicable limits for the proposed land uses prior to sign-off of the grading permit.
- HAZ-3 Prior to the issuance of a demolition permit for any structure on the property, the project applicant shall conduct a comprehensive survey for asbestos-containing materials to identify the locations and quantities of asbestos-containing materials in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. If asbestos is discovered, the project applicant shall retain a licensed or certified contractor to remove and dispose of all asbestos containing materials in accordance with the appropriate South Coast AQMD asbestos-containing material removal practices and procedures.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby

finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

Impact 5.8-2: The project site is on a list of hazardous materials sites and, as a result, could create a hazard to the public or the environment. [Threshold H-4]

The project site was identified on the Cortese List due to the USTs removed from the VMF and former fire station. As noted in Impact 5.8-1, there is the potential for the discovery of contamination during grading activities, and impacts are potentially significant. With the implementation of Mitigation Measures HAZ-1 through HAZ-2, impacts would be less than significant.

Mitigation Measures

Refer to Mitigation Measures HAZ-1 through HAZ-2, above.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

6. Tribal Cultural Resources

Impact 5.16-1: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is:

i) listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). [Threshold TCR-1.i]

ii) determined by the lead agency to be significant pursuant to criteria in Public Resources Code Section 5024.1(c). [Threshold TCR-1.ii]

A Sacred Land Files request was submitted to the NAHC to inquire about the presence/absence of sacred or religious sites in the vicinity of the project area for the AGORA project. On January 28, 2016, the NAHC responded that there are no sacred lands within the project area or a half-mile radius. On October 8, 2019, the NAHC sent an updated consultation list of tribes with traditional lands or cultural places within the boundaries of Orange County. In accordance with AB 52 and SB 18 requirements, on October 25, 2019, the City sent certified letters to 24 Native American contacts listed by the NAHC notifying them of the proposed project and requesting comments or concerns for the project area. The City received letter responses from the Pala Band of Mission Indians and Agua Caliente Band of Cahuilla Indians. Follow-up calls were conducted

by the City for all other Native American contacts. In total, two tribes responded—the Pala Band of Mission Indians and the Agua Caliente Band of Cahuilla Indians.

There are two recorded cultural resources in the project site—CA-ORA-33 and CA-ORA-131. However, these two sites previously present on the project site no longer exist, but are completely covered by the urban built environment.

Although the known subsurface resources identified within the project site were determined to no longer exist, there is potential for unknown subsurface resources that qualify as tribal cultural resources in the project site. The presence of previously recorded prehistoric archaeological sites in the vicinity suggests the potential for undiscovered archaeological resources within the project site. If buried significant tribal cultural resources are encountered during project construction, significant impacts could occur. Implementation of Mitigation Measure CUL-1 would reduce impacts to less than significant.

Mitigation Measures

Refer to Mitigation Measure CUL-1, above.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Laguna Niguel hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

B. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The following summary describes the unavoidable adverse impact of the proposed project, where mitigation measures were found to be either infeasible or would not lessen impacts to less than significant. The following impacts would remain significant and unavoidable.

1. Greenhouse Gas Emissions

Impact 5.7-1: Implementation of the proposed project would generate a net increase in GHG emissions, either directly or indirectly, that would have a significant impact on the environment. [Threshold GHG-1]

Support for this environmental impact conclusion is fully discussed in Section 5.7, Greenhouse Gas Emissions, starting on page 5.7-22 of the DEIR.

Implementation of the proposed project would result in additional office buildings, shops, restaurants, and residential housing. From these additional land uses, the proposed project would generate a net increase of 9,461 weekday vehicle trips and 8,817 Saturday vehicle trips. Operation of the proposed project would result in an increase in water demand, wastewater, and solid waste generation, area sources, and energy usage. The proposed project would include a

photovoltaic (PV) system on carports in the surface parking lot which would reduce energy requirements of the project by 45 MTCO₂e/year (see Table 5.7-5, *Project GHG Emissions Inventory*). Additionally, as shown in this Table, the GHG emissions from the proposed project would exceed South Coast AQMD Working Group's bright-line significance threshold as well as the City's 3,000 MTCO₂e significance threshold. Therefore, impacts would be potentially significant. The following feasible mitigation measures are required to be implemented.

Mitigation Measures

GHG-1 All installed/provided major appliances shall be "Energy Star" appliances. Prior to issuance of building permits for residential and nonresidential buildings, the property owner/applicant shall identify on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are "Energy Star" appliances. Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.

GHG-2 Prior to issuance of building permits for residential and nonresidential development buildings, the project applicant shall indicate on the building plans that the following features shall be incorporated into the design of the building(s). Proper installation of these features shall be verified by the City prior to issuance of a Certificate of Occupancy.

- For residential and nonresidential buildings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) and A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code as applicable.
- Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) and A5.106.5.4 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code and reproduced below.
 - *Short-term bicycle parking.* Permanently anchored bicycle racks shall be provided within 100 feet of the visitor's entrance to the residential building, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity for the multifamily units, with a minimum of one 2-bike capacity rack.
 - *Long-term bicycle parking for multifamily buildings.* Provide on-site bicycle parking for at least one bicycle for every two dwelling units. Acceptable bike parking facilities shall be conveniently reached from the street.

GHG-3 Prior to issuance of building permits for nonresidential development buildings, the project applicant shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City prior to issuance of a Certificate of Occupancy.

- Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary

Measures) of the 2019 CALGreen Code. Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code.

Finding

Changes or alterations have been required in, or incorporated into, the project that lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The City of Laguna Niguel hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Implementation of Mitigation Measure GHG-1 through GHG-3 would reduce GHG emissions to the extent feasible. However, mobile emissions are the primary contributor to GHG emissions. The proposed project incorporates the design features to facilitate multi-modal transportation such as improvements to internal circulation by creating pedestrian and multiuse walkways as well as alternative transportation features to encourage public transit and bicycling. Furthermore, as seen in Section 5.15, Transportation, the proposed project is expected to generate lower VMT than the established VMT significance thresholds under Baseline Year 2016 conditions and Cumulative Year 2045 conditions for both the residential and nonresidential components. In addition, the project will comply with Municipal Code section 9-1-102 et seq., which is designed to reduce vehicle travel and associated GHG emissions. However, the project has no control over state and regional solutions to reduce mobile emissions and the use of mass transit, alternative modes of transportation, and electric vehicles cannot be estimated with certainty. The project would result in a substantial increase in GHG emissions, and Impact 5.7-1 would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.7-2: Implementation of the proposed project could potentially conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs. [Threshold GHG-2]

Support for this environmental impact conclusion is fully discussed in Section 5.7, Greenhouse Gas Emissions, starting on page 5.7-23 of the DEIR.

CARB Scoping Plan

New buildings are required to comply with the latest applicable Building Energy Efficiency Standards and CALGreen. While measures in the Scoping Plan apply to state agencies and not the proposed project, the proposed project's GHG emissions would be reduced by statewide compliance with measures that have been adopted since AB 32 and SB 32 were adopted. However, as described in Impact 5.7-1, the proposed project would result in a significant increase in GHG emissions. Because GHG emissions are considered to be substantial, and therefore, significant under Impact 5.7-1, it is conservatively considered to result in a significant impact with respect to consistency with the Scoping Plan. Therefore, the proposed project could obstruct implementation of the CARB Scoping Plan, and impacts would be potentially significant.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy

Connect SoCal's transportation projects help more efficiently distribute population, housing, and employment growth, and forecast development is generally consistent with regional-level general plan data to promote active transportation and reduce GHG emissions. The projected regional development, when integrated with the proposed regional transportation network in Connect SoCal, would reduce per-capita GHG emissions related to vehicular travel and achieve the GHG reduction per capita targets for the SCAG region.

The Connect SoCal Plan does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. The proposed project is a mixed-use project that would result in multi-family (medium- high-density) residential development on the project site proximate to commercial uses, which would contribute to reducing the vehicle miles traveled between residential and service needs. Furthermore, as seen in Section 5.15, *Transportation*, the proposed project is expected to generate lower VMT than the established VMT significance thresholds under Baseline Year 2016 conditions and Cumulative Year 2045 conditions for both the residential and nonresidential components. The proposed project is also locally serving in that it provides more options for residents to live and work locally and encourages diverse housing and transportation options that reduce VMT. Additionally, the proposed project has multimodal amenities that enhance mobility and regional connectivity with multimodal connections that extend local access to regional networks for alternative modes of travel. Consequently, the project is consistent with the overall objectives of the Connect SoCal Plan and would not interfere with SCAG's ability to implement the regional strategies outlines in the Connect SoCal. Impacts would be less than significant.

Mitigation Measures

Refer to Mitigation Measures GHG-1 through GHG-3, above.

Finding

Changes or alterations have been required in, or incorporated into, the project that lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form

of the mitigation measures above. The City of Laguna Niguel hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project would potentially conflict with the Scoping Plan. Implementation of Mitigation Measure GHG-1 through GHG-3 would reduce GHG emissions to the extent feasible. However, the project would result in a significant increase in GHG emissions; and therefore, it is conservatively considered to potentially conflict with the Scoping Plan. Impact 5.7-2 would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

VI. FINDINGS REGARDING ALTERNATIVES

CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives” (CEQA Guidelines § 15126.6[a]).

As discussed above, the DEIR identified significant impacts in a number of categories. The following impacts could be mitigated below a level of significance: air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources impacts. The following impacts cannot be mitigated below a level of significance: greenhouse gas (GHG) emissions impacts.

The DEIR analyzed four alternatives to the proposed project that could reduce some, if not all, of the impacts, as shown in Section VI.B.

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING

“Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts” (CEQA Guidelines § 15126.6[c]).

No Residential Development Alternative

Comments received during the public scoping meeting expressed concern about developing additional multifamily residential units in Laguna Niguel, particularly given the recent residential development approved in the Gateway Specific Plan area near Interstate 5. Under this Alternative, the project site would be developed as proposed, minus the 275 residential units.

The project site would be developed under a lease arrangement with the County of Orange, which owns the property. The project applicant has indicated that the residential component of the project is required for economic feasibility. The multifamily residential component provides economic support for the commercial development, which enables the development of an extensive network of open plaza and public gathering spaces. A No Residential Development Alternative (with the exception of the Existing General Plan alternative) was not considered because it was determined to be economically infeasible by the County (owner of the property) and would not be pursued by the County if the commercial project did not have a significant residential component. Moreover, as discussed in the Project Description and the General Plan Amendment, the project’s residential uses would support the objectives by creating a dynamic civic center that includes a diversity of uses. The residential uses of the proposed project would support the proposed commercial and civic uses, and facilitate the creation of a sense of a civic center by establishing residences in proximity to such uses. Inclusion of the residential uses would improve and enhance the Town Center by creating a high-quality, pedestrian-oriented commercial center with increased residential density in the immediate vicinity, which will facilitate use of the commercial and pedestrian center. A No Residential Development Alternative would also not

respond to existing housing supply demands, as recognized by the California State Legislature, which has passed significant legislation in furtherance of increased development of housing stock in the State.

Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines Section 15126[5][B][1]). In general, any development of the size and type proposed by the EIR would have substantially the same impacts on air quality, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic, and utilities/service systems. Without a site-specific analysis, impacts on aesthetics, biological resources, cultural resources, geology/soils, hazards and hazardous materials, and mineral resources cannot be evaluated.

An alternative development area would be required to have adequate acreage for all components—residential and nonresidential uses—of the Laguna Niguel City Center project. Table B-4 and Figure B-5 of the City of Laguna Niguel Housing Element 2021-2029 detail and illustrate an inventory of vacant and underutilized sites suitable for residential development in the City. The underutilized sites are within the Gateway Specific Plan area and are already entitled for residential development. All other available vacant sites are either too small to accommodate the development footprint of the proposed project or are designated “Residential Detached” in the Land Use Element of the Laguna Niguel General Plan and would not allow development of the nonresidential component of the proposed project. Also, these vacant parcels are adjacent to existing single-family residential subdivisions and would not be an optimal location for a mixed-use “downtown” development. Relocating the proposed project within the City would not avoid or substantially lessen the significant and unavoidable GHG impacts of the proposed project. Therefore, only the project site in the City’s town center would accommodate the proposed project.

Additionally, the approximately 25-acre project site is owned by the County of Orange, and Laguna Center Partners LLC has an option to lease the project site and to develop the proposed project. Therefore, it would be economically difficult for the project applicant to purchase or lease another suitable site in Laguna Niguel that can accommodate the proposed development. Given the preceding factors, an alternative development location was rejected from further analysis.

County Reuse

An alternative that results in the County Reuse of the project site was considered for analysis. County reuse could include an expanded maintenance yard, County administrative offices, wellness facilities, supportive housing, and emergency shelters. In 2018, County of Orange staff

was directed to develop operational plans for emergency shelters (limiting capacity to 100 individuals). The project site was identified and reviewed for emergency homeless housing and ultimately rejected as a potential site for this use by the County due to substantial public opposition. This alternative was rejected from further review because this project alternative does not meet any of the project objectives.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

Given the significant, unavoidable impacts identified for the proposed project, project alternatives with the potential to reduce development were identified for further review. Significant impacts to GHG emissions directly relate to the level of development that would occur at the project site. The following development alternatives to the proposed project were chosen for further analysis.

No Project / No Development Alternative

The No Project/No Development Alternative would keep the project site as is, and no development would occur. Therefore, buildout of this alternative would preserve existing uses onsite, including the 9,100-square-foot County maintenance yard and 14,400-square-foot Laguna Niguel Library. The vacant 33,300-square-foot courthouse is not included because it is not in operation. The County maintenance yard currently employs 7 workers, and the library employs approximately 11 employees.

Finding. The City Council rejects the No Project/No Development Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the Final EIR.

Ability to Reduce Environmental Impacts

The No Project/No Development Alternative would reduce the project's less than significant impacts to aesthetics, air quality, biological resources, cultural resources, GHG emissions, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities and service systems.

Hydrology and water quality, land use and planning, and wildfire impacts would be greater than the proposed project. This alternative would also eliminate significant and unavoidable impacts of the project on GHG emissions.

Ability to Achieve Project Objectives

The No Project/No Development Alternative would not achieve any of the project objectives. It would not create a new city center; attract land uses and businesses tailored to the local culture

and identity of Laguna Niguel; create a landmark project featuring pedestrian-oriented outdoor plazas and event space that will create a true ‘gathering place’ for the community; connect with existing civic uses; or provide highly amenitized housing opportunities (Objectives Nos. 1, 4, 6 and 7). The No Project/No development Alternative would not provide a new larger, innovative, library with modern programming and technologies to better serve the residents of Laguna Niguel (Objective No. 3). Since no development would occur, this alternative would not replace the vacated South County Justice Center and undeveloped land with new sources of revenue; create a mixed-use development that contributes property and sales tax revenue to the City and County; or develop an environmentally sustainable project (Objective Nos. 2, 5, and 7).

Other Considerations

The No Project/No Development Alternative would also not result in the significant public benefits provided by the project. The project includes substantial public benefits, including through the incorporation of a town green area, which would be improved with mature trees, water features, soft seating areas, outdoor performance/event spaces, and other programmable space for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The proposed project includes walking paths and landscaping throughout the site, which will help transform the project site into community center for residents and visitors of Laguna Niguel. The project would also replace the approximately 14,400-square-foot public library with an approximately 16,290-square-foot public library on-site and place it in the center of the site in the retail village core. A focus was also on creating a more open floor plan design compared to the existing library to accommodate greater library programming adaptability, both now and in the future. The project also includes roadway improvements that ensure adequate, orderly public access.

The project’s compilation of varying uses and businesses would generate temporary construction jobs and is intended to create the opportunity for new Laguna Niguel revenue generating businesses. These jobs would also positively add to this City’s workforce and daytime population. The No Project/No Development Alternative would not result in these positive additions to the City.

Finally, the proposed residential component expands the City’s needed housing stock and would be first the new rentable multifamily residential development outside of the City’s Gateway Specific Plan area since prior to City incorporation in 1989. The No Project/No Development Alternative would not respond to existing housing supply demands, as recognized by the California State Legislature.

Development Under Existing General Plan Land Use and Zoning Designation Alternative

Under this alternative, the site would be developed based on the current Laguna Niguel General Plan land use designation of “Community Commercial,” “Professional Office,” and “Public/Institutional” and on the property’s current zoning of “Community Commercial” (CC) (see Figure 4-1, Existing General Plan Land Use Designations). The potential range and combinations of development and land uses allowable are extensive, including: regional commercial centers

and shopping complexes; professional offices, corporate headquarters, research and development, and administrative offices; or a range of public, quasi-public, and special purpose private facilities aimed at providing governmental or social services to the community. This alternative assumes development in accordance with the anticipated land use mix in the current General Plan (Community Profile Area 14). The development of the site would include a maximum of 130,680 square feet of commercial/retail space and a maximum of 217,800 square feet of office space. As with the proposed project, it is assumed that a new library within the commercial portion of the development would replace the existing library. It is unlikely that this Alternative would include a publicly accessible town green because of space limitations given the amount of commercial development.

Finding. The City Council rejects the Development Under Existing General Plan Land Use and Zoning Designation Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the Final EIR.

Ability to Reduce Environmental Impacts

The No Project: Development Under Existing General Plan Land Use and Zoning Designation alternative would reduce impacts to energy, geology and soils, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems. Impacts to aesthetics, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, tribal cultural resources, and wildfire would be similar. Impacts to air quality, and transportation would be greater than the proposed project.

Ability to Achieve Project Objectives

The No Project/Development Under Existing General Plan Land Use and Zoning Designation Alternative would only achieve some of the project objectives. The alternative would provide a mix of office and commercial uses with new commercial tenants to the City of Laguna Niguel and redevelop the project site with a project that would generate new sources of sales tax (Objectives 1 and 2 partially, as this alternative would not include residential uses, 3, and 5).

This alternative would not provide a unique mixed-use environment (Objective 1) because residential uses would not be included. This alternative would not provide a pedestrian-oriented town green as the focal point of the commercial experience and gathering place for the community (Objective 4). To that extent, this alternative would not provide public benefits, including the town center and greenspaces programmed for public uses. The project includes substantial public benefits, including through the incorporation of a town green area, which would be improved with mature trees, water features, soft seating areas, outdoor performance/event spaces, and other programmable space for open air farmers markets, art shows, live music, food and wine festivals,

yoga in the park, outdoor movie nights, etc. The proposed project includes walking paths and landscaping throughout the site, which will help transform the project site into community center for residents and visitors of Laguna Niguel. The alternative would not include such spaces and would not achieve Objective 4.

Other Considerations

The No Project/Development Under Existing General Plan Land Use and Zoning Designation Alternative would focus on civic, commercial, and office redevelopment and uses. It would not, as does not proposed project, facilitate residential development that would further meet the City's needed housing stock. The project would be first the new rentable multifamily residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. The No Project/No Development Alternative would not respond to existing housing supply demands, as recognized by the California State Legislature. The City was assigned a total of 1,207 new housing units as part of the sixth planning cycle and Regional Housing Needs Assessment ("RHNA") projection period.

Residential Development Only Alternative

Under the Residential Development Only Alternative, nonresidential development would be eliminated and the number of residences would increase to 400 residential units across the project site. The existing library and fire station would remain. This alternative would not include a parking structure. Resident and guest parking would be provided by surface parking and spread throughout the project site. The maximum number of 400 units was determined by the appropriate threshold with the potential to reduce the greenhouse gas emissions impact of the proposed project to less than significant. In addition, 400 units is a reasonable estimate of the number of units that could be developed on the site without also constructing structured parking. The Residential Development Only Alternative was designed to evaluate the potential to eliminate the significant and unavoidable impacts of the proposed project. This alternative would introduce approximately 1,024 residents and would likely not include a publicly accessible town green because the residences would be distributed throughout the site.

Finding. The City Council rejects the Residential Development Only Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the Final EIR.

Ability to Reduce Environmental Impacts

The Residential Development Only Alternative would reduce impacts related to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, noise,

public services, tribal cultural resources, and utilities and service systems. Impacts to biological resources, cultural resources, hazards and hazardous materials, and wildfire would be similar. Transportation. Land Use and Planning and Population impacts would be greater than the proposed project impacts.

The alternative would eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

Ability to Achieve Project Objectives

This Alternative would not achieve many of the project objectives. This alternative would include a residential-only development across the project site that would provide new housing options for existing and new residents, and promote the City's economic well-being by generating new sources of property tax (Objectives 2 and 5).

This alternative would not create a dynamic mix of commercial uses, including retail, restaurant, creative office, health/wellness, and civic uses, that would be unique and distinct from other commercial projects in the City (Objective 1). It would not provide unique live, work, and play opportunities for residents of Laguna Niguel and surrounding communities (Objective 6) or provide increased sales taxes (Objectives 2 and 5). Under this alternative the nonresidential component and town green would be eliminated, and therefore it would not enhance the City's profile and amenities for residents by providing a unique mixed-use environment in South Orange County that would attract differentiated retail and commercial tenants and a unique, high-quality, pedestrian-oriented commercial center (Objectives 4 and 7).

Other Considerations

The project proposes a mix of uses that would facilitate the creation of a pedestrian-friendly, walkable, civic space, including programmable open spaces. The project is designed to facilitate pedestrian movement and interaction within the project site by incorporating significant public amenities, such as programmable open spaces and pedestrian pathways and paseos with a diverse commercial experience, such as restaurants, coffee shops, specialty retail, markets, and other uses that drive local patronage and pedestrian movement. The project includes a grand plaza/town green at the main entrance to the retail village core and will be improved with appropriate landscaping and is programmable for pedestrian-friendly uses (e.g., farmers markets, art shows, live music, outdoor movies, etc.). The grand plaza/town green is integrated as a component of the retail village core to work cooperatively to facilitate public uses and civic engagement. The Residential Development Only Alternative would not include commercial uses, which would not succeed in realizing the civic and pedestrian friendly core that is achieved by the project. The General Plan also notes that the Town Center is envisioned as a special focal point of the City. An alternative that includes only residential development would not achieve the special focus envisioned by the General Plan.

Reduced Commercial Development Alternative

Under the Reduced Development Alternative—Reduced Commercial, the vision for the LNCC project would remain the same, but the buildout would consist of 275 residential units and 23,750 square feet of commercial uses (retail and restaurant uses). Commercial uses would be reduced by 137,000 square feet compared to the proposed project. The number of multifamily residential units would remain the same as the proposed projects. Units would not decrease because they are required to assist in financing the nonresidential portion of the project, including the community-oriented outdoor areas and event spaces.

This reduced development alternative was designed to evaluate the potential to eliminate the significant and unavoidable impacts of the proposed project while maintaining an economically viable project. This alternative would introduce approximately 704 residents and 62 employees.

Finding. The City Council rejects the Reduced Commercial Development Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the Final EIR.

Ability to Reduce Environmental Impacts

The Reduced Commercial Development Alternative would reduce impacts to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, noise, public services, tribal cultural resources, and utilities and service systems. Impacts to biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, recreation, transportation, and wildfire would be similar. Land use and planning and population and housing impacts would be greater.

This alternative would eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

Ability to Achieve Project Objectives

This Alternative would not achieve many of the project objectives. The substantial reduction in office and commercial space under this alternative would preclude this option from effectively achieving the project's objectives. To be potentially viable, this alternative would need to locate the 23,500 SF retail use as daily-needs retail and to conveniently locate this use along Crown Valley Parkway. A dynamic, commercial retail and office use could not be created (Objective 1); the uses would not support an improved town green and the commercial uses would not attract people to a gathering place (Objective 4); and the limited non-residential use could not be designed as a visually impactful attraction for Laguna Niguel and surrounding residents.

(Objectives 6 and 7). This alternative would not be expected to be able to finance a new, state-of-the-art library (Objectives 2 and 3). It would generate revenue to the City and County, but not at the levels anticipated for the proposed project (Objective 5).

Other Considerations

The project is designed to facilitate pedestrian movement and interaction within the project site by incorporating significant public amenities, such as programmable open spaces and pedestrian pathways and paseos with a diverse commercial experience, such as restaurants, coffee shops, specialty retail, markets, and other uses that drive local patronage and pedestrian movement. The project includes a grand plaza/town green at the main entrance to the retail village core and will be improved with appropriate landscaping and is programmable for pedestrian-friendly uses (e.g., farmers markets, art shows, live music, outdoor movies, etc.). The grand plaza/town green is integrated as a component of the retail village core to work cooperatively to facilitate public uses and civic engagement. The Reduced Commercial Development Alternative would include significantly less commercial space and a lesser diversity of uses, which would not interact as well to achieve the civic, pedestrian-oriented site sought by the project objectives or the existing General Plan, which envisions the Town Center as a focal point of the City.

C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires a lead agency to identify the “environmentally superior alternative” and, in cases where the “No Project” Alternative is environmentally superior to the proposed project, the environmentally superior development alternative must be identified. One alternative has been identified as “environmentally superior” to the proposed project:

- The Reduced Commercial Development Alternative would reduce impacts to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, noise, public services, and utilities and service systems in comparison to the proposed project. This alternative would also eliminate significant and unavoidable impacts to operational greenhouse gas emissions.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

The City of Laguna Niguel is the Lead Agency under CEQA for preparation, review and certification of the EIR for the proposed project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093, Statement of Overriding Considerations, which states:

- a. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against the unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures

with respect to these impacts. The City also has examined alternatives to the proposed project, none of which both meets the project objectives and is environmentally preferable to the proposed project, for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Laguna Niguel, as the Lead Agency for this project, and having reviewed the EIR for the proposed project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the project.

B. OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the project, and each of which, standing alone, is sufficient to support approval of the project, in accordance with CEQA Section 21081(b) and CEQA Guidelines Section 15093. The specific economic, legal, social, technological, or other benefits of the project are as follows:

1. The proposed project would include a mix of uses including non-residential (retail, restaurant, office, health/wellness, civic uses) and residential uses with a variety of amenities. The non-residential uses would be unique and distinct from other commercial projects in the City, and would be complemented by the residential uses.
2. The proposed project would promote financial feasibility and promote economic development through the tax revenue and jobs that would be generated by the non-residential component, and through the residential component which would create additional housing options for existing and new residents to support local businesses.
3. The existing Laguna Niguel Library would be replaced with a larger and modernized facility that would better serve the residents of the City, and would be surrounded by commercial, office, and residential uses.
4. The proposed project would redevelop and underutilized site in the Town Center Opportunity Area thereby revitalizing the site and generating sales tax revenue for the City and County.
5. The proposed project would increase the number of housing units and jobs in the City. Currently, Laguna Niguel is housing-rich (0.73 jobs/housing unit). The proposed project would nominally, but beneficially, impact the City's jobs-housing balance.
6. The proposed project's residential and non-residential components are expected to generate lower VMT rates than the established VMT significance thresholds under Baseline Year 2016 and Cumulative Year 2045 conditions, as the proposed project is a mixed-use project and regionally connected. As the proposed project is locally serving, it provides more options for residents to live and work locally.

7. The project provides additional housing to support the regionally forecasted increase in economic activities and employment increases.
8. The project includes substantial public benefits, including through the incorporation of a town green area, which would be improved with mature trees, water features, soft seating areas, outdoor performance/event spaces, and other programmable space for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The project includes walking paths and landscaping throughout the site, which will help transform the project site into community center for residents and visitors of Laguna Niguel.
9. The project includes numerous offsite improvements, including to the OCFA #5 station, such as adding a private truck entrance off Pacific Island, additional trees and landscape for safety/privacy, upgrading walls, fences and gates, providing a new fire riser, water meter, and double check detector assembly, and adding traffic signal OCFA control.

VIII. FINDING REGARDING CERTIFICATION OF THE EIR

The City of Laguna Niguel finds that it has reviewed and considered the Final EIR in evaluating the proposed project, that the Final EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the Final EIR reflects the independent judgment of the City.

The City of Laguna Niguel declares that no new significant information, as defined by State CEQA Guidelines, section 15088.5, has been received by the City after circulation of the DEIR that would require recirculation.

The City of Laguna Niguel certifies the EIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions:

Findings: The following significant environmental impacts have been identified in the EIR and will require mitigation as set forth in Section V of this Finding but cannot be mitigated to a level of insignificance: greenhouse gas emissions.

Conclusions

1. Except the impacts relating to greenhouse gas, all significant environmental impacts from the implementation of the proposed project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Other alternatives to the proposed project, which could potentially achieve the basic objectives of the proposed project, have been considered and rejected in favor of the proposed project.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project override and make infeasible any alternatives to the proposed project or further mitigation measures beyond those incorporated into the proposed project.

IX. FINDING ADOPTING A MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City of Laguna Niguel hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Finding as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

X. FINDING REGARDING CONTENTS AND CUSTODIAN OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Laguna Niguel Planning Division Counter. The custodian for these records is the City of Laguna Niguel. This information is provided in compliance with Public Resources Code section 21081.6.

The record of proceedings for the City's decision on the project consists of the following documents, at a minimum:

1. The NOP and all other public notices issued by the City in conjunction with the project.
2. All comments submitted by agencies or members of the public during the 45-day comment period on the DEIR.
3. The Final EIR for the proposed project, including comments received on the DEIR, responses to those comments, and technical appendices.
4. The Mitigation Monitoring and Reporting Plan for the project.
5. All findings, resolutions, and ordinances adopted by the City in connection with the proposed project, and all documents cited or referred to therein.
6. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed project.
7. All documents submitted to the City by other public agencies or members of the public in connection with the EIR up through project approval. Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
8. Any documents expressly cited or referenced in these findings, in addition to those cited above.
9. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The following location is where the record may be reviewed:

**City of Laguna Niguel, Planning Division Counter
30111 Crown Valley Parkway,
Laguna Niguel, CA 92677**

EXHIBIT 2

Draft EIR 22-01

LIMITED DISTRIBUTION

Copies are available upon request at:

City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
949.362.4360

Normal copying charges apply - Or available to download at no cost from
<https://www.cityoflagunaniguel.org/CityCenterDEIR>

EXHIBIT 3

Final EIR 22-01

LIMITED DISTRIBUTION

Copies are available upon request at:

City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
949.362.4360

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<https://www.cityoflagunaniguel.org/DocumentCenter/View/22852/Laguna-Niguel-City-Center-Mixed-Use-Project---FEIR>

FEIR Appendices: <https://www.cityoflagunaniguel.org/DocumentCenter/View/22853/FEIR-Appendices>

EXHIBIT 4

EIR 22-01 Appendices

LIMITED DISTRIBUTION

Copies are available upon request at:

City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
949.362.4360

Normal copying charges apply - Or available to download at no cost:

DEIR Appendices: <https://www.cityoflagunaniguel.org/CityCenterDEIR>

FEIR Appendices: <https://www.cityoflagunaniguel.org/DocumentCenter/View/22853/FEIR-Appendices>

EXHIBIT 5

Mitigation Monitoring and Reporting Program

June2022 | Mitigation Monitoring and Reporting Program

LAGUNA NIGUEL CITY CENTER MIXED-USE PROJECT

City of Laguna Niguel

Prepared for:

City of Laguna Niguel

Contact: John Morgan, Development Services Manager
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
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Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle to monitor mitigation measures and conditions of approval outlined in the Final Environmental Impact Report. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Laguna Niguel monitoring requirements. Section 21081.6 states:

(a) When making the findings required by paragraph (1) of subdivision subsection (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

(c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead

Mitigation Monitoring and Reporting Program

agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

The MMRP will serve to document compliance with adopted/certified mitigation measures that are formulated to minimize impacts associated with the proposed project.

1.2 PROJECT SUMMARY

The proposed project would include specialty retail, restaurants, office, a new community library, community-oriented event/programmable space, integrated residential apartment homes, and extensive walkable open spaces, paseos, and plazas. The proposed project would include the development of approximately 175,000 square feet of commercial and civic uses and 275 multifamily residential units. The commercial component would include a wide range of uses, such as restaurants, retail shops, health/wellness focused retail and medical office, and creative office space. The civic space consists of an approximately 16,290 square foot county library, which would replace the existing library. The residential component of the proposal is comprised of two apartment buildings—one 200-unit apartment building and one 75-unit apartment building. On-site parking accommodations for the proposed project would include a combination of surface and structured parking for the commercial/civic uses and a mixture of surface parking; private garage; and on-grade, multilevel garage for the residential component. The development vision includes a focus on creating a landmark project for the City with an architecture design blending traditional styles with modern elements. The project applicant will pursue Leadership in Energy and Environmental Design (LEED) certification for the commercial and residential component of the project.

1.3 PROJECT LOCATION

The City of Laguna Niguel (City) is in southern Orange County, southern California. It is bordered by Laguna Hills and Aliso Viejo to the north, San Juan Capistrano and Mission Viejo to the east, Dana Point to the south, and Laguna Beach and unincorporated Orange County (Aliso and Wood Canyons Wilderness Park) to the west.

East of Laguna Niguel, Interstate 5 (I-5) runs north-south, connecting the City to the majority of southern California. State Route 73 (San Joaquin Hills Transportation Corridor) runs along the northern City limits and connects with I-5 in the northeastern portion of Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southern boundary of Laguna Niguel and connects the City to the Pacific coast.

The project site (Assessor's Parcel Number 656-242-18) is approximately 25 acres, is owned by the County of Orange and leased to Laguna Niguel Town Center Partners LLC to develop the proposed mixed-use project. The property consists of the South County Justice Center (closed in 2008), the Orange County Library, a county

Mitigation Monitoring and Reporting Program

maintenance yard, Orange County Fire Station No. 5, and undeveloped land. The site is immediately adjacent to City Hall. The site is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west (e.g., Niguel Summit Apartments, El Niguel Terrace townhomes, and Charter Terrace single-family homes).

1.4 MITIGATION MONITORING PROGRAM ORGANIZATION

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Draft EIR, specifications are made herein that identify the action required and the monitoring and reporting that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the MMRP. To effectively track and document the status of mitigation measures, a mitigation matrix has been prepared (see Table 1-1, *Mitigation Monitoring and Reporting Requirements*).

Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
5.2 AIR QUALITY						
AQ-1	The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for site preparation and rough grading/earthwork, utilities trenching, and building construction activities that overlap with site preparation and rough grading activities. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with these phases in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.	During Construction	Construction Contractor	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division	
AQ-2	The construction contractor(s) shall implement the following measures to reduce construction exhaust emissions during demolition and soil hauling activities associated with demolition and rough grading: - Demolition activities shall be prohibited from overlapping with grading activities. Ground-disturbing activities shall commence following the demolition of the existing structures on-site. - Hauling of soil generated from rough grading activities shall be limited to a maximum of 3,626 miles per day. Air quality modeling was based on the assumption that the 3,626 miles per day would consist of 98 one-way haul trips per day with 14 cubic-yard trucks and a one-way haul distance of approximately 37 miles. All plans	During Demolition and Soil Hauling Activities	Construction Contractor	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division	

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
shall identify the disposal site for exported material, the distance to the disposal site, and the number of permitted truck trips to the disposal site to remain under the miles per day limit. These requirements shall be noted on all construction management plans prior to issuance of any construction permits and verified by the City of Laguna Niguel during the demolition and soil-disturbing phases.						
AQ-3 The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities—in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (AQMD) Rule 403—to further reduce PM₁₀ and PM_{2.5} emissions: - Following all grading activities, the construction contractor shall prevent dust and wind-born erosion by either planting ground cover or applying a binder/gel tackifier. - During all construction activities, the construction contractor shall sweep streets with South Coast AQMD Rule 1186-compliant, PM₁₀-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and shall tarp materials with a fabric cover or other cover that achieves the same amount of protection. - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day. - During all construction activities, the construction contractor shall limit on-site vehicle speeds on unpaved roads to no more than 15 miles per hour.	During Ground-Disturbing Activities	Construction Contractor	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
During all ground-disturbing activities, the construction contractor shall apply nontoxic soil stabilizers to minimize fugitive dust. Prior to construction activities, the construction contractor shall ensure that all construction plans submitted to the City clearly show the watering and soil stabilizer requirement to control fugitive dust. During construction activities, the City of Laguna Niguel shall verify that these measures have been implemented during normal construction site inspections.						
5.3 BIOLOGICAL RESOURCES						
BIO-1 Prior to removal of potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Laguna Niguel that the following has been or will be accomplished: The project applicant and construction contractor shall schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite. The nesting season is February 15 to September 15 for songbirds and January 15 to September 15 for raptors. If vegetation removal cannot be avoided during the nesting season—January 15 through September 15—the project applicant shall have a qualified biologist survey all potential nesting vegetation within the property for nesting birds prior to commencing vegetation removal. If no nesting activities are observed, work activities may begin. If an active bird nest is located, the nest site should be avoided, and a buffer should be marked/flagged at an appropriate distance in all directions. The buffer distance is dependent on the nesting bird species, typically 500 feet for endangered, threatened, and candidate species and all raptors, and 100 to 300 feet for other species, as determined appropriate by the qualified biologist. No work shall occur within the buffer area until after the nest becomes inactive, or unless a qualified biologist monitors the nest during construction activities within the	Prior to the Removal of Potentially Suitable Nesting Habitat for Raptors and Songbirds	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
buffer and does not observe any signs of stress or erratic behavior that indicate a negative effect on nesting. The biologist shall inform construction personnel of the location of active nest(s) and required avoidance measures. The survey results shall be submitted to the City of Laguna Niguel Planning Division for review and approval.						
5.4 CULTURAL RESOURCES						
CUL-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading and other significant ground-disturbing activities in native soil. Prior to the initiation of grading, the project applicant shall meet with the Juaneño Band of Mission Indians, Acjachemen Nation Cultural Resource Director to coordinate monitoring by a Native American monitor. During all ground-disturbing activities/earthwork, a professional Native American monitor, procured by the Juaneño Band of Mission Indians, Acjachemen Nation, shall be present to monitor grading activities. During initial monitoring, if the qualified archaeologist and/or designated Native American representative can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist and/or designated Native American representative can demonstrate a need for continuing monitoring, the qualified archaeologist and Native American representative, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, the archeological monitor and designated Native American monitor shall have the authority to halt any activities that may adversely impact potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or	Prior to Issuance of Grading Permits	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
designated Native American monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA) and determined construction activities can resume without damaging resources. If archaeological resources are discovered, the archeologist and designated Native American monitor shall assess the most appropriate treatment for the resources, prioritizing preservation in place. When data recovery through excavation is the only feasible treatment method, the archeologist, in consultation with the designated Native American monitor, shall prepare a data recovery plan with provisions for adequately recovering the scientifically consequential information from and about the historical resource and shall deposit studies with the California Historical Resources Regional Information Center. Recovered archeological resources shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion. If significant Native American cultural resources are discovered for which a treatment plan must be prepared the project applicant or the archeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).						

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
5.6 GEOLOGY AND SOILS						
GEO-1	Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified paleontologist and paleontological monitor who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will monitor all grading and significant ground-disturbing activities in areas identified as likely to contain paleontological resources during project construction. These areas are defined as all excavations of previously undisturbed sediments in areas mapped as the Capistrano Formation and in areas of Quaternary alluvium where excavations would exceed depths of five feet. The qualified paleontologist and/or paleontological monitor shall attend all pre-grade meetings to ensure all construction personnel that would conduct grading and significant ground-disturbing activities receive training to recognize fossil materials in the event any are uncovered during earthwork. The qualified paleontological monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert grading activities in order to recover the fossil specimens. The paleontological monitor may establish a protected buffer around a discovery for the duration of recovery of the discovery. If previously undiscovered paleontological resources are discovered on-site, suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontological monitor has evaluated discoveries to assess whether they are classified as unique paleontological resources pursuant to the California Environmental Quality Act (CEQA) and authorized the resumption of construction activities. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of	Prior to Issuance of Grading Permits	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division	

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
sediments to recover small invertebrates and vertebrates. Found specimens shall then be curated into the John D. Cooper Center in Santa Ana or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository is willing to accept the resource, it shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion to avoid a significant impact. Upon completion of construction activities, the qualified paleontological monitor shall prepare a report of paleontological resource findings within 30 days of construction completion. The report shall append itemized inventory of recovered resources, documentation of each locality, and interpretation of recovered fossils. The report and inventory, when submitted and approved by the City, will signify completion of the program to mitigate impacts to paleontological resources.						
5.8 HAZARDS AND HAZARDOUS MATERIALS						
HAZ-1 Prior to issuance of grading permits, the project applicant shall prepare a soils management plan (SMP) for the vehicle maintenance facility and the former fire station to address removal of contaminated soil prior to grading of the area. The SMP shall be approved by the City and the appropriate oversight agency, such as Orange County Environmental Health Department or Department of Toxic Substances Control. Prior to grading, proper identification and removal of petroleum (>100 mg/kg) and VOC-impacted soil in order to comply with applicable limits for the proposed land uses. The SMP will ensure that safe and appropriate handling, transportation, off-site disposal, reporting, oversight, and protocols are used during removal of the contaminated soil. The SMP shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered. If, during grading activities, additional contamination is discovered, grading within that area shall be temporarily halted and	Prior to Issuance of Grading Permits	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the SMP to render the area suitable to resume grading activities. Soil remediation and/or export of hazardous materials must be performed in accordance with the appropriate agency's requirements (Regional Water Quality Control Board, Orange County Environmental Health Department, Department of Toxic Substances Control, and/or South Coast Air Quality Management District).						
HAZ-2 After grading is complete, the project applicant shall perform a post-grading soil vapor survey within the footprint of future structures in the areas of the vehicle maintenance facility and former fire station. The survey results shall be approved by the City and the appropriate oversight agency (OC EHD or DTSC) and document soil vapor levels less than applicable limits for the proposed land uses prior to sign-off of the grading permit.	After Completion of Grading	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		
HAZ-3 Prior to the issuance of a demolition permit for any structure on the property, the project applicant shall conduct a comprehensive survey for asbestos-containing materials to identify the locations and quantities of asbestos-containing materials in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. If asbestos is discovered, the project applicant shall retain a licensed or certified contractor to remove and dispose of all asbestos containing materials in accordance with the appropriate South Coast AQMD asbestos-containing material removal practices and procedures.	Prior to Issuance of Demolition Permit	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		
5.16 TRIBAL CULTURAL RESOURCES						
CUL-1 Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading	Prior to Issuance of Grading Permits	Project Applicant/ Developer	City of Laguna Niguel Building and Safety Division	City of Laguna Niguel Building and Safety Division		

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
and other significant ground-disturbing activities in native soil. Prior to the initiation of grading, the project applicant shall meet with the Juaneño Band of Mission Indians, Acjachemen Nation Cultural Resource Director to coordinate monitoring by a Native American monitor. During all ground-disturbing activities/earthwork, a professional Native American monitor, procured by the Juaneño Band of Mission Indians, Acjachemen Nation, shall be present to monitor grading activities. During initial monitoring, if the qualified archaeologist and/or designated Native American representative can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist and/or designated Native American representative can demonstrate a need for continuing monitoring, the qualified archaeologist and Native American representative, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, the archaeological monitor and designated Native American monitor shall have the authority to halt any activities that may adversely impact potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or designated Native American monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA) and determined construction activities can resume without damaging resources. If archaeological resources are discovered, the archeologist and designated Native American monitor shall assess the most appropriate treatment for the resources, prioritizing preservation in place. When data recovery through excavation is the only feasible treatment method, the archeologist, in consultation with the designated Native American monitor, shall prepare a data recovery plan with provisions for adequately recovering the scientifically consequential information from and about the historical resource and shall deposit studies with the						

Mitigation Monitoring and Reporting Program

Table 1-1 Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Timing	Responsible Implementing Party	Responsible Monitoring Party	Document Location (Monitoring Record)	Completion Date	
					Responsible Monitoring Party	Project Mitigation Monitor
California Historical Resources Regional Information Center. Recovered archeological resources shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion. If significant Native American cultural resources are discovered for which a treatment plan must be prepared the project applicant or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).						

EXHIBIT 6

Post EIR 22-01 Review Period (Supplemental Comments & Responses)

LIMITED DISTRIBUTION

Copies are available upon request at:

City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
949.362.4360

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<https://www.cityoflagunaniguel.org/DocumentCenter/View/22890/Post-EIR-22-01-Review-Period-Supplemental-Comments--Responses>

Attachment B

Resolution No. 2022-1397 (GPA 22-01)

RESOLUTION NO. 2022-1397

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA 19-01 (CITY CENTER MIXED-USE PROJECT)

WHEREAS, the APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660), in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas, requests approval of General Plan Amendment GPA 19-01 to change the project site's land use designation to "Community Commercial, Professional Office, Public/Institutional and Residential Attached"(excluding OCFA Station No. 5) allowing up to 275 proposed multifamily residential units, subject to a specific criteria. The General Plan Amendment would also modify text and the statistical summary for the profile area within the Land Use Element to account for the mixed use project. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.

WHEREAS, on May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on General Plan Amendment GPA 19-01 to amend the Laguna Niguel General Plan as described above and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to approve General Plan Amendment GPA 19-01. The Planning Commission is an advisory body to the City Council with regard to the approval of General Plan Amendments.

WHEREAS, a notice of public hearing describing the project and this General Plan amendment, and the date, time, and location of the City Council hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

WHEREAS, on June 21, 2022, the City Council held a duly noticed public hearing on General Plan Amendment GPA 19-01 and considered all evidence presented by City staff and other interested parties regarding the amendment.

WHEREAS, Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The City Council has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and pursuant to Resolution No. 2022-1396 has certified Environmental Impact Report EIR 22-01, adopted a Mitigation Monitoring and Reporting Program, and made the required findings

and adopted the statement of overriding considerations, prior to its adoption of this Resolution to approve General Plan Amendment GPA 19-01.

WHEREAS, based on all of the evidence in the administrative record, the City Council hereby makes the following findings in support of General Plan Amendment GPA 19-01:

1) GPA 19-01 is internally consistent with the goals, objectives, and policies of the Laguna Niguel General Plan which are not being amended. The evidence for this finding is found in Chapter 5.10 of the EIR, including the General Plan consistency analysis found in Table 5.10-2.

2) GPA 19-01 will not adversely affect the public health, safety, and general welfare. As noted above, the EIR has determined that all environmental effects, with the exception of greenhouse gas emissions, can be mitigated to a less than significant level. While greenhouse gas emissions cannot be mitigated to a less than significant level, that impact is evaluated on a regional level and all feasible mitigation has been imposed on the project to reduce the impact.

THEREFORE, BE IT RESOLVED, that the City Council does hereby approve General Plan Amendment GPA 19-01, amending the following:

1. The General Plan Land Use Map, as shown in Exhibit 1 attached hereto; and,
2. The General Plan Land Use Element text and Statistical Summary, as shown in Exhibit 2 attached hereto.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

Exhibit(s):

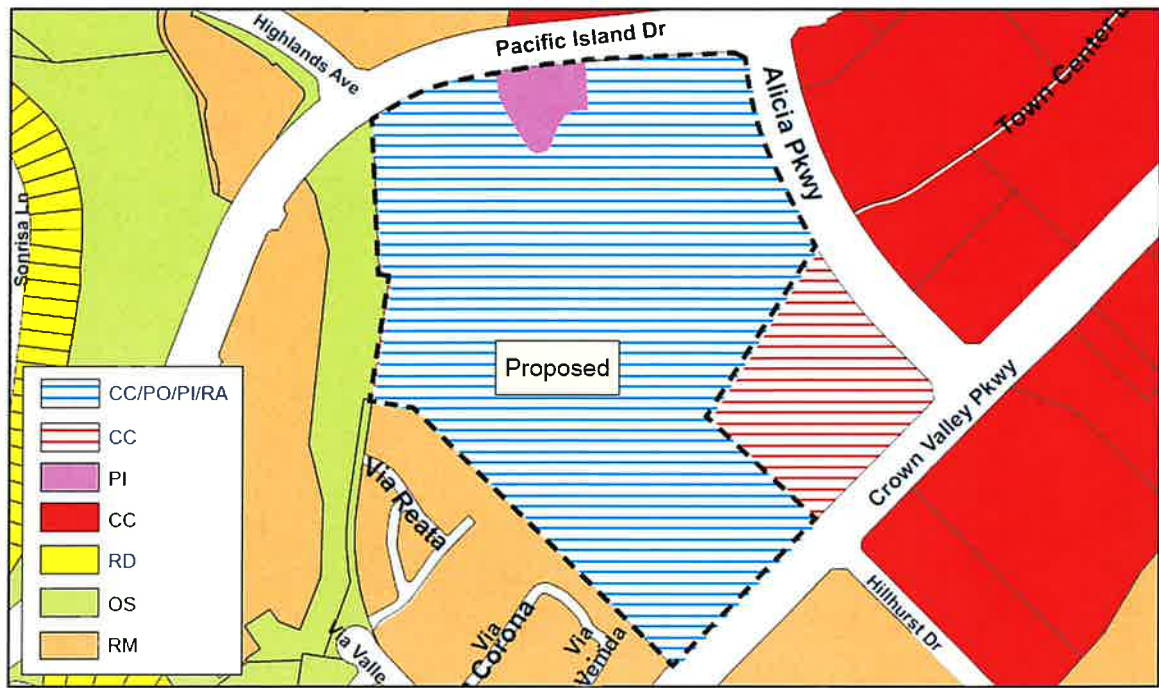
1. Proposed Changes to the General Plan Land Use Map
2. Proposed Changes to the General Plan Land Use Element Text and Statistical Summary

EXHIBIT 1

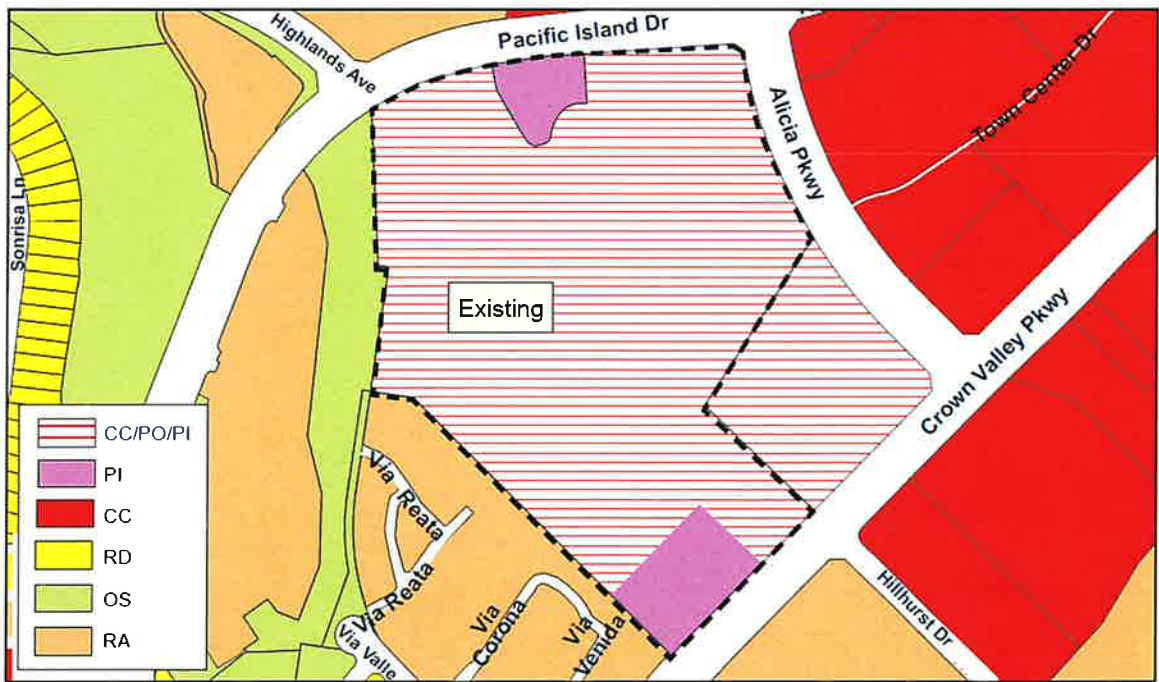
Proposed Changes to the General Plan Land Use Map

General Plan Amendment GPA 19-01: Proposed Changes to the General Plan Land Use Map

Proposed Land Use Designation: "Community Commercial, Professional Office, Public/Institutional, and Residential Attached"



Existing Land Use Designation: "Community Commercial, Professional Office, and Public/Institutional"



--- Project Boundary



EXHIBIT 2

Proposed Changes to the General Plan Land Use Element Text and Statistical Summary

Resolution No. 2022-1397 Exhibit 2

GENERAL PLAN AMENDMENT GPA 19-01 LAGUNA NIGUEL CITY CENTER MIXED USE PROJECT

Laguna Niguel General Plan – Land Use Element

LAND USE ELEMENT PAGE 11 (“Opportunity Area” Narrative)

Town Center

The Town Center, home to Laguna Niguel City Hall, is envisioned as a special focal point of the City. Policies have been formulated to enhance the pedestrian circulation and the aesthetic appearance of the center. Additionally, the Land Use Plan suggests the potential reuse of the County Civic Center Area if the County relocates its existing facilities. A 20-acre site could be redeveloped with public uses such as Laguna Niguel City Hall. The Crown Valley Branch Library and Fire Station #5 will remain in the Civic Center area. The Land Use Plan anticipates the reuse of the vacant County Civic Center and its associated undeveloped acreage. The intent for this sub area is a mixed-use designation that promotes commercial, office, civic, and additive residential uses. As a whole, the Town Center area is envisioned to continue this theme, providing for a mix of land uses supported by policies intended to ensure gradual and thoughtful transformation over the next 20+ years into a vibrant commercial and civic hub. More specifically, future redevelopment of aging and fragmented commercial development within the area is envisioned to include connected and complete neighborhoods with a mix of services, employment and shopping opportunities, housing types, parks, and open space.

Goal 9 Enhancement of The Town Center.

Intent

The Town Center area of Laguna Niguel is identified as one of the primary focal points of the community. However, the area suffers from a number of constraints that prohibit the attainment of its market potential. Although the structures in the Town Center are relatively new, many of the uses were developed at a relatively low level of intensity. The land uses in the Town Center are located within their own enclaves, separated from each other by parking lots, landscaping and arterial roads. The area has poor pedestrian circulation. The Town Center also lacks a comprehensive design theme and pedestrian-oriented spaces for people to gather and interact. It has very little activity during evening hours.

The Town Center area presently includes several County buildings and uses. These uses may relocate. The Laguna Niguel city Hall facilities could relocate into the Town Center area. Laguna Niguel's intent is to allow the area to become a civic focal point.

Envisioned to one day constitute a central commercial and civic hub for the community, prominently characterized by a mix of complementary and interconnected retail, service, office, and restaurant uses, the Town Center area instead suffers from a number of constraints that have to date stifled achievement of this vision as well as attainment of its market potential. Excluding the construction of the City Hall complex in 2012, there have been no new significant developments in this profile area since the 1980s and the County of Orange owned property neighboring the vacant South County Justice Center courthouse (closed in 2008) remains undeveloped. The remainder of the Town Center includes aging buildings developed at a relatively low intensity and is mainly comprised of aging commercial strip centers. The land uses in the Town Center are located within their own enclaves, separated from each other by parking lots, landscaping and arterial roads. The area has poor pedestrian circulation. The Town Center also lacks a comprehensive design theme and pedestrian-oriented spaces for people to gather and interact. It has very little activity during evening hours. Facilitating a blend of complementary land uses, including additive residential development in support of foundational commercial activities, offers the City the flexibility necessary to stimulate market driven investment in the Town Center and transform the area into a long envisioned vibrant city center thereby improving the quality of life for current and future residents and businesses alike.

Policy 9.1 Allow for the reuse of existing developed properties

- Policy 9.2** Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center's viability are encouraged.
- Policy 9.3** Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.
- Policy 9.4** Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City's identity. A focus is also ensuring the appearance of arterials and surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.

Actions

- 9.4.1** Encourage a diverse mixture of land uses including specialty retail offices and entertainment uses in the Town Center area, as well as additive residential uses, as a part of a mixed-use development that offers opportunities for people to live close to work, walk to neighborhood stores and restaurants, includes indoor and outdoor recreation and entertainment close to home, and to experience vibrant pedestrian districts.
- 9.4.2** ~~Coordinate with the County of Orange on the potential plans for the relocation of the existing County facilities from the Town Center area to another site and the potential reuse of the Town Center site for the Laguna Niguel City Hall. Any site that is within Community Profile Area 14 may apply for a General Plan amendment to obtain a mixed-use designation. The City may choose to grant the mixed-use designation if it would support the General Plan's intent, policies, and actions for Town Center.~~
- 9.4.3** Support development and redevelopment or revitalization of areas that are in decline or economically underutilized.
- 9.4.2** Encourage new commercial and mixed-use developments to emphasize pedestrian orientation in site and building design and promote a walkable environment with active street frontages, well-scaled buildings, and usable open spaces such as plazas, courtyards, and sidewalk cafes that are highly accessible and convenient to residents and visitors.
- 9.4.3** Encourage development of public spaces and plazas within commercial and mixed-use projects that can accommodate civic events and function as community gathering areas.

N. Community Profile Area 14

Setting

Community Profile Area 14 ~~shown on Figure LU-19, includes 117.62 acres and~~ comprises one of three Opportunity Areas referred to as Town Center and includes approximately 118 acres. The area is generally bounded by the intersections of Crown Valley Parkway/Niguel Road, Alicia Parkway/Niguel Road and Alicia Parkway/Crown Valley Parkway.

~~The profile area currently includes a mix of retail, office, restaurant and civic center land uses. The land uses in the profile area are situated within separate areas. Each of the areas are separated by major arterials and parking areas. A significant amount of traffic occurs in the vicinity of the profile area. The area is not well oriented for pedestrian circulation. Most of the existing development in Town Center was built in the 1970s through the 1980s. The land uses in the profile area are situated within separate areas. Access to the area is provided by two major arterial highways (Crown Valley Parkway and Alicia Parkway).~~

The northeastern portion of the profile area consists mostly of office uses. The South County Branch of the U. S. Post Office is located in this area.

~~The southeastern portion of the profile area is the Town Center area. It consists of retail, office and restaurant uses. The Town Center has a variety of retail stores and a sufficient amount of parking area. However, much of the available parking is located away from the retail uses. The Town Center lacks a uniform design theme and pedestrian-oriented spaces for people to use.~~

~~The western portion of the profile area currently includes the County of Orange Civic Center. If the County Civic Center relocates from this area, office and retail uses are projected for that site. In addition, City Hall facilities may be incorporated with the office use projected for that site. South County Justice Center (closed in 2008), Laguna Niguel City Hall, Laguna Niguel Branch Library, Fire Station #5, a County maintenance yard, and undeveloped land owned by the County of Orange.~~

Sub Profile Area Analysis

A. Town Center 1

This sub area is designated Community Commercial and Public/Institutional. It includes 325,010 sq. ft. of Community Commercial uses and is built-out. The Laguna Niguel Presbyterian Church is designated Public/Institutional. In addition, the South County Branch of the U.S. Post Office is designated Public/Institutional.

B. ~~Crown Valley Center~~ Town Center 2

This sub area is designated Community Commercial. The sub area currently includes ~~163,610~~ 187,680 sq. ft. of retail and office uses. ~~A maximum of 24,070 sq. ft. of additional Professional Office use is projected for this sub area~~

C. Town Center Expansion 3

This sub area is designated Community Commercial, Professional Office, Public/Institutional and Residential Attached. The area currently includes the County of Orange Civic Center which encompasses 46,860 sq. ft. If the County Civic Center vacates this area, a maximum of 130,680 sq. ft. of Community Commercial and a maximum of 217,800 sq. ft. of Professional Office uses are envisioned for the site. Future development of the site may also include City Hall facilities. The existing Crown Valley Branch Library and Fire Station #5 will also remain within the sub area. South County Justice Center (closed in 2008), Laguna Niguel City Hall, Laguna Niguel Branch Library, Fire Station #5, a County maintenance yard, and undeveloped land owned by the County of Orange. Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,300 square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

1. The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center;
2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and
3. The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.

D. Alicia Parkway Center Town Center 4

This sub area is designated for Community Commercial land uses. The area is built-out and includes 82,230 sq. ft. of retail uses.

**COMMUNITY PROFILE AREA 14
STATISTICAL SUMMARY**

	RESIDENTIAL (DUs)			COMMERCIAL (SQ. FT.)			Notes
	As of 01/01/92 01/01/2022	Gen Plan Projection	Projected Growth	As of 01/01/92 01/01/2022	Gen Plan Projection	Projected Growth	
A. Town Center 1	0	0	0	325,010	325,010	0	1,2
B. Crown Valley Center Town Center 2	0	0	0	163,610 149,610	187,680 149,610	24,070 0	3,4
C. Town Center Expansion Town Center 3	0	0 275	0 275	46,860 0	348,480 159,000	301,620 159,000	5,6
D. Alicia Parkway Center Town Center 4	0	0	0	82,230	82,230	0	7
TOTAL	0	0 275	0 275	617,710 556,850	943,400 715,850	325,690 159,000	
Population			Employment				
TOTAL	0	0 704	0 704	1,905 1,717	2,946 2,310	1,041 405	

NOTES:

1. Town Center 1 includes two gas stations with car washes.
2. Town Center 1 includes the Laguna Niguel Presbyterian Church which is permitted a maximum development of 38,814 sq. ft. The church is not included in the commercial square footage above.
3. Town Center 2 includes one gas station.
- ~~4. The Alicia Parkway Center includes a gas station and a pre-school with 130 students.~~
- ~~5. The Town Center expansion area includes a gas facility to service County vehicles.~~
4. Town Center 2 includes a 224-unit retirement and assisted living facility for seniors with 112 independent living units, 75 assisted living units and 37 memory care beds.
5. Residential units are additive, requiring full buildout of the projected sub profile area commercial growth, and subject to noted findings to exceed a maximum ratio of 1 unit per 10,000 sq. ft. of associated commercial development.
6. Town Center 3 includes Laguna Niguel City Hall, Fire Station #5, and Laguna Niguel Branch Library.
7. Town Center 4 includes a gas station and a pre-school with up to 130 students.

Public Facilities	Sq. Ft.	Schools	Students	Parks	Acres
1. South County Courthouse					
2. 1. Fire Station #5	7,555				
3. Sheriff Sub Station					
4. 2. Library	16,300				
5. Maintenance Facility					
6. 3. South County Post Office	21,000				
7. 4. Laguna Niguel City Hall	38,700				

Attachment C

Ordinance No. 2022-216 (ZCA 19-01)

ORDINANCE NO. 2022-216

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT ZCA 19-01 (CITY CENTER MIXED-USE PROJECT)

The City Council of the City of Laguna Niguel does ordain as follows:

SECTION 1. FININDGS

The City Council makes the following findings in connection with the adoption of this Ordinance.

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, and extensive walkable open spaces, paseos, and plazas, requests adoption of Zoning Code Amendment ZCA 19-01 to establish the mix of permissible land uses and development standards for the new “Mixed-Use Town Center” (MU-TC) Zoning District to be applied to the project site under Zone Change ZC 19-01. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.
2. Zoning Code Amendment ZCA 19-01 will establish the mix of permissible land uses and development standards for the new “Mixed-Use Town Center” (MU-TC) Zoning District.
3. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Zoning Code Amendment ZCA 19-01 to amend the Laguna Niguel Zoning Code (Laguna Niguel Municipal Code Title 9) in the manner described above and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to approve Zoning Code Amendment ZCA 19-01. The Planning Commission is an advisory body to the City Council with regard to the approval of Zoning Code Amendments.
4. A notice of public hearing describing the project and this Zoning Code Amendment, and the date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the City Council hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City’s project interest list. Additionally, a notice was also posted at City Hall and was made available on the City’s website.

5. On June 21, 2022, the City Council held a duly noticed public hearing on Zoning Code Amendment ZCA 19-01 to amend the Laguna Niguel Zoning Code (Laguna Niguel Municipal Code Title 9) and considered all evidence presented by City staff and other interested parties regarding the amendment.
6. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The City Council has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and pursuant to Resolution No. 2022-1396 has certified Environmental Impact Report EIR 22-01, adopted a Mitigation Monitoring and Reporting Program, and adopted Findings of Fact and Statement of Overriding Considerations, prior to adopting Zoning Code Amendment ZCA 19-01.
7. Based on all of the evidence in the administrative record, the City Council hereby makes the following findings in support of Zoning Code Amendment ZCA 19-01:
 - 1) Zoning Code Amendment ZCA 19-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan, as amended by General Plan Amendment GPA 19-01. The evidence for this finding is found in Chapter 5.10 of the EIR, including the General Plan consistency analysis found in Table 5.10-2.
 - 2) Zoning Code Amendment ZCA 19-01 will not adversely affect the public health, safety, and general welfare. As noted above, the EIR has determined that all environmental effects, with the exception of greenhouse gas emissions, can be mitigated to a less than significant level. While greenhouse gas emissions cannot be mitigated to a less than significant level, that impact is evaluated on a regional level and all feasible mitigation has been imposed on the project to reduce the impact.
8. The City Council's adoption of Zoning Code Amendment ZCA 19-01 by this Ordinance is based on all available evidence in the record, including the evidence and findings of the Planning Commission and the evidence presented at the hearings held thereon by the Planning Commission and City Council.

SECTION 2. Section 9-1-42 (Permitted Uses) of Subarticle 4 (Nonresidential Districts) of Article 2 (Comprehensive Zoning Code) of Division 1 (Planning) of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code is amended to read as follows:

Sec. 9-1-42. Permitted Uses.

(a) *Development Permits Required.* Table 4.1 in this Section specifies whether a use or structure is permitted within a zoning district. In most cases, development to establish a land use requires approval of a site development permit and/or other permits as set forth in Subarticle 11.

(b) *Uses Not Listed in Table.* Land uses which are not listed in Table 4.1 are not permitted unless the Community Development Director or the Planning Commission determines that such use is consistent with one of the permitted use categories listed (e.g., principal use, conditional use, etc.) in accordance with Section 9-1-23.

(c) *Table of Permitted Uses.* Table 4.1, “Permitted Nonresidential and Mixed Uses”, following, specifies those uses and structures which are permitted within each nonresidential district. If a use or structure is not listed as permitted, it is prohibited unless specifically determined to be permitted in accordance with Section 9-1-23. All uses listed shall be conducted within a completely enclosed building unless specifically provided otherwise in this Subarticle. The letters in the columns beneath the district designations mean the following:

- (1) “P” The use is permitted as a principal use within the district.
- (2) “A” The use is permitted only if accessory to the principal use on the site.
- (3) “U” The use is permitted as a principal or accessory use if a use permit is approved.
- (4) “M” The use is permitted as a principal or accessory use if a minor use permit is approved.
- (5) “T” The use is permitted on a temporary basis if a temporary use permit is approved.
- (6) “X” The use is prohibited in the district.

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

P = Permitted Use T = Temporary Use Permit A = Accessory Use M = Minor Use Permit U = Use Permit X = Prohibited Use	DISTRICT					
	CN Neighborhood Cmrl.	CC Community Cmrl.	CO Office Cmrl.	BP Business Park	PI Public- Insti- tutional	MU-TC Mixed-Use Town Center
LAND USE						
RETAIL USES						
Retail stores ¹ , under 30,000 sq/ft floor area	P	P	X	U	X	P
Retail stores ¹ , 30,000-60,000 sq/ft floor area	U	P	X	U	X	P
Retail stores ¹ , over 60,000 sq/ft floor area	X	U	X	U	X	U

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

¹ Such as supermarkets, warehouse stores, discount stores, stores selling apparel, furniture, appliances, hardware, building materials (except lumber yards), and similar stores selling merchandise to the general public.

Convenience stores ² open less than 18 hours/day	U	P	X	X	X	P
Convenience stores ² open 18 or more hours/day	U	U	X	X	X	U

² Defined as retail stores under 10,000 sq/ft selling primarily food, beer, wine, and beverage items for off-site consumption, but not distilled spirits.

Liquor stores ³ -- with no consumption of alcohol on the premises	U	U	X	X	X	U
--	---	---	---	---	---	---

³ Defined as retail stores selling primarily beer, wine, distilled spirits, and other beverages, plus some food items, all for off-site consumption only.

Plant nurseries and garden supply stores, subject to § 9-1-45.11 (<i>Permanent Outdoor Display and Storage</i>)	X	P	X	X	X	P
--	----------	----------	----------	----------	----------	----------

Showroom - catalog stores, without substantial onsite inventory	P	P	X	P	X	P
---	---	---	---	---	---	---

Outdoor vending stands (such as flower stands, hotdog stands, etc.) as a principal use, subject to § 9-1-45.10 (<i>Outdoor Vendors</i>)	U	U	U	X	X	M
---	---	---	---	---	---	---

GENERAL SERVICES

Barber shops, beauty, nail and tanning salons and similar uses	M	M	M	M	X	M
--	---	---	---	---	---	---

Miscellaneous services such as travel services, photo developing, rental stores, shoe repair, appliance repair, and similar uses	P	P	P	P	X	P
--	---	---	---	---	---	---

Laundromats and dry cleaners -- except central cleaning plants	P	P	P	P	X	P
--	---	---	---	---	---	---

Printing, blueprinting and copy services	M	P	P	P	X	P
--	---	---	---	---	---	---

Pet grooming -- without overnight boarding	M	M	X	M	X	M
--	---	---	---	---	---	---

Telecommuting centers	M	M	M	M	X	M
-----------------------	---	---	---	---	---	---

Tutorial services and learning centers	M	M	M	M	X	M
--	---	---	---	---	---	---

P = Permitted Use T = Temporary Use Permit
A = Accessory Use M = Minor Use Permit
U = Use Permit
X = Prohibited Use

DISTRICT

CN Neighborhood Cmrl	CC Community Cmrl	CO Office Cmrl	BP Business Park	PI Public- Institutional	MU-TC Mixed-Use Town Center
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LAND USE

OFFICE USES AND HEALTH SERVICES

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Banks	P	P	P	P	X	P
General and professional offices	P	P	P	P	X	P
Employment agencies	P	P	P	P	X	P
Medical and other practitioner offices ⁴ , clinics, and surgicenters under 5000 sq/ft aggregate floor area in one building	P	P	P	U	X	P
Medical and other practitioner offices ⁴ clinics, and surgicenters 5000 sq/ft or more aggregate floor area in one building	U	M	M	U	X	M
⁴ Offices for physicians, dentists, optometrists, chiropractors, physical therapists, and similar professionals.						
Hospitals and convalescent hospitals	X	U	U	X	U	X
Veterinary clinics/animal hospitals, without pet boarding	M	M	M	M	X	M
Veterinary clinics/animal hospitals, with pet boarding (indoor only)	X	U	U	U	X	U
<i>DINING, DRINKING, AND ENTERTAINMENT USES</i>						
Restaurants without the sale of alcohol*	P	P	P	P	X	P
Restaurants or Retail Food with the sale of alcohol	M	M	M	M	X	M
Restaurants, Drive-thru	U	U	U	X	X	X
Retail Food*	P	P	P	P	X	P
Bars, taverns, and cocktail lounges	U	U	U	U	X	U
Dancing or live entertainment as a principal use	X	U	X	U	X	U
Dancing or live entertainment as an accessory use	M	M	M	M	X	M
Theaters, live or motion picture	X	U	X	X	X	U
*Operations outside the hours of 5:00 am to 10:00 pm shall require a minor use permit to ensure there are no adverse negative impacts to the surrounding area.						
<i>RECREATION USES</i>						
Bowling alleys and pool or billiard halls as a principal use	X	U	X	X	X	U
Pool or billiard tables as an accessory use (three tables or less)	A	A	A	A	A	A

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Game machine arcades as a principal use	X	U	X	X	X	U
Game machines as an accessory use (three machines or less)	A	A	A	A	A	A
Game machines as an accessory use (four machines or more)	M	M	X	X	X	M
P = Permitted Use T = Temporary Use Permit A = Accessory Use M = Minor Use Permit U = Use Permit X = Prohibited Use	DISTRICT					
	CN Neighborhood Cmrl.	CC Community Cmrl.	CO Office Cmrl.	BP Business Park	PI Public- Insti- tutional	MU-TC Mixed-Use Town Center
LAND USE						
Tennis clubs, golf courses, and similar recreational uses with both indoor and outdoor facilities, lighted or unlighted (see also PR regulations, Subarticle 5)	X	U	X	X	X	U
Outdoor commercial recreation centers and uses, including such facilities as miniature golf, go-karts, batting cages, kiddie rides, rock climbing, and similar attractions, lighted or unlighted	X	U	X	X	X	U
Outdoor commercial roller hockey, skateboard, and “stunt” bike facilities, lighted or unlighted	X	U	X	X	X	U
Indoor commercial recreation centers and uses, roller hockey, and other facilities; with same types of facilities as “Outdoor” above	X	U	X	U	X	U
Health clubs, martial arts studios, and dance studios, under 5000 sq/ft floor area	M	M	M	M	A	M
Health clubs, martial arts studios, and dance studios, over 5000 sq/ft floor area	U	U	U	U	X	U
Private swim schools	X	X	U	U	U	U
Libraries and museums	U	P	P	U	P	P
Public parks, playfields, and open space; lighted or unlighted	P	P	P	P	P	P
Bicycle, equestrian and hiking trails	P	P	P	P	P	P
Indoor pistol or rifle ranges	X	X	X	U	X	X
ASSEMBLY USES						
Lodges, union halls, social clubs, and senior citizen centers	U	U	X	U	P	U
Churches, temples, and other places of worship	U	U	X	U	P	U

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES						
Mortuaries and funeral homes	X	U	X	U	X	U
<i>PUBLIC AND SEMI-PUBLIC USES</i>						
Fire stations	P	P	P	P	P	P
Government offices and police stations	P	P	P	P	P	P
Public utility facilities	P	P	P	P	P	P
Public flood control facilities and devices	P	P	P	P	P	P
Colleges and universities, including primary and satellite campuses and classrooms	X	U	U	U	U	U
Vocational schools (e.g., barber, beauty and similar)	X	U	U	U	U	U
Private elementary, intermediate, and high schools	U	U	X	U	U	U
Train, bus, and taxi stations	X	U	U	U	U	U
P = Permitted Use T = Temporary Use Permit A = Accessory Use M = Minor Use Permit U = Use Permit X = Prohibited Use	DISTRICT					
	CN Neighborhood Cmrl.	CC Community Cmrl.	CO Office Cmrl.	BP Business Park	PI Public- Insti- tutional	MU-TC Mixed-Use Town Center
LAND USE						
Helicopter pads	X	X	U	U	U	X
Public schools	X	X	X	X	P	X
Public or private kennels and animal shelters (with indoor or outdoor pet boarding)	X	X	X	U	U	X
<i>RESIDENTIAL, LODGING, AND CHILD CARE USES</i>						
Child day care facilities, centers, and preschools as a principal use, subject to § 9-1-45.24	U	U	U	U	U	U
Managed care facilities. Property must be in the MC overlay district per § 9-1-54.2	U	U	X	X	U	U
Boarding houses, small (2 or fewer tenants/rented rooms)	X	X	X	X	X	X
Boarding houses, large (3 or more tenants or rented rooms)	X	X	X	X	U	X
Group homes, 6 or fewer persons (excluding house manager)	X	X	X	X	X	X

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Group homes, 7 or more persons (excluding house manager)	X	X	X	X	U	X
Referral Facilities	X	X	X	X	U	X
Single room occupancy (SRO) hotels, subject to § 9-45.25	X	X	X	X	U	X
Emergency shelters	P	P	P	P	P	P
Transitional shelters	X	X	X	X	U	X
Hotels and motels	X	U	U	U	X	U
Caretaker residences	M	M	M	M	M	M
<u>Multifamily dwellings, additive</u>	X	X	X	X	X	U
<i>AUTOMOTIVE USES</i> (subject to § 9-1-45.11, <i>Permanent Outdoor Display and Storage</i>)						
Gas and service stations	X	U	X	U	X	X
Car washes	X	U	X	U	X	X
Auto body repair and painting; major engine and transmission repair	X	X	X	X	X	X
Auto repair specialty shops as a principal use: Providing minor auto maintenance: tire sales/service, muffler, brake, lube, and tune-up services -- not including major engine or drivetrain repair	X	X	X	X	X	X
Auto repair specialty shops same as above, but as an accessory use, subordinate to a principal use such as a discount store, warehouse store, or other permitted principal use.	X	A	X	X	X	X
Auto and motorcycle sales and rentals, new	X	U	X	U	X	X
Auto and motorcycle sales and rentals, used	X	X	X	U	X	X
P = Permitted Use T = Temporary Use Permit A = Accessory Use M = Minor Use Permit U = Use Permit X = Prohibited Use	DISTRICT					
	CN Neighborhood Cmrl.	CC Community Cmrl.	CO Office Cmrl.	BP Business Park	PI Public-Institutional	MU-TC Mixed-Use Town Center
LAND USE						
Truck, recreation vehicle, and boat sales	X	X	X	U	X	X
Truck and/or equipment rentals	X	X	X	X	X	X

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Auto parts stores	X	P	X	X	X	P
Auto or truck storage yards, not including dismantling	X	X	X	X	X	X
Parking lots/garages as a principal use, subject to Subarticle 6 (<i>Parking</i>)	X	U	U	U	U	U
<i>WAREHOUSING AND HEAVY COMMERCIAL USES</i> (subject to § 9-1-45.11, <i>Permanent Outdoor Display and Storage</i>)						
Wholesaling/distribution centers, with no sales to consumers	X	X	X	P	X	X
General warehouses, with no sales to consumers	X	X	X	P	X	X
Mini-storage warehouses	X	X	X	X	X	X
Lumber yards, outdoor (see retail stores for indoor lumber sales)	X	X	X	X	X	X
Pest control services	X	X	X	M	X	X
Plumbing repair shops	X	X	X	M	X	X
Contractor, public utility, and similar equipment/storage yards	X	X	X	U	U	X
Central cleaning or laundry plants	X	U	X	U	X	X
Communication or relay facilities and/or antennas as a principal use, subject to § 9-1-45.6. Such facilities shall be considered a principal use if not associated with and incidental to another principal use on the premises.	U	U	U	U	U	U
<i>INDUSTRIAL AND RESEARCH USES</i>						
Manufacture and assembly of components or finished products from materials such as cloth, fiber, fur, glass, leather, stone, paper (except milling), plastics, metal, and wood, includes commercial kitchens.	X	X	X	P	X	X
Research and development	X	U	U	P	X	U
Recording studios	X	P	P	P	X	P
Bottling plants	X	X	X	X	X	X
Welding, machine, and metal plating shops	X	X	X	X	X	X
Sign painting, except sandblasting	X	X	X	P	X	X

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Sign manufacturing, including sandblasting	X	X	X	M	X	X
Recycling centers as a principal use, collection and sorting only, subject to § 9-1-45.19	X	X	X	U	X	X
P = Permitted Use T = Temporary Use Permit A = Accessory Use M = Minor Use Permit U = Use Permit X = Prohibited Use	DISTRICT					
	CN Neighborhood Cmrl.	CC Community Cmrl.	CO Office Cmrl.	BP Business Park	PI Public-Institutional	MU-TC Mixed-Use Town Center
LAND USE						
Offsite hazardous waste facilities, subject to § 9-1-45.22.	X	X	X	U	X	X
ACCESSORY USES AND STRUCTURES						
Outdoor display and sale of merchandise, subject to § 9-1-45.11	M	M	X	X	X	M
Outdoor vending stands (such as flower stands, hotdog stands, etc.) as an accessory use	M	M	M	M	M	M
Game machines as an accessory use	<i>See Recreation Uses</i>					
Swimming pools as an accessory use	X	M	M	M	M	M
Dancing or live entertainment as an accessory use	<i>See Dining, Drinking and Entertainment Uses</i>					
Parking lots and facilities as an accessory use	A	A	A	A	A	A
Signs, subject to Subarticle 7	A	A	A	A	A	A
Fences and walls, subject to § 9-1-45.2	A	A	A	A	A	A
Antennas and satellite dishes, subject to § 9-1-45.6	A	A	A	A	A	A
Outdoor vending machines subject to § 9-1-45.18	M	M	M	M	M	M
Recycling dropoff bins, subject to § 9-1-45.19	M	M	M	A	A	M
Incidental products or services for employees or businesses, such as child day care, cafeterias, and business support uses	A	A	A	A	A	A
Other accessory uses and structures which are customarily associated with and subordinate to the principal use on the premises and are consistent with the purpose and intent of the zoning district.	A	A	A	A	A	A
TEMPORARY USES						

TABLE 4.1: PERMITTED NONRESIDENTIAL AND MIXED USES

Christmas tree sales, subject to § 9-1-45.7	T	T	X	T	T	T
Halloween pumpkin sales, subject to § 9-1-45.8	T	T	X	T	T	T
Produce Stand, subject to § 9-1-45.9	T	T	X	T	X	T
Sidewalk sales and center-wide events, subject to § 9-1-45.12	T	T	T	T	X	T
Special outdoor events, subject to § 9-1-45.13	T	T	T	T	T	T
Construction trailers and guard offices, subject to § 9-1-45.16	T	T	T	T	T	T
Use of relocatable building, subject to § 9-1-45.17	T	T	T	T	T	T
OTHER USES						
Fortune telling and palmistry	X	X	X	X	X	X
Marijuana activities, including dispensing, cultivation, and delivery	X	X	X	X	X	X
Any use prohibited by Federal and/or State law	X	X	X	X	X	X
Adult-oriented businesses	See Subarticle 5 (<i>Special Purpose Regulations</i>)					
Other principal, accessory or temporary uses not listed above.	Director or Planning Commission to determine whether use is permitted in accordance with § 9-1-23.					

(Ord. No. 99-107, § 5, 2-2-99; Ord. No. 2011-163, § 3, 5-3-11; Ord. No. 2016-184, § 2, 10-4-16; Ord. No. 2018-194, § 2, 6-5-18; Ord. No. 2019-197, § 3, 6-4-19)

SECTION 3. Section 9-1-45.3 (Landscaping) of Subarticle 4 (Nonresidential Districts) of Article 2 (Comprehensive Zoning Code) of Division 1 (Planning) of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code is amended to read as follows:

Sec. 9-1-45.3. Landscaping and Open Area.

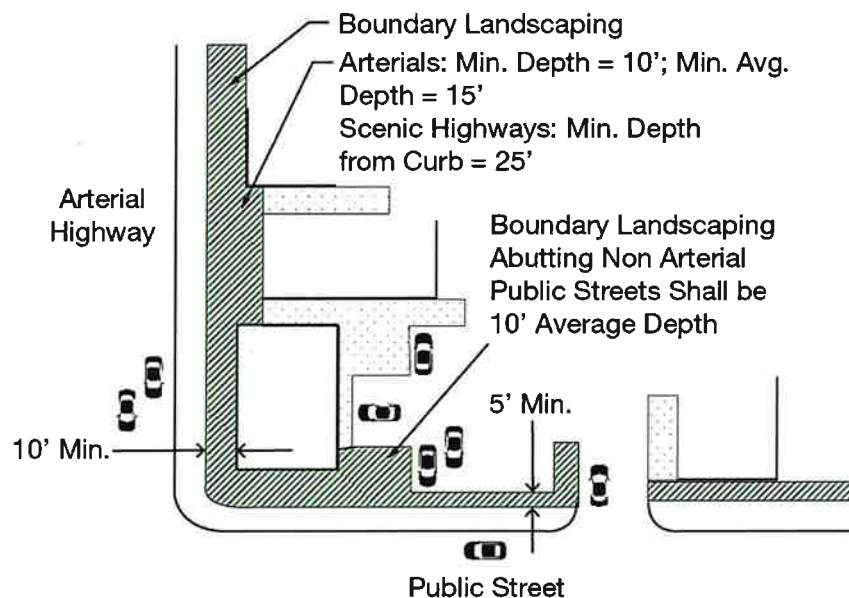
(a) *Landscape Plans.* A landscape plan shall be prepared, approved, and implemented for all development projects. Landscaping shall consist of trees, shrubs, vines, groundcover, or a combination thereof.

(b) *Design Guidelines.* This Section contains basic landscaping requirements. In addition, Subarticle 9 (*Community Design Guidelines*) contains landscaping standards and guidelines relating to project entry landscaping, pedestrian area landscaping, tree preservation, plant selection, and other items.

(c) *Landscaping Standards.* Landscaping shall be installed and maintained in accordance with the following standards:

- (1) Height of landscaping along all streets and boundaries shall comply with Section 9-1-45.2. (*Fences and Walls*).
- (2) Boundary landscaping abutting arterial highways shall be provided to a minimum average depth of 15 feet with a minimum depth of 10 feet, measured from the street right-of-way. However, along arterial highways designated as Scenic Highways in the General Plan (i.e., Crown Valley Parkway, Alicia Parkway, La Paz Road, Moulton Parkway, Street of the Golden Lantern, Pacific Island Drive, Camino del Avion, and Niguel Road south of Crown Valley Parkway) plus Niguel Road north of Crown Valley Parkway, landscaping shall be provided to a minimum depth of 25 feet, measured from the curb.

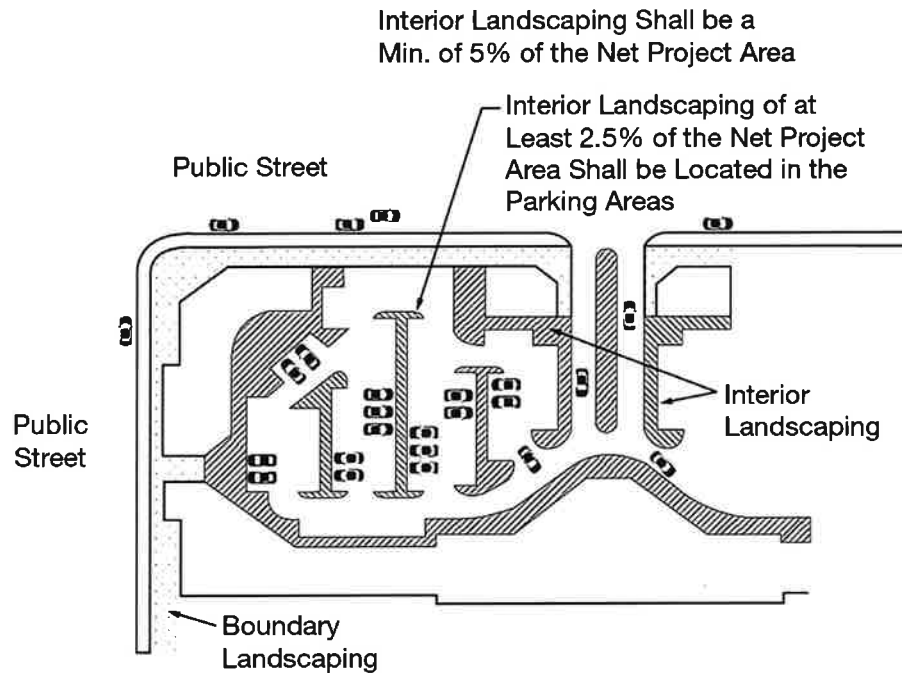
FIGURE 4.4 BOUNDARY LANDSCAPING REQUIREMENTS



- (3) Boundary landscaping abutting public streets other than arterial highways and abutting land zoned for residential use or PR, PI, or OS shall be provided to a minimum average depth of ten feet with a minimum depth of five feet, measured from the street right-of-way.
- (4) Interior landscaping shall be provided over at least five percent of the buildable project area (i.e., area of parcel remaining after deducting all required setbacks and meeting any requirements regarding maximum lot coverage or minimum open area). At least half that amount (minimum of 2.5 percent) shall be located in parking areas. The remainder shall be

located in other interior portions of the project such as next to buildings. Boundary landscaping shall not be credited toward the interior landscaping requirement.

FIGURE 4.5 INTERIOR LANDSCAPING REQUIREMENTS



- (5) All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb at least six inches higher than the parking or vehicular area to prevent damage to the landscaped area.
- (6) Permanent automatic irrigation facilities shall be provided for all landscaped areas. All irrigation systems shall be maintained in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately.
- (7) All landscaping shall be maintained in an orderly, attractive, and healthy condition, including proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants (including trees) when necessary, and regular application of appropriate quantities of water to all landscaped areas.
- (8) Modification to an approved landscape plan, or any significant modification to existing landscaped areas, removal, or substantial thinning of landscaping, shall first require the review and approval of a changed plan permit or a discretionary permit amendment as determined by the Community Development Director.

(d) Mixed-Use Town Center Zoning District Additional Requirements.

- (1) *Mixed-Use Town Center Landscape Requirements.* Mixed-Use Town Center development projects shall contain an additional 10% of landscaping for the entire buildable project area. For purposes of this Section, “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 minimum boundary landscape requirements.
- (2) *Active and/or Passive Recreation Area Requirements.* Active recreation and/or passive leisure space shall be provided for each mixed-use project containing residential uses. The required minimum amount of qualifying space for a mixed-use project is 300 square feet per residential unit. The usable open space may be common space accessible to more than one (1) dwelling unit or may be private space for the exclusive use of individual units, subject to the following:
 - a. *Private Outdoor Living Area.* Private usable open space at ground level (e.g., fenced yards, patios) or above ground level (e.g., balconies) shall have a minimum area of 50 square feet and shall have no dimension less than five feet. Private open space must be directly accessible from the individual dwelling.
 - b. *Common Active and/or Passive Recreation Area.* Common active and/or passive recreation areas for residents located on the ground level shall be no less than 15 feet wide and 300 square feet in area, with slopes no greater than five percent. Common upper-story decks shall be no less than 10 by 10 feet in dimension. Roof decks shall be no less than 15 by 15 feet in dimension. No more than 20 percent of the total area required for active and/or passive recreation area may be provided on a roof.
 - c. *Recreation Facilities.* Facilities may include swimming pools, spas, and related facilities; clubhouses; tot lots with play equipment; court game facilities such as tennis, basketball, or racquetball; improved softball or other playfields; fitness/gym facilities; or similar facilities for active recreational use.
 - d. *Outdoor Passive Leisure Space.* In order for outdoor passive leisure space to qualify toward the minimum square footage requirement, these outdoor common areas must include resident amenities, such as shaded seating areas or dining courtyards, gathering space with outdoor barbeques, firepits and/or fireplaces, or other similar improvements to enhance the outdoor environment of the development.

SECTION 4. Section 9-1-43.1 (Table of Development Standards) of Subarticle 4 (Nonresidential Districts) of Article 2 (Comprehensive Zoning Code) of Division 1 (Planning) of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code is amended to read as follows:

Sec. 9-1-43.1. Table of Development Standards.

Table 4.2, following, and Figures 4.1 and 4.2 in Section 9-1-44 set forth standards for development of property within nonresidential districts (See Section 9-1-33.7 for setbacks for irregular-shaped lots.)

TABLE 4.2: NONRESIDENTIAL AND MIXED-USE DEVELOPMENT STANDARDS							
DEVELOPMENT STANDARD		DISTRICT					
		CN Neighborhood Commercial	CC Community Commercial	CO Office Commercial	BP Business Park	PI Public- Institutional	MU-TC Mixed Use Town Center
Max. Structure Height (ft.)		35	35	65*	45*	35	50
Min. Lot Size (sq.ft.)		no minimum					
Min. Perimeter Setbacks (from abutting property line in ft.)	From street right-of-way	20	20	20	20	20	20
	From residential districts and PI, PR, & OS districts	20	20	20	20	20	15/20**
	From abutting commercial, office and industrial projects	0	0	0	0	10	0
	From interior property lines within same project	0	0	0	0	0	0
Landscaping and Open Area		See Section 9-1-45.3					
Screening		See Section 9-1-45.4					
Signs and Parking		See Subarticles 6 and 7					
Fences and Walls		See Section 9-1-45.2					
* All minimum perimeter setbacks shall be increased one foot for every foot in height above 35 ft. (except for setbacks from interior property lines). ** Mixed-Use Town Center perimeter setbacks to residential districts and PI, PR, & OS districts shall be a minimum of 15' at any point and a minimum average of 20'.							

SECTION 4. Section 9-1-41.6 (Mixed-Use Town Center) of Subarticle 4 (Nonresidential Districts) of Article 2 (Comprehensive Zoning Code) of Division 1 (Planning) of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code is hereby added to read as follows:

Sec. 9-1-41.6. Mixed-Use Town Center

Purpose and Intent. To provide for the development and maintenance of community serving commercial uses within the Town Center area. To further expand and support local business opportunities, the MU-TC District allows for potential additive multi-family residential development where baseline commercial thresholds have been achieved. The resulting mixed-use district character is intended to add to the City's housing stock and create pedestrian activity and a vibrant city center featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.

SECTION 5. Section 9-1-141 (Use of Terms) of Subarticle 14 (Definitions) of Article 2 (Comprehensive Zoning Code) of Division 1 (Planning) of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code is amended to read as follows:

Section 9-1-141 Use of Terms

Dwelling, multifamily additive means a building containing three or more dwelling units on a single lot or building site that is allowed with a discretionary permit when the baseline commercial thresholds have been achieved for the building site pursuant to the General Plan designation.

SECTION 6. SAVINGS CLAUSE

Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of the Municipal Code previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance or the Municipal Code.

SECTION 7. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption, provided that this Ordinance shall not take effect unless and until Resolution No. 2022-1397 is adopted and General Plan Amendment 19-01 takes effect.

SECTION 9. **CITY CLERK'S CERTIFICATION**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

INTRODUCED for the first reading the 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS
LAGUNA NIGUEL)

I, Thy M. Merritt, Deputy City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Ordinance No. 2022-216 which was introduced at a regular meeting of the City Council of the City of Laguna Niguel, California, held on _____, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Thy M. Merritt, Deputy City Clerk

Attachment D

Ordinance No. 2022-217 (ZC 19-01)

ORDINANCE NO. 2022-217

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, ADOPTING ZONE CHANGE ZC 19-01 (CITY CENTER MIXED-USE PROJECT)

The City Council of the City of Laguna Niguel does ordain as follows:

SECTION 1. FININDGS

The City Council makes the following findings in connection with the adoption of this Ordinance.

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas, requests approval of Zone Change ZC 19-01 to change the zoning on the project site from "Community Commercial" (CC) and "Public/Institutional (PI)" to "Mixed-Use Town Center" (MU-TC) District over the site, excluding OCFA Fire Station No. 5, which would remain "Public/Institutional (PI)." The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.
2. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Zone Change ZC 19-01 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to adopt Zone Change ZC 19-01. The Planning Commission is an advisory body to the City Council with regard to the approval of Zone Changes.
3. A notice of public hearing describing the project and this Zone Change, and the date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On June 21, 2022, the City Council held a duly noticed public hearing on Zoning Code Amendment ZCA 19-01 to amend the Laguna Niguel Zoning Code (Laguna Niguel Municipal Code Title 9) and considered all evidence presented by City staff and other interested parties regarding the Zone Change.

5. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The City Council has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and pursuant to Resolution No. 2022-1396 certified Environmental Impact Report EIR 22-01, and adopted a Mitigation Monitoring and Reporting Program and adopted Findings of Fact and Statement of Overriding Considerations, prior to adopting this Zone Change ZC 19-01.
6. Based on all of the evidence in the administrative record, the City Council hereby makes the following findings in support of Zone Change ZC 19-01:
 - 1) Zone Change ZC 19-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan, as amended by General Plan Amendment GPA 19-01. The evidence for this finding is found in Chapter 5.10 of the EIR, including the General Plan consistency analysis found in Table 5.10-2.
 - 2) Zone Change ZC 19-01 will not adversely affect the public health, safety, and general welfare. As noted above, the EIR has determined that all environmental effects, with the exception of greenhouse gas emissions, can be mitigated to a less than significant level. While greenhouse gas emissions cannot be mitigated to a less than significant level, that impact is evaluated on a regional level and all feasible mitigation has been imposed on the project to reduce the impact.
7. The City Council's adoption of Zone Change ZC 19-01 by this Ordinance is based on all available evidence in the record, including the evidence and findings of the Planning Commission and the evidence presented at the hearings held thereon by the Planning Commission and City Council.

SECTION 2. AMENDMENT OF THE OFFICIAL ZONING MAP

The City Council hereby adopts Zone Change ZC 19-01, amending the Official Zoning Map, as shown in Exhibit 1 attached hereto, provided that Zone Change ZC 19-01 shall not take effect unless and until General Plan Amendment GPA 19-01 and Zone Code Amendment ZCA 19-01 also take effect.

SECTION 3. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion

thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. **EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 5. **CITY CLERK'S CERTIFICATION**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

Exhibit(s):

1. Proposed Changes to the Official Zoning Map

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS
LAGUNA NIGUEL)

I, Thy M. Merritt, Deputy City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Ordinance No. 2022-217 which was introduced at a regular meeting of the City Council of the City of Laguna Niguel, California, held on _____, 2022 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

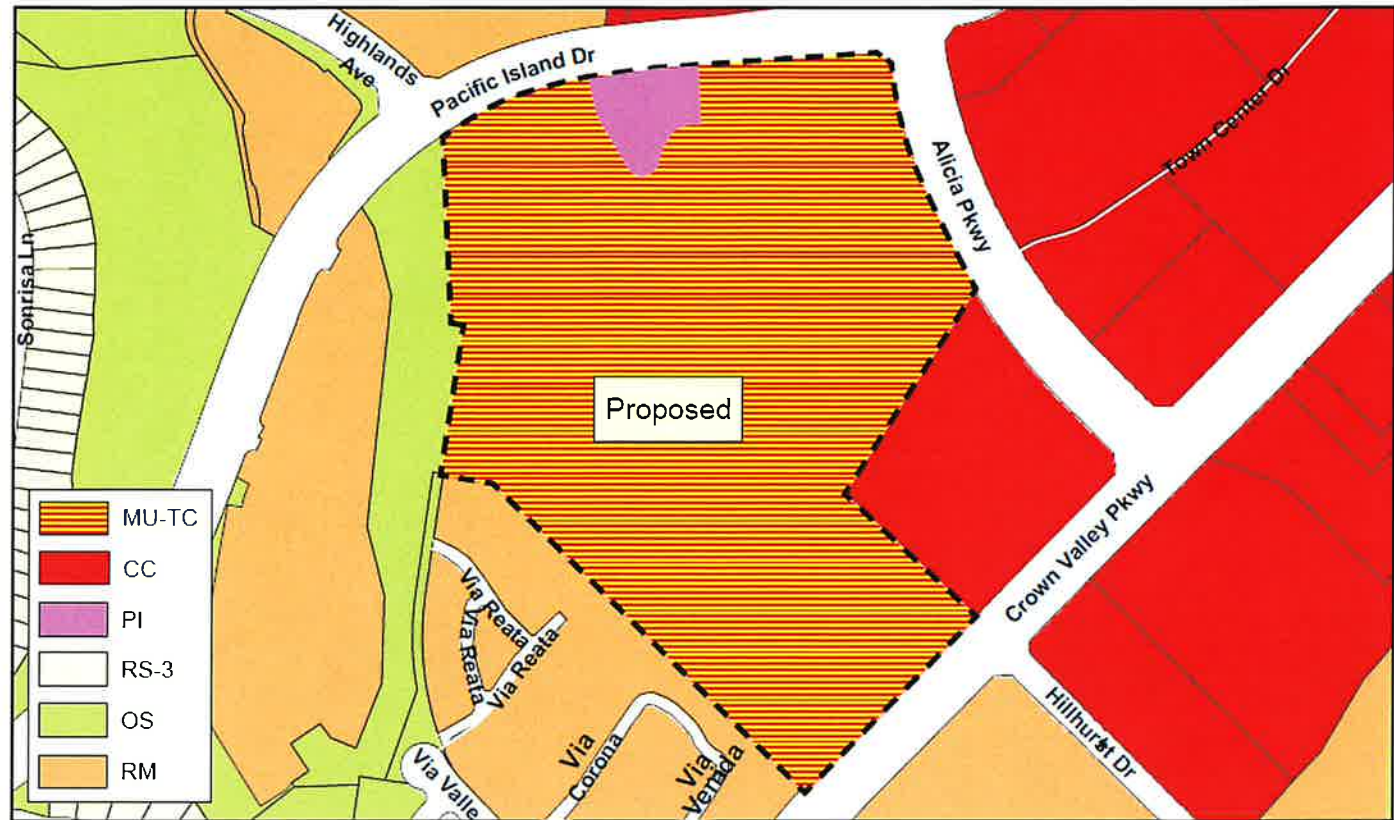
Thy M. Merritt, Deputy City Clerk

EXHIBIT 1

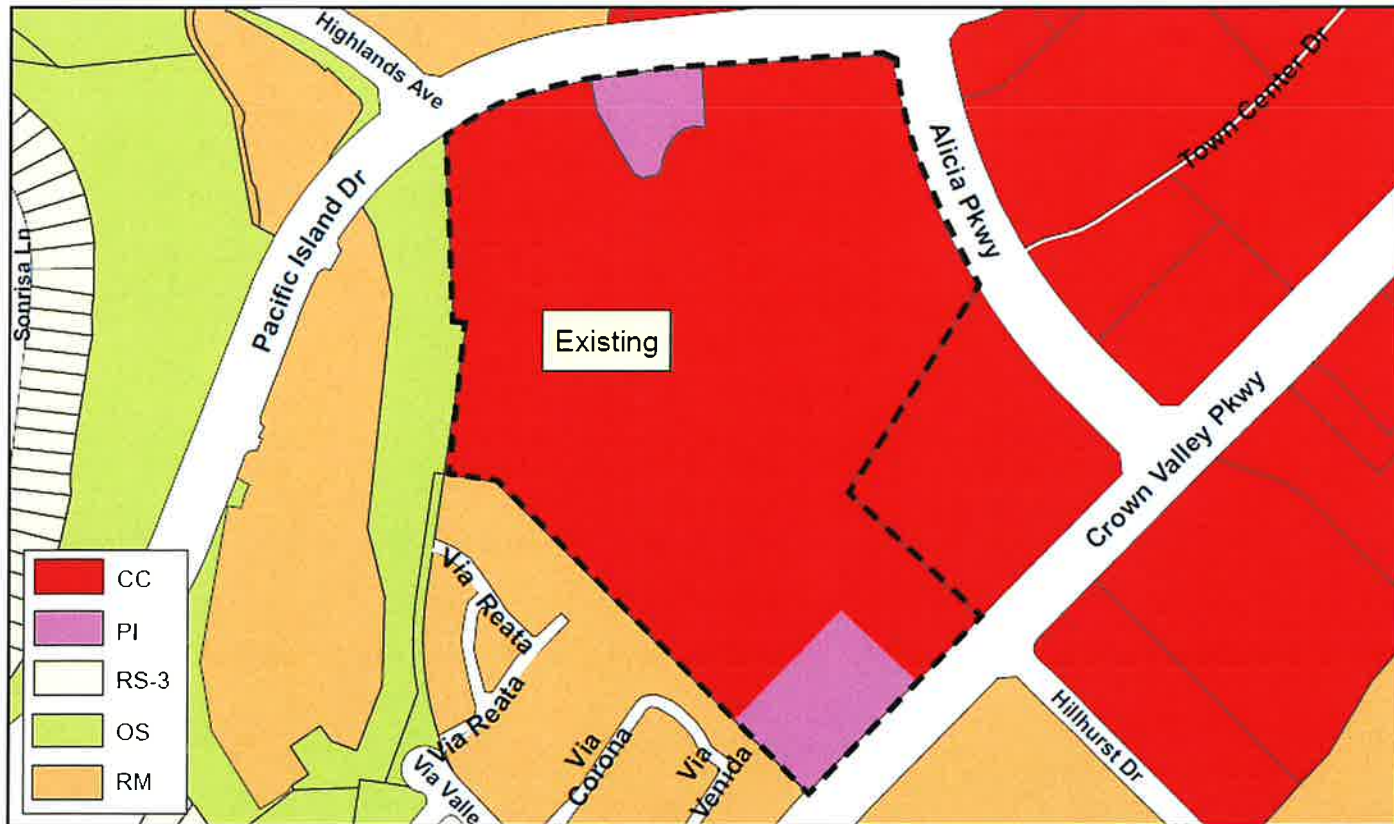
Proposed Changes to the Official Zoning Map

Zone Change ZC 19-01: Proposed Changes to the Laguna Niguel Zoning Map

Proposed Zoning District: “Mixed Use Town Center” (MU-TC)



Existing Zoning District: “Community Commercial” (CC) and “Public/Institutional” (PI)



Attachment E

Resolution No. 2022-1398 (VTTM 19024)

RESOLUTION NO. 2022-1398

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
APPROVING VESTING TENTATIVE TRACT MAP VTTM 19024,
INCLUDING EXTENSION
(CITY CENTER MIXED-USE PROJECT)**

WHEREAS, the APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, and extensive walkable open spaces, paseos, and plazas, requests approval of Vesting Tentative Tract Map VTTM 19024 to subdivide the property into a total of 21 lots, including 17 numbered lots and four lettered lots to facilitate the proposed development project. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.

WHEREAS, the requested Tentative Tract Map is a Vesting Tentative Tract Map pursuant to Section 9-1-236 of the Laguna Niguel Subdivision Code.

WHEREAS, on May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Vesting Tentative Tract Map VTTM 19024 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to approve Vesting Tentative Tract Map VTTM 19024, subject to conditions.

WHEREAS, a notice of public hearing describing the project, including the requested Vesting Tentative Tract Map, and the date, time, and location of the City Council hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

WHEREAS, On June 21, 2022, the City Council held a duly noticed public hearing on Vesting Tentative Tract Map VTTM 19024 and considered and considered all evidence presented by City staff and other interested parties.

WHEREAS, based on all of the evidence in the administrative record, the City Council hereby makes the following findings in support of Vesting Tentative Tract Map VTTM 19024:

1) Consistency with the General Plan: The proposed map is consistent with the General Plan and the design and improvement of the proposed subdivision is consistent with the General Plan. The approximate 25-acre project site is located within Community Profile Area 14, Sub-Profile Area C of the Laguna Niguel General Plan. Subject to approval of General Plan Amendment GPA 19-01, to change the project site's land use designation to "Community Commercial, Professional Office, Public/Institutional and Residential Attached" (excluding OCFA Station No. 5) for up to 275 multifamily residential units and text and statistical summary adjustment to account for the mixed use project, the proposed subdivision is consistent with the land use designation and growth projections of the Laguna Niguel General Plan. Further evidence to support this finding is found in Chapter 5.10 of the EIR, including the General Plan consistency analysis found in Table 5.10-2.

2) Site and Density Suitability: The site is physically suitable for the proposed type and density of development and the subdivision and proposed uses can be developed in compliance with applicable zoning regulations. The proposed subdivision of the site has been designed to facilitate the grading and development of the building pads for 21 lots, including 17 numbered lots and four lettered lots, access driveways, infrastructure, and ancillary improvement to accommodate the mixed use development project. Subject to the approval of General Plan Amendment GPA 19-01 and Zone Change ZC 19-01 the subdivision can be developed in compliance with applicable zoning regulations.

3) Compliance with CEQA: The requirements of the state Environmental Quality Act have been satisfied. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The City Council has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and pursuant to Resolution No. 2022-1396, adopted Findings of Fact and a Statement of Overriding Considerations, certified Environmental Impact Report EIR 22-01, and adopted a Mitigation Monitoring and Reporting Program, prior to approving Vesting Tentative Tract Map VTTM 19024.

4) Environmental Damage/Public Health: The design of the subdivision and the proposed improvements would not cause substantial environmental damage or avoidable injury to fish or wildlife or their habitat, nor cause serious public health problems. The project was reviewed in Environmental Impact Report EIR 22-01, which analyzed the environmental impacts, including fish or wildlife and public health, of the mixed use development project, including Vesting Tentative Tract Map VTTM 19024 and determined that no significant impact would be caused by the project.

5) Easements: Subject to the conditions of approval, the design, or improvements of the proposed project will not conflict with easements acquired by the public at large for access through, or use of property within, the subdivision.

6) Consistency with Zoning Code: The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations pursuant to section 9-1-254. Subject to approval of Zone Change ZC 19-01, to change the zoning on the project site from “Community Commercial” (CC) and “Public/Institutional (PI)” to “Mixed-Use Town Center” (MU-TC) District over the site, excluding OCFA Fire Station No. 5, the proposed project is consistent with the applicable requirements of the Laguna Niguel Zoning Code (LNZC). Further evidence to support this finding is found in Chapter 5.10 of the EIR.

7) Fees: The subdivision is located in an area for which fees to fund facilities and services have been adopted, and conditions of approval of the subdivision are imposed, obligating the subdivider to pay any applicable fees before recordation of the final map, or per Resolution No. 2022-1399 (Site Development Permit SDP 19-03 and Use Permit UP 19-22) prior to building permit issuance.

8) Sewer System: The discharge of wastewater from the project site into the existing community sewer system would not result in, or add to a violation of, existing requirements prescribed by the San Diego Regional Water Quality Control Board. The evidence to support this finding is found in Chapter 5.9 of the EIR.

9) Utilities: Adequate utility services and capacities exist now to serve the project and all off-site improvements were analyzed in Environmental Impact Report EIR 22-01.

10) Map Extension: Pursuant to Laguna Niguel Municipal Code (LNMC) Section 9-1-258(a) an approved tentative tract map expires 24 months after the date of its approval or conditional approval. Under LNMC Section 9-1-258(b), the applicant shall have the right to request an extension of the map for up to an additional three years (five years total). The applicant seeks approval of an extension of the expiration period for an additional 24 months for a total term of 48 months, to be consistent with the expiration period for the project’s Site Development Permit and Use Permit approval under Resolution No. 2022-1399. Granting of the extension would not result in conditions contrary to the public health and safety and the general welfare.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve Vesting Tentative Tract Map VTTM 19024, subject to the following conditions:

1. Map Expiration - Vesting Tentative Tract Map VTTM 19024 shall expire 48 months from the date of approval written herein below. Pursuant to LNMC Section 9-1-258(a), an approved tentative tract map expires 24 months after the date of its approval or conditional approval, unless an extension is approved at the request of the applicant. The applicant requested an extension of 24 months be granted; thus, providing for an initial term of 24 months, followed by a 24 month extension, for a total term of 48 months from the date of approval of Resolution No. 2022-1398. A 48 month timeframe to record the final map provides for a consistent expiration date with Site Development Permit SDP 19-03 and Use Permit UP 19-22 approved under Resolution No. 2022-1399
2. Project Compliance - This approval constitutes approval of the proposed vesting tentative tract map only to the extent that the project complies with the Laguna Niguel Subdivision Code and any other applicable zoning regulations, based on the findings set forth above. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This tentative tract map approval shall apply only to land division specified herein and only to the plans and reports (Vesting Tentative Tract Map VTTM 19024) date stamped approved **June 21, 2022**, on file with the Community Development Department, as herein modified. No other land use, location, or plan is authorized under this subdivision. All proposed site development is subject to the conditions of approval as established as a part of Resolution No. 2022-1399 recommending City Council approval of Site Development Permit SDP 19-03 and Use Permit UP 19-22.
4. Revocation - Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Laguna Niguel City Council.
5. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval by the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.

6. Agreement to Conditions of Approval - Prior to final map recordation or grading permit issuance, whichever is to occur first, the applicant shall execute an "Agreement to Conditions Imposed Form," as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
7. Approval of General Plan Amendment - Vesting Tentative Tract Map VTTM 19024 is contingent on City Council adoption of General Plan Amendment GPA 19-01.
8. Approval of Zone Change - Vesting Tentative Tract Map VTTM 19024 is contingent on City Council adoption approving Zone Change ZC 19-01.
9. Ties to Horizontal Control - Prior to final map approval, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control systems established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
10. Digital Map Submission - Prior to final map approval, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
11. Water and Sewer Improvements - Prior to final map approval, the applicant or designee shall submit and obtain approval from Moulton Niguel Water District for water and sewer improvements.
12. Utility Improvements and Undergrounding - The applicant shall locate and construct all utility improvements in accordance with the project improvement agreement and applicable utility company standards. The applicant shall install underground all utility lines, including electric lines, telephone and cable TV lines in a manner meeting the approval of the City Engineer.
13. Recordation of Tract Map - Prior to issuance of a building permit, the final Vesting Tract VTTM 19024 shall be recorded at the County Records' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.

14. Parkland Dedication/In-lieu Fee - Prior to final map approval, the applicant is responsible for satisfaction of the LMZC through the provision of parkland. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMCM Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMCM prior to the issuance of building permits.
15. Conditions, Covenants, and Restrictions (CC&Rs) - Prior to final map approval, the applicant or designee shall submit conditions, covenants, and restrictions (CC&Rs) for the project for the review and approval of the Community Development Department. Said CC&Rs shall be approved by the Community Development Director prior to final map recordation. The CC&Rs shall be recorded in conjunction with the final map and shall include at a minimum:
 - a. Provision(s) for the maintenance of all private street(s) and shared access drives, utilities, drainage, common open space, and slopes.
 - b. Provision(s) for the maintenance of private drainage facilities within the subdivision.
 - c. Provision(s) for the requirement and enforcement of individual parking garage spaces to be utilized exclusively for parking of resident vehicles.
 - d. A statement indicating that proposed amendments to any of the project CC&Rs shall be submitted for review and approval to the Community Development Director.
16. Public Access Easement - Prior to final map approval, in a manner meeting the approval of the Community Development Director and the Public Works Director, the applicant and City shall enter into a non-exclusive easement (or other form of agreement) that provides public access over the on-site private streets for library, City Hall, Police Services, and Orange County Fire Authority (OCFA) Station No. 5, by separate recorded instrument, which shall be binding on all future owners and successors of interest. The non-exclusive easement (or other form of agreement) shall also address publicly accessible parking for the library.
17. Private Street Responsibility - In a manner meeting the approval of the Community Development Department, the applicant shall include a note on the final map stating that all on-site streets, including shared access drives within the subdivision, shall be owned, operated, and maintained by the applicant, and all future owners and successors of interest.

18. Reciprocal Parking and Access Easements - The applicant or designee shall identify on the final map subject to approval of the Community Development Director and Public Works Director, reciprocal easements for access, parking, utilities, drainage, etc. between all of the parcels identified on the final map (the mix of residential, commercial, professional office and civic uses).
19. Right-of-Way Dedications - The applicant or designee shall include on the final map irrevocable offers of dedications to the City for Lots A, B, and C as shown on Vesting Tentative Tract Map 19024, subject to the approval of the Community Development Director and the Public Works Director/Traffic Engineer.
20. Off-Site Drainage - Prior to the issuance of a grading permit, the applicant shall provide written consent granted to the County of Orange or designee for all off-site drainage improvements or the applicant shall demonstrate conveyance of off-site runoff through the project site in accordance with the approved final hydrology study and final WQMP.
21. OCFA (General Condition) - Prior to approval of the final map, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the OCFA.
22. Emergency Access Easements (OCFA) - Prior to final map approval, the applicant or designee shall identify on the final map subject to approval of the OCFA, reciprocal access easements for emergency access purposes.
23. Secured Fire Protection Agreement (OCFA) - Prior to final map approval, the applicant or responsible party shall enter into a secured fire protection agreement with OCFA (714-573-6199) to mitigate additional fire service impacts resulting from the project.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

Attachment F

Resolution No. 2022-1399 (SDP 19-03 and UP 19-22)

RESOLUTION NO. 2022-1399

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
APPROVING SITE DEVELOPMENT PERMIT SDP 19-03
AND USE PERMIT UP 19-22
(CITY CENTER MIXED-USE PROJECT)**

WHEREAS, the APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660), request approval of a Site Development Permit and Use Permit to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of Crown Valley Parkway and Alicia Parkway intersection.

The project would include grading in excess of 5,000 cubic yards (approximately 127,000 cubic yards of net cut and fill grading) and allowance of an alternative development standard for a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment, both of which require a Site Development Permit. The project also includes a Use Permit for the residential component (275 multifamily units) of the project.

WHEREAS, on May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Site Development Permit SDP 19-03 and Use Permit UP 19-22 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council to approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.

WHEREAS, a notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the City Council hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

WHEREAS, On June 21, 2022, the City Council held a duly noticed public hearing on Site Development Permit SDP 19-03 and Use Permit UP 19-22 and considered and considered all evidence presented by City staff and other interested parties.

WHEREAS, Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The City Council has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and pursuant to Resolution No. 2022-1396 has certified Environmental Impact Report EIR 22-01, adopted a Mitigation Monitoring and Reporting Program, and made the required findings and adopted the statement of overriding considerations, prior to its adoption of this Resolution to approve the project's Site Development Permit and Use Permit.

WHEREAS, based on all of evidence in the administrative record, the City Council of the City of Laguna Niguel finds and determines as follows in support of Site Development Permit SDP 19-03 and Use Permit UP 19-22, both of which require the Council to make the same findings under LNZN Sections 9-1-114.1 and 9-1-114.2 :

- a. Consistency with the General Plan** - The subject property is located within Community Profile 14, Sub-Profile Area C of the Laguna Niguel General Plan. With the approval of General Plan Amendment GPA 19-01, the land use designation for the entire property (excluding OCFA Fire Station No. 5) has been changed to "Community Commercial, Professional Office, Public/Institutional, and Residential Attached." General Plan Amendment GPA 19-01 also notably added the following text and additive residential criteria for Sub-Profile Area C:

Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,300) square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

- 1. The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center;*
- 2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and*

3. *The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.*

The proposed project is within the scope of development contemplated by the General Plan, as amended by General Plan Amendment GPA 19-01. The project proposes approximately 158,600 square feet of commercial space and a new library (approximately 16,300 square feet). The residential component of the project proposes 275 multifamily dwelling units, which is appropriate based upon the project's consistency with and implementation of the findings below:

1. *The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center.* The Town Center area is identified in the General Plan as an Opportunity Area. Future redevelopment of aging and fragmented commercial development within the area is envisioned to include connected and complete neighborhoods with a mix of services, employment and shopping opportunities, housing types, and outdoor gathering areas. The proposed project advances the General Plan's intent, policies, and actions for the Town Center:
 - a. *Goal 2 – A sufficient amount of commercial and industrial uses which provide jobs and revenue to the City without compromising environmental quality.* The project would include nonresidential uses, featuring retail, restaurants, health and wellness, offices, event/performance space, and civic services. Potential tenants include restaurants, wine stores, breweries, cooking schools, or coffee houses, specialty markets, retail shops, small artisanal food purveyors, kiosks, and educational and performance/event space. The compilation of varying uses and businesses would generate temporary construction jobs and is intended to create the opportunity for new Laguna Niguel revenue generating businesses. These jobs would also positively add to this City's workforce and daytime population. Additionally, the project includes 275 residences within walking distance to the proposed commercial uses. The additionally residences will increase the daytime and evening population around Town Center and provide new residents with purchasing power that could be spent at the future businesses. The project is also projected to contribute to annual property/possessory and sales tax revenue to the City's general fund. Development of the project is also expected to serve as a catalyst for other investment and redevelopment of the Town Center area.

Notably, there have been no substantive new commercial or professional office developments constructed in Laguna Niguel in more than 20 years.

The project is able to provide jobs and revenue to the City without compromising local environmental quality. Environmental Impact Report EIR 22-01 analyzed the impacts of the project on the environment. In all cases except one, impacts from the project are less than significant or mitigated to less than significant. The one exception is greenhouse gas emissions, which after incorporation of all feasible mitigation measures, remains significant. Greenhouse gas emissions are a challenging global issue. The project provides infill mixed-use development, which has been demonstrated as the type of development that reduces greenhouse gas emissions because of lower vehicle miles traveled and the ability for residents to live within walking distance of shopping and office space. As such, the project has been designed in a manner consistent with environmentally sustainable planning practices.

- b. *Goal 9 – Enhancement of the Town Center.* Goal 9 features specific policies to further the City's intent to allow the area to become a special community focal point.
 - i. *Policy 9.1 – Allow for the reuse of existing developed properties.* The proposed project constitutes reuse of the property that features a mix of complementary and interconnected retail, service, office, restaurant, civic, and residential uses. To date, the Town Center area has suffered from a number of constraints that have stifled achievement of the General Plan's vision as well as attainment of its market potential. Excluding the construction of City Hall in 2011, there have been no new significant developments in this profile area since prior to City incorporation in 1989. The County of Orange owned property with the South County Justice Center courthouse (closed in 2008) continues to remain mostly vacant and underdeveloped.
 - ii. *Policy 9.2 – Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center's visibility are encouraged.* The project is located in the center of the City and would help transform the Town Center into a commercial and civic hub for residents and visitors. The project is designed with an extensive network

of pedestrian walkways that traverse the entirety of the project and provide connectivity to core outdoor features within the Retail Village, such as dining areas, plazas, paseos, and other congregating areas. These spaces are designed to include lush landscaping, seating, shade elements, and other enhancements to elevate one's experience at the project. At the main entry to the Retail Village, the Town Green would serve as project focal point and would be improved with extensive landscaping and is programmable for pedestrian-friendly uses (e.g., farmers markets, art shows, live music, outdoor movies, etc.).

- iii. *Policy 9.3 – Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.* Consistent with the discussion under Policy 9.2, the project is a mixed-use development that incorporates significant public amenities, such as programmable open spaces and pedestrian pathways and paseos, that facilitate patron movement, experience, and interaction within the mix of residential, commercial, civic, and office uses. The project would provide daytime and evening activities. The project's mixture of daytime and evening uses, such as offices, library, restaurants, specialty retail shops and markets, office space, kiosks, and a performance/event space, arts and education spaces, and health and wellness spaces, would ensure a continually active Town Center. The proposal yields a fully integrated "live-work-play" project.
- iv. *Policy 9.4 – Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City's identity. A focus is also ensuring the appearance of arterial surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.* The project is designed in both an attractive and functional manner to encourage people to use the common open space areas, pedestrian-oriented courtyards, and promenade and to visit the shops, kiosks, and restaurants. Unlike a typical shopping center that has extensive surface parking adjacent to commercial uses, many of the proposed commercial buildings have no direct

street access and instead the project's design requires patrons to park and walk to businesses. The walkable environment design encourages residents and visitors to park once and visit multiple places and uses. The project incorporates an attractive landscape palette and architectural design and materials. Pedestrian connections are planned to surrounding communities and the landscaping and architectural massing were designed to enhance the pedestrian experience and guide pedestrians to the commercial core. Proposed buildings have been designed to account for surrounding topography. While some private views adjacent to the project site are not fully protected in their current form, the project's proposed buildings have been designed such that projections above adjacent nearby residential building pad elevations include only limited roof-top appurtenances. Even with these minor projections, residents within these neighboring communities would continue to enjoy distant hillside and mountain views over the project. Furthermore, project design features include shielding of lights to direct light sources and light spillage away from surrounding uses. The use of extensive landscaping throughout the site's interior open space areas and along perimeter street frontages, would further soften the visual character of the proposed development as well as provide a visual buffer between the proposed project and surrounding uses, and be consistent with the Landscape Corridor designation along Crown Valley Parkway.

2. *The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.).* The project includes substantial public benefits to support granting bonus additive residential uses up to 275 dwelling units, including, but not limited to:

- At the main entry to the Retail Village, a "Town Green" is proposed as a project focal point that would be improved with mature specimen trees, water features, and soft seating areas. This programmable space is planned for public outdoor events, such as open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The Town Green and curated uses with extensive walking paths and landscaping are intended to transform the project site into community gathering hub for residents and visitors of Laguna Niguel.

- New state-of-the art County branch library with modern technologies to replace the existing library originally constructed in the mid-1980s (remodeled in 2011). The new library would be centrally located within the project next to shops, restaurants, and highly amenitized open space areas, and include dedicated outdoor space. In addition to being larger than the existing library, in collaboration with County library staff and based on input from the Friends of the Library and general public, space planning for the new library has been curated based on the current priorities, technology, and library usage. The design focus is on creating a more open floor plan design compared to the existing library to accommodate greater library programming adaptability, both now and in the future. Construction of the library would be fully funded by the applicant and no cost to taxpayers.
 - Bicycle and pedestrian travel are an important component of the City's circulation system and are a valuable alternative form of transportation. Off-site safety enhancements for pedestrians and bicyclists are proposed as project design features at the surrounding intersections and along the project frontage. These improvements are beneficial both for and independent of the project.
 - The proposed residential component expands the City's needed housing stock and would be the first new rentable multifamily residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. Furthermore, the proposed rental housing differs from other apartments in the City, with many dwellings having direct access garages.
 - Facilitating a blend of complementary land uses, including additive residential development in support of foundational commercial activities, offers the City the flexibility necessary to stimulate market driven investment in the Town Center and transform the area into a long envisioned vibrant city center thereby improving the quality of life for current and future residents and businesses alike.
3. *The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.* The project site currently consists of disjointed and vacant civic structures, underutilized parking lots, undeveloped land

with seasonal overgrown weeds, and an existing County library built in the mid-1980s (remodeled in 2011). The proposed project is an outdoor oriented mixed-use retail, office, and residential project, connected internally by well-designed streets and sidewalks supporting a comfortable pedestrian walking environment, conducive to outdoor dining, entertainment, and retail, centered around an approximately one-acre park (Town Center) supporting formal and informal community gatherings, and over one acre of additional landscaped and programmed outdoor spaces and paseos. Notable design themes include human-scale of architecture through the use of well-proportioned massing and composition, plane breaks, natural materials and heavily landscaped perimeters along arterial roadways to further elevate the project's visual quality and character. As a project highlight, the new library has been designed to be architecturally distinctive with a contemporary composition featuring stacked stone and wood siding and expansive glass walls to create a dramatic "jewel box" effect.

Overall, the site planning, design, and orientation of the proposed development on-site would help to establish a dynamic Town Center for Laguna Niguel.

The proposed project is also consistent with the following goals, objectives, and policies of the General Plan including, but not limited to, the following:

Open Space Element, Goal 1: Well-maintained public and private open space. The Retail Village component of the proposed project would include a town green area, which would be improved with mature trees, water features, soft seating areas, outdoor performance/event spaces, and other programmable space for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The proposed project includes walking paths and landscaping throughout the site. The open spaces on-site would support the proposed retail, commercial, civic, and residential uses. The new library would include approximately 2,600 square feet of outdoor programmable space.

Open Space Element, Policy 2.1: Provide park and recreational facilities that meet the needs of senior citizens, young adults, children, disabled individuals and families. The project, which is designed to create an engaging pedestrian, civic center, incorporates open space that can be programmed for a variety of uses, and which would be accessible for both citizens and visitors of the City. The Town Green at the main entrance to the Retail Village would have a central open space plaza area that would be linked by landscaped paseos, which would feature mature shade trees, outdoor lighting, soft seating areas, gardens and water features, event/performance space, and other programmable space.

Open Space Element, Goal 4: Conservation and enhancement of visual resources along scenic highway corridors. Figure OS-3 identifies Scenic Highways within the City and further designates Crown Valley Parkway a Landscape Corridor. As such, the landscaping treatment along Crown Valley Parkway must be enhanced consistent with the intent of the Landscape Corridor. The project's landscape plans identify enhanced landscaping along the Crown Valley Parkway frontage, consistent with this policy's intent.

Seismic and Public Safety, Goal 1: A reduction of impacts from natural hazards that may affect the City of Laguna Niguel. The project, which would replace aging buildings and infrastructure, would be constructed consistent with the California Building Code and geotechnical recommendations that evaluate soil classification, slope stability, soil strength, and load-bearing capacity, among other things. Project landscaping, in compliance with Orange County Fire Authority fuel modification requirements would minimize the potential for wildfire hazards.

Circulation Element, Policy 1.7: Require necessary conditions of approval on development projects to achieve traffic LOS standards prescribed in this Element. As detailed in the traffic analysis conducted for the project, potential operational traffic impacts were found to be consistent with the City's performance criteria. The proposed project would also implement several site access improvements, including, but not limited to, installing traffic signals at one intersection and modifying existing inbound/outbound lanes to ensure acceptable levels of service (LOS).

Housing Element, Policy 1.3: Promote a variety of housing opportunities that accommodate the needs of all income levels of the population. The proposed project would add 275 residential units to the City's housing, which increases the variety of housing opportunities in the center of the City. Notably this would be first the new rentable residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. The mix of unit types (one, two and three-bedroom units) would allow the proposed project to accommodate a greater range of income levels and household sizes.

- b. Consistency with the Laguna Niguel Zoning Code (LNZC)** - With the approval of Zoning Code Amendment ZCA 19-01, which would establish the (Mixed Use - Town Center) MU-TC District and associated permissible land uses and development standards, and Zone Change ZC 19-01, to change the zoning designation for the majority of the project site to MU-TC; approval of Site Development Permit SDP 19-03, including the use of "alternative development standard" related to a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment along proposed Lot 15 (Finding c.); and approval of Use Permit UP

19-22 to allow the mixed use project, as conditioned, the project conforms to the applicable requirements of the Laguna Niguel Zoning Code (LNZC).

- c. Alternative Development Standard** - Pursuant to LNZC Section 9-1-114.1(i), alternative development standards are permitted in conjunction with a Site Development Permit when the City finds that “The use of an alternative development standards will result in a project design superior to that under the baseline development standards in this code, or will result in public benefit(s) which would not have been realized under the baseline standards.”

To optimize site planning efforts to yield the proposed project, including the community benefiting features (e.g., programable Town Green and other outdoor congregating areas, new library), the surface parking area for Residential Building No. 2 has been positioned at the toe of the ascending open space slope along the western boundary of Lot 15, which necessitates the reduced minimum landscape buffer in one area (the minimum average buffer of 10 feet along the boundary would be adhered to). This adjacent slope is landscaped and provides an approximately 120-foot buffer between the project site property line and the adjacent residences. In consideration of the slope’s existing topography and mature landscaping, and that the slope is non-developable and will permanently remain landscaped slope, any impacts of the reduced setback would be negligible. Additionally, this area of the property is not visible beyond from any public vantagepoints. Redistribution of the otherwise required landscaping to the base of the hillside yields more expansive landscaping and elevated aesthetics in other more visibly prominent areas, including the Retail Core, Town Green, and along the street frontages.

In light of the project’s public benefits, the quality of the design of the overall project, and that the minor reduction would be imperceptible due to the surrounding setting, the necessary finding to support the alternative development standard provision can be made. The City Council hereby makes the required finding set forth in LNZC Section 9-1-114.1(i) to adopt the requested alternative development standard.

- d. Compliance with the California Environmental Quality Act (CEQA)** - Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City’s CEQA Manual. The City Council reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and, as noted above, has certified Environmental Impact Report EIR 22-01, adopted a Mitigation Monitoring and Reporting Program, and adopted Findings of Fact and a Statement of Overriding Considerations prior to this resolution to approve Site Development Permit SDP 19-03 and Use Permit UP 19-22.

- e. Surrounding Uses** - Approval of the application will not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity. The existing project site consists of disjointed and vacant civic structures, underutilized parking lots, undeveloped land with seasonal overgrown weeds, and an existing County library built in the mid-1980s (remodeled in 2011). The land uses surrounding the project site consist of commercial, residential, and civic uses. The project proposes a mix of those same three land uses. Therefore, the proposed mix of uses is consistent with surrounding uses. The proposed buildings have been designed to account for surrounding topography. While private views are not fully protected in their current form, the proposed buildings have been designed such that projections above adjacent nearby residential building pad elevations include only limited roof-top appurtenances. Even with these minor projections, residents within these neighboring communities would continue to enjoy distant hillside and mountain views over the project. Furthermore, project design features include shielding of lights to direct light sources and light spillage away from surrounding uses. Lastly, the proposed project is designed with landscape buffers around the perimeter of the project site. The proposed landscaping is consistent with the Landscape Corridor designation of Crown Valley Parkway and the landscaping along Pacific Island Drive and Alicia Parkway provide massing and shade consistent with surrounding areas.
- f. Consistency with Community Design Guidelines** - As conditioned, the proposed project is consistent with the Community Design Guidelines of the LNZN. Within the Retail Village, the restaurant and retail buildings consist of a series of single-story buildings. Storefronts would be crafted with enhanced materials (such as barn wood, board and batten siding, and stone), metal and fabric awnings, expansive glass, and gabled roofs (standing-seam metal and cedar-shake roof materials). Many of the restaurants would feature exterior patio seating areas with a combination of shade awnings and umbrellas, fire pits, and water features. Also within the Retail Village are the office buildings which showcase oversized glass windows with barn/garage-style rollup doors to allow outdoor patios to be expanded for larger workspaces and collaboration. The linear rooflines with prominent overhangs add the play of shade and shadow to the exterior elevations further enhancing building design. The project's primary parking garage within the Retail Village ranges from three- to four-levels. The façade is enhanced with a varied pattern of horizontal synthetic wood louvers, wood siding exterior for the staircase and elevator towers and a combination of screening trees and cable trellis with climbing vines. Surface parking areas incorporate a combination of groundcover landscaping and intermittent canopy trees. Landscaped paseos that would feature shade trees, decorative lighting, soft seating areas, gardens, and water features are incorporated throughout to create a walkable placemaking project with a neighborhood feel.

The new library is a featured building within the project core and has been designed to be architecturally distinctive with a contemporary composition featuring stone cladding, wood siding, and expansive glass walls to create a dramatic “jewel box” effect. Of note, the applicant partnered with LPA to design the library building. LPA is an industry leader in designing civic buildings and was the architectural firm behind both City Hall and the recently completed Community Park Building.

The two residential buildings range from two- to four-stories in height and have been purposely designed to terrace down the terrain to complement the site topography and reduce visual massing. Architecturally, the buildings incorporate major and minor horizontal breaks, changes in materials, and accent elements, such as ground-level patios, upper level balconies, to create distinguishable separations between building composition and add visual interest. Building facades are also well-detailed with various enhanced finishes and changes in colors that have been selected to complement City Hall and the Retail Village. This generally includes metal awning overhangs, stone cladding, and plaster sand finish for building materials and a paint palette consisting of a combination of earth-tone colors. To also complement City Hall, the residential building along Alicia Parkway shares a similar setback from the roadway and a combination of drought-tolerant perimeter groundcover shrubs of varying height and canopy trees. Furthermore, particular attention has been paid to providing architectural elements at the human scale, in a continued effort to provide a pedestrian friendly environment.

The entire project would be landscaped with drought-tolerant native and ornamental trees (e.g., coast live oaks, sycamores, olives), shrubs, gardens, and lawns, all of which would be privately-owned spaces available to the public. In particular, the approximately one-acre Town Green at the main entrance to the Retail Village and at the convergence of entrance roads from Crown Valley and Alicia Parkways would act as the main gathering place and outdoor event programming area. This area would be extensively landscaped with a large, central, terraced event lawn and enhanced paving walkways. Surrounding the Town Green would be various soft seating areas, decomposed granite walkways, outdoor dining areas, herb gardens, and a central water feature. The landscaping would be carried throughout the project, linking all areas with pedestrian walkways, paseos, and communal seating areas. The project would also incorporate new landscaping along the perimeter streets (Crown Valley Parkway, Alicia Parkway, and Pacific Island Drive) that would complement and enhance surrounding street scenes and help establish a new identity for the city center area. The apartment homes would feature decorative landscaping, outdoor dining, enhanced hardscape, resort-quality furnishings, and features in each courtyard. Additionally, all

interior streets and pedestrian pathways would be lined with ornamental trees.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to the following conditions:

General Conditions

1. Permit Expiration - Unless an extension is approved by the City, this Site Development Permit and Use Permit shall expire 48 months from the date of approval written herein below. If the project is not established by said expiration date, as prescribed by the LNZN, the Site Development Permit and Use Permit shall become null and void. The City Council deems 48 months to be the appropriate expiration date for these discretionary permits given the complexity and size of the overall project.
2. Project Compliance - This approval constitutes approval of the proposed project for compliance with the LNZN and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Site Development Permit and Use Permit shall apply only to the land use and location specified herein and only to the plans and reports date stamped approved **June 21, 2022**, on file with the Community Development Department, as herein modified. No other land use, location, or plans are authorized under these permits. Approved plans and reports include: 1) architectural plans (site plan, floor plan, roof plan and building elevations) prepared by Shubin Donaldson, Architects Orange, SMS Architecture, and LPA; 2) preliminary civil/grading plans, Preliminary Hydrology Study, and Conceptual WQMP prepared by Fuscoe Engineering; 3) preliminary landscape plans prepared by OJB Landscape Architects and Urban Arena; and 4) Geotechnical Investigation Report and supplements to this report prepared by Geotechnical Professionals, Inc.
4. Changed Plan - Except as otherwise provided herein, this Site Development Permit and Use Permit constitutes a precise development plan. Therefore, all development authorized under this Site Development Permit and any land uses associated with the development shall be in compliance with the plans, specifications, and conditions of approval shown on and/or attached to the Site Development Permit. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action could have been the same for the changed plan as for the approved plan, he or she

may approve the changed plan without requiring a new permit or permit amendment.

5. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
6. Design Review - All colors, materials, architectural design, and design details shall be in compliance with plans and elevations as approved by this Site Development Permit and Use Permit. Any deviation from the approved plans and documents shall require an amendment to this permit, unless the Community Development Director finds that the proposed change is of a minor nature, in which case a changed plan shall be processed and approved. Any future changes in colors, materials or architectural treatments shall require processing of either a new permit, an amendment to these permits, or a changed plan depending upon the nature and extent of the changes proposed.
7. Conditions of Approval - Prior to submittal for building permits, the conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
8. Agreement to Conditions Imposed - Prior to the issuance of any permits, the property owner shall execute an Agreement to Conditions Imposed Form, as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
9. Approval of General Plan Amendment - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the City Council adoption of Resolution No. 2022-1397 approving General Plan Amendment GPA 19-01.
10. Approval of Zoning Code Amendment - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the effectiveness of Ordinance No. 2022-216 approving Zoning Code Amendment ZCA 19-01.
11. Approval of Zone Change - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the effectiveness of Ordinance 2022-217 approving Zone Change ZC 19-01.
12. Approval of Vesting Tentative Tract Map - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the adoption of Resolution No. 2022-

1398 by the City Council approving Vesting Tentative Tract Map VTTM 19024 to reconfigure the internal property lines within the existing boundaries of the overall site to reflect the proposed site plan.

13. Recordation of Tract Map - Prior to building permit issuance, Tract Map 19024 shall be recorded at the County Records' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.
14. Library Construction - Prior to the first residential certificate of use and occupancy permit, the applicant shall have commenced construction of the new library, including the provision of approximately 2,600 square feet of outdoor space to function as an outdoor annex to the library. Library construction shall be completed and delivered to the County of Orange before the issuance of certificate of use and occupancy permits for fifty percent (50%) of the project's total residential units (certificates for 137 units). Nothing in this condition prohibits the Community Development Director from authorizing issuance of additional residential certificates of use and occupancy permits, in his or her discretion and if circumstances dictate.
15. Town Green and Retail Village - Prior to the first residential certificate of use and occupancy permit, the applicant shall have commenced construction of the Town Green and Retail Village. Prior to issuance of the final certificate of use and occupancy permit for the project's residential units, the applicant shall complete construction of the Town Green, including landscaping and amenities, and the Retail Village. Nothing in this condition prohibits the Community Development Director from authorizing issuance of additional residential occupancy permits, in his or her discretion and if circumstances dictate.
16. Mitigation Measures - The applicant and its contractors shall comply with and implement all mitigation measures included in the project EIR and Mitigation Monitoring and Reporting Program.

Site Preparation & Grading Conditions

17. Grading Permit - Prior to issuance of a grading permit, the applicant or designee shall submit grading/civil engineer plans and a geotechnical soils report that incorporate the measures identified in the Geotechnical Investigation Report prepared for the proposed project for the review and approval by the City's geotechnical consultant and the Community Development Department. All grading operations and construction shall be conducted in accordance with governing grading and building codes, including the requirements of the Laguna Niguel Grading and Excavation Code and the California Building Code (CBC).
18. Crushing - On-site crushing of existing materials shall be located within the center of the project site subject to the approval of the Community Development

Director. Crushing operations shall be subject to the construction hours specified within the Laguna Niguel Municipal Code.

19. Construction Access - During grading and construction, access to City Hall and Police Services shall be maintained at all times, consistent with the approved plans. City shall provide all necessary licenses, easements, and authorizations for use of City property, as required, in a timely manner.
20. Earth-Tone Drainage Structures - All above-grade drainage structures (terrace and down drains) shall be earth-tone in color to aid in blending the appearance of development into the surrounding hillside background.
21. Hydrology Study - Prior to the issuance of a grading permit, the applicant or designee shall submit a Final Hydrology Study that incorporates approved plans and conditions of approval, demonstrating that the proposed on-site drainage system meets the requirements specified in the City's Hydrology Manual, for the review and approval by the City hydrology consultant and the Community Development Department.
22. Storm Water Pollution Prevention Plan (SWPPP) - Prior to issuance of a grading permit, the applicant or designee shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) for the proposed project. The applicant or designee shall provide the Waste Discharge Identification Number (WDID) to the City to demonstrate proof of coverage under the Construction General Permit. The SWPPP shall be prepared and implemented for the project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
23. Final Water Quality Management Plan (WQMP) - Prior to issuance of a grading permit, the applicant or designee shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP and Technical Guidance Manual, to prepare and submit a Final WQMP for the proposed project for the review and approval by the City hydrology consultant and the Community Development Department.

24. Water Quality Notes - The following water quality notes shall be added on all construction plans:
- a. Sediments from areas disturbed by construction shall be retained on-site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, sidewalks, gutters, drain inlets or adjacent properties via runoff, vehicle tracking or wind.
 - b. All sediment and construction debris which is tracked or deposited onto public or private sidewalks, gutters or paved roads should be removed on a daily basis by sweeping or vacuuming and disposed of properly. Sediment and construction debris **shall not** be washed into the storm drain system, including the gutter and storm drain inlets.
 - c. Sandbags, gravelbags or other effective filter or trap-type barriers should be used where appropriate to intercept and slow the flow of runoff from the construction site and to trap sediment before it enters the storm drain system, including gutters and inlets. All on-site storm drain inlets shall be protected and off-site inlets shall be protected in areas where construction activity tracks sediment on paved areas or where inlets receive runoff from disturbed areas.
 - d. Water and/or other dust palliative and stabilization methods should be used to prevent or alleviate dust nuisances (dust control) generated by construction activities. Covering small stockpiles of soils and debris or areas with unstabilized soil is an alternative to applying water or other dust palliatives.
 - e. Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, sidewalks, gutters, drain inlets or adjoining property by wind or runoff.
 - f. To prevent the discharge of pollutants from material delivery and storage to the storm water system or watercourses all materials shall be properly stored to prevent soil contamination and contact with storm water runoff, which may include appropriate covers, containment areas or surfaces and indoor storage.
 - g. Stockpiles of soil, paving materials, and pressure treated wood shall be managed to prevent air and water pollution. Stockpiles should be located 50 feet away from concentrated flows of storm water, watercourses and drain inlets. Prior to the onset of precipitation, stockpiles shall be covered and protected by a temporary perimeter sediment barrier at all times.

- h. Hazardous material-waste, including but not limited to petroleum products, roofing tar, paints, solvents, stains, acids, wood preservatives, septic wastes and asphalt products shall not be allowed to enter the storm drain system or watercourses and shall be properly transported, used, stored and disposed as required by federal and state law. Paint brushes and equipment for water and oil based paints should be cleaned within a contained area and should not be allowed to contaminate site soils, watercourses or storm drain systems. Water-based paints should be rinsed into the sanitary sewer system and thinners, solvents, excess oil-based paints and sludge should be disposed as hazardous waste.
 - i. Cementaceous products such as concrete, mortar or stucco from concrete trucks, potable mixers and miscellaneous containers **shall not** be washed-out into the storm drain system or watercourses. Designated washout areas shall be located at least 50 feet from concentrated flows of storm water, watercourses and storm drain inlets and runoff from washout-areas shall be contained by constructing a temporary pit or berm-area large enough to capture the liquid and solid waste materials.
 - j. Saw-cut cement concrete and asphalt concrete slurry shall not be allowed to enter the storm drain system or watercourses. Residue from grinding operations should be picked up by means of a vacuum attachment to the grinding machine and not allowed to flow across the pavement or be left on the surface of the pavement.
- 25. WQMP BMP Exhibit - The BMP Exhibit from the approved Final WQMP shall be included as a sheet in the precise grading/civil engineer plans and building permit construction plans.
- 26. Haul Route - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant or designee shall submit plans and obtain an encroachment permit for a haul route from the City of Laguna Niguel Public Works Department, and any other applicable permits required for hauling through other adjacent cities or jurisdictions.
- 27. Import/Export of Material - All trucks hauling dirt, sand, soil, and other loose materials to and from the project site shall be covered. If visible soil material is carried onto private/public paved streets, the streets shall be swept to remove the soil material at the end of each workday. The applicant shall be responsible for any repair of any damage to the existing streets resulting from the exporting and importing of earth to and from the site.
- 28. Construction Noise Control Measures - Limit construction hours and employ noise-reducing construction practices. The following noise control measures shall be incorporated into the project contract specifications in order to minimize construction noise effects:

- a. All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications.
- b. All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulations while in the course of project activity.
- c. All construction equipment shall be properly maintained. (Poor maintenance of equipment may cause excessive noise levels.)
- d. All construction equipment shall be operated only when necessary and shall be switched off when not in use.
- e. Construction employees shall be trained in the proper operation and use of the equipment. (Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.)
- f. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
- g. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- h. Construction site and access road speed limits shall be established and enforced during the construction period.
- i. To minimize potential public objections to unavoidable noise, the contractor shall maintain good communication with the surrounding community regarding the schedule, duration, and progress of the construction. Notification shall be provided advising that there will be loud noise associated with construction and providing a telephone contact number for affected parties to ask questions and report any unexpected noise levels. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints.

29. Construction Activity Contact - Prior to issuance of a grading and/or a building permit, the name and phone number of the on-site construction supervisor shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. This contact person will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc.

Traffic, Circulation, & Parking

30. Right-of-Way Improvements - Prior to building permit issuance and prior to commencing with any demolition or construction within the public right-of-way, the applicant or designee shall submit Street Improvement Plans for review and approval by the Public Works Director/City Engineer for all necessary right-of-way improvements (applicant responsible for all design and construction components). Traffic/circulation improvements include the following:
- a. **Alicia Parkway at Pacific Island Drive/Ivy Glenn Drive.** Extend the northbound left-turn pocket 65 feet to provide a minimum total storage of 225 feet. This would require the removal of 65 feet of the existing raised median.
 - b. **Intersection of Alicia Parkway and the Project's Driveway at Town Center Drive.** Install a five-phase traffic signal with protective left-turn phasing on Alicia Parkway, and stripe crosswalks on all four legs, inclusive of preemption for emergency vehicles and interconnection to adjacent signal. Restripe the eastbound approach (internal to project site) to provide an exclusive eastbound left-turn lane. Install traffic signal preemption for the Orange County Sheriff's Department. Install blank-out signs, if needed. Install accessible pedestrian signal push buttons and video detection.
 - c. **Crown Valley Parkway at Alicia Parkway.** Extend the dual northbound left-turn lanes 30 feet each to provide a minimum total storage of 205 feet per lane (410 feet total for both lanes). This would require the removal of 30 feet of the existing raised median.
 - d. **Intersection of Crown Valley Parkway and the Project's Driveway at Hillhurst Drive.** Widen and restripe Crown Valley Parkway to provide an exclusive southbound right-turn deceleration lane. Modify the existing traffic signal to convert the five-phase traffic signal to a six-phase traffic signal in order to provide split phasing in the east-west direction along Project Driveway No. 2/Hillhurst Drive. Extend the

northbound left-turn pocket 100 feet to provide a minimum total storage of 190 feet. This would require the removal of 100 feet of the existing raised median. Install accessible pedestrian signal push buttons and video detection.

- e. **Pacific Island Drive.** Install raised median and striping at Pacific Island Drive at the Project Driveway No. 4 to restrict northbound (outbound) left turn movements onto Pacific Island Drive from the project site and to restrict southbound (outbound) left turn movements onto Pacific Island Drive from the commercial center across from Driveway No. 4.
 - i. Install “KEEP CLEAR” pavement messages in the two westbound and eastbound through lanes.
 - ii. Install GPS-based signal preemption at the intersections of Alicia Parkway at Pacific Island Drive and Highlands Avenue at Pacific Island Drive, which will be controlled by the OCFA Station No. 5.
 - iii. Increase the median area length between the current eastbound and westbound left turn pocket design, by shortening both pockets to 60 feet and installing two-way-left-turn-lane striping.
 - iv. Install new driveway with rolled curb along the OCFA’s Station No. 5 Pacific Island Drive frontage to allow direct access to the station for inbound fire trucks.
 - v. Add flashing yellow beacon to the existing fire station signage on Pacific Island Drive heading east before the station.
- f. **Project Driveway Intersections.** Advance stop lines and continental crosswalks at all four project driveway intersections (Alicia Parkway at Pacific Island Drive, Alicia Parkway at Town Center Drive, Alicia Parkway at Crown Valley Parkway, Crown Valley Parkway at Hillhurst Drive). No loop detectors are necessary due to video detection.
- g. **Bicycle Lane and Crosswalk Enhancements.** The project includes enhancements to the bicycle lane network and crosswalks in the area surrounding the project site:
 - i. Restripe to provide an intersection bicycle box on the southbound approach of Alicia Parkway at Crown Valley Parkway.
 - ii. Buffered bike lanes along all three project frontages.

31. Local Road Safety Program (Fair Share Contribution) - Prior to building permit issuance, the applicant shall pay its fair share contribution to the proposed Local Road Safety Program improvements at the following intersections at the following percentages; however, City's issuance of building permits to applicant shall not be withheld on the payment of fair share fees if City has not provided applicant with an invoice, cost estimate and supporting documentation, in writing.
 - a. Alicia Parkway at Pacific Island Drive/Ivy Glenn Drive: 13.26%. - video detection including bicycle detection, accessible pedestrian signal push buttons, and blank-out signs.
 - b. Crown Valley Parkway at Alicia Parkway: 10.82% - video detection including bicycle detection and pedestrian call indicators.
 - c. Crown Valley Parkway at Hillhurst Drive: 17.04% - Blank-out signs.
32. Right-of-Way Improvement Installation - Prior to issuance of any certificate of use and occupancy (including temporary), the applicant or designee shall demonstrate that all right-of-way improvements, required to be installed by the applicant, as listed as conditions of approval of this Resolution and/or as shown in the plans approved for grading and/or building permits, have been installed, at the applicant's expense, and are operational, or if extenuating circumstances are present, substantially complete, to the satisfaction of the Public Works Director/City Engineer, including the new traffic signal at the intersection of Alicia Parkway and the Project's Driveway at Town Center Drive intersection. Nothing in this condition prohibits the City from granting a temporary certificate of occupancy for uses or occupancy for uses when required improvements are in construction but, as determined by the Public Works Director/City Engineer, are not critical to the use authorized by the temporary certificate of use and occupancy.
33. Construction Traffic Management Plan - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant or designee shall submit a Construction Traffic Management Plan for review and approval by the Public Works Director/City Engineer to ensure impacts to the surrounding street system are kept to a minimum. The Construction Traffic Management Plan should be developed in coordination with the City of Laguna Niguel and, at a minimum, address the following:
 - a. The names, addresses, and emergency contact numbers for those responsible for maintaining the traffic control devices during the course of construction.
 - b. Provisions for maintaining access for emergency vehicles at all times, including Orange County Fire Authority and Orange County Sheriff's Department.

- c. Traffic control for any street closure, detour, or other disruption to traffic circulation.
- d. Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.
- e. Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- f. Provision of traffic controls within the site that may include flag persons wearing Cal OSHA-approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity.
- g. Requirements that all haul routes be kept clean and free of debris, including, but not limited to, gravel and dirt as a result of its operations. The applicant shall clean adjacent streets, as directed by the Public Works Director/City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas
- h. Hauling or transport of oversize loads will be allowed between sunrise and sunset, Monday through Saturday, unless approved otherwise by the Public Works Director/City Engineer. Hauling on Saturdays is subject to suspension if the City receives complaints that cannot be resolved to the satisfaction of the Public Works Director/City Engineer. No hauling or transport will be allowed during nighttime hours, Sundays, or Federal holidays.
- i. Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- j. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the Public Works Director/City Engineer.
- k. All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site.
- l. This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Laguna Niguel requirements.

34. On-Site Traffic Control Signage/Striping - Prior to building permit issuance, the applicant or designee shall submit overall way-finding and traffic control signage/striping for internal circulation throughout the project for the review and approval of the Community Development Director and the Public Works Director/City Engineer. This is to include directional signage and striping ("Do Not Block Driveway" or "Keep Clear" pavement legends and signs) as shown on the approved plans (see Condition No. 3). Prior to issuance of any certificate of use and occupancy (including temporary), said improvements shall be installed to the satisfaction of the Public Works Director/City Engineer.
35. Driveway Sight Distance on Pacific Island Drive - To maintain adequate sight distance for project site driveways along Pacific Island Drive, landscaping and any structures shall not exceed 30 inches in height above the curb/sidewalk and trees shall have a canopy of a minimum of 8 feet in the line of sight triangle areas as shown on Figures 29 and 30 of the Laguna Niguel City Center Traffic Impact Analysis prepared by Linscott, Law, & Greenspan Engineers, dated March 9, 2022 (included as Appendix L1 of Environmental Impact Report EIR 22-01).
36. Pacific Island Drive and Driveway No. 4 - Should traffic safety or circulation problems arise at the intersection of Pacific Island Drive and Driveway No. 4 (driveway east of Fire Station No. 5) within the first two years of issuance of certificate of occupancy, at the discretion of the Public Works Director/City Engineer, the applicant may be required by the City to implement additional site access restrictions at the intersection by modifying the median island to restrict left-turn movements into the project site and commercial center, to the satisfaction of the Public Works Director/City Engineer.
37. Parking Management Program - Should the City identify evidence that parking and/or circulation problems arise at the project site, at the reasonable discretion of the Community Development Director, the applicant may be required by the City to implement a Parking Management Plan that includes some combination of the following measures to resolve such issues, provided that any required measures must be reasonably related to resolving such issues: valet parking, employee requirements to park within the parking structure (excluding the top level during evening hours), and/or other alternative means of parking management, subject to the review and approval of the Community Development Director. The applicant, its successor, or their designated representative, shall ensure that all part-time and full-time employees, residents, and guests of the development park their vehicles on-site and shall not adopt parking policies which force employees, residents, and guests to park their vehicles off-site.

Building Conditions

38. Building Permit - Prior to commencing with construction, the applicant or designee shall submit applicable plans for the review and approval by the Laguna Niguel Planning and Building Divisions.
39. Boundary Landscape Reduction (Alternative Development Standard) - There shall be allowed a reduction in the minimum depth of boundary landscaping (from a minimum of 5 feet to a minimum of 0 feet) at the base of the open space ascending slope for a property line segment along proposed Lot 15, as shown on the approved project plans (see Condition No. 3).
40. Building Height Certification - Prior to scheduling the roof framing/sheeting inspection, the applicant or designee shall provide the Planning Division with written certification prepared by a licensed surveyor or civil engineer identifying the actual height of the residential buildings, parking structures, library, and office buildings at their tallest point, with the projected addition of approved roofing materials and appurtenant structures. No building shall be taller than 50 feet from finished grade as identified on the approved project plans (see Condition No. 3).
41. Solar - The project shall provide a 1.5 kilowatt/unit solar system on carports in the surface parking lot adjacent to Residential Building No. 2.
42. Non-Glare Materials - All roof tops, parking lot decks, and windows shall be designed with non-glare material.
43. Building Permit Final - Prior to building permit final inspection request, the applicant or designee shall be responsible for contacting the Planning Division for an inspection of the site and building to ensure compliance with the applicable conditions of approval and project plans.
44. Utility Providers - Prior to issuance of a building permit, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the utility providers.
45. WQMP Implementation - Prior to issuance of a certificate of use and occupancy, the applicant or designee shall:
 - a. Demonstrate that all structural BMPs described in the project's WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the project's WQMP;

- c. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

Signage Advertising, & Cultural Depiction

46. Project Signage (Sign Program) - Prior to building permit issuance or installation of any project identification signage (including freestanding and building mounted signs), the applicant or designee shall submit and obtain City approval of a Site Development Permit to establish an overall sign program for the mixed-use project in accordance with LNZC Subarticle 7. Sign Programs, via a Site Development Permit, are required for all shopping centers, office complexes, business parks, and similar projects. As prescribed by the LNZC, the Community Development Director shall determine whether public interest would be better served by review of the Site Development Permit by the Director or the Planning Commission.
47. Advertising - Unless first approved as a part of a Site Development Permit or Temporary Use Permit, under no circumstances shall the applicant employ advertising devices such as mechanical signs, human signs, searchlights, banners, balloons, flags, and pennants, which are prohibited under LNZC Section 9-1-77.
48. Cultural Depiction - Prior to building permit issuance, the applicant or designee shall submit and obtain City approval of a Site Development Permit to establish a cultural depiction program for the mixed-use project. The project's overall design pays tribute to the municipal and civic history and heritage of the project site by incorporating civic elements, such as paseos, a new library, programmable spaces, a town green, and other spaces that elevate the existing project site and complements the adjacent City Hall site. To further incorporate references to the City's civic and cultural heritage, prior to building permit issuance, the applicant shall submit a cultural depiction plan that incorporates depictions of the City's heritage into the project. Such depictions might include artwork, such as sculptures, mosaics, or murals; displays containing artifacts found on or near the development site; plaques, commemorating historical events or pointing out exceptional vistas or physical features of the location; or similar representations. Said improvements shall be installed prior to issuance of a certificate of use and occupancy. As prescribed by the LNZC, the Community Development Director shall determine whether public interest would be better served by review of the Site Development Permit by the Director or the Planning Commission.

Landscaping and Outdoor Lighting Conditions

49. Final Landscape Plans - Prior to building permit issuance, the applicant or designee shall submit final landscaping and irrigation plans for the review and approval of the Community Development Department and the City's landscape consultant. Said final plans shall be consistent with preliminary landscaping plans

and provide specific landscaping details to ensure compliance with the City's Water Efficient Landscape Ordinance, Regulations and Guidelines. The placement and installation of utilities, irrigation systems, and landscape plantings shall be coordinated and shown on the final landscaping plan. Utilities and irrigation systems shall be adequately screened with landscaping.

50. Landscaping Installation - Prior to the issuance of a certificate of use and occupancy, the applicant or designee shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved final landscape plans.
51. Landscape Maintenance - The property owner shall be responsible for adequately installing and maintaining all existing and new landscaping at all times. The landscaping shall be maintained in a neat, clear, and healthy condition. This shall include proper pruning, weeding, removal and immediate replacement of plants and trees when necessary and the regular watering of landscaping.
52. Outdoor Lighting - Prior to building permit issuance for outdoor lighting, the applicant or designee shall submit construction-level lighting plans that include photometric calculations for the review and approval of the Community Development Department. The proposed lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the project. Light sources, intensity of light and color of light shall be designed and located consistent with the LNZN.
53. Light Spillage - All project lighting shall be designed to direct downward, and light sources shall be shielded from neighboring properties. Prior to installation of project lighting, a photometric plan shall be prepared, subject to the approval of the Community Development Department, to demonstrate no light spillage from the project onto adjoining properties.

Development Fees

54. School Fees - Consistent with current City requirements, the developer shall pay to the Capistrano Unified School District no less than the statutory school fees in effect at the time of issuance of building permits.
55. Fee Programs - If applicable, prior to building permit issuance, the applicant shall be required to participate in the following transportation fee programs: Coastal Area Road Improvements and Traffic Signals (CARITS) Fee Program, Major Thoroughfare and Bridge Fee Program for the Moulton Parkway/Laguna Niguel Area, San Joaquin Hills Transportation Corridor (SJHTC) Fee Program, and any other fee programs adopted by the City, at the rate in effect at the time of permit issuance.

56. Environmental Impact Report and Notice of Determination Filing Fees - Within 48 hours of the approval of the project, the applicant or designee shall deliver to the Community Development Department, a check payable to the "County Clerk" for the County Clerk administrative fee and the California Department of Fish and Game Code fee to enable the City to file the CEQA Notice of Determination with the County Clerk.
57. Parkland and/or Parkland Fees - Laguna Niguel Municipal Code (LNMC) Section 9-1-522 specifies parkland requirements for all development projects pursuant to the Quimby Act. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMC Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMC prior to the issuance of building permits.

Orange County Fire Authority (OCFA)

58. OCFA (General Condition) - Prior to issuance of a building permit, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the OCFA, these may include, but are not limited to, fire master plan, architectural, fire sprinkler systems, fire alarm systems, underground piping for private hydrants, sprinkler monitoring system, emergency responder radio system testing.
59. Pre-submittal Meeting - Prior to issuance of grading permit or submittal of a fire master plans or architectural plans to the OCFA, the applicant or designee shall attend a pre-submittal meeting with an OCFA plan reviewer. Call OCFA Planning & Development Services at (714) 573-6108 at least two weeks in advance to arrange for scheduling and payment for the pre-submittal meeting.
60. Pre-construction Meeting - Before commencement of construction, the applicant or designee shall attend a pre-construction meeting with an OCFA inspector. The applicant or designee shall contact OCFA Inspection Scheduling at (714) 573-6150 at least five days in advance to schedule and pay for the pre-construction meeting.
61. Lumber-Drop Inspection - After installation of required fire access roadways and hydrants, the applicant or designee shall obtain clearance from the OCFA prior to bringing combustible building materials on-site. At least five days in advance of scheduling the lumber drop inspection, the applicant or designee shall contact OCFA Inspection Scheduling at (714) 573-6150 with the Service Request number of the approved fire master plan.

62. Temporary/Final Occupancy Inspections - Prior to issuance of temporary or final certificate of use and occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at (714) 573-6150.
63. Fire Station No. 5 - Street Frontage Landscaping - Prior to building permit issuance, the applicant or designee shall submit landscaping and irrigation details/plans for the review and approval of the Community Development Department and OCFA for replacement and/or supplemental Fire Station No. 5 street frontage landscaping. Landscape planting (species, sizing, spacing) shall be consistent with the proposed project's frontage landscaping along Pacific Island Drive. Prior to the issuance of a certificate of use and occupancy, the applicant or designee shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved landscape details/plans.
64. Secured Fire Protection Agreement (OCFA) - Prior to final map recordation, or issuance of a building permit, whichever comes first, the applicant or responsible party shall enter into a secured fire protection agreement with OCFA (714) 573-6199) to mitigate additional fire service impacts resulting from the project.

Orange County Library

65. Interim Library - Prior to issuance of a demolition permit for the existing Laguna Niguel branch of the County Library, the applicant shall have secured a location for an interim library. The minimum size of the interim library shall be approximately 3,000 square feet, as determined by the County Librarian. The location and space plan for the interim library shall be approved by the County Librarian. Per the direction of the County Librarian, applicant shall relocate those furnishings, fixtures and equipment deemed necessary by the County Librarian from the current library to the interim library requirements to allow for operation of the interim library. It may be necessary to close the existing library for up to sixty days prior to the opening of the interim library to allow the move of furnishings, fixtures and equipment. The applicant's obligations for an interim library as set forth herein will terminate upon the opening of the new library.

Police Services

66. Minor Building Improvements (Police Services) - Prior to building permit issuance, the applicant or designee shall submit construction plans for the review and approval of the Community Development Department and Orange County Sheriff's Department the following at the Police Services building located at

30111 Crown Valley Parkway: (1) the addition of three landscape tree plantings, (2) raising of the existing perimeter fence and gate to 8 feet, and (3) adding shade structure (trellis, approximately 20 feet x 25 feet) to the station's open patio. Said improvements shall be installed to the satisfaction of the Community Development Department and Orange County Sheriff's Department prior to issuance of a certificate of use and occupancy (including temporary).

Operational Conditions

67. Special Events Noise - Prior to special events with outdoor amplified music or sound, the applicant or designee shall submit and obtain a Temporary Use Permit from the City. The Temporary Use Permit shall demonstrate that special event noise will not exceed 65 dBA _{Leq} at off-site residential property lines. All amplified speech, music, or movie nights shall be concluded by 10:00 p.m. Measure to achieve the performance standard of 65 dBA _{Leq} include, but are not limited to:
 - a. Orient speakers away from nearby residences;
 - b. Position speakers between project buildings or use other shielding and barrier methods to break line-of-sight with nearby residential uses;
 - c. Incorporate bandwidth and/or peak limiters into the sound system;
 - d. Other speaker angling and directivity techniques.
68. Trash Compactor Noise - Operation of the trash compactor shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
69. Roof Materials and Finish - Prior to building permit issuance, details shall be included on the project building plans identifying all proposed roof materials/colors, which shall have a non-reflective finish to minimize reflection and glare from the surfaces of the roof.
70. Commercial Uses (Hours of Operation) - Unless approved through a Minor Use Permit or similar discretionary application for a specific use, all commercial uses shall operate between the hours of 6:00 a.m. and 10:00 p.m., with deliveries occurring only during the hours of operation.
71. Maintenance of Publicly Accessible Areas - The property owner shall be responsible for maintaining all publicly accessible areas on the property and associated with development of the project in a neat and clean manner at all times. Maintenance shall include pavers and other ground surfaces, tables, seating, etc., and all landscaping to be maintained in a healthy condition, including proper watering, pruning, weeding, with removal and immediate replacement of plants and trees when necessary.

The City Council hereby incorporates all of the plans, programs, and policies and mitigation measures from Environmental Impact Report EIR 22-01 as additional conditions for Site Development Permit SDP 19-03 and Use Permit UP 19-22, including the following:

Plans, Programs, and Policies

1. PPP AES-1 - The proposed project will be designed and constructed in accordance with the applicable provisions of the Laguna Niguel Municipal Code—Sections 9-1-35.15 and 9-1-45.14 (Outdoor Lighting), Section 9-1-42 (Permitted Uses), Section 9-1-43 (Nonresidential Development Standards), Section 9-1-45.3 (Landscaping), Subarticle 7 (Signs), and Subarticle 9 (Community Design Guidelines).
2. PPP AES-2 - The proposed project will be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations), which outlines mandatory provisions for lighting control devices and luminaires.
3. PPP AIR-1 - New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2019 Building and Energy Efficiency Standards became effective January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and nonresidential buildings by 2030.
4. PPP AIR-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).
5. PPP AIR-3 - Construction activities will be conducted in compliance with California Code of Regulations Title 13 Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
6. PPP AIR-4 - Construction activities will be conducted in compliance with any applicable South Coast Air Quality Management District rules and regulations, including but not limited to:
 - a. Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance.

- b. Rule 402, Nuisance, which states that a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”
 - c. Rule 1113, which limits the volatile organic compound content of architectural coatings.
- 7. PPP BIO-1 - Special-Status Species. The FESA, administered by the USFWS, prohibits unlawful “take” of any listed species (16 U.S. Code Sections 1531–1544). The CESA, administered by CDFW, prohibits “take” of any listed species (California Fish and Game Code, Section 86).
- 8. PPP BIO-2 - The proposed project will implement the requirements of Sections 9-1-81, 9-1-92.3, and 9-1-93.3 of the Laguna Niguel Municipal Code.
- 9. PPP CUL-1 - In accordance with California Health and Safety Code, Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 48 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify the persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.
- 10. PPP E-1 - New buildings are required to achieve the current California Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen). The 2019 Building Energy Efficiency Standards became effective on January 1, 2020. The Building Energy Efficiency Standards and CALGreen are updated tri-annually. The 2019 standards included energy reduction measures such as solar photovoltaic (PV) system requirements for all new low-rise residential buildings. Title 24 is updated to increase sustainability and energy efficiency every three years and the project would be subject to the version of Title 24 in effect when building permits are submitted.

11. PPP E-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new nonresidential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).
12. PPP E-3 - California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reused on the project, or salvaged for future use or sale and the amount of construction and demolition waste generated (by weight or volume).
13. PPP E-4 - Construction activities are required to adhere to California Code of Regulations Title 13 Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
14. PPP E-5 - New buildings are required to adhere to the California Green Building Standards Code and the City's municipal code requirements to increase water efficiency and reduce urban per capita water demand.
15. PPP GEO-1 - The proposed project will be designed and constructed in accordance with the Laguna Niguel Building Code, which adopts the California Building Code (CBC), which is based on the International Building Code. New construction, alteration, or rehabilitation shall comply with applicable ordinances of the City and/or the most recent City building and seismic codes in effect at the time of project design. In accordance with Section 1803.2 of the 2019 CBC, a final geotechnical investigation is required based on the final grading plans and must evaluate soil classification, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, and expansiveness, as determined by the City building official. The final geotechnical investigation must be prepared by registered professionals (i.e., California Registered Civil Engineer or Certified Engineering Geologist). Recommendations from the preliminary geotechnical investigation and the final geotechnical investigation shall be incorporated into the final Geotechnical Design Report to provide design details on structural design and construction for earthwork, grading, slopes, foundations, pavements, and other necessary geologic and seismic considerations that must be incorporated into the design and construction of the proposed project.
16. PPP GEO-2 - The proposed project shall apply for a grading permit, which requires the preparation of an erosion control plan prepared in accordance with the City's Grading Manual.

17. PPP GHG-1 - New buildings are required to achieve the current California Building Energy and Efficiency Standards (California Code of Regulations Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2019 Building and Energy Efficiency Standards became effective on January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and non-residential buildings by 2030.
18. PPP GHG-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2). The proposed project would be required to provide anchored bicycle racks and long-term secured bicycle parking.
19. PPP GHG-3 - California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvaged for future use or sale and the amount (by weight or volume).
20. PPP GHG-4 - Construction activities are required to adhere to Title 13 California Code of Regulations Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
21. PPP GHG-5 - New buildings are required to adhere to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase water efficiency and reduce urban per capita water demand.
22. PPP GHG-6 - CARB's Renewable Portfolio Standard (RPS) is a foundational element of the State's emissions reduction plan. These mandates apply directly to investor-owned utilities, which in the case of the proposed project is Southern California Edison. On September 10, 2018, Senate Bill 100 was signed into law and established the following RPS targets: 50 percent renewable resources target by December 31, 2026, and 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030.

23. PPP GHG-7 - On January 18, 2007, Governor Arnold Schwarzenegger issued Executive Order S-1-07 requiring the establishment of a Low Carbon Fuel Standard (LCFS) for transportation fuels. The LCFS was amended in 2011 and readopted in 2015. This statewide goal requires that California's transportation fuels reduce their carbon intensity by at least 10 percent by 2020.
24. PPP GHG-8 - The 2007 Energy Bill creates new federal requirements for increases in fleetwide fuel economy for passenger vehicles and light trucks under the Federal Corporate Average Fuel Economy Standards. The federal legislation requires a fleetwide average of 35 miles per gallon (mpg) to be achieved by 2020. The National Highway Traffic Safety Administration is directed to phase in requirements to achieve this goal. Analysis by CARB suggests that this will require an annual improvement of approximately 3.4 percent between 2008 and 2020.
25. PPP GHG-9 - On July 22, 2002, Governor Gray Davis signed Assembly Bill 1493 (Pavley) requiring CARB to develop and adopt regulations designed to reduce greenhouse gases emitted by passenger vehicles and light-duty trucks beginning with the 2009 model year. The standards set within the Pavley regulations are expected to reduce GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016. California had petitioned the EPA in December 2005 to allow these more stringent standards and California executive agencies have repeated their commitment to higher mileage standards. On July 1, 2009, the EPA granted California a waiver that will enable the state to enforce stricter tailpipe emissions on new motor vehicles.
26. PPP GHG-10 - SB 375 requires the reduction of GHG emissions from light trucks and automobiles through land use and transportation efforts that will reduce vehicle miles traveled. SB 375's goal is to prioritize transportation funding in a manner that reduces GHG emissions, accounting for local jurisdiction's general plans. SB 375 is one of the vehicle emission reduction measures of the GHG reduction requirements of AB 32, California's global warming bill enacted in 2006, and SB 32.
27. PPP HAZ-1 - Any project-related hazardous materials and hazardous wastes will be transported to and/or from the project site in compliance with any applicable state and federal requirements, including the US Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

28. PPP HAZ-2 - Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with Subtitle C of the Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The proposed project will be designed and constructed in accordance with the regulations of the Orange County Environmental Health Department, which is the designated Certified Unified Program Agency and implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program, (3) California Accidental Release Prevention Program, (4) Aboveground Storage Tank Program, and (5) Underground Storage Tank Program.
29. PPP HAZ-3 - Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing materials will be conducted in accordance with applicable regulations, including, but not limited to:
 - a. South Coast Air Quality Management District's Rule 1403
 - b. California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529)
 - c. Code of Federal Regulations (Title 40, Part 61, Part 763; Title 29, Part 1926)
30. PPP HAZ-4 - The proposed project is required to comply with the California Building Code, the California Fire Code, and the Orange County Fire Authority Fire Prevention Guidelines.
31. PPP HYD-1 - The proposed project shall be constructed in accordance with the General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires filing a notice of intent, a risk assessment, a site map, a Storm Water Pollution Prevention Plan and associated best management practices, an annual fee, and a signed certification statement. Also, the County requires preparation of an erosion and sediment control plan for projects that disturb more than one acre of land and implementation of best management practices to control erosion, debris, and construction related pollutants.
32. PPP HYD-2 - The MS4 permit requires new development and redevelopment projects to:
 - a. Control contaminants into storm drain systems.
 - b. Educate the public about stormwater impacts.
 - c. Detect and eliminate illicit discharges.
 - d. Control runoff from construction sites.

- e. Implement best management practices and site-specific runoff controls and treatments for new development and redevelopment.
- 33. PPP HYD-3 - As required by the City of Laguna Niguel's municipal ordinances on stormwater quality management, the proposed project must submit a priority-project-specific water quality management plan to the City for approval before the City issues any building or grading permits.
 - 34. PPP HYD-4 - Per the requirements of the Orange County Department of Public Works, as detailed in the Orange County Hydrology Manual and the Orange County Local Drainage Manual, the proposed project must submit a final Hydrology Report to the City for review and approval prior to the issuance of grading permits. Catch basin, drainage pipe sizing, and final sizing for the detention basin will be calculated in the final Hydrology Report so that the proposed project does not increase the flow and velocity of runoff in the developed condition compared to the pre-development condition.
 - 35. PPP LU-1 - The proposed project will be designed and constructed in accordance with the applicable provisions of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code.
 - 36. PPP N-1 - The proposed project shall comply with City of Laguna Niguel Municipal Code's Exterior Noise Standards (see Section 5.11.1.3, Regulatory Background) and limited construction hours (Monday through Saturday from 7:00 am to 8:00 pm, and no construction on Sundays or federal holidays) and Policy 4.1 of the Laguna Niguel Noise Element related to construction noise.
 - 37. PPP N-2 - The proposed project shall comply with Goal 4, Policy 4.1, and Action 4.1.1 of the General Plan to enforce the noise ordinance for all nonemergency construction operations.
 - 38. PPP N-3 - The applicant shall implement the following best management practices (BMPs) during grading, demolitions, and construction to limit construction-related noise prior to issuance, During the entire active construction period, equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds wherever feasible.
 - a. Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler shall be used on the compressed air exhaust as shall external noise jackets on the tools.
 - b. Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.

- c. Stockpiles of materials shall be located as far as feasible from nearby noise-sensitive receptors.
 - d. Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than five minutes.
 - e. During the entire activity construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
39. PPP N-4 - Per the California Building Code Title 24 requirement of 45 dBA CNEL or lower for habitable dwellings, the project applicant shall retain a qualified acoustical specialist to prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code and City requirements. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building (residential building 1 and 2) treatments to reduce residential interior noise levels to 45 dBA CNEL or lower at the project site. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and design, prior to issuance of a building permit. Upon approval by the City, the treatments shall be incorporated into final building and design plans prior to issuance of a building permit.
40. PPP FP-1 - The proposed project shall be developed in accordance with the Laguna Niguel Municipal Code, Division 3 Sec. 11-3-1.
41. PPP RR REC-1 - The proposed project will be required to comply with the provisions of Section 9-1-45.3, Landscaping and open area; Section 9-1-508, Use of fees; Section 9-1-520, Applicability; Section 9-1-522, Amount of park land required; and Section 9-1-523, Amount of park fees required, of the Laguna Niguel Municipal Code.
42. PPP T-1 - The proposed project's construction activities will be conducted in accordance with the provision of traffic-control devices in compliance with the California Manual for Uniform Traffic Control Devices (MUTCD) to ensure traffic safety on public streets, highways, pedestrian walkways, and bikeways.

43. PPP T-2 - The proposed project's construction contractor will be required to comply with all City of Laguna Niguel standard conditions pertaining to construction including work hours, traffic control plan, haul route, and access. Where possible, construction related trips will be restricted to off-peak hours.
44. PPP T-3 - The proposed project's construction contractor will be required to obtain an oversized-vehicle transportation permit, if necessary, from Caltrans.
45. PPP T-4 - The proposed project will implement fire protection requirements as detailed in Title 11, Division 3, of the City's Municipal Code and the Orange County Fire Authority Fire Prevention Guidelines.
46. PPP USS-1 - The proposed project will be designed, constructed, and operated in accordance with SOCWA Ordinance 2015-1. All wastewater discharges into SOCWA facilities shall be required to comply with the discharge standards to protect the public sewage system.
47. PPP USS-2 - The proposed project's sewer infrastructure improvements will be designed, constructed, and operated in accordance with the applicable regulations in the Moulton Niguel Water District's standard specifications.
48. PPP W-1 - The proposed project is required to comply with the California Building Code and California Fire Code as amended by the Laguna Niguel Municipal Code
49. PPP W-2 - Projects located in portions of the City that are designated as VHFHSZs are required to provide fuel modification depending on the project site's proximity to open space.
50. PPP W-3 - Fuel modification must be provided within a project site's boundaries or within an offsite easement granted for fuel modification. If an offsite easement is being used for fuel modification that easement must be secured prior to completion of the environmental document. Securing the offsite fuel modification cannot be deferred until after approval of the project. *Project does not include offsite fuel modification.*
51. PPP W-4 - The Applicants are required to prepare preliminary fuel modification plans. The preliminary fuel modification plan shall be reviewed and approved by Staff and the OCFA prior to completion of the environmental document. *Applicant has obtained preliminary approval of a fuel modification plan.*

Mitigation Measures

1. MM AQ-1 - The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for site preparation and rough grading/earthwork, utilities trenching, and building construction activities that overlap with site preparation and rough grading activities. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with these phases in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
2. MM AQ-2 - The construction contractor(s) shall implement the following measures to reduce construction exhaust emissions during demolition and soil hauling activities associated with demolition and rough grading:
 - a. Demolition activities shall be prohibited from overlapping with grading activities. Ground disturbing activities shall commence following the demolition of the existing structures on-site.
 - b. Hauling of soil generated from rough grading activities shall be limited to a maximum of 3,626 miles per day. Air quality modeling was based on the assumption that the 3,626 miles per day would consist of 98 one-way haul trips per day with 14 cubic-yard trucks and a one-way haul distance of approximately 37 miles. All plans shall identify the disposal site for exported material, the distance to the disposal site, and the number of permitted truck trips to the disposal site to remain under the miles per day limit.

These requirements shall be noted on all construction management plans prior to issuance of any construction permits and verified by the City of Laguna Niguel during the demolition and soil-disturbing phases.

3. MM AQ-3 - The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities—in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (AQMD) Rule 403—to further reduce PM₁₀ and PM_{2.5} emissions:

- a. Following all grading activities, the construction contractor shall prevent dust and wind-born erosion by either planting ground cover or applying a binder/gel tackifier.
- b. During all construction activities, the construction contractor shall sweep streets with South Coast AQMD Rule 1186-compliant, PM₁₀-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
- c. During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and shall tarp materials with a fabric cover or other cover that achieves the same amount of protection.
- d. During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
- e. During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.
- f. During all ground disturbing activities, the construction contractor shall apply nontoxic soil stabilizers to minimize fugitive dust.

Prior to construction activities, the construction contractor shall ensure that all construction plans submitted to the City clearly show the watering and soil stabilizer requirement to control fugitive dust. During construction activities, the City of Laguna Niguel shall verify that these measures have been implemented during normal construction site inspections.

4. MM BIO-1 - Prior to removal of potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Laguna Niguel that the following has been or will be accomplished:

The project applicant and construction contractor shall schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite. The nesting season is February 15 to September 15 for songbirds and January 15 to September 15 for raptors.

If vegetation removal cannot be avoided during the nesting season—January 15 through September 15—the project applicant shall have a qualified biologist survey all potential nesting vegetation within the property for nesting birds prior to commencing vegetation removal. If no nesting activities are observed, work activities may begin. If an active bird nest is located, the nest site should be avoided, and a buffer should be marked/flagged at an appropriate distance in all directions. The buffer distance is dependent on the nesting bird species, typically 500 feet for endangered, threatened, and candidate species and all raptors, and 100 to 300 feet for other species, as determined appropriate by the qualified biologist. No work shall occur within the buffer area until after the nest becomes

inactive, or unless a qualified biologist monitors the nest during construction activities within the buffer and does not observe any signs of stress or erratic behavior that indicate a negative effect on nesting. The biologist shall inform construction personnel of the location of active nest(s) and required avoidance measures. The survey results shall be submitted to the City of Laguna Niguel Planning Division for review and approval.

5. MM CUL-1 - Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading and other significant ground-disturbing activities in native soil. Prior to the initiation of grading, the project applicant shall meet with the Juaneño Band of Mission Indians, Acjachemen Nation Cultural Resource Director to coordinate monitoring by a Native American monitor. During all ground-disturbing activities/earthwork, a professional Native American monitor, procured by the Juaneño Band of Mission Indians, Acjachemen Nation, shall be present to monitor grading activities. During initial monitoring, if the qualified archaeologist and/or designated Native American representative can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist and/or designated Native American representative can demonstrate a need for continuing monitoring, the qualified archaeologist and Native American representative, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, the archeological monitor and designated Native American monitor shall have the authority to halt any activities that may adversely impact potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or designated Native American monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA) and determined construction activities can resume without damaging resources.

If archaeological resources are discovered, the archeologist and designated Native American monitor shall assess the most appropriate treatment for the resources, prioritizing preservation in place. When data recovery through excavation is the only feasible treatment method, the archeologist, in consultation with the designated Native American monitor, shall prepare a data recovery plan with provisions for adequately recovering the scientifically consequential information from and about the historical resource and shall deposit studies with the California Historical Resources Regional Information Center. Recovered archeological resources shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a

responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered for which a treatment plan must be prepared the project applicant or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).

6. MM GEO-1 - Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified paleontologist and paleontological monitor who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will monitor all grading and significant ground-disturbing activities in areas identified as likely to contain paleontological resources during project construction. These areas are defined as all excavations of previously undisturbed sediments in areas mapped as the Capistrano Formation and in areas of Quaternary alluvium where excavations would exceed depths of five feet.

The qualified paleontologist and/or paleontological monitor shall attend all pre-grade meetings to ensure all construction personnel that would conduct grading and significant ground-disturbing activities receive training to recognize fossil materials in the event any are uncovered during earthwork.

The qualified paleontological monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert grading activities in order to recover the fossil specimens. The paleontological monitor may establish a protected buffer around a discovery for the duration of recovery of the discovery.

If previously undiscovered paleontological resources are discovered on-site, suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontological monitor has evaluated discoveries to assess whether they are classified as unique paleontological resources pursuant to the California Environmental Quality Act (CEQA) and authorized the resumption of construction activities. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Found specimens shall then be curated into the John D. Cooper Center in Santa Ana or a responsible public or private institution with a suitable repository willing to and capable of accepting

and housing the resource. If no museum or repository is willing to accept the resource, it shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion to avoid a significant impact.

Upon completion of construction activities, the qualified paleontological monitor shall prepare a report of paleontological resource findings within 30 days of construction completion. The report shall append itemized inventory of recovered resources, documentation of each locality, and interpretation of recovered fossils. The report and inventory, when submitted and approved by the City, will signify completion of the program to mitigate impacts to paleontological resources.

7. MM GHG-1 - All installed/provided major appliances shall be “Energy Star” appliances. Prior to issuance of building permits for residential and nonresidential buildings, the property owner/applicant shall identify on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are “Energy Star” appliances. Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
8. MM GHG-2 - Prior to issuance of building permits for residential development buildings, the project applicant shall indicate on the building plans that the following features shall be incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
 - a. For residential and nonresidential buildings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) and A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code as applicable.
 - b. Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the 2019 CALGreen Code and reproduced below:
 - i. *Short-term bicycle parking* – Permanently anchored bicycle racks shall be provided within 100 feet of the visitor’s entrance to the residential building, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity for the multifamily units with a minimum of one 2-bike capacity rack.
 - ii. *Long-term bicycle parking for multifamily buildings* – Provide on-site bicycle parking for at least one bicycle per every two dwelling units. Acceptable bike parking facilities shall be conveniently reached from the street.

9. MM GHG-3 - Prior to issuance of building permits for nonresidential development buildings, the project applicant shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
 - a. Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code. Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code.
10. MM HAZ-1 - Prior to issuance of grading permits, the project applicant shall prepare a soils management plan (SMP) for the vehicle maintenance facility and the former fire station to address removal of contaminated soil prior to grading of the area. The SMP shall be approved by the City and the appropriate oversight agency, such as Orange County Environmental Health Department or Department of Toxic Substances Control. Prior to grading, proper identification and removal of petroleum (>100 mg/kg) and VOC-impacted soil in order to comply with applicable limits for the proposed land uses. The SMP will ensure that safe and appropriate handling, transportation, off-site disposal, reporting, oversight, and protocols are used during removal of the contaminated soil. The SMP shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered. If, during grading activities, additional contamination is discovered, grading within that area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the SMP to render the area suitable to resume grading activities. Soil remediation and/or export of hazardous materials must be performed in accordance with the appropriate agency's requirements (Regional Water Quality Control Board, Orange County Environmental Health Department, Department of Toxic Substances Control, and/or South Coast Air Quality Management District).
11. MM HAZ-2 - After grading is complete, the project applicant shall perform a post-grading soil vapor survey within the footprint of future structures in the areas of the vehicle maintenance facility and former fire station. The survey results shall be approved by the City and the appropriate oversight agency (OC EHD or DTSC) and document soil vapor levels less than applicable limits for the proposed land uses prior to sign-off of the grading permit.

12. MM HAZ-3 - Prior to the issuance of a demolition permit for any structure on the property, the project applicant shall conduct a comprehensive survey for asbestos-containing materials to identify the locations and quantities of asbestos-containing materials in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. If asbestos is discovered, the project applicant shall retain a licensed or certified contractor to remove and dispose of all asbestos containing materials in accordance with the appropriate South Coast AQMD asbestos-containing material removal practices and procedures.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2022.

Elaine Gennawey, Mayor

ATTEST:

Thy M. Merritt, Deputy City Clerk

Attachment G

May 24, 2022 Planning Commission Staff Report
(w/o Attachments)



CITY OF LAGUNA NIGUEL PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Community Development Department

DATE: May 24, 2022

SUBJECT: **Environmental Impact Report EIR 22-01, General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Site Development Permit SDP 19-03, Use Permit UP 19-22, and Vesting Tentative Tract Map VTTM 19024 (City Center Mixed-Use Project) - PUBLIC HEARING** - A request to develop a new mixed-use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.

RECOMMENDATION

It is recommended that the Planning Commission open the public hearing, take public testimony, close the public hearing, and then take the following actions:

- A. Adopt Resolution No. 22-02, recommending that the City Council certify Environmental Impact Report EIR 22-01 (SCH No. 2019110083), adopt CEQA Findings of Fact and Statement of Overriding Considerations, and associated Mitigation Monitoring and Reporting Program;
- B. Adopt Resolution No. 22-03, recommending that the City Council approve General Plan Amendment 19-01;
- C. Adopt Resolution No. 22-04, recommending that the City Council approve Zoning Code Amendment ZCA 19-01;
- D. Adopt Resolution No. 22-05 recommending that the City Council approve Zone Change ZC 19-01;
- E. Adopt Resolution No. 22-06, recommending that the City Council approve Vesting Tentative Tract Map 19024, subject to conditions; and
- F. Adopt Resolution No. 22-07, recommending that the City Council approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.

PROJECT PROPONENTS

Property Owner:

County of Orange
333 W. Santa Ana Blvd, 3rd Floor
Santa Ana, CA 92701
Attn.: Thomas Miller, Chief Real Estate Officer
(714) 834-6019

Applicant:

Laguna Niguel Town Center Partners, LLC
3501 Jamboree Rd, Ste 300
Newport Beach, CA 92660
Attn. : Chris Payne, Managing Director
(949) 756-5959

EXECUTIVE SUMMARY

Since adoption of the City's first General Plan in 1992, the project site, owned by the County of Orange (Orange) and the whole of Town Center have been designated as an Opportunity Area whereby new growth and development could be focused, reducing pressure for further growth in established lower-density areas. The project site has been of particular interest given its partially developed state, parcel size, and prominent location.

In 2008, following closure of the South County Justice Center and the City's acquisition of 4.1 acres of the +/- 29 acre County property for a new City Hall, the interest in having the project site redeveloped to provide a "downtown" became even more of a priority. Despite programming of nearly 350,000 square feet of commercial development opportunity for the subject property in the General Plan, meaningful development interest never materialized.

In 2011, a land use study was conducted by the Urban Land Institute (ULI) on behalf of the City and County to explore opportunities for revenue-generating uses of the property (County priority) and creating a catalyst project, to encourage development, connectivity with, and revitalization of the Town Center area as a whole consistent with the General Plan vision (City priority). The evaluation included assessing market and fiscal conditions and consultation with stakeholders. The conclusion of the ULI study was that a mixed-use development had the strongest opportunity to accomplish both the County and City goals. Significantly, the incorporation of a residential component was determined to be necessary as it would serve as a core economic driver to support any such transformative project.

In 2014, the prospect of redevelopment of the project site began with the proposed AGORA Mixed-Use Project by LAB Holding, LLC but ceased in 2017 due to unresolved lease terms between the County and the developer.

In 2019, the prospect of redevelopment was renewed when the County executed a lease with Laguna Niguel Town Center Partners, LLC for the current Laguna Niguel City Center Mixed-Use Project. As part of this effort, City staff has worked with the Applicant to create a plan that achieves the place-making vision of an active and vibrant addition to Town Center, including community based benefits. These notably include 1) a larger, modern new library to replace the existing library originally constructed in the mid-1980s (remodeled in 2011), 2) a central open space plaza area (Town Green) planned for public outdoor events, linked by landscaped paseos and walkways, and 3) facilitating a development that blends complementary land uses and architecturally enhanced building and landscape design that stimulate market driven investment in the Town Center (apart from the construction of City Hall and the Crestavilla senior assisted living facility in 2017, there have been no new significant developments in this area since prior to City incorporation in 1989).

To achieve these goals and redevelop the site as envisioned, a series of City Council project approvals and adoptions are necessary, as detailed in this staff report (the Planning Commission will be serving as the recommending body to the City Council on this item).

Issues of Community Interest

During the evaluation of the proposed project, the community has been afforded multiple opportunities to provide input. Below is a discussion of the topics that have gathered the most public input.

- **Replacement library.** Of all the topics, the proposed replacement library has garnered the most public interest. At the time of initial project application in 2019, details for the replacement library were incomplete and a number of questions and concerns regarding the adequacy of the replacement library were raised. Subsequently, a community-wide library use and needs assessment survey was conducted and a library working group was formed (included County and City staff, elected officials, Applicant, representatives with the Friends of the Library, and Laguna Niguel residents). The compiled feedback assisted the County Library staff in designing and programming the new library in collaboration with the Applicant and their architect, LPA (architect for City Hall and the recently completed Crown Valley Community Park Building). The replacement library, including site location, architecture, size, and floor plan layout for operational programming is now well defined.

The new library is planned as a free-standing two-story building that would stand out as a focal point within the project. The size would be larger than the existing library originally constructed in the mid-1980s (remodeled in 2011) and has been curated based on the current priorities, technology, and library usage. A focus has been to create a more open floor plan design compared to the existing library to accommodate greater library programming adaptability, both now and in the future. The new Laguna Niguel library would be centrally located within the project next to shops, restaurants, and highly amenitized open space areas. A dedicated outdoor space of approximately 2,600 square feet would also allow for indoor/outdoor programming or just an outdoor component for library services. Parking accommodations include surface and structure parking spaces, including conveniently located spaces and drop-off adjacent to the new library. The new library has the endorsement of County Librarian Julie Quillman and the Laguna Niguel Friends of the Library.

Construction of the proposed project includes the demolition of the existing library before the new library can be constructed. Therefore, the Applicant would facilitate and fund an interim library. The location has not been selected; however, the interim library would likely be provided within existing vacant retail space within the City. A condition of approval requires the Applicant provide at least 3,000 square feet and design the function of the interim library in conjunction with the County Librarian. The community library needs would be further supported by the Aliso Viejo and Dana Point branch libraries, both of which are located within 4 miles of the project site.

- **Construction impacts.** Several components have been added to the project to minimize construction disruptions. During site preparation, the demolition and the grading operation may not overlap. This condition reduces both noise and air quality emissions. To the extent feasible, the existing courthouse buildings, library, and parking lots would be crushed on site to minimize the hauling of materials off-site. The crushed material would be used as base under future roadways and parking lots. The crushing operation was analyzed in the Environmental Impact Report (EIR) and to minimize noise impacts, the crushing operation must be located in the center of the project site. Access to both City Hall and Police Services is vital during construction and requirements are in place to require uninterrupted access. The grading operation would require

export of soil. This component of the construction operation has also been analyzed in the EIR. A construction hauling plan is required to identify the construction haul routes and traffic control measures to ensure the hauling operation is as least disruptive as possible.

- **Lighting impacts to surrounding residents.** The hillside residences adjacent to the project site are located substantially above the project site, and the proposed buildings are located approximately 110' to 220' from the closest nearby residential buildings. Coupled with these offset distances is an existing slope with mature landscaping. Residents within the neighboring communities would continue to have distant hillside and mountain views over the project site. Light concerns have been analyzed by City staff and in the EIR. Proposed outdoor lighting would consist of building-mounted lighting, pole-mounted lighting, and illuminated bollards along walkways, and accent uplighting in landscaped areas to meet the project's aesthetic and security needs. Conditions have been placed on the project to ensure the proposed light sources would be shielded and directed on-site to minimize off-site light spill. The project plans include preliminary details and photometric calculations related to the proposed lighting, which comply with City standards. Furthermore, measures have been added to ensure the roof of the parking structure is constructed with non-glare material.
- **Traffic congestion.** While auto delay, Level of Service (LOS), and similar measures of vehicular capacity or traffic congestion can no longer be considered as a part of CEQA as of July 1, 2020 per Senate Bill (SB) 743, traffic congestion remains an important community issue. Although no longer a CEQA consideration, the Laguna Niguel General Plan does include LOS standards, and as such, a complete comprehensive traffic study was prepared for the proposed project. This traffic study analyzed the performance of surrounding roadway segments and intersections to determine if the proposed project would cause operational impacts to the existing roadway network. Please refer to the General Plan Consistency section of this report for a discussion on the project's traffic impacts, which were found to be consistent with the City's performance criteria. For even more analysis and discussion, please refer to the *Traffic Impact Analysis Report - Laguna Niguel City Center Project*, dated March 8, 2022, included in EIR Appendix L1.
- **Public utility and service needs (e.g., water demands).** Given the size of the proposed project, a Water Supply Assessment (WSA) was prepared for the project in 2019 to specifically analyze the ability to provide water for the project during dry and multiple dry years, i.e., during a drought. At that time, Moulton Niguel Water District (MNWD) determined there was sufficient water supply for existing and future planned land uses, including the project, for the applicable service area. Subsequently, the project's water demand was incorporated into MNWD's 2020 Urban Water Management Plan (UWMP). Every five years, urban water suppliers are required to prepare, adopt, and file a UWMP. MNWD's 2020 UWMP outlines current water demands, sources, and supply reliability for the City by forecasting water use based on climate, demographics, and land use changes in the City. The plan also provides demand management measures to increase water use efficiency for various land use types and details a water supply contingency plan in case of shortage emergencies. It should be noted that UWMPs rely on City General Plans to forecast growth and in the case of the proposed project site, the City's General Plan has forecasted growth since 1992. In November 2021, MNWD reaffirmed the proposed project is included in its water demand forecasts.

- **Noise.** As detailed in EIR Section 5.11 (Noise), with identified mitigation measures and conditions of approval, noise sources associated with the proposed project (both construction and operational noise) would not exceed either the City's CEQA Manual noise thresholds or City Municipal Code standards. Construction noise, while temporary, can be disruptive to surrounding residents. To minimize impacts, strict construction hours would be enforced, demolition and grading operations may not overlap, and the crushing operation must be located in the middle of the project site. Operational noise is long-term and can include sources such as delivery trucks and organized activities in the park. Conditions have been added to minimize impacts of delivery trucks, trash trucks and the use of the trash compactor through limiting hours of operation. One objective of the Town Green area is to host community events. Events could include farmers markets or art fairs during the day and concerts or movie nights in the evenings. Anytime amplified sound is used presents a potential for noise impacts on surrounding residents. Conditions of approval have been added to face speakers away from residential uses, shield the surrounding residences by placing the speakers in front of a building that blocks line of sight to the surrounding residences, and by limiting the hours of events. Conditions of approval have been added to face speakers away from residential uses, shield the surrounding residences by placing the speakers in front of a building that blocks line of sight to the surrounding residences, and by limiting the hours of events.

Following extensive analysis of the proposed project, staff recommends the Planning Commission adopt a series of resolutions recommending to the City Council approval of the project.

PUBLIC NOTICE

Planning Commission Meeting

A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300' of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

Environmental Impact Report (EIR)

On November 1, 2019, the City issued a Notice of Preparation (NOP) for a period of 30 days to solicit comments on the proposed scope of the Environmental Impact Report (EIR). The NOP was filed with the California Office of Planning and Research State Clearinghouse and distributed to local, county, and state agencies, property owners within 300' of the project site, and interested parties, and was published in the *Orange County Register*. Concurrently, a notice of a public EIR scoping meeting was distributed.

On November 13, 2019, the EIR scoping meeting was held during the NOP review period to provide an additional opportunity to receive agency and public input regarding the proposed scope of the EIR.

On March 15, 2022, a Notice of Availability (NOA) for the project Draft EIR, was mailed or emailed to the above noted parties, posted with the County Clerk and advertised in the *Orange County Register*. The notice and related documents were also made available on the City's website. The NOA commenced a 45-day public review and comment period to provide an opportunity for public comment on the Draft EIR. Copies of the environmental document were also submitted to the State Clearinghouse for dissemination to agencies responsible for natural resources potentially affected by the project. All comments received, and itemized responses to those comments, are included as part of the project Final EIR.

For information on the comments received in response to the EIR NOP and NOA, please refer to the summary provided under the CEQA Compliance subheading of this report. As of the date of this report publication (May 19, 2022), no further comments have been received on the proposed project and EIR in response to notices. Any subsequent comments received will be provided to the Planning Commission under separate cover.

Community Outreach

In addition to the statutory noticing described above, beginning in 2014, there have been nine public notices advertising City hosted community outreach meetings or soliciting feedback on the current and former mixed-use development proposals for the subject property. (Please refer to Site History – Timeline under the Background subheading for further details). Separately, in some cases with City staff, the Applicant has conducted more than 30 meetings and presentations with neighboring communities, individual residents, homeowners' associations and other groups – including the Chamber of Commerce, Friends of the Library, Laguna Niguel Historical Committee, and Rotary.

BACKGROUND

Project Setting

The site of the proposed City Center Mixed-Use Project is approximately 25-acre in area (Assessor's Parcel Number 656-242-18) and is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west. The property is owned by the County of Orange (County) and has been leased to the Laguna Niguel Town Center Partners, LLC (Applicant) to develop the proposed mixed-use project. The site consists of the South County Justice Center (closed in 2008) and its vacant parking lot, the Orange County Library (built in the mid-1980s remodeled in 2011), a County maintenance yard, Orange County Fire Authority (OCFA) Station No. 5 (to remain and outside of leased area by the Applicant), and undeveloped land, typically covered with seasonal weeds.

Figure 1: Aerial Exhibit



Figure 2: Site Photos



Site History – Timeline

There is a considerable amount of history with the subject County property over the last 30 years, as generally summarized below.

- | | |
|-----------------|--|
| Aug 1992 | City adopts its first General Plan. The General Plan Land Use Element identifies the Town Center area as an “Opportunity Area,” envisioned for future redevelopment of aging and fragmented commercial development. Nearly 350,000 square feet of commercial development is programed for the subject County property. |
| Jan 2008 | County sold approximately 4.1 acres of the property to the City for a new City Hall on the corner of Crown Valley Parkway and Alicia Parkway (the City had been operating in leased office space in a business park since incorporation in 1989). |

Jul 2008	South County Justice Center permanently closed (remains vacant). The courthouse was comprised of four courts with judicial chambers, court support spaces (jury assembly and deliberation rooms), office space, and a central holding area.
Feb 2011	County and City engage in a visioning process with the Urban Land Institute (ULI) ¹ to explore opportunities for revenue-generating uses of the property (County priority) and creating a catalyst project, to encourage development, connectivity with, and revitalization of the Town Center area as a whole consistent with General Plan vision (City priority). The evaluation included assessing market and fiscal conditions and consultation with stakeholders, including City and County staff and elected officials, local land and business owners, and interest groups.
Apr 2011	ULI completed their assessment and presented their findings at a public hearing hosted by the City. In summary, the ULI concluded that a mixed-use development, which included a commercial core (indoor/outdoor restaurants, offices, and specialty retailers), a residential component, and “soft programing” for community gathering events, had the strongest opportunity to accomplish both the County and City goals.
Aug 2011	Construction of City Hall is completed.
Jan 2014	County initiated a competitive solicitation process to select a private partner to lease and develop the site. The City participated with the County staff and other real estate professionals to evaluate the proposals that were submitted.
Nov 2014	County selected LAB Holding, LLC and their mixed-use project titled “AGORA.” The proposal included approximately 275,000 square feet of commercial uses, 200 residential apartment homes, and community-oriented outdoor event space.
Feb- May 2015	Representatives from LAB Holding, LLC introduced their vision for the AGORA development at a City Council meeting and at three subsequent community meetings hosted by the City.
May 2015	City Council initiated a General Plan Amendment and Zone Change to expand the existing land use and zoning designations on the site to allow for multi-family residential development to accommodate the proposed AGORA development.
Nov 2015	City Council approved a Professional Service Agreement with PlaceWorks (environmental consulting firm) to prepare an EIR for the proposed AGORA development.
Mar 2016	To commence the EIR process, the City circulated a Notice of Preparation (NOP) to solicit public input.

¹ ULI is a leader in conducting research and providing information on all aspects of real estate development and land use policy. Since 1947, ULI has been assisting communities by bringing together panels of seasoned real estate, planning, financing, marketing, and development experts to provide unbiased pragmatic advice on complex land use and development issues.

Apr 2016	City hosted a publicly noticed EIR Scoping Meeting to further solicit public input on the AGORA development.
Oct 2017	County informed the City that they have terminated the contractual agreement with LAB Holding, LLC due to unresolved lease terms pertaining to completion bonds and revenue sharing.
Jan 2018	County initiated a second competitive solicitation process to select a private partner to lease and develop the site. A five-member panel, which included City staff, was assembled by the County to evaluate and rank the proposals. The City Center mixed-use development proposal by the current Applicant (Laguna Niguel Town Center Partners, LLC) was unanimously rated the highest. The County and Applicant then proceeded with lease term negotiations.
Mar 2018	County drafted operational plans for a temporary emergency homeless shelter for the site (without City consultation). There was substantial public and City Council opposition to the shelter and the County ultimately opted not to proceed with this use for the site.
Jun 2019	County approved Option and Ground Lease Agreements with the Applicant to entitle, develop, and operate their proposed City Center mixed-use development. Applicant subsequently submitted their project proposal to the City for entitlement processing and consideration, including preparation of an EIR.
Jul 2019	Representatives from the Applicant introduced their vision for development of the County property at a community meeting hosted by the City. A press release followed.
Nov 2019	City hosted an open house meeting in which the community was able to learn more about the mixed-use project and City review process (EIR and associated entitlements) from City staff and the Applicant.
Nov 2019	To commence the EIR process for the current project, the City circulated a NOP to solicit public input.
Nov 2019	City hosted a publicly noticed EIR Scoping Meeting to further solicit public input on the project.
Mar 2020	At the Applicant's request, City staff suspended the processing of the project due to the onset of the COVID-19 pandemic.
May 2021	Applicant resubmitted project plans and review of the mixed-use project restarted.

Mar 2022	Beginning on March 15, 2022, Draft EIR 22-01 was made available for a 45-day public review period.
Sep 2021- May 2022	More than 30 meetings and presentations are conducted with neighboring communities, individual residents, homeowners' associations, and other groups – including the Chamber of Commerce, Friends of the Library, Laguna Niguel Historical Committee, and Rotary.

PROJECT DESCRIPTION

As described by the Applicant, the project is intended to create a “downtown” environment that features specialty retail, indoor/outdoor restaurants, office, community-oriented event/programmable spaces, integrated residential apartment homes, a new community library, and extensive walkable open spaces, paseos, and plazas. The development vision includes a focus on creating a landmark project for the City with an elevated architectural design blending traditional styles with modern elements. An illustrated site plan depicting the proposed project is provided below as Figure 3.

Apart from the construction of City Hall in 2011 and the Crestavilla senior assisted living facility in 2017, there have been no new significant developments in the Town Center area since prior to City incorporation in 1989. The County owned property with the South County Justice Center courthouse (closed in 2008) continues to remain mostly vacant and underdeveloped, excluding the library.

Figure Site Plan 3



Proposed Campus Plan

The project proposes development of approximately 175,000 square feet of new nonresidential space (restaurant, retail, office, and library), 275 residential apartments, and extensive outdoor courtyards and community gathering areas. The proposed project is organized into the following main development areas, all of which are interconnected by shared pedestrian walkways. Ancillary site improvements in support of the development include demolition of existing structures, grading, drainage improvements, landscaping, and parking facilities (both surface and structured parking). The Applicant has indicated that they intend to pursue Leadership in Energy and Environmental Design (LEED) for the project. Project Plans illustrating details for all proposed development are included in Attachments G and H.

- **Daily Needs Retail.** The Crown Valley Parkway entrance to the southwest would include +/- 19,920 square feet of daily needs retail uses such as a gourmet market, specialty foods, culinary supplies, and restaurants. All buildings would be single-story.
- **Retail Village.** The Crown Valley and Alicia Parkway entrances would converge at the main Retail Village, the project's defining feature. This focal area is comprised of +/- 43,390 square feet of retail built around a central open space plaza area (Town Green), all linked by landscaped paseos that would feature shade trees, outdoor lighting, soft seating areas, gardens, and water features. The buildings are designed as single-story with patios that open onto the Town Green area. The Town Green would be open to the public and be improved with outdoor performance/event spaces and other areas to be programmed by the Applicant and others for open air farmers markets, art shows, food and wine

festivals, yoga in the park, outdoor movie nights, and more. According to the Applicant, potential tenant uses in the Retail Village include restaurants; markets; wine stores; breweries; cooking schools; independent-chef-driven food concepts and restaurants; hand-crafted coffee houses; specialty markets such as wine, cheese stores, and butchery; retail shops; small artisanal food purveyors; kiosks; educational space; and performance/event space.

- **Health/Wellness-Focused Retail, Medical Office, and Restaurant.** Directly adjacent to the Retail Village is a proposed two-story building totaling +/- 34,654 square feet dedicated to health and wellness. According to the Applicant, the focus would be on curating uses such as spin classes, yoga, Pilates, cross-training, stretch/meditation classes, medical office, physical therapy, health food cafes, and active lifestyle shops.
- **Creative Office Space.** Also planned directly adjacent to the Retail Village are two creative office buildings totaling +/- 60,597 square feet in two- and three-story structures. The buildings would feature creative spaces with high loft ceilings, skylights, operable windows, and overhead vertical-lift garage-like exterior doors that open to outdoor patios offering soft seating areas with indoor-outdoor collaborative workspaces and recreation areas. The office spaces would support daytime workspace that would benefit from walkability to retail, restaurant, and civic spaces as well as residential housing, to complete a fully integrated “live-work-play” project. The office component is viewed as a critical driver in providing an active daytime population to support the proposed commercial uses according to the Applicant. The buildings are designed with modern, open floor plans, allowing employees to take a break from their daily work amongst the project’s open spaces, shops, and dining options.
- **Library.** The existing Laguna Niguel branch of the Orange County Library system would be replaced with a larger, modern library. The existing library is +/- 14,400 square feet and the project’s proposed library would be +/- 16,290 square feet in size. Additionally, the new library would feature +/- 2,600 square feet of outdoor programmable space, further expanding the library’s useable area.
- **Residential Village.** The residential component of the proposed project would have 275 total apartment units in two separate buildings on the property along Alicia Parkway and Pacific Island Drive, with integrated pedestrian connections to the project’s commercial, office, and library components. According to the Applicant, each residential building would be offered on a for-rent basis at market rates and offer a variety of unit floor plans, including one to three bedrooms in both flats and townhome configurations with surface, structured, and direct-access garages to appeal to a broad segment of the renter market.
 - **Residential No. 1.** Residential No. 1 would be at the southwest corner of Alicia Parkway and Pacific Island Drive between the Laguna Niguel City Hall and the OCFA fire station. It would house 200 one-, two-, and three-bedroom apartment units in a three- and four-story building that terraces down the existing slope and entirely wraps a parking garage. Resident amenities would include a leasing office, clubhouse, private balconies, co-work area, fitness center, resort-style pool and spa, cabanas, bike repair shop, and pet spa. Ground-level units facing the commercial portion of the project would have expanded patios and direct entry to the sidewalks leading to the Retail Village and library.
 - **Residential No. 2.** Residential No. 2 would be at the northwest corner of the site along Pacific Island Drive just west of the OCFA fire station. It would consist of three- and four-story buildings surrounding a surface parking lot and house 75 apartment units consisting of one-,

two-, and three-bedroom flats and two-story townhome-style units, some with private rooftop decks. Additionally, 20 apartment units have direct access to enclosed garage space, providing rental units that live like townhomes. Residential amenities would include private balconies or ground-level patios, a private lounge adjacent to a resort-style pool and spa area that includes outdoor dining opportunities, cabanas, and a fire pit. A number of the ground-floor units facing the south and east would have direct entry at the street level through private, gated patios.

- **Town Green and Open Space Plazas.** In addition to the commercial, civic, and residential components, the project also features approximately 2.2 acres dedicated to the central outdoor Town Green gathering area and an extensive network of pedestrian-oriented paseos and open spaces weaving through the retail and commercial core. These areas would feature shade trees, outdoor lighting, soft seating areas, gardens, and water features. The Town Green would be open to the public and be improved with outdoor performance/event spaces and other spaces to be programmed by the Applicant and others for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, and more.
- **Parking and Other Transportation Options.** The project includes a total parking supply of 1,643 spaces, which includes a combination of surface parking and structured parking. Residential No. 1 meets the parking requirement within the parking structure integrated into the residential building. Residential No. 2 relies on shared parking with the parking structure for the commercial uses to accommodate a portion of the guest parking requirement. The parking structures will be managed, and guest parking controlled. Other transportation options to and from the site include dedicated drop-off/pick-up areas at the Town Green (Crown Valley Parkway entrance) and in front of the library, local bus service provided by the Orange County Transportation Authority (OCTA), and possibly the City's new free summer trolley. Additionally, existing pedestrian and bicycle facilities along the project frontage (proposed to be enhanced) provide connectivity to various nearby residential, commercial, and recreational uses.
- **OCTA Station No. 5.** The Applicant will be making improvements to OCTA Fire Station No. 5 and on Pacific Island Drive to improve emergency response access. Improvements would include reconstruction and repaving of the drive aprons and parking lots within the southern portion of the fire station property, installation of warning lights on Pacific Island Drive, installation of traffic signal preemption technology, and revised striping on Pacific Island Drive. Ancillary improvements also include new fences and gates, utilities, and landscaping.

Construction Phases

Development of the project would involve demolition and removal of the existing South County Justice Center, county maintenance yard, and library. Temporary off-site facilities would be secured for the library to continue operations during construction. The Applicant will be negotiating a lease for the interim library in an existing vacant space within the City. The location and size of the interim library will be determined based on available lease space and required approval by the County Librarian. Per conditions of approval, the interim library is required to be at least 3,000 square feet size. The community library needs would be further supported by

the Aliso Viejo and Dana Point branch libraries, both of which are located within 4 miles of the project site.

The project estimates approximately 127,000 cubic yards of net cut and fill grading. The earthwork would mostly involve lowering the pad elevations from existing conditions for the majority of the site and excavation for the partially subterranean parking structure for Residential Building No. 1. Grading activities would result in approximately 98,000 cubic yards of export. Approximately 83,000 cubic yards of export² would occur during the site preparation and rough grading phase, and the remaining 15,000 cubic yards would occur during the fine grading and street paving phase. Utilities for the project (water, sewer, storm drain, gas, and electrical work) would occur concurrently with grading. The next phase would consist of building construction followed by landscaping. All grading and construction activity are required to be conducted in strict compliance with construction-related conditions of approval included Resolution No. 22-07 (Attachment F).

City Approvals & Adoptions

The project requires the following City approvals and adoptions, discussed in more detail in subsequent sections of this staff report:

- **General Plan Amendment GPA 19-01** to add the “Residential Attached” land use designation over the site (excluding OCFA Station No. 5) allowing up to 275 proposed multifamily residential units, provided the project meets specific criteria in the General Plan Amendment. The General Plan Amendment would also modify the description and statistical summary for the profile area to account for the project.
- **Zoning Code Amendment ZCA 19-01** to create a mixed-use zone for the Town Center area, which establishes the mix of permissible land uses and development standards for the new “Mixed-Use Town Center” (MU-TC) District.
- **Zone Change ZC 19-01** to change the zoning on the project site from “Community Commercial” (CC) and “Public/Institutional (PI)” to “Mixed-Use Town Center” (MU-TC) District over the site, excluding OCFA Fire Station No. 5 (to remain PI).
- **Vesting Tentative Tract Map VTTM 19024** to subdivide the property into a total of 21 lots, including 17 numbered lots and 4 lettered lots.
- **Site Development Permit SDP 19-03** to allow grading (over 5,000 cubic yards, 127,000 cubic yards of net cut and fill grading is proposed) and site development of the site and to allow an alternative development standard for a boundary landscaping reduction at the base of an existing landscaped slope along the southwest property line.
- **Use Permit UP 19-22** to allow multifamily apartment homes on the project site per the new MU-TC District.

² Earthwork quantities for the project are generally consistent with other sizeable development constructed over the years with significant topography variation or subterranean features. For reference of grading and haul amounts, The Picerne Group Apartments (Blu) currently under construction within the City’s Gateway Specific Plan area included over 200,000 cubic yards of earthwork and approximately 162,000 cubic yards of export.

The City must also certify EIR 22-01 and adopt Findings of Fact, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program as required by the California Environmental Quality Act (CEQA) before approving the above-listed project entitlements.

GENERAL PLAN CONSISTENCY

Land Use Element - Community Profile 14 (Sub-profile Area C)

The subject property is in Community Profile 14, Sub-profile Area C of the Laguna Niguel General Plan. The Land Use Element designates the majority of the property as “Community Commercial,” “Professional Office,” and “Public/Institutional,” which allows a wide range of nonresidential uses, such as retail, restaurant, office, personal service, hotel, and public/institutional. The portion of the project site that includes the library and OCFA Fire Station No. 5 are designated “Public/Institutional,” which allows a wide range of public, quasi-public, and special-purpose private facilities that provide government or social services to the community. The General Plan Amendment proposes to change the land use designation for the property (excluding OCFA Fire Station No. 5) to “Community Commercial,” “Professional Office,” “Public/Institutional,” and “Residential Attached” as illustrated in Exhibit 1 of Resolution No. 22-03 (Attachment B).

The General Plan Amendment also amends the description for Sub-profile Area C (as follows (strikeout: deleted text, underline: new text)):

~~Town Center Expansion~~ Town Center 3

This sub area is designated Community Commercial, Professional Office, Public/Institutional and Residential Attached. The area currently includes the County of Orange Civic Center which encompasses 46,860 sq. ft. If the County Civic Center vacates this area, a maximum of 130,680 sq. ft. of Community Commercial and a maximum of 217,800 sq. ft. of Professional Office uses are envisioned for the site. Future development of the site may also include City Hall facilities. The existing Crown Valley Branch Library and Fire Station #5 will also remain within the sub area. South County Justice Center (closed in 2008), Laguna Niguel City Hall, Laguna Niguel Branch Library, Fire Station #5, a County maintenance yard, and undeveloped land owned by the County of Orange. Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,300 square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

1. The proposed development substantially advances the General Plan’s intent, policies, and actions for Town Center;
2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and

3. The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.

The project elements intended to satisfy these specific General Plan findings allowing up to 275 dwelling units include the following:

1. *The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center.* The Town Center area is identified in the General Plan as an Opportunity Area. Future redevelopment of aging and fragmented commercial development within the area is envisioned to include connected and complete neighborhoods with a mix of services, employment and shopping opportunities, housing types, and outdoor gathering areas. The proposed project advances the General Plan's intent, policies, and actions for the Town Center:
 - a. *Goal 2 – A sufficient amount of commercial and industrial uses which provide jobs and revenue to the City without compromising environmental quality.* The project would include nonresidential uses, featuring retail, restaurants, health and wellness, offices, event/performance space, and civic services. Potential tenants include restaurants, wine stores, breweries, cooking schools, or coffee houses, specialty markets, retail shops, small artisanal food purveyors, kiosks, and educational and performance/event space. The compilation of varying uses and businesses would generate temporary construction jobs and is intended to create the opportunity for new Laguna Niguel revenue generating businesses. These jobs would also positively add to this City's workforce and daytime population. Additionally, the project includes 275 residences within walking distance to the proposed commercial uses. The additional residences would increase the daytime and evening population around Town Center and provide new residents with purchasing power that could be spent at the future businesses. The project is also projected to contribute annual possessory/property and sales tax revenue to the City's general fund. Development of the project is also expected to serve as a catalyst for other investment and redevelopment of the Town Center area.

Notably, there have been no substantive new commercial or professional office developments constructed in Laguna Niguel in more than 20 years.

The project is able to provide jobs and revenue to the City without compromising local environmental quality. EIR 22-01 analyzed the impacts of the project on the environment. In all cases except one, impacts from the project are less than significant or mitigated to less than significant. The one exception is greenhouse gas emissions, which after incorporation of feasible mitigation measures, remains significant. Greenhouse gas emissions are a challenging global issue. The project provides infill mixed-use development, which has been demonstrated as the desirable type of development that minimizes greenhouse gas emissions because of lower vehicle miles traveled and the ability for residents to live within walking distance of shopping and office space. As such, the project has been designed in a manner consistent with environmentally sustainable planning practices.

- b. *Goal 9 – Enhancement of the Town Center.* Goal 9 features specific policies to further the City's intent to allow the area to become a special community focal point.
- i. *Policy 9.1 – Allow for the reuse of existing developed properties.* The proposed project constitutes reuse of the property that features a mix of complementary and interconnected retail, service, office, restaurant, civic, and residential uses. To date, the Town Center area has suffered from a number of constraints that have stifled achievement of the General Plan's vision as well as attainment of its market potential. Excluding the construction of City Hall in 2011 and the Crestavilla senior/assisted living facility in 2017, there have been no new significant developments in this profile area since prior to City incorporation in 1989. The County of Orange-owned property with the South County Justice Center courthouse (closed in 2008) continues to remain mostly vacant and underdeveloped.
 - ii. *Policy 9.2 – Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center's visibility are encouraged.* The project is located in the center of the City and would help transform the Town Center into a commercial and civic hub for residents and visitors. The project is designed with an extensive network of pedestrian walkways that traverse the entirety of the project and provide connectivity to core outdoor features within the Retail Village, such as dining areas, plazas, paseos, and other congregating areas. These spaces are designed to include lush landscaping, seating, shade elements, and other enhancements to elevate one's experience at the project. At the main entry to the Retail Village, the Town Green would serve as project focal point and would be improved with extensive landscaping and is programmable for pedestrian-friendly uses (e.g., farmers markets, art shows, live music, outdoor movies, etc.).
 - iii. *Policy 9.3 – Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.* Consistent with the discussion under Policy 9.2, the project is a placemaking development that incorporates significant public amenities, such as programmable open spaces and pedestrian pathways and paseos, that facilitate patron movement, experience, and interaction within the mix of residential, commercial, civic, and office uses. The project would provide daytime and evening activities. The project's mixture of daytime and evening uses, such as offices, library, restaurants, specialty retail shops and markets, office space, kiosks, and a performance/event space, arts and education spaces, and health and wellness spaces, would ensure a

continually active Town Center. The proposal yields a fully integrated “live-work-play” project.

- iv. *Policy 9.4 – Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City’s identity. A focus is also ensuring the appearance of arterial surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.* The project is designed in both an attractive and functional manner to encourage people to use the common open space areas, pedestrian-oriented courtyards, and promenade and to visit the shops, kiosks, and restaurants. Unlike a typical shopping center that has extensive surface parking adjacent to commercial uses, many of the proposed commercial buildings have no direct street access and instead the project’s design requires patrons to park and walk to businesses. The walkable environment design encourages residents and visitors to park once and visit multiple places and uses. It incorporates an attractive landscape palette and architectural design and materials. Pedestrian connections are planned to surrounding communities and the landscaping and architectural massing were designed to enhance the pedestrian experience and guide pedestrians to the commercial core. The use of extensive landscaping throughout the site’s interior open space areas and along perimeter slopes, would further soften the visual character of the proposed development as well as provide a visual buffer between the proposed project and surrounding uses.

- 2. *The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.).* The project includes substantial public benefits to support granting bonus additive residential uses up to 275 dwelling units, including, but not limited to:

- At the main entry to the Retail Village, a “Town Green” is proposed as a project focal point that would be improved with mature specimen trees, water features, and soft seating areas. This programmable space is planned for public outdoor events, such as open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The Town Green and curated uses with extensive walking paths and landscaping are intended to transform the project site into community gathering hub for residents and visitors of Laguna Niguel.
- New state-of-the art County branch library with modern technologies to replace the existing library originally constructed in the mid-1980s (remodeled in 2011). The new library would be centrally located within the project next to shops, restaurants, and highly amenitized open space areas, and include dedicated outdoor space. In addition to being larger than the existing library, space planning for the new library has been tailored based on the current priorities, technology, and library usage. A focus was also on creating a more open floor plan design compared to the existing library to accommodate greater library

programming adaptability, both now and in the future. Construction of the library would be fully funded by the Applicant and no cost to taxpayers.

- Bicycle and pedestrian travel are an important component of the City's circulation system and are a valuable alternative form of transportation. Off-site safety enhancements for pedestrians and bicyclists are proposed as project design features at the surrounding intersections and along the project frontage. These improvements are beneficial both for and independent of the project.
- The proposed residential component expands the City's needed housing stock and would be the City's first new rentable multifamily residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. Furthermore, the proposed rental housing differs from other apartments in the City, with many dwellings having direct access garages.
- Facilitating a blend of complementary land uses, including additive residential development in support of foundational commercial activities, offers the City the flexibility necessary to stimulate market driven investment in the Town Center and transform the area into a long envisioned vibrant city center thereby improving the quality of life for current and future residents and businesses alike.

3. *The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.* The project site currently consists of disjointed and vacant civic structures, underutilized parking lots, undeveloped land with seasonal overgrown weeds, and an existing County library built in the mid-1980s (remodeled in 2011). The proposed project is an outdoor oriented mixed-use retail, office, and residential project, connected internally by well-designed streets and sidewalks supporting a comfortable pedestrian walking environment, conducive to outdoor dining, entertainment, and retail, centered around approximately one-acre park (Town Center) supporting formal and informal community gatherings. Notable design themes include human-scale of architecture through the use of well-proportioned massing and composition, plane breaks, natural materials and heavily landscaped perimeters along arterial roadways to further elevate the project's visual quality and character. As a project highlight, the new library has been designed to be architecturally distinctive with a contemporary composition featuring stacked stone and wood siding and expansive glass walls to create a dramatic "jewel box" effect.

Overall, the project design, site planning, pedestrian circulation, outdoor gathering spaces, and programing elements are intended to yield a placemaking project that results in a cohesive campus that creates greater value for the community than just the sum of its parts. Creating a dynamic Town Center for Laguna Niguel would be a significant improvement over existing site and building conditions.

Land Use Element - Goals and Policies

The Laguna Niguel General Plan includes a series of stated goals that are intended to establish a broad vision of desired conditions the City wants to achieve. Also included are policies which set a course of action to achieve these goals. Several text and statistical changes are proposed to the General Plan to

account for the mixed-use development vision of the project and to retain internal consistency within the document. Updates to reflect current conditions, which have changed since the original adoption of the General Plan in 1992, are also proposed. A comprehensive summary of the Project's consistency with the intent, goals, and policies of the various elements of the General Plan is provided in Table 5.10-2 of Section 5.10 (Land Use) of the Project EIR.

Circulation Element - Transportation/Traffic

A Traffic Impact Analysis (TIA) was conducted by Linscott, Law & Greenspan, Engineers (LLG) to evaluate the impact of the project on the existing and future traffic circulation system per the City's Transportation Assessment Guidelines and the General Plan Circulation Element. The TIA, entitled *Traffic Impact Analysis Report - Laguna Niguel City Center Project*, dated March 8, 2022 is provided in EIR Appendix L1

The TIA presents an inventory of existing characteristics and traffic volumes at key locations within the study area, forecasts vehicular traffic anticipated to be generated by the project, and evaluates potential impacts of these project-generated trips on the surrounding street system. Additionally, site access and internal circulation analyses were conducted.

Intersection Analysis

As detailed in the TIA, with the project design features (described below), potential operational traffic impacts related to the project under Existing Conditions, Year 2025, and Year 2040 traffic scenarios were found to be consistent with the City's performance criteria. The TIA also assessed potential construction traffic. Although it concluded that it would be short term and less than operational traffic, the TIA does recommend the preparation of a Construction Management Plan (e.g., traffic controls, hours, vehicle staging) prior to site development to ensure impacts to surrounding streets are kept to a minimum. A condition of approval is included in Resolution No. 22-07 requiring the submittal and approval of a Construction Management Plan prior to commencing with grading or construction.

Vehicular Site Access

The project site would be accessible via four existing entries: the signalized intersection at Crown Valley Parkway and Hillhurst Drive/Civic Center Plaza, the unsignalized intersection of Alicia Parkway and Town Center Drive (traffic signal proposed as a project feature), and the two secondary access driveways along Pacific Island Drive, east and west of the OCFA fire station. Vehicular connectivity is provided throughout the site, giving access to all parking areas and various points of entry. A valet/drop-off area would be established at the major entrance to the Retail Village area.

As detailed in the TIA, a series of project design features are proposed to improve intersection geometry, increase capacity, or improve operations. These generally include installation of a new traffic signal at the intersection of Alicia Parkway and Town Center Drive, inbound/outbound lane and turn pocket expansion, traffic signal modifications, and restriping.

Multi-Modal Transportation (Bicycle, Pedestrian, and Transit)

Bicycle and pedestrian travel are an important component of the City's circulation system and are a valuable alternative form of transportation. The existing pedestrian and bicycle facilities along the project frontage connect the project site to various nearby residential, commercial, and recreational uses. Each of the roadways surrounding the project is configured with Class II bike lanes. Class II is defined as a restricted lane within the right-of-way of a paved roadway for the exclusive or semi-exclusive use of bicycles. Each of

these roadways is also fully improved with sidewalks and has marked crosswalks and pedestrian signals at each of the signalized intersections.

Proposed sidewalks from the perimeter streets would circulate around the commercial core and offer multiple points of access into the Retail Village between buildings and patios from wide, landscaped pedestrian paseos. Once into the project, all commercial and residential buildings would be linked by pedestrian walkways and landscaped gardens to facilitate interactions and connectivity between all onsite uses.

In consultation with the City's Public Works Department, additional safety enhancements for pedestrians and bicyclists are also proposed. At the surrounding intersections and along the project frontage these include: continental crosswalks, pedestrian call indicators, "Turning Vehicles Yield to Pedestrians" (R10-15) signs, traffic signal timing adjustments, advance stop lines, bicycle detection at traffic signals. Additionally, the project would include dedicated drop-off/pick-off areas along the Retail Village Core frontage and at the library entry, short and long-term bicycle parking, and electric bicycle charging stations. The specifics of these features would be subject to the review and approval of the City's Public Works Department prior to project building permit issuance per conditions of approval included in Resolution No. 22-07, (Attachment F).

In terms of transit opportunities, the Orange County Transportation Authority (OCTA) provides local bus service in the vicinity of the project site via two bus routes—Routes 85 and 87. The bus stops closest to the project site are at the corner of Alicia Parkway and Pacific Island Drive. A sheltered bus stop is along the east side of Crown Valley Parkway, just north of Alicia Parkway, and an unsheltered bus stop is along the west side of Alicia Parkway, just south of Pacific Island Drive. With the City's new summer trolley pilot program, opportunities may exist to have a trolley stop at or along the frontage of the project site.

ZONING CONSISTENCY

Zoning District – Permissible Land Uses

The project site is currently zoned "Community Commercial" (CC) District. The portions of the project site that encompass the Laguna Niguel Branch Library and OCFA Fire Station No. 5 are zoned "Public/Institution" (PI) District. The CC District is intended for medium- and large-scale commercial areas near arterial highways and serving a greater trade area. Goods and services include retail, office, service, lodging, and entertainment uses. The PI District allows a wide range of public, semipublic, and special-purpose private facilities.

To accommodate mixed-use development and provide consistency with the proposed General Plan designation, a Zone Change and Zoning Code Amendment are proposed for the project site. The proposed zoning is "Mixed-Use Town Center" (MU-TC) District as illustrated in Exhibit 1 of Resolution No. 22-05 (Attachment D). This new zoning district expands the mix of allowable uses for the project site to permit additive residential dwelling units (up to a total of 275 dwelling units) if specific findings are achieved as detailed under the General Plan Consistency subheading of this report and the approval of a Use Permit.

For a comprehensive listing of permitted nonresidential and mixed-uses, please refer to Exhibit 1 of Resolution No. 22-04 (Attachment C). For reference, the changes are limited to accounting for the mixed-use district, no modifications to the existing list of permitted nonresidential uses are proposed.

Development Standards

The proposed Zoning Code Amendment includes expanding the existing nonresidential provisions (LNZC Section 9-1-32) to account for the new MU-TC District. The proposed MU-TC District standards take into consideration the existing LNZC residential and nonresidential (commercial and civic) development standards and the surrounding built environment. Please refer to Exhibit 1 of Resolution No. 22-04 (Attachment C) for the proposed text changes to the LNZC development standards accounting for the new MU-TC District). Table 1 below provides a comparison of the project to applicable LNZC development standards

Table 1: Comparison of the Project to the Zoning Code Development Standards

MU-TC Development Standards	Proposed Project
Perimeter Setbacks¹: - Property lines abutting Residential, Open Space, Parks & Recreation, Public Institutional Zoning Districts - 15' minimum at any point and a 20' minimum average over the entire perimeter. - Property lines abutting Office, Commercial, Zoning Districts - 0 feet minimum. - Property lines abutting street right-of-way - 20' minimum.	15' minimum from all property lines and 20' minimum average over the entire perimeter, ranges from 15' to 110'. 20' minimum from all property lines abutting street right-of-way, ranges from 22' to 110'.
Building/Structure Height²: 50' maximum.	Building heights range from 25.5' to 50' maximum.
Boundary Landscaping: - Along designated Scenic Highways in the General Plan (includes Crown Valley Parkway and Alicia Parkway) - minimum depth of 25' of landscaping, measured from the curb. - Boundary landscaping abutting arterial highways shall be provided to a minimum average depth of 15' with a minimum depth of 10', measured from the street right-of-way. - Boundary landscaping abutting land zoned Residential, Open Space, Parks & Recreation, Public Institutional Districts - minimum average depth of 10' with a minimum depth of 5'.	Boundary landscaping exceeds 25' as measured from curb along Crown Valley Parkway and Alicia Parkway (Scenic Highway), ranges from 25' to 50'. Boundary landscaping exceeds 15' along Pacific Island Drive and ranges from 20' to 25'. Along the residentially zoned boundary to the southwest, landscaping is proposed at a minimum average depth of more than 10' and a minimum depth greater than 5'. Along the Open Space boundary to the west, landscaping is proposed at a minimum average depth of more than 10' feet. An Alternative Development Standard is requested to allow limited deviation from the minimum 5' boundary landscaping depth standard where an abutting open space landscaped slope is present. <i>Refer to Alternative Development Standards section of staff report for additional discussion.</i>
Interior Landscaping: As a percent of buildable project area (in addition to boundary landscaping) – 15% minimum (2.5% minimum within parking areas).	+/- 20% of the buildable project area is landscaping (excluding boundary landscaping). +/-10% of the landscaping is within the parking areas.
Active and/or Passive Recreation Area Requirements: Minimum of 300 sq. ft. of active recreation and/or passive leisure space per residential unit. 275 units x 300 sq. ft. = 82,500 sq. ft. minimum.	+/-109,000 sq. ft. of active and passive recreation area proposed.

MU-TC Development Standards	Proposed Project
Fence and Wall Heights: ▪ Within setback areas - 6' maximum as measured from an adjacent property or street and 8' maximum as measured from the property on which it is located (i.e., retaining condition). ▪ Outside of setback areas - 12' maximum	Within setback areas, proposed freestanding and retaining walls are no taller than 6' as measured from adjacent properties or street and no more than 8' in height as measured from the subject property. Beyond minimum setbacks walls range up to 10' in height.
Off-Street Parking³: 562 spaces minimum for Residential (275 units) <u>934 spaces</u> minimum for Commercial, including Library 1,497 spaces minimum	570 spaces for Residential (275 units) <u>1,073 spaces</u> for Commercial, including Library 1,643 spaces (+146 spaces above minimum required) <i>Although the proposed parking supply exceeds the minimum standard, a condition of approval is included in requiring a Parking Management Program should parking and/or circulation problems arise.</i>
Outdoor Lighting: Minimum of 1.0 foot-candle at all points but not exceed an average of 3.0 foot-candles. All lighting sources must be shielded so they are not visible from outside the project site, and they must not add more than 0.2 foot-candle to ambient conditions (as measured 20' beyond the project boundary). Building-mounted lights must also all be installed below the roofline, and pole- or fence-mounted lights must be no more than 24' above finish grade.	Proposed outdoor lighting would consist of building-mounted lighting, pole-mounted lighting, and illuminated bollards along walkways, and accent uplighting in landscaped areas to meet the project's aesthetic and security needs. The proposed light sources would be shielded and directed on-site to minimize off-site light spill. The project plans include preliminary details and photometric calculations related to the proposed lighting, which comply with standards. Detailed lighting plan, including photometric levels, are included in the project plans (Attachment G and H).
Signage: Sign Programs are required for all shopping centers, office complexes, business parks, and similar projects via a site development permit.	<i>To be submitted under separate permit request.</i>
Notes: ¹ MU-TC minimum perimeter setbacks and minimum landscaping requirements are a hybrid/blend of both the existing LNZN residential and nonresidential (commercial and civic) development standards. ² The 50' building height is proposed for the MU-TC based on the existing building height of City Hall, which extends up to 65' in height and the intended town center intensity and synergy proposed with this mixed-use development. Additionally, a 50' height limit allows more efficiently site planning, which yielded a greater allocation of site landscaping and community gathering space. This is also consistent with the recently constructed Crestavilla senior assisting living facility at the Crown Valley Parkway and Niguel Road intersection, extends as tall as 50' in height. ³ Refer to title sheet of project plans for a comprehensive summary of required and proposed parking.	

Alternative Development Standards

As indicated in the table, the project is consistent with development standards, with the exception of the 5' minimum depth of boundary landscaping at the base of an Open Space zoned ascending slope for a property line segment along proposed Lot 15 (please refer to Figure 3 below for a visual reference). The project exceeds the minimum average depth standard of 10'. The Applicant is requesting a landscape reduction from a minimum of 5' to 0' in limited areas. In accordance with LNZN Section 9-1-114.1(g), as part of the Site Development Permit, an alternative development standard for such a reduction is permissible, subject to the approving body making the appropriate findings for all site development permits, along with the following:

"The use of the alternative development standards will result in a project design superior to that under the baseline development standards in this Code, or will result in public benefit(s) which would not have been realized under the baseline standards."

To optimize site planning and achieve community benefiting features (e.g., programable Town Green and other outdoor congregating areas, new library), the surface parking area for Residential Building No. 2 has been positioned at the toe of the ascending open space slope along the western boundary of Lot 15, which necessitates the reduced minimum landscape buffer in one area (the minimum average buffer of 10' along the boundary would be adhered to). This adjacent slope is landscaped and provides a +/- 120' buffer between the project site property line and the adjacent residences. Furthermore, this slope is undevelopable and will remain as landscaped slope in perpetuity. In consideration of the slope's existing topography and mature landscaping, any impacts of the reduced setback would be negligible. Additionally, this area of the property is not readily visible from any public vantagepoints.

In light of the project's public benefits, the quality of the design of the overall project, and that the minor reduction would be imperceptible due to the surrounding setting, the necessary finding to support the alternative development standard provision can be made.

Figure 3: Minimum Landscape Reduction



Community Design Guidelines

The proposed project is subject to the LNZN Design Guidelines (Subarticle 9). In general, these guidelines seek to ensure the aesthetic and functional quality of new construction and redevelopment projects in the City. The project plans, which include, detailed site plans, building elevations, landscaping plans, outdoor lighting details, and visual renderings, are included as Attachments G and H.

Retail Village

Within the Retail Village, the restaurant and retail buildings consist of a series of single-story buildings. Storefronts would be crafted with enhanced materials (such as barn wood, board and batten siding, and stone), metal and fabric awnings, expansive glass, and gabled roofs (standing-seam metal and cedar-shake roof materials). Many of the restaurants would feature exterior patio seating areas with a combination of shade awnings and umbrellas, fire pits, and water features. Also within the Retail Village are the office buildings which showcase oversized glass windows with barn/garage-style rollup doors to allow outdoor patios to be expanded for larger workspaces and collaboration. The linear rooflines with prominent overhangs add the play of shade and shadow to the exterior elevations further enhancing building design. The project's primary parking garage within the Retail Village ranges from three- to four-levels. The façade is enhanced with a varied pattern of horizontal synthetic wood louvers, wood siding exterior for the staircase and elevator towers and a combination of screening trees and cable trellis with climbing vines. Surface parking areas incorporate a combination of groundcover landscaping and intermittent canopy trees. Landscaped paseos that would feature shade trees, decorative lighting, soft seating areas, gardens, and water features are incorporated throughout to create a walkable placemaking project with a neighborhood feel.

The new library is a featured building within the project core and has been designed to be architecturally distinctive with a contemporary composition featuring stone cladding, wood siding, and expansive glass walls to create a dramatic "jewel box" effect (Figure 8). Of note, the Applicant partnered with LPA to design the library building. LPA is an industry leader in designing civic buildings and was the architectural firm behind both City Hall and the recently completed Community Park Building.

Figures 4-7: Retail Village





Figure 8: Library



Residential Buildings

The two residential buildings range from two- to four-stories in height and have been purposely designed to terrace down the terrain to complement the site topography and reduce visual massing. Architecturally, the buildings incorporate major and minor horizontal breaks, changes in materials, and accent elements, such as ground-level patios, upper level balconies, to create distinguishable separations between building composition and add visual interest. Building facades are also well-detailed with various enhanced finishes and changes in colors that have been selected to complement City Hall and the Retail Village. This generally includes metal awning overhangs, stone cladding, and plaster sand finish for building materials and a paint palette consisting of a combination of earth-tone colors. To also complement City Hall, the residential building along Alicia Parkway shares a similar setback from the roadway and a combination of drought-tolerant perimeter groundcover shrubs of varying height and canopy trees. Furthermore, particular attention has been paid to providing architectural elements at the human scale, in a continued effort to provide a pedestrian friendly environment.

Figure 9: Residential Building No. 1



Figure 10: Residential Building No. 2



Perimeter and Interior Landscaping

The entire project would be landscaped with drought-tolerant native and ornamental trees (e.g., coast live oaks, sycamores, olives), shrubs, gardens, and lawns, all of which would be privately-owned spaces available to the public. In particular, the approximately one-acre Town Green at the main entrance to the Retail Village and at the convergence of entrance roads from Crown Valley and Alicia Parkways would act as the main gathering place and outdoor event programming area. This area would be extensively landscaped with a large, central, terraced event lawn and enhanced paving walkways. Surrounding the Town Green would be various soft seating areas, decomposed granite walkways, outdoor dining areas, herb gardens, and a central water feature. The landscaping would be carried throughout the project, linking all areas with pedestrian walkways, paseos, and communal seating areas. The project would also incorporate new landscaping along the perimeter streets (Crown Valley Parkway, Alicia Parkway, and Pacific Island Drive) that would complement and enhance surrounding street scenes and help establish a new identity for the city center area. The apartment homes would feature decorative landscaping, outdoor dining, enhanced hardscape, resort-quality furnishings, and features in each courtyard. Additionally, all interior streets and pedestrian pathways would be lined with ornamental trees.

Cultural Depiction

LNZC Section 9-1-92.6 encourages cultural depictions for commercial and mixed-use projects over one acre in size. Examples of such depictions might include artwork, such as sculptures, mosaics, or murals; displays containing artifacts found on or near the development site; plaques, commemorating historical events or pointing out exceptional vistas or physical features of the location; or similar representations. The purpose of the City's cultural depiction program is to provide for the incorporation of representations of the City's physical and cultural heritage into the everyday life of the community.

The project's overall design pays tribute to the municipal and civic history and heritage of the project site by incorporating civic elements, such as paseos, a new library, programmable spaces, a Town Green, and other spaces that elevate the existing project site and complements the adjacent City Hall site. To further incorporate references to the City's civic and cultural heritage, a condition of approval is included in Resolution No. 22-07 requiring City approval of a cultural depiction plan that incorporates depictions of the City's heritage into the project consistent with the guideline provisions (e.g., artwork, such as sculptures, mosaics, or murals; plaques, commemorating historical events or pointing out exceptional vistas or physical features of the location; or similar representations).

SURROUNDING LAND USES

Surrounding land uses adjacent to the project site include City Hall to the east; OCFA Fire Station No. 5 to the north (within the project site); and Niguel Summit Apartments, El Niguel Terrace townhomes, and Charter Terrace single-family homes to the west. Directly across from Pacific Island Drive, Alicia Parkway, and Crown Valley Parkway are the Pacific Island shopping center, Town Center, and Crown Valley Mall, respectively. At the closest point, the nearest project building is over 100' from any of the surrounding residences upslope from the project site.

The project site currently includes the abandoned courthouse, county maintenance yard, County library, and associated parking areas. The remainder of the site is predominantly vacant and undeveloped, with nonnative grasslands. The majority of the project site has mostly been underdeveloped/vacant for decades. The proposed project seeks to build out the property consistent with the City's general vision.

Grading and Construction

As discussed under the CEQA Compliance subheading, the project includes site demolition and grading to create the building pads and for infrastructure improvements. In terms of landform change, proposed grading includes lowering of existing grades for the parking structure and residential buildings. Minor fill is proposed in some of the commercial areas, but nothing that would substantively change the visual character of the site. EIR mitigation measures and conditions of approval within Resolution No. 22-07 are proposed to limit potential construction-related noise, air quality/dust, and traffic impacts to adjacent land uses. Furthermore, conditions require continued access to City Hall and Police Services during construction.

Site Development and Operations

Proposed buildings would range from 25.5' to 50' in height, which is consistent with the height limit in the proposed MU-TC Zone. While private views are not protected, the proposed buildings have been designed such that projections above nearby residential building pad elevations include only limited roof-top appurtenances. Even with these minor projections, residents within these neighboring communities would continue to have distant hillside and mountain views over the project. Furthermore, the proposed building heights would generally be consistent with City Hall, which ranges from 35' to 65'. This is also compatible with the recently constructed Crestavilla senior assisting living facility at the Crown Valley Parkway and Niguel Road intersection, extends as tall as 50' in height.

Proposed building setbacks, scale, massing, construction materials, and landscaping, all of which are included in project plans (Attachments G and H), are helpful tools in assessing a project's visual character. As summarized under the Zoning Consistency subheading, the project complies with both the City's development standards³ and design guidelines. Overall, the site's existing character consisting mainly of disjointed and vacant civic structures, underutilized parking lots, and undeveloped land often covered with seasonal overgrown weeds would be enhanced through development of the proposed project.

Other related development considerations including traffic are discussed under the CEQA Compliance and General Plan subheadings. With the project design features (installation of a new traffic signal at the intersection of Alicia Parkway and Town Center Drive, inbound/outbound lane and turn pocket expansion, traffic signal modifications, and restriping, and enhancements for pedestrians and bicyclists), potential operational traffic impacts related to the project were found to be consistent with City's performance criteria. A series of project frontage enhancements for pedestrians and bicyclists are also proposed, which would benefit the surrounding area.

The project site is at the convergence of commercial properties to the south, east, and north, and multifamily residential and single-family residential to the west. The proposed project, which includes commercial, office, residential, and civic uses is consistent with the surrounding combination of uses. Distinct to the proposed project, a central Town Green is proposed, which is intended to accommodate public outdoor events, such as, farmers' markets, art shows, live music, outdoor movies, yoga, etc. A combination of EIR mitigation measures and conditions of approval are included Resolution No. 22-07 to minimize potential noise to less than significant and other operational impacts from these events and the overall project. Additionally, each outdoor event, or each series, of events would require separate review and consideration by the City under a Temporary Use Permit.

³ Project includes the use of an alternative development standards to allow a boundary landscape reduction adjacent to an ascending open space slope. However, modifying the landscaping standard would not have an impact on views from adjacent properties.

SUBDIVISION - VESTING TENTATIVE TRACT MAP

As previously noted, the proposed Vesting Tentative Tract Map VTTM 19024 (Attachments G and H) establishes the lot boundaries and easements necessary to facilitate the proposed development project. The map also includes all statutorily required information including, but not limited to, design details for grading, site access, and utilities. Subject to approval of requested entitlements, the proposed subdivision is consistent with the General Plan land use and zoning designations for the project site. Conditions of approval for the Tentative Map, including those related to access easements are included in Draft Resolution No. 22-06 (Attachment E).

CEQA COMPLIANCE

PlaceWorks, Inc. (City environmental consultant), in collaboration with City staff and other City third-party consultants, has prepared EIR 22-01 (SCH No. 2019110083) for the project pursuant to the CEQA and the City's CEQA Manual. An EIR is the most comprehensive form of CEQA environmental documentation. The purpose of this EIR is to inform the public and decision makers of the project's potential environmental impacts and include mitigation measures, as necessary, to reduce environmental impacts. The EIR includes a description of the project, an evaluation of the potential environmental impacts, and consideration of project alternatives. The project Draft and Final EIR are included as Exhibit 2 and 3, respectively to Resolution No.22-02 (Attachment A). Pursuant to CEQA Guidelines Section 15025, where the Planning Commission is tasked with making a recommendation on a project to the City Council, such as here, the Planning Commission considers the EIR in draft or final form. The City Council will ultimately consider certifying the Final EIR at the time it considers the project entitlements.

In summary, the EIR concluded the following for each of the environmental topical areas:

- **Less than significant/no impacts:** Aesthetics, Agriculture, Energy, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Traffic, Tribal Cultural Resources, Utilities and Service Systems, Wildfire.
- **With mitigation measures, less than significant impacts⁴:** Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise.
- **Significant and unavoidable impacts:** Greenhouse Gas Emissions (discussed below).

Greenhouse Gas Emissions

The nature of development as a mixed-use, pedestrian-oriented development is consistent with the development strategies to reduce greenhouse gases emissions. Nevertheless, the project related greenhouse gases emissions would still result in a cumulatively considerable significant impact. Mitigation Measures, such as those requiring the use of energy-efficient appliances, providing electric vehicle charging stations, convenient bicycle parking accommodations, and preferential parking for fuel efficient

⁴ Pursuant to CEQA, the necessary mitigation measures to reduce the project's environmental impacts to less than significant have been included in the Mitigation Monitoring Program (Exhibit 5 to Resolution No. 22-02, Attachment A). These required mitigation measures are also incorporated as conditions of approval in Draft Resolution No. 22-07.

and carpool vehicles, are included in the project EIR to reduce annual greenhouse gases emissions. The largest source of greenhouse gases emissions is mobile sources. Through the proposed Mitigation Measures, the project incorporates design features to facilitate multi-modal transportation, including infrastructure that facilitates alternative transportation options. However, while the project incorporates such requirements in an effort to reduce mobile source emissions, such emissions are largely outside the control of the project.

To the extent that significant adverse impacts would not be reduced to a less than significant level with the adopted mitigation, the City must adopt a statement of overriding considerations that specific economic, social, and other considerations support approval of the proposed project. These findings supporting approval of the project are included in Exhibit 1 of Resolution No. 22-02 (Attachment A).

EIR Project Alternatives

CEQA requires that an EIR analyze a reasonable range of project alternatives that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project. Notable alternatives considered are summarized below. For a more extensive assessment of all the alternatives evaluated as a part of the CEQA analysis, please refer to Draft EIR 22-01.

- **Existing General Plan Buildout Alternative.** Under this alternative, the site would be developed based on the current General Plan buildout of 348,480 square feet of commercial development, no residential. This existing development opportunity has been in place since the original adoption of the General Plan in 1992. To date, meaningful development interest has never materialized. Additionally, it is unlikely this alternative would attain several of the EIR project objectives.
- **Residential Development Only.** Under this alternative, nonresidential development would be eliminated, and the number of residences would increase to 400 units. This alternative would assist in increasing the City's housing stock and may offer a larger financial return for the County, but it would not accomplish the City's vision of transforming Town Center into a commercial and civic hub for Laguna Niguel.
- **Mixed-Use Development, Reduced Commercial.** This alternative would retain 275 residential units but reduce the square footage of nonresidential uses as needed to reduce greenhouse gas emissions to less than significant. Office uses would be eliminated, and commercial (retail and restaurant uses) would be reduced to 23,750 square feet—a reduction of almost 137,000 square feet of commercial in comparison to the proposed project.
- **County Reuse.** Most private redevelopment proposals of the County property would trigger some form of required land use discretionary approval from the City. However, there are a range of public, quasi-public, and special purpose private facilities aimed at providing governmental or social services to the community that would require limited to no City discretionary authority. Under this alternative, examples of County reuse could potentially include, but are not limited to, an expanded maintenance yard, County administrative offices, wellness facilities, supportive housing, and emergency shelters. In 2018, without City consultation, the County proposed a temporary emergency shelter for the subject site, but ultimately opted not to proceed with this use for the property. This alternative would not accomplish several of the project objectives, or the City's vision for the site.

CEQA requires a lead agency (City) to identify the “environmentally superior alternative” to the project. The “Mixed-Use Development, Reduced Commercial” was determined to be the environmentally superior development alternative. This alternative would reduce environmental impacts to several CEQA categories in comparison to the project and would also eliminate significant and unavoidable impacts to operational greenhouse gas emissions. However, with the substantial commercial space reduction under this alternative, the project would fall well short of its expected potential and City objectives. It is unlikely that a mixed-use development with only 23,750 square feet would yield a dynamic mix of retail, restaurant, and office uses that would culminate in a vibrant city center in the heart of Laguna Niguel. Scaling down the commercial component and project economics to this degree would also likely result in the elimination or considerable reduction of valued project elements that are intended to attract the community as a gather place, such as the Town Green and network of open space plazas, and outdoor dining areas. Additionally, this alternative would not be expected to be able to finance a new, state-of-the-art library and would generate far less revenue for both the County (property lease and tax revenue) and City (tax revenue).

EIR Public Comments and Concerns

As noted in the Public Notice section of this report, prior to preparation of the Draft EIR, on November 1, 2021, the City released a NOP and hosted a public scoping meeting on November 19, 2021 inviting interested parties, including the public, to provide comments on the proposed scope of the EIR. In response, the City received 26 comments (17 comments from individuals and nine from public agencies). Responses to these comments were provided in the Draft EIR 22-01, included as Exhibit 2 of Resolution No. 22-03 (Attachment A), which was completed in early March 2022. Beginning on March 15, 2022, Draft EIR 22-01 was made available for a 45-day public review period. In response, the City received a total of 10 written comments on the Draft EIR (five from individuals, three from public agencies and two from law firms representing labor unions). Responses to these comments are included as part of the Final EIR, included as Exhibit 3 of Resolution No. 22-03 (Attachment A).

Respectfully submitted,
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by:



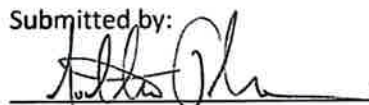
John Morgan
Development Services Manager

Reviewed by:



Nicholas Ghirelli
Assistant City Attorney

Submitted by:



Jonathan Orduna
Community Development Director

Attachments:

- ~~A. Draft Resolution No. 22-02 (EIR 22-01)~~
 - ~~Exhibits~~
 - ~~1. Draft Findings of Fact and Statement of Overriding Considerations~~
 - ~~2. Draft EIR 22-01 (limited distribution)~~
 - ~~3. Final EIR 22-01, in draft form pending City Council approval (limited distribution)~~
 - ~~4. EIR 22-01 Appendices (limited distribution)~~
 - ~~5. Mitigation Monitoring and Reporting Program~~
- ~~B. Draft Resolution No. 22-03 (GPA 22-01)~~
 - ~~Exhibits~~
 - ~~1. Proposed Changes to the General Plan Land Use Map~~
 - ~~2. Proposed Changes to the General Plan Land Use Element Text and Statistical Summary~~
- ~~C. Draft Resolution No. 22-04 (ZCA 19-01)~~
 - ~~Exhibit~~
 - ~~1. Proposed Zoning Code Amendment Text~~
- ~~D. Draft Resolution No. 22-05 (ZC 19-01)~~
 - ~~Exhibit~~
 - ~~1. Proposed Changes to the Official Zoning Map~~
- ~~E. Draft Resolution No. 22-06 (VTTM 19024)~~
- ~~F. Draft Resolution No. 22-07 (SDP 19-03 and UP 19-22)~~
- ~~G. Reduced Size Project Plans (limited distribution)~~
- ~~H. Full-Size Project Plans (limited distribution)~~

Attachment H

May 24, 2022 Planning Commission Meeting
Minutes and Resolutions Nos. 22-02 to 22-07 (w/o
Attachments)



THE CITY OF LAGUNA NIGUEL

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

MAY 24, 2022

CALL TO ORDER

By Chair Brian Fisk at 7:00 p.m.

ROLL CALL

Voting Members Present: Chair Brian Fisk
Commissioner Robert Brown
Commissioner Sally Savage-Lebhart
Commissioner Pete Vahid

Voting Members Absent: Vice Chair Roger Green

Advisory Members Present: Community Development Director
Jonathan Orduna

Staff Present: Development Services Manager John Morgan
Assistant City Attorney Nicholas Ghirelli
Administrative Secretary Hannah Tamaddon

PLEDGE OF ALLEGIANCE

Led by Commissioner Vahid

APPROVAL OF MINUTES – March 8, 2022

Chair Fisk requested that the draft Minutes of the March 8, 2022 Planning Commission meeting be amended to reflect the following change:

Page 2, Paragraph 3 - the following sentence was amended to show the correct vote:

Vice Chair Fisk was elected Chair of the Planning Commission by a unanimous vote of 5-0.

Page 2, Paragraph 6 – the following sentence was amended to show the correct vote:

Commissioner Green was elected Vice Chair of the Planning Commission by a unanimous vote of 5-0.

It was moved by Commissioner Brown and seconded by Commissioner Savage-Lebhart to approve the Minutes of the March 8, 2022, Planning Commission meeting as amended. The motion carried 4-0-1.

AYES: Fisk, Brown, Savage-Lebhart, Vahid
NOES: None
ABSTAIN: None
ABSENT: Green

PUBLIC COMMUNICATIONS

There were no Public Communications.

NOTICED PUBLIC HEARING ITEMS

1. **Environmental Impact Report EIR 22-01, General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Site Development Permit SDP 19-03, Use Permit UP 19-22, and Vesting Tentative Tract Map VTTM 19024 (City Center Mixed-Use Project) - PUBLIC HEARING** - A request to develop a new mixed-use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.

Recommended Action: That the Planning Commission conduct the noticed public hearing, take public testimony, close the public hearing, and then take the following actions:

- A. Adopt Resolution No. 22-02, recommending that the City Council certify Environmental Impact Report EIR 22-01 (SCH No. 2019110083), adopt CEQA Findings of Fact and Statement of Overriding Considerations, and associated Mitigation Monitoring and Reporting Program;
- B. Adopt Resolution No. 22-03, recommending that the City Council approve General Plan Amendment 19-01;
- C. Adopt Resolution No. 22-04, recommending that the City Council approve Zoning Code Amendment ZCA 19-01;
- D. Adopt Resolution No. 22-05 recommending that the City Council approve Zone Change ZC 19-01;
- E. Adopt Resolution No. 22-06, recommending that the City Council approve Vesting Tentative Tract Map 19024, subject to conditions; and

- F. Adopt Resolution No. 22-07, recommending that the City Council approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.

Development Services Manager John Morgan provided a PowerPoint presentation summarizing the project, including the proposed Environmental Impact Report, General Plan Amendment, Zone Change, Zoning Code Amendment, Site Development Permit, Use Permit, and Vesting Tentative Tract Map.

Bryon Ward of Burnham Ward Properties and Chris Payne of Sares Regis Group, the project applicants, provided a PowerPoint presentation summarizing additional project details including their visions for the retail, commercial, and multi-family residential components.

Chair Fisk opened the Public Hearing at 7:48pm The following individuals spoke.

Scott Alvey, President of the Laguna Niguel Chamber of Commerce spoke on his and the Chamber's unanimous support of the proposed project. He commented on this as a once in a generation project for Laguna Niguel and highlighted the project's contribution to increasing tax revenues for the community and creation of new jobs and businesses.

Stephanie Oddo, 26 Via Di Nola, Laguna Niguel, spoke on her support of the project vision and creation of gathering space. She also commended the applicant's efforts in engaging the public regarding the library design and their commitment to making the buildings' energy efficient. She also suggested that the project be integrated with the surrounding development and to ensure pedestrian access and connectivity. Lastly, she shared her concern regarding fire safety and asked to ensure there were no external wood features that could create a fire hazard.

Peggy Schwartz, a member of the Friends of the Library, spoke on her full support of the project. She named her initial concerns regarding the size, location, and parking surrounding the new library and stated that the project applicant has met all concerns.

Janice Sheretz, Vice President of the Board of the Friends of the Library, expressed her gratitude for the positive and creative response of the project applicant to deliver a new library that meets all their needs.

Rich Leone, 24892 Barclay Lane, Laguna Niguel, expressed his concern about the location of the larger residential complex currently near Pacific Island Drive and suggested relocating this complex to the rear hillside away from the street. He added that it may be preferable to create underground parking rather than a parking structure. He also expressed that the design of the new development may be too unique, stating it would not integrate with the surrounding development. Lastly, he expressed his concern about increased traffic flow in the area.

Allison Musetich, 15 Belaire, Laguna Niguel, shared her support of the project for creating a much needed gathering space for families. She added that this project was the best use of the currently unused land and eliminates concerns regarding a potential homeless encampment, as previously proposed by the County.

Noah Garrison, spoke on behalf of the law firm Lozeau Drury, representing Supporters Alliance for Environmental Responsibility (SAFER). He expressed his concerns about the EIR and opined that it was an insufficient informational document and lacks imposition of feasible mitigation measures. He also made reference to his firm's submitted comment letter. He recommended that the City revise and recirculate the EIR.

Julie Davey, 7 Hallington Court, Laguna Niguel, spoke on her concern that the demolition of the library could cause hazardous materials to enter the area. She also expressed her disapproval of words used to describe the current state of the library. Despite her concerns, she was glad to see and expressed her deference to the Friends of the Library support of the project.

Will Ingram, a Laguna Niguel resident, spoke on his support for the City Center project and the opportunities it could give the City, as it would provide essential amenities the City does not currently have.

Irene Bowie, 22832 Monteago Road, Laguna Niguel, spoke on her concern regarding increased traffic with the new residential units and outside traffic coming into the area. She also added that she was not able to locate traffic mitigation measures for Pacific Island Drive in the final EIR.

Nancy Kurtz, Co-Chair of the Laguna Niguel Historical Society Archives Committee, spoke on the group's interest in having a workspace and local history museum located in the new library or office space in the center for the benefit of the community.

Mark Donovan, a Laguna Niguel resident, spoke on his support for the project being exactly what the City needed today as a central destination for residents.

Heidi Ryan, 29951 Happy Sparrow Lane, Laguna Niguel, asked about the impact of the 275 new residential units and the parking amenities in place to support the increased number of vehicles in the center. She also asked that the project applicant consider relocating the larger residential complex away from the street.

Steve Devre, 10 Minori, Laguna Niguel, spoke on his excitement for the project's layout and architecture. He also spoke on his concern about parking overflow and how the project will accommodate that. He requested that there be an analysis completed of traffic coming in and out of the center. Lastly, he asked that the new structures match the current architectural style of surrounding buildings.

Peter Burdon, 30266 Via Reata, Laguna Niguel, asked if a survey was ever completed to assess whether the community wanted the project. He expressed that if the community does not want the project, the developer should walk away. He also raised his concerns regarding increased traffic, noise, and the visibility of the parking structure from surrounding residential areas.

Karissa DiStefano, spoke on behalf of the Building Industry Association of Southern California Orange County Chapter. She expressed their support of the City Center project as a great way to invigorate and redevelop underutilized land.

Barbara Barkley, 25102 Via Bajo Cerro, Laguna Niguel, voiced her support for the project. She inquired about affordable housing and asked to make sure there was sufficient affordable housing designated for the project.

Shawn Noonan, 30482 Mirandela Lane, Laguna Niguel, expressed his excitement for this project to bring value to the community and become a destination city for years to come.

Bill Leber, 30362 Via Corona, Laguna Niguel, spoke on his support for the project and commended the project applicant for holding outreach meetings with the community and answering their questions.

Marc Winer, 29151 Ridgeview, Laguna Niguel, expressed his support for the project and advocated as a member of the Historical Society to receive space in the new center.

Scott Brown, Laguna Niguel resident, spoke in support of the project applicant sharing the same goal as residents to create a destination location for residents while staying true to the City's unique characteristics.

John Ulrich, 30412 North Hampton, Laguna Niguel, expressed his support of the project. Being involved in many organizations within the community, he echoes the positive feedback this project has received as well as the effort put in by the project applicant to listen to the community's feedback.

Development Services Manager Morgan addressed the parking concerns raised by the speakers. He noted that the project applicant is providing parking in excess of minimum code standards. He also mentioned a project condition of approval, as a safeguard, that would require a Parking Management Plan should parking problems arise.

Chair Fisk raised the issue of the traffic comments brought to the Planning Commission and made mention of the project's traffic study and a number of required traffic improvements required of the project. Development Services Manager Morgan expanded on the series of roadway and circulation improvements required, including a new traffic signal at Alicia Parkway and Town Center and enhancements to pedestrian and bicycle safety fronting the project and in the surrounding area. Regarding the concern about traffic speeds on Pacific Island Drive, he elaborated that per the traffic study completed, the impact of traffic was expected to be nominal as the street was mainly used by residents that live off Pacific Island Drive. He further referenced the traffic study's assessment that traffic movements into and out of the two project driveways could be made safely and a project condition is included that

provides the Public Works Department the ability to modify conditions should traffic safety issues arise after the project is built. He also mentioned that the speeding concerns on Pacific Island Drive have been previously raised with the Public Works Department and that they have implemented traffic calming measure already and continue to assess the roadway conditions and that they've been working with our Sheriff's Department to have Pacific Island Drive patrolled more frequently.

Chair Fisk provided the applicant the opportunity to provide any clarifying remarks in consideration of the public comments and questions.

Chris Payne of Sares Regis Group, the project applicant, thanked those that spoke during the Public Hearing and appreciated all feedback received this evening and over the course of the last four years. He explained the strategic placement of the residential and commercial buildings with the Crown Valley Parkway entry designed as the project "front door" and focal point. He said this site planning is critical to the success of the retail and restaurant businesses. He also stated that the parking structure was purposely designed to only extend to three-stories in height in consideration of the neighboring residents' views and its location, adjacent to the commercial component, was positioned to conveniently serve project visitors.

Chair Fisk clarified with the project applicant that the name of the project was Laguna Niguel City Center.

Commissioner Savage-Lebhart clarified with the project applicant that there would be no wood shake roofs on any of the buildings.

Chair Fisk thanked the community for attending and closed the Public Hearing at 8:49pm.

Commissioner Savage-Lebhart noted her review of the documents provided to the Commission and emphasized that the project was consistent with the policies and intents of the General Plan. She stated that this project would be a great benefit for this City.

Commissioner Brown thanked those that attended the public hearing and shared their feedback and comments with the Commission. He commended the project applicant and City staff for the level of communication with the community before the project was presented to the Commission. He noted that many of the comments received were in support of the project. He asked that City staff focus on the issue of traffic on Pacific Island Drive. While there may not be significantly more traffic added to Pacific Island Drive as a result of the project, there were existing traffic and speed concerns the City should consider. Commissioner Brown also noted his concern about the possibility of curb parking in the center and asked if this could be prohibited. He concluded that this project was long overdue for this City and the ability to add residential units to address the City's RHNA was an advantage. He inquired about the impact of the project on property values and the potential for a "halo effect" in the surrounding area given the considerable upgrade to the project site.

Commissioner Vahid noted his support for the project and thanked the project applicant and staff for the time and effort put into the project. He echoed Commissioner Brown in his

appreciation for the extensive community outreach done by the applicant team. He clarified with Development Services Manager Morgan that the roof at residential building #1 was not a static 50' and does drop down in several locations to soften the building design.

Chair Fisk pointed out that the Statement of Overriding Considerations included several objectives that the project provided. He noted that there has not been a large number of development projects in this City, so it was a benefit that the project applicant proposed a mixed-use that would meet many of the City's needs. Chair Fisk explained his concern regarding the increase in medical offices in retail shopping centers. The project presented allocated a good mix of uses for the community's benefit, including office, commercial, and medical space. He stated his appreciation for this project being so well thought out to meet the needs of Laguna Niguel residents. Chair Fisk added that the City was meeting its affordable housing requirements in other places, as noted in the approved Housing Element. Chair Fisk asked that the sign program and cultural depiction (Conditions #46 and #48 in Resolution No. 22-07) be amended so that the approval be by the Planning Commission. Community Development Director Orduna answered that staff could forward these recommendations to the City Council. Chair Fisk added that the residential complex at the corner of Alicia Parkway and Pacific Island Drive blocked the view inside the project and cited the importance of signage to let the public know what was inside the center. He added that the corner could be better tied into the center with better pedestrian connectivity from the street into the downtown area.

Commissioner Vahid reiterated the concern regarding the speed of traffic on Pacific Island Drive and asked staff to consider adding a median to allow for left turns. Development Services Manager Morgan answered that there were proposed improvements in the traffic study and added that there was a condition of approval that would allow the Public Works Director to reconsider should problems arise.

Commissioner Brown noted that the City hired experts to produce the EIR and the Commission relied on these findings of fact in their decisions. He commented that the EIR stated there was less than significant impact or no impact by this project on fourteen separate environmental topic areas. In addition, in five additional areas, the EIR stated that with mitigation, the impacts would be less than significant in air quality, noise, geology, and soils. Lastly, this project presented aligned with the City's vision and would satisfy the County's requirements.

Chair Fisk assured the community that the Planning Commission had received all documents related to this project and EIR.

It was moved by Commissioner Savage-Lebhart and seconded by Commissioner Brown to adopt Resolution No. 22-02, recommending that the City Council certify Environmental Impact Report EIR 22-01 (SCH No. 2019110083), adopt CEQA Findings of Fact and Statement of Overriding Considerations, and associated Mitigation Monitoring and Reporting Program; adopt Resolution No. 22-03, recommending that the City Council approve General Plan Amendment 19-01; adopt Resolution No. 22-04, recommending that the City Council approve Zoning Code Amendment ZCA 19-01; adopt Resolution No. 22-05 recommending that the City Council approve Zone Change ZC 19-01; adopt Resolution No. 22-06, recommending that the City Council approve

Vesting Tentative Tract Map 19024, subject to conditions; and, adopt Resolution No. 22-07, as amended, recommending that the City Council approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to conditions.

The motion carried 4-0-1.

AYES: Fisk, Brown, Savage-Lebhart, Vahid
NOES: None
ABSTAIN: None
ABSENT: Green

OTHER BUSINESS

None

REPORTS AND COMMENTS

1. Planning Commission

Commissioner Savage-Lebhart noted for the record that she had met with developers for the Cove and South Forbes projects with City staff present.

Commissioner Vahid noted for the record that he had met with developers for the Cove and South Forbes projects with City staff present.

Chair Fisk asked staff regarding the construction at Avery near the 5-freeway. Community Development Director confirmed that the properties were acquired by Caltrans under eminent domain.

2. Community Development Director and Staff

Community Development Director Orduna reminded the Commission that there will be a meeting on Tuesday, June 14.

ADJOURN

The meeting was adjourned at 9:34 p.m.

ATTEST:

Jonathan Orduna
Community Development Director

Brian Fisk
Planning Commission Chair

DRAFT

RESOLUTION NO. 22-02

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
RECOMENDNING THAT THE CITY COUNCIL CERTIFY ENVIRONMENTAL IMPACT
REPORT EIR 22-01 (SCH NO. 2019110083) FOR GENERAL PLAN AMENDMENT
GPA 19-01, ZONE CHANGE ZC 19-01, ZONING CODE AMENDNMENT ZCA 19-01,
VESTING TENTATIVE TRACT MAP VTTM 19024, SITE DEVELOPMENT PERMIT
SDP 19-03 & USE PERMIT UP 19-22, MAKE FINDINGS PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPT A STATEMENT OF
OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND
REPORTING PROGRAM
(CITY CENTER MIXED-USE PROJECT)**

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, requests approval of General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Vesting Tentative Tract Map VTTM 19024, Site Development Permit SDP 19-03 and Use Permit UP 19-22 to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new larger community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.
2. Pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual, the City of Laguna Niguel is the lead agency for the project, as the public agency with the principal responsibility for approving the project.
3. The City, as lead agency, determined that an Environmental Impact Report must be prepared pursuant to CEQA to analyze the potential environmental impacts of the proposed project.
4. On November 1, 2019, the City issued a Notice of Preparation (NOP) of the Environmental Impact Report for a period of 30 days. The NOP was filed with the California Office of Planning and Research State Clearinghouse and distributed to local, county, and state agencies, property owners within 300 feet of the project site, and interested parties, and was published in the *Orange County Register*. Concurrently, notice of a public Environmental Impact Report scoping meeting was distributed.

5. On November 13, 2019, the Environmental Impact Report scoping meeting was held during the NOP review period to receive agency and public input regarding the scope and content of the Environmental Impact Report.
6. On March 15, 2022, the City issued a Notice of Availability (NOA) for the Draft Environmental Impact Report. The NOA identified a 45-day public review and comment period beginning March 15, 2022 and ending April 29, 2022. The Draft Environmental Impact Report was made available for review at Laguna Niguel City Hall, and on the City's website. The NOA was distributed to local, county, and state agencies, property owners within 300 feet of the project site, and interested parties, and was published in the *Orange County Register*.
7. All environmental impacts were analyzed in Draft Environmental Impact Report EIR 22-01 (SCH No. 2019110083). The Draft Environmental Impact Report determined that all but one of the environmental effects of the project are either less than significant or can be mitigated to less than significant. The one exception is greenhouse gas emissions, which the Environmental Impact Report determined the proposed project would cause a significant and unavoidable impact.
8. All comments received on Draft Environmental Impact Report EIR 22-01 have been responded to in writing. A Statement of Overriding Considerations and Findings of Fact have been prepared. Collectively, the Draft EIR, Response to Comments, Statement of Overriding Considerations, and Findings of Fact constitute the Final Environmental Impact Report.
9. A Mitigation Monitoring and Reporting Program has been prepared to identify all required mitigation measures, the timing of implementation of each measure, and the responsible party for each measure.
10. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
11. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on the project and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution No. 22-02.
12. The City of Laguna Niguel Community Development Department shall serve as the custodian of the Environmental Impact Report document and all appendices, supporting studies, figures, and related documents which constitute the record of proceedings and are available for review at the Community Development Department, located at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.

THEREFORE, BE IT RESOLVED that the Planning Commission finds and determines as follows:

1. In accordance with CEQA Guidelines Section 15025(c), the Planning Commission has reviewed and considered the Draft and Final EIRs for the project. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) has been completed in compliance with CEQA, the CEQA Guidelines, and the City's CEQA Manual.
2. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments, and received comments provided at the noticed public hearing at which the project was considered prior to making a recommendation on the proposed project.
3. Environmental Impact Report EIR 22-01 contains sufficient information and analysis to allow the Planning Commission to make an informed recommendation on the project, considering the environmental implications of the proposed project, mitigation measures, and alternatives.
4. The Planning Commission does hereby recommend that the City Council adopt the CEQA "Findings of Fact" and "Statement of Overriding Considerations" attached hereto as Exhibit 1. The Findings of Fact summarize the impacts of the project and the mitigation measures required to avoid or substantially lessen each of those impacts and alternatives for the project, and the "substantial evidence in the record" supporting the finding that each impact will be avoided or substantially lessened. The Statement of Overriding Considerations documents the unavoidable significant impact (greenhouse gas emissions) that will result from the proposed project and the benefits provided by the proposed project that outweigh the impact.
5. The Planning Commission does hereby recommend that the City Council certify Environmental Impact Report EIR 22-01 for General Plan Amendment GPA 19-01, Zone Change ZC 19-01, Zoning Code Amendment ZCA 19-01, Vesting Tentative Tract Map VTTM 19024, Site Development Permit SDP 19-03 and Use Permit UP 19-22 (City Center Mixed Use Project), attached hereto as Exhibits 2 through 4.
6. The Planning Commission does hereby recommend that the City Council adopt the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit 5, which specifies the measures to mitigate the environmental effects associated with the subject project and the monitoring efforts needed to ensure that the measures are effectively implemented.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

Exhibit(s):

- ~~1. Findings of Fact and Statement of Overriding Considerations~~
- ~~2. Draft Environmental Impact Report EIR 22-01~~
- ~~3. Final Environmental Impact Report EIR 22-01 (in draft form, pending City Council Approval)~~
- ~~4. Environmental Impact Report EIR 22-01 Appendices~~
- ~~5. Mitigation Monitoring and Reporting Program~~

RESOLUTION NO. 22-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GPA 19-01 (CITY CENTER MIXED-USE PROJECT)

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660), in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas, requests approval of General Plan Amendment GPA 19-01 to change the project site's land use designation to "Community Commercial, Professional Office, Public/Institutional and Residential Attached"(excluding OCFA Station No. 5) allowing up to 275 proposed multifamily residential units, subject to a specific criteria. The General Plan Amendment would also modify text and the statistical summary for the profile area within the Land Use Element to account for the mixed use project. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.
2. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on General Plan Amendment GPA 19-01 to amend the Laguna Niguel General Plan and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution No. 22-03.

5. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and has recommended that the City Council certify Environmental Impact Report EIR 22-01, adopt a Mitigation Monitoring and Reporting Program, and make the required findings and adopt the statement of overriding considerations, prior to making a recommendation to the City Council on General Plan Amendment GPA 19-01.
6. The Planning Commission has determined that General Plan Amendment GPA 19-01 is internally consistent with the goals, objectives, and policies of the Laguna Niguel General Plan which are not being amended and the proposed amendment will not adversely affect the public health, safety, and general welfare.
7. The Planning Commission is an advisory body to the City Council with regard to the approval of General Plan Amendments.

THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby recommend that the City Council approve General Plan Amendment GPA 19-01, amending the following:

1. The General Plan Land Use Map, as shown in Exhibit 1 attached hereto; and,
2. The General Plan Land Use Element text and Statistical Summary, as shown in Exhibit 2 attached hereto.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

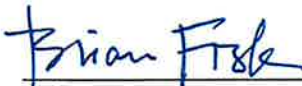
NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

Exhibit(s):

- ~~1. Proposed Changes to the General Plan Land Use Map~~
- ~~2. Proposed Changes to the General Plan Land Use Element Text and Statistical Summary~~

RESOLUTION NO. 22-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING CODE AMENDMENT ZCA 19-01 (CITY CENTER MIXED-USE PROJECT)

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, and extensive walkable open spaces, paseos, and plazas, requests approval of Zone Code Amendment ZCA 19-01 to establish the mix of permissible land uses and development standards for the new "Mixed-Use Town Center" (MU-TC) Zoning District to be applied to the project site under Zone Change ZC 19-01. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.
2. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Zoning Code Amendment ZCA 19-01 to amend the Laguna Niguel Zoning Code (Laguna Niguel Municipal Code Title 9) and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution No. 22-04.
5. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and has recommended that the City Council certify Environmental Impact Report EIR 22-01, adopt a Mitigation Monitoring and Reporting Program, adopt Findings of Fact and Statement of Overriding

Considerations, prior to making a recommendation to the City Council on Zoning Code Amendment ZCA 19-01.

6. Zone Code Amendment ZCA 19-01 will establish the mix of permissible land uses and development standards for the new "Mixed-Use Town Center" (MU-TC) Zoning District.
7. The Planning Commission has determined that Zoning Code Amendment ZCA 19-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan, as amended by General Plan Amendment GPA 19-01 and the proposed amendment will not adversely affect the public health, safety, and general welfare.
8. The Planning Commission is an advisory body to the City Council with regard to the approval of Zoning Code Amendments.

THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby recommend that the City Council approve Zoning Code Amendment ZCA 19-01, as shown in Exhibit 1 attached hereto, and subject to the following conditions:

1. Approval of General Plan Amendment - Zoning Code Amendment ZCA 19-01 is contingent on the City Council's adoption of General Plan Amendment GPA 19-01.
2. Approval of Zone Change - Zoning Code Amendment ZCA 19-01 is contingent on the City Council's adoption of Zone Change ZC 19-01.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

Exhibit(s):

~~1. Proposed Zoning Code Amendment Text~~

RESOLUTION NO. 22-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE ZC 19-01 (CITY CENTER MIXED-USE PROJECT)

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas, requests approval of Zone Change ZC 19-01 to change the zoning on the project site from "Community Commercial" (CC) and "Public/Institutional (PI)" to "Mixed-Use Town Center" (MU-TC) District over the site, excluding OCFA Fire Station No. 5, which would remain "Public/Institutional (PI)." The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.
2. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Zone Change ZC 19-01 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Planning Commission Resolution No. 22-05.
5. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and has recommended that the City Council certify Environmental Impact Report EIR 22-01, and adopt a Mitigation Monitoring and Reporting Program and adopt Findings of Fact and Statement of Overriding

Considerations, prior to making a recommendation to the City Council on Zone Change ZC 19-01.

6. The Planning Commission has determined that Zone Change ZC 19-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan, as amended by General Plan Amendment GPA 19-01, and the proposed amendment will not adversely affect the public health, safety, and general welfare.
7. The Planning Commission is an advisory body to the City Council with regard to the approval of Zone Changes.

THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby recommend that the City Council approve Zone Change ZC 19-01, amending the Official Zoning Map, as shown in Exhibit 1 attached hereto, and subject to the following conditions:

1. Approval of General Plan Amendment - Zone Change ZC 19-01 is contingent on the City Council's adoption of General Plan Amendment GPA 19-01.
2. Approval of Zone Code Amendment - Zone Change ZC 19-01 is contingent on the City Council's adoption of Zone Code Amendment ZCA 19-01.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

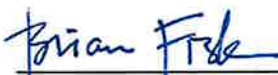
NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

Exhibit(s):

~~1. Proposed Changes to the Official Zoning Map~~

RESOLUTION NO. 22-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE VESTING TENTATIVE TRACT MAP VTTM 19024 (CITY CENTER MIXED-USE PROJECT)

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660, in conjunction with a request to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, and extensive walkable open spaces, paseos, and plazas, requests approval of Vesting Tentative Tract Map VTTM 19024 to subdivide the property into a total of 21 lots, including 17 numbered lots and four lettered lots to facilitate the proposed development project. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.
2. The associated Tentative Tract Map is a Vesting Tentative Tract Map pursuant to Section 9-1-236 of the Laguna Niguel Subdivision Code.
3. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Vesting Tentative Tract Map VTTM 19024 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution No. 22-06.
5. The Planning Commission of the City of Laguna Niguel finds and determines as follows:
 - a. **Consistency with the General Plan** - The approximate 25-acre project site is located within Community Profile Area 14, Sub-Profile Area C of the Laguna Niguel General Plan. Subject to approval of General Plan Amendment GPA 19-01, to change the project site's land use designation to "Community Commercial, Professional Office, Public/Institutional and

Residential Attached” (excluding OCFA Station No. 5) for up to 275 multifamily residential units and text and statistical summary adjustment to account for the mixed use project, the proposed subdivision is consistent with the land use designation and growth projections of the Laguna Niguel General Plan.

- b. Compliance with the California Environmental Quality Act (CEQA) -** Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City’s CEQA Manual. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; adopted Findings of Fact and Statement of Overriding Considerations, and has recommended that the City Council certify Environmental Impact Report EIR 22-01, and adopt a Mitigation Monitoring and Reporting Program, and adopt Findings of Fact and Statement of Overriding Considerations, prior to recommending City Council approval of Vesting Tentative Tract Map VTTM 19024.
- c. Consistency with the Zoning Code -** Subject to approval of Zone Change ZC 19-01, to change the zoning on the project site from “Community Commercial” (CC) and “Public/Institutional (PI)” to “Mixed-Use Town Center” (MU-TC) District over the site, excluding OCFA Fire Station No. 5, the proposed project is consistent with the applicable requirements of the Laguna Niguel Zoning Code (LNZC).
- d. Site Suitability -** The site is physically suitable for the proposed type and density of development and the subdivision and proposed uses can be developed in compliance with applicable zoning regulations. The proposed subdivision of the site has been designed to facilitate the grading and development of the building pads for 21 lots, including 17 numbered lots and four lettered lots, access driveways, infrastructure, and ancillary improvement to accommodate the mixed use development project. Subject to the approval of General Plan Amendment GPA 19-01 and Zone Change ZC 19-01 the subdivision can be developed in compliance with applicable zoning regulations.
- e. Environmental Damage to Fish/Wildlife and Public Health -** The design of the subdivision and the proposed improvements would not cause substantial environmental damage or avoidable injury to fish or wildlife or their habitat, nor to cause serious public health problems. The project was reviewed in Environmental Impact Report EIR 22-01, which analyzed the environmental impacts, including fish or wildlife and public health, of the mixed use development project, including Vesting Tentative Tract Map VTTM 19024 and determined that no significant impact would be caused by the project.

- f. No Conflict with Easements** - Subject to the conditions of approval, the design, or improvements of the proposed project will not conflict with easements acquired by the public at large for access through, or use of property within, the project.
- g. Utility Service** - Adequate utility services and capacities exist now to serve the project and all off-site improvements were analyzed in Environmental Impact Report EIR 22-01.
- h. Discharge of Waste** - The discharge of wastewater from the project site into the existing community sewer system would not result in, or add to a violation of, existing requirements prescribed by the San Diego Regional Water Quality Control Board.
- i. Development Fees for Public Facilities** - The subdivision is located in an area for which fees to fund facilities and services have been adopted, and conditions of approval of the subdivision are imposed, obligating the subdivider to pay any applicable fees before recordation of the final map, or per Resolution No. 22-07 (Site Development Permit SDP 19-03 and Use Permit UP 19-22) prior to building permit issuance.
- j. Public Easements** - the design of the subdivision and the proposed improvements will not conflict with easements of record or established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision, or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
- k. Map Extension** - In conjunction with the approval of Vesting Tentative Tract Map VTTM 19024 and as permitted by the Laguna Niguel Municipal Code (LNMC), the applicant seeks approval of an extension of the expiration period from 24 to 48 months, to be consistent with the expiration period for the project's Site Development Permit and Use Permit approval under Resolution No. 22-07.

THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council approve Vesting Tentative Tract Map VTTM 19024, subject to the following conditions:

1. Map Expiration - Vesting Tentative Tract Map VTTM 19024 shall expire 48 months from the date of approval written herein below. Pursuant to LNMC Section 9-1-258(a), an approved tentative tract map expires 24 months after the date of its approval or conditional approval, unless an extension is approved at the request of the applicant. The applicant requested an extension of 24 months be granted; thus, providing for an initial term of 24 months, followed by a 24 month extension, for a total term of 48 months from the date of approval of

Resolution No. 22-06. A 48 month timeframe to record the final map provides for a consistent expiration date with Site Development Permit SDP 19-03 and Use Permit UP 19-22 approved under Resolution No. 22-07.

2. Project Compliance - This approval constitutes approval of the proposed project only to the extent that the project complies with the Laguna Niguel Subdivision Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This tentative tract map approval shall apply only to land division specified herein and only to the plans and reports (Vesting Tentative Tract Map VTTM 19024) date stamped approved _____ (*City Council Date TBD*), on file with the Community Development Department, as herein modified. No other land use, location, or plan is authorized under this subdivision. All proposed site development is subject to the conditions of approval as established as a part of Resolution No. 22-07 recommending City Council approval of Site Development Permit SDP 19-03 and Use Permit UP 19-22.
4. Revocation - Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Laguna Niguel Planning Commission.
5. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval by the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
6. Agreement to Conditions of Approval - Prior to final map recordation or grading permit issuance, whichever is to occur first, the applicant shall execute an "Agreement to Conditions Imposed Form," as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
7. Approval of General Plan Amendment - Vesting Tentative Tract Map VTTM 19024 is contingent on City Council adoption of General Plan Amendment GPA 19-01.

8. Approval of Zone Change - Vesting Tentative Tract Map VTTM 19024 is contingent on City Council adoption approving Zone Change ZC 19-01.
9. Ties to Horizontal Control - Prior to final map recordation, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control systems established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
10. Digital Map Submission - Prior to final map recordation, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
11. Water and Sewer Improvements - Prior to final map recordation, the applicant or designee shall submit and obtain approval from Moulton Niguel Water District for water and sewer improvements.
12. Utility Improvements and Undergrounding - The applicant shall locate and construct all utility improvements in accordance with the project improvement agreement and applicable utility company standards. The applicant shall install underground all utility lines, including electric lines, telephone and cable TV lines in a manner meeting the approval of the City Engineer.
13. Recordation of Tract Map - Prior to issuance of a building permit, Vesting Tract VTTM 19024 shall be recorded at the County Recorders' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.
14. Parkland Dedication/In-lieu Fee - Prior to final map recordation, the applicant is responsible for satisfaction of the Laguna Niguel Municipal Code (LMZC) through the provision of 1.54 acres of parkland. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMCM Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMCM prior to the issuance of building permits.
15. Conditions, Covenants, and Restrictions (CC&Rs) - Prior to final map recordation, the applicant or designee shall submit conditions, covenants, and restrictions (CC&Rs) for the project for the review and approval of the Community Development Department. Said CC&Rs shall be approved by the Community Development Director prior to final map recordation. The CC&Rs shall be recorded in conjunction with the final map and shall include at a minimum:

- a. Provision(s) for the maintenance of all private street(s) and shared access drives, utilities, drainage, common open space, and slopes.
 - b. Provision(s) for the maintenance of private drainage facilities within the subdivision.
 - c. Provision(s) for the requirement and enforcement of individual parking garage spaces to be utilized exclusively for parking of resident vehicles.
 - d. A statement indicating that proposed amendments to any of the project CC&Rs shall be submitted for review and approval to the Community Development Director.
16. Public Access Easement - Prior to final map recordation, in a manner meeting the approval of the Community Development Director and the Public Works Director, the applicant and City shall enter into a non-exclusive easement (or other form of agreement) that provides public access over the on-site private streets for library, City Hall, Police Services, and Orange County Fire Authority (OCFA) Station No. 5, by separate recorded instrument, which shall be binding on all future owners and successors of interest. The non-exclusive easement (or other form of agreement) shall also address publicly accessible parking for the library.
17. Private Street Responsibility - Prior to recordation of the final map, in a manner meeting the approval of the Community Development Department, the applicant shall include a note on the final map stating that all on-site streets, including shared access drives within the subdivision, shall be owned, operated, and maintained by the applicant, and all future owners and successors of interest.
18. Reciprocal Parking and Access Easements - Prior to final map recordation, the applicant or designee shall identify on the final map subject to approval of the Community Development Director and Public Works Director, reciprocal easements for access, parking, utilities, drainage, etc. between all of the parcels identified on the final map (the mix of residential, commercial, professional office and civic uses).
19. Right-of-Way Dedications - Prior to final map recordation, the applicant or designee shall include on the final map irrevocable offers of dedications to the City for Lots A, B, and C as shown on Vesting Tentative Tract Map 19024, subject to the approval of the Community Development Director and the Public Works Director/Traffic Engineer.

20. Off-Site Drainage - Prior to the issuance of a grading permit, the applicant shall provide written consent granted to the County of Orange or designee for all off-site drainage improvements or the applicant shall demonstrate conveyance of off-site runoff through the project site in accordance with the approved final hydrology study and final WQMP.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

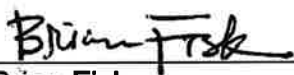
NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

RESOLUTION NO. 22-07

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE DEVELOPMENT PERMIT SDP 19-03 AND USE PERMIT UP 19-22 (CITY CENTER MIXED-USE PROJECT)

WHEREAS:

1. The APPLICANT: Laguna Niguel Town Center Partners, LLC, 3501 Jamboree Road, Suite 300, Newport Beach, CA 92660), request approval of a Site Development Permit and Use Permit to develop a new mixed use project consisting of approximately 158,600 square feet of commercial space (e.g., retail shops, restaurants, office space), a new community library (approximately 16,300 square feet), 275 residential apartment homes, parking structure, and extensive walkable open spaces, paseos, and plazas. The project site is approximately 25 acres in area and is located adjacent to City Hall, directly west of the Crown Valley Parkway and Alicia Parkway intersection.

The project would include grading in excess of 5,000 cubic yards (approximately 127,000 cubic yards of net cut and fill grading) and allowance of an alternative development standard for a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment, both of which require a Site Development Permit. The project also includes a Use Permit for the residential component (275 multifamily units) of the project.

2. Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 300 feet of the project boundaries. Over 500 hearing notices were also either emailed or mailed to those on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On May 24, 2022, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Site Development Permit SDP 19-03 and Use Permit UP 19-22 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution No. 22-07.

5. The Planning Commission of the City of Laguna Niguel finds and determines as follows:

- a. Consistency with the General Plan** - The subject property is located within Community Profile 14, Sub-Profile Area C of the Laguna Niguel General Plan. With the approval of General Plan Amendment GPA 19-01, the land use designation for the entire property (excluding OCFA Fire Station No. 5) has been changed to "Community Commercial, Professional Office, Public/Institutional, and Residential Attached." General Plan Amendment GPA 19-01 also notably added the following text and additive residential criteria for Sub-Profile Area C:

Anticipated development of the County-owned property includes up to 159,000 sq. ft. of Community Commercial/Professional Office and a new library (approximately 16,300) square feet in area), which would replace the existing library. Future redevelopment that achieves the projected sub profile area commercial growth may also include development of additive residential dwelling units at a maximum ratio of one (1) unit per 10,000 sq. ft. of commercial development. Bonus additive residential uses up to a total of 275 dwelling units may be developed provided that specific findings are achieved, as described below:

- 1. The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center;*
- 2. The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.); and*
- 3. The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.*

The proposed project is within the scope of development contemplated by the General Plan, as amended by General Plan Amendment GPA 19-01. The project proposes approximately 158,600 square feet of commercial space and a new library (approximately 16,300 square feet). The residential component of the project proposes 275 multifamily dwelling units, which is appropriate based upon the project's consistency with and implementation of the findings below:

1. *The proposed development substantially advances the General Plan's intent, policies, and actions for Town Center.* The Town Center area is identified in the General Plan as an Opportunity Area. Future redevelopment of aging and fragmented commercial development within the area is envisioned to include connected and complete neighborhoods with a mix of services, employment and shopping opportunities, housing types, and outdoor gathering areas. The proposed project advances the General Plan's intent, policies, and actions for the Town Center:

- a. *Goal 2 – A sufficient amount of commercial and industrial uses which provide jobs and revenue to the City without compromising environmental quality.* The project would include nonresidential uses, featuring retail, restaurants, health and wellness, offices, event/performance space, and civic services. Potential tenants include restaurants, wine stores, breweries, cooking schools, or coffee houses, specialty markets, retail shops, small artisanal food purveyors, kiosks, and educational and performance/event space. The compilation of varying uses and businesses would generate temporary construction jobs and is intended to create the opportunity for new Laguna Niguel revenue generating businesses. These jobs would also positively add to this City's workforce and daytime population. Additionally, the project includes 275 residences within walking distance to the proposed commercial uses. The additionally residences will increase the daytime and evening population around Town Center and provide new residents with purchasing power that could be spent at the future businesses. The project is also projected to contribute to annual property/possessory and sales tax revenue to the City's general fund. Development of the project is also expected to serve as a catalyst for other investment and redevelopment of the Town Center area.

Notably, there have been no substantive new commercial or professional office developments constructed in Laguna Niguel in more than 20 years.

The project is able to provide jobs and revenue to the City without compromising local environmental quality. Environmental Impact Report EIR 22-01 analyzed the impacts of the project on the environment. In all cases except one, impacts from the project are less than significant or mitigated to less than significant. The one exception is greenhouse gas emissions, which after incorporation of feasible mitigation measures, remains significant. Greenhouse gas emissions are a challenging global issue. The project provides infill mixed-use

development, which has been demonstrated as the type of development that reduces greenhouse gas emissions because of lower vehicle miles traveled and the ability for residents to live within walking distance of shopping and office space. As such, the project has been designed in a manner consistent with environmentally sustainable planning practices.

- b. *Goal 9 – Enhancement of the Town Center.* Goal 9 features specific policies to further the City's intent to allow the area to become a special community focal point.
 - i. *Policy 9.1 – Allow for the reuse of existing developed properties.* The proposed project constitutes reuse of the property that features a mix of complementary and interconnected retail, service, office, restaurant, civic, and residential uses. To date, the Town Center area has suffered from a number of constraints that have stifled achievement of the General Plan's vision as well as attainment of its market potential. Excluding the construction of City Hall in 2011, there have been no new significant developments in this profile area since prior to City incorporation in 1989. The County of Orange owned property with the South County Justice Center courthouse (closed in 2008) continues to remain mostly vacant and underdeveloped.
 - ii. *Policy 9.2 – Enhance pedestrian circulation through the construction of pedestrian walkways and paths. Projects that feature pedestrian activity through street character, plazas, and other outdoor amenities that enhance Town Center's visibility are encouraged.* The project is located in the center of the City and would help transform the Town Center into a commercial and civic hub for residents and visitors. The project is designed with an extensive network of pedestrian walkways that traverse the entirety of the project and provide connectivity to core outdoor features within the Retail Village, such as dining areas, plazas, paseos, and other congregating areas. These spaces are designed to include lush landscaping, seating, shade elements, and other enhancements to elevate one's experience at the project. At the main entry to the Retail Village, the Town Green would serve as project focal point and would be improved with extensive landscaping and is programmable for pedestrian-friendly uses (e.g., farmers markets, art shows, live music, outdoor movies, etc.).

- iii. *Policy 9.3 – Encourage the development of new land uses that provide both daytime and evening activities. This may include mixed-use developments comprised of a variety of integrated commercial and additive residential uses that have well planned public spaces that bring people together and provide opportunities for interaction and active living featuring a range of shopping, restaurant, service, employment, civic, and entertainment and leisure activities and uses.* Consistent with the discussion under Policy 9.2, the project is a mixed-use development that incorporates significant public amenities, such as programmable open spaces and pedestrian pathways and paseos, that facilitate patron movement, experience, and interaction within the mix of residential, commercial, civic, and office uses. The project would provide daytime and evening activities. The project's mixture of daytime and evening uses, such as offices, library, restaurants, specialty retail shops and markets, office space, kiosks, and a performance/event space, arts and education spaces, and health and wellness spaces, would ensure a continually active Town Center. The proposal yields a fully integrated "live-work-play" project.
- iv. *Policy 9.4 – Ensure high quality urban design in the Town Center area with structures of varying scale and function that are visually distinct and complement the City's identity. A focus is also ensuring the appearance of arterial surrounding streets are significantly enhanced with street trees and other landscaping to improve the visual and spatial experience of drivers and pedestrians.* The project is designed in both an attractive and functional manner to encourage people to use the common open space areas, pedestrian-oriented courtyards, and promenade and to visit the shops, kiosks, and restaurants. Unlike a typical shopping center that has extensive surface parking adjacent to commercial uses, many of the proposed commercial buildings have no direct street access and instead the project's design requires patrons to park and walk to businesses. The walkable environment design encourages residents and visitors to park once and visit multiple places and uses. The project incorporates an attractive landscape palette and architectural design and materials. Pedestrian connections are planned to surrounding communities and the landscaping and architectural massing were designed to enhance the pedestrian experience and guide pedestrians to the commercial core. Proposed buildings have been designed to account for surrounding topography. While

private views are not protected, the proposed buildings have been designed such that projections above adjacent nearby residential building pad elevations include only limited roof-top appurtenances. Even with these minor projections, residents within these neighboring communities would continue to enjoy distant hillside and mountain views over the project. Furthermore, project design features include shielding of lights to direct light sources and light spillage away from surrounding uses. The use of extensive landscaping throughout the site's interior open space areas and along perimeter street frontages, would further soften the visual character of the proposed development as well as provide a visual buffer between the proposed project and surrounding uses, and be consistent with the Landscape Corridor designation along Crown Valley Parkway.

2. *The proposed development results in substantial public benefit, beyond that required for projects not requesting bonus additive residential uses (e.g., community-serving facilities, public outdoor gathering and event spaces, non-project infrastructure improvements, affordable housing, etc.).* The project includes substantial public benefits to support granting bonus additive residential uses up to 275 dwelling units, including, but not limited to:

- At the main entry to the Retail Village, a "Town Green" is proposed as a project focal point that would be improved with mature specimen trees, water features, and soft seating areas. This programmable space is planned for public outdoor events, such as open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The Town Green and curated uses with extensive walking paths and landscaping are intended to transform the project site into community gathering hub for residents and visitors of Laguna Niguel.
- New state-of-the art County branch library with modern technologies to replace the existing library originally constructed in the mid-1980s (remodeled in 2011). The new library would be centrally located within the project next to shops, restaurants, and highly amenitized open space areas, and include dedicated outdoor space. In addition to being larger than the existing library, in collaboration with County library staff and based on input from the Friends of the Library and general public, space planning for the new library has been curated based on the current priorities, technology, and library usage. The design focus is on creating a more open floor plan design compared to the

existing library to accommodate greater library programming adaptability, both now and in the future. Construction of the library would be fully funded by the applicant and no cost to taxpayers.

- Bicycle and pedestrian travel are an important component of the City's circulation system and are a valuable alternative form of transportation. Off-site safety enhancements for pedestrians and bicyclists are proposed as project design features at the surrounding intersections and along the project frontage. These improvements are beneficial both for and independent of the project.
 - The proposed residential component expands the City's needed housing stock and would be the first new rentable multifamily residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. Furthermore, the proposed rental housing differs from other apartments in the City, with many dwellings having direct access garages.
 - Facilitating a blend of complementary land uses, including additive residential development in support of foundational commercial activities, offers the City the flexibility necessary to stimulate market driven investment in the Town Center and transform the area into a long envisioned vibrant city center thereby improving the quality of life for current and future residents and businesses alike.
3. *The proposed development results in significant improvements over existing site and building conditions by creating exceptionally high-quality mixed-use development in terms of site planning, architecture, circulation, landscaping, pedestrian amenities, land uses, and other design elements.* The project site currently consists of disjointed and vacant civic structures, underutilized parking lots, undeveloped land with seasonal overgrown weeds, and an existing County library built in the mid-1980s (remodeled in 2011). The proposed project is an outdoor oriented mixed-use retail, office, and residential project, connected internally by well-designed streets and sidewalks supporting a comfortable pedestrian walking environment, conducive to outdoor dining, entertainment, and retail, centered around an approximately one-acre park (Town Center) supporting formal and informal community gatherings, and over one acre of additional landscaped and programmed outdoor spaces and paseos. Notable design themes include human-scale of architecture through the use of well-proportioned massing and composition, plane breaks, natural materials and heavily landscaped perimeters along arterial roadways to further

elevate the project's visual quality and character. As a project highlight, the new library has been designed to be architecturally distinctive with a contemporary composition featuring stacked stone and wood siding and expansive glass walls to create a dramatic "jewel box" effect.

Overall, the site planning, design, and orientation of the proposed development on-site would help to establish a dynamic Town Center for Laguna Niguel.

The proposed project is also consistent with the more general goals, objectives, and policies of the General Plan including, but not limited to, the following:

Open Space Element, Goal 1: Well-maintained public and private open space. The Retail Village component of the proposed project would include a town green area, which would be improved with mature trees, water features, soft seating areas, outdoor performance/event spaces, and other programmable space for open air farmers markets, art shows, live music, food and wine festivals, yoga in the park, outdoor movie nights, etc. The proposed project includes walking paths and landscaping throughout the site. The open spaces on-site would support the proposed retail, commercial, civic, and residential uses. The new library would include approximately 2,600 square feet of outdoor programmable space.

Open Space Element, Policy 2.1: Provide park and recreational facilities that meet the needs of senior citizens, young adults, children, disabled individuals and families. The project, which is designed to create an engaging pedestrian, civic center, incorporates open space that can be programmed for a variety of uses, and which would be accessible for both citizens and visitors of the City. The Town Green at the main entrance to the Retail Village would have a central open space plaza area that would be linked by landscaped paseos, which would feature mature shade trees, outdoor lighting, soft seating areas, gardens and water features, event/performance space, and other programmable space.

Open Space Element, Goal 4: Conservation and enhancement of visual resources along scenic highway corridors. Figure OS-3 identifies Scenic Highways within the City and further designates Crown Valley Parkway a Landscape Corridor. As such, the landscaping treatment along Crown Valley Parkway must be enhanced consistent with the intent of the Landscape Corridor. The project's landscape plans identify enhanced landscaping along the Crown Valley Parkway frontage, consistent with this policy's intent.

Seismic and Public Safety, Goal 1: A reduction of impacts from natural hazards that may affect the City of Laguna Niguel. The project, which would replace aging buildings and infrastructure, would be constructed consistent with the California Building Code and geotechnical recommendations that evaluate soil classification, slope stability, soil strength, and load-bearing capacity, among other things. Project landscaping, in compliance with Orange County Fire Authority fuel modification requirements would minimize the potential for wildfire hazards.

Circulation Element, Policy 1.7: Require necessary conditions of approval on development projects to achieve traffic LOS standards prescribed in this Element. As detailed in the traffic analysis conducted for the project, potential operational traffic impacts were found to be consistent with the City's performance criteria. The proposed project would also implement several site access improvements, including, but not limited to, installing traffic signals at one intersection and modifying existing inbound/outbound lanes to ensure acceptable levels of service (LOS).

Housing Element, Policy 1.3: Promote a variety of housing opportunities that accommodate the needs of all income levels of the population. The proposed project would add 275 residential units to the City's housing, which increases the variety of housing opportunities in the center of the City. Notably this would be first the new rentable residential development outside of the City's Gateway Specific Plan area since prior to City incorporation in 1989. The mix of unit types (one, two and three-bedroom units) would allow the proposed project to accommodate a greater range of income levels and household sizes.

- b. Consistency with the Laguna Niguel Zoning Code (LNZC)** - With the approval of Zoning Code Amendment ZCA 19-01, which would establish the (Mixed Use - Town Center) MU-TC District and associated permissible land uses and development standards, and Zone Change ZC 19-01, to change the zoning designation for the majority of the project site to MU-TC; approval of Site Development Permit SDP 19-03, including the use of "alternative development standard" related to a reduction in the minimum depth of boundary landscaping at the base of an ascending slope for a property line segment along proposed Lot 15 (Finding c.); and approval of Use Permit UP 19-22 to allow the mixed use project, as conditioned, the project otherwise conforms to the applicable requirements of the Laguna Niguel Zoning Code (LNZC).
- c. Alternative Development Standard** - Pursuant to LNZC Section 9-1-114.1(i), alternative development standards are permitted in conjunction with a Site Development Permit when the City finds that "The use of an alternative development standards will result in a project design superior to that under

the baseline development standards in this code, or will result in public benefit(s) which would not have been realized under the baseline standards.”

To optimize site planning efforts to yield the proposed project, including the community benefiting features (e.g., programable Town Green and other outdoor congregating areas, new library), the surface parking area for Residential Building No. 2 has been positioned at the toe of the ascending open space slope along the western boundary of Lot 15, which necessitates the reduced minimum landscape buffer in one area (the minimum average buffer of 10 feet along the boundary would be adhered to). This adjacent slope is landscaped and provides a +/- 120-foot buffer between the project site property line and the adjacent residences. In consideration of the slope's existing topography and mature landscaping, and that the slope is non-developable and will permanently remain landscaped slope, any impacts of the reduced setback would be negligible. Additionally, this area of the property is not visible beyond from any public vantagepoints. Redistribution of the otherwise required landscaping to the base of the hillside yields more expansive landscaping and elevated aesthetics in other more visibly prominent areas, including the Retail Core, Town Green, and along the street frontages.

In light of the project's public benefits, the quality of the design of the overall project, and that the minor reduction would be imperceptible due to the surrounding setting, the necessary finding to support the alternative development standard provision can be made.

- d. Compliance with the California Environmental Quality Act (CEQA) -** Environmental Impact Report EIR 22-01 (SCH No. 2019110083) was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Environmental Impact Report EIR 22-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and has recommended that the City Council certify Environmental Impact Report EIR 22-01, and adopt a Mitigation Monitoring and Reporting Program, adopt Findings of Fact and Statement of Overriding Considerations prior to recommending that the City Council approve Site Development Permit SDP 19-03 and Use Permit UP 19-22.
- e. Surrounding Uses -** Approval of the application will not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity. The existing project site consists of disjointed and vacant civic structures, underutilized parking lots, undeveloped land with seasonal overgrown weeds, and an existing County library built in the mid-1980s (remodeled in 2011). The land uses surrounding the project site consist of commercial, residential, and

civic uses. The project proposes a mix of those same three land uses. Therefore, the proposed mix of uses is consistent with surrounding uses. The proposed buildings have been designed to account for surrounding topography. While private views are not protected, the proposed buildings have been designed such that projections above adjacent nearby residential building pad elevations include only limited roof-top appurtenances. Even with these minor projections, residents within these neighboring communities would continue to enjoy distant hillside and mountain views over the project. Furthermore, project design features include shielding of lights to direct light sources and light spillage away from surrounding uses. Lastly, the proposed project is designed with landscape buffers around the perimeter of the project site. The proposed landscaping is consistent with the Landscape Corridor designation of Crown Valley Parkway and the landscaping along Pacific Island Drive and Alicia Parkway provide massing and shade consistent with surrounding areas.

- f. Consistency with Community Design Guidelines** - As conditioned, the proposed project is consistent with the Community Design Guidelines of the LNZN. Within the Retail Village, the restaurant and retail buildings consist of a series of single-story buildings. Storefronts would be crafted with enhanced materials (such as barn wood, board and batten siding, and stone), metal and fabric awnings, expansive glass, and gabled roofs (standing-seam metal and cedar-shake roof materials). Many of the restaurants would feature exterior patio seating areas with a combination of shade awnings and umbrellas, fire pits, and water features. Also within the Retail Village are the office buildings which showcase oversized glass windows with barn/garage-style rollup doors to allow outdoor patios to be expanded for larger workspaces and collaboration. The linear rooflines with prominent overhangs add the play of shade and shadow to the exterior elevations further enhancing building design. The project's primary parking garage within the Retail Village ranges from three- to four-levels. The façade is enhanced with a varied pattern of horizontal synthetic wood louvers, wood siding exterior for the staircase and elevator towers and a combination of screening trees and cable trellis with climbing vines. Surface parking areas incorporate a combination of groundcover landscaping and intermittent canopy trees. Landscaped paseos that would feature shade trees, decorative lighting, soft seating areas, gardens, and water features are incorporated throughout to create a walkable placemaking project with a neighborhood feel.

The new library is a featured building within the project core and has been designed to be architecturally distinctive with a contemporary composition featuring stone cladding, wood siding, and expansive glass walls to create a dramatic "jewel box" effect. Of note, the applicant partnered with LPA to design the library building. LPA is an industry leader in designing civic buildings and was the architectural firm behind both City Hall and the recently completed Community Park Building.

The two residential buildings range from two- to four-stories in height and have been purposely designed to terrace down the terrain to complement the site topography and reduce visual massing. Architecturally, the buildings incorporate major and minor horizontal breaks, changes in materials, and accent elements, such as ground-level patios, upper level balconies, to create distinguishable separations between building composition and add visual interest. Building facades are also well-detailed with various enhanced finishes and changes in colors that have been selected to complement City Hall and the Retail Village. This generally includes metal awning overhangs, stone cladding, and plaster sand finish for building materials and a paint palette consisting of a combination of earth-tone colors. To also complement City Hall, the residential building along Alicia Parkway shares a similar setback from the roadway and a combination of drought-tolerant perimeter groundcover shrubs of varying height and canopy trees. Furthermore, particular attention has been paid to providing architectural elements at the human scale, in a continued effort to provide a pedestrian friendly environment.

The entire project would be landscaped with drought-tolerant native and ornamental trees (e.g., coast live oaks, sycamores, olives), shrubs, gardens, and lawns, all of which would be privately-owned spaces available to the public. In particular, the approximately one-acre Town Green at the main entrance to the Retail Village and at the convergence of entrance roads from Crown Valley and Alicia Parkways would act as the main gathering place and outdoor event programming area. This area would be extensively landscaped with a large, central, terraced event lawn and enhanced paving walkways. Surrounding the Town Green would be various soft seating areas, decomposed granite walkways, outdoor dining areas, herb gardens, and a central water feature. The landscaping would be carried throughout the project, linking all areas with pedestrian walkways, paseos, and communal seating areas. The project would also incorporate new landscaping along the perimeter streets (Crown Valley Parkway, Alicia Parkway, and Pacific Island Drive) that would complement and enhance surrounding street scenes and help establish a new identity for the city center area. The apartment homes would feature decorative landscaping, outdoor dining, enhanced hardscape, resort-quality furnishings, and features in each courtyard. Additionally, all interior streets and pedestrian pathways would be lined with ornamental trees.

THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend that the City Council approve Site Development Permit SDP 19-03 and Use Permit UP 19-22, subject to the following conditions:

General Conditions

1. Permit Expiration - Unless an extension is approved by the City, this Site Development Permit and Use Permit shall expire 48 months from the date of approval written herein below. If the project is not established by said expiration date, as prescribed by the LNZN, the Site Development Permit and Use Permit shall become null and void.
2. Project Compliance - This approval constitutes approval of the proposed project for compliance with the LNZN and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Site Development Permit and Use Permit shall apply only to the land use and location specified herein and only to the plans and reports date stamped approved _____ (City Council Date TBD), on file with the Community Development Department, as herein modified. No other land use, location, or plans are authorized under these permits. Approved plans and reports include: 1) architectural plans (site plan, floor plan, roof plan and building elevations) prepared by Shubin Donaldson, Architects Orange, SMS Architecture, and LPA; 2) preliminary civil/grading plans, Preliminary Hydrology Study, and Conceptual WQMP prepared by Fuscoe Engineering; 3) preliminary landscape plans prepared by OJB Landscape Architects and Urban Arena; and 4) Geotechnical Investigation Report and supplements to this report prepared by Geotechnical Professionals, Inc.
4. Changed Plan - Except as otherwise provided herein, this Site Development Permit and Use Permit constitutes a precise development plan. Therefore, all development authorized under this Site Development Permit and any land uses associated with the development shall be in compliance with the plans, specifications, and conditions of approval shown on and/or attached to the Site Development Permit. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action could have been the same for the changed plan as for the approved plan, he or she may approve the changed plan without requiring a new permit or permit amendment.

5. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
6. Design Review - All colors, materials, architectural design, and design details shall be in compliance with plans and elevations as approved by this Site Development Permit and Use Permit. Any deviation from the approved plans and documents shall require an amendment to this permit, unless the Community Development Director finds that the proposed change is of a minor nature, in which case a changed plan shall be processed and approved. Any future changes in colors, materials or architectural treatments shall require processing of either a new permit, an amendment to these permits, or a changed plan depending upon the nature and extent of the changes proposed.
7. Conditions of Approval - Prior to submittal for building permits, the conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
8. Agreement to Conditions Imposed - Prior to the issuance of any permits, the property owner shall execute an Agreement to Conditions Imposed Form, as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
9. Approval of General Plan Amendment - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the City Council adoption of Resolution No. XX-XXXX approving General Plan Amendment GPA 19-01.
10. Approval of Zoning Code Amendment - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the City Council adoption of Ordinance No. XX-XXXX approving Zoning Code Amendment ZCA 19-01.
11. Approval of Zone Change - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the City Council adoption of Ordinance No. XX-XXXX approving Zone Change ZC 19-01.
12. Approval of Vesting Tentative Tract Map - Site Development Permit SDP 19-03 and Use Permit UP 19-22 are contingent on the adoption of Resolution No. XX-XXXX by the City Council approving Vesting Tentative Tract Map VTTM 19024 to reconfigure the internal property lines within the existing boundaries of the overall site to reflect the proposed site plan.

13. Recordation of Tract Map - Prior to building permit issuance, Tract Map 19024 shall be recorded at the County Records' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.
14. Library Construction - Prior to the first residential certificate of use and occupancy permit, the applicant shall have commenced construction of the new library, including the provision of approximately 2,600 square feet of outdoor space to function as an outdoor annex to the library. Library construction shall be completed and delivered to the County of Orange before the issuance of certificate of use and occupancy permits for fifty percent (50%) of the project's total residential units (certificates for 137 units). Nothing in this condition prohibits the Community Development Director from authorizing issuance of additional residential certificates of use and occupancy permits, in his or her discretion and if circumstances dictate.
15. Town Green and Retail Village - Prior to the first residential certificate of use and occupancy permit, the applicant shall have commenced construction of the Town Green and Retail Village. Prior to issuance of the final certificate of use and occupancy permit for the project's residential units, the applicant shall complete construction of the Town Green, including landscaping and amenities, and the Retail Village. Nothing in this condition prohibits the Community Development Director from authorizing issuance of additional residential occupancy permits, in his or her discretion and if circumstances dictate.
16. Mitigation Measures - The applicant or designee shall comply with and implement all mitigation measures included in the project EIR and Mitigation Monitoring and Reporting Program.

Site Preparation & Grading Conditions

17. Grading Permit - Prior to issuance of a grading permit, the applicant or designee shall submit grading/civil engineer plans and a geotechnical soils report that incorporate the measures identified in the Geotechnical Investigation Report prepared for the proposed project for the review and approval by the City's geotechnical consultant and the Community Development Department. All grading operations and construction shall be conducted in accordance with governing grading and building codes, including the requirements of the Laguna Niguel Grading and Excavation Code and the California Building Code (CBC).
18. Crushing - On-site crushing of existing materials shall be located within the center of the project site subject to the approval of the Community Development Director. Crushing operations shall be subject to the construction hours specified within the Laguna Niguel Municipal Code.

19. Construction Access - During grading and construction, access to City Hall and Police Services shall be maintained at all times, consistent with the approved plans. City shall provide all necessary licenses, easements, and authorizations for use of City property, as required, in a timely manner.
20. Earth-Tone Drainage Structures - All above-grade drainage structures (terrace and down drains) shall be earth-tone in color to aid in blending the appearance of development into the surrounding hillside background.
21. Hydrology Study - Prior to the issuance of a grading permit, the applicant or designee shall submit a Final Hydrology Study that incorporates approved plans and conditions of approval, demonstrating that the proposed on-site drainage system meets the requirements specified in the City's Hydrology Manual, for the review and approval by the City hydrology consultant and the Community Development Department.
22. Storm Water Pollution Prevention Plan (SWPPP) - Prior to issuance of a grading permit, the applicant or designee shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) for the proposed project. The applicant or designee shall provide the Waste Discharge Identification Number (WDID) to the City to demonstrate proof of coverage under the Construction General Permit. The SWPPP shall be prepared and implemented for the project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
23. Final Water Quality Management Plan (WQMP) - Prior to issuance of a grading permit, the applicant or designee shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP and Technical Guidance Manual, to prepare and submit a Final WQMP for the proposed project for the review and approval by the City hydrology consultant and the Community Development Department.
24. Water Quality Notes - The following water quality notes shall be added on all construction plans:
 - a. Sediments from areas disturbed by construction shall be retained on-site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly

contained to minimize sediment transport from the site to streets, sidewalks, gutters, drain inlets or adjacent properties via runoff, vehicle tracking or wind.

- b. All sediment and construction debris which is tracked or deposited onto public or private sidewalks, gutters or paved roads should be removed on a daily basis by sweeping or vacuuming and disposed of properly. Sediment and construction debris **shall not** be washed into the storm drain system, including the gutter and storm drain inlets.
- c. Sandbags, gravelbags or other effective filter or trap-type barriers should be used where appropriate to intercept and slow the flow of runoff from the construction site and to trap sediment before it enters the storm drain system, including gutters and inlets. All on-site storm drain inlets shall be protected and off-site inlets shall be protected in areas where construction activity tracks sediment on paved areas or where inlets receive runoff from disturbed areas.
- d. Water and/or other dust palliative and stabilization methods should be used to prevent or alleviate dust nuisances (dust control) generated by construction activities. Covering small stockpiles of soils and debris or areas with unstabilized soil is an alternative to applying water or other dust palliatives.
- e. Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, sidewalks, gutters, drain inlets or adjoining property by wind or runoff.
- f. To prevent the discharge of pollutants from material delivery and storage to the storm water system or watercourses all materials shall be properly stored to prevent soil contamination and contact with storm water runoff, which may include appropriate covers, containment areas or surfaces and indoor storage.
- g. Stockpiles of soil, paving materials, and pressure treated wood shall be managed to prevent air and water pollution. Stockpiles should be located 50 feet away from concentrated flows of storm water, watercourses and drain inlets. Prior to the onset of precipitation, stockpiles shall be covered and protected by a temporary perimeter sediment barrier at all times.
- h. Hazardous material-waste, including but not limited to petroleum products, roofing tar, paints, solvents, stains, acids, wood preservatives, septic wastes and asphalt products shall not be allowed to enter the storm drain system or watercourses and shall be properly transported, used, stored and disposed as required by federal and state law. Paint brushes and equipment for water and oil based paints should be cleaned within a

contained area and should not be allowed to contaminate site soils, watercourses or storm drain systems. Water-based paints should be rinsed into the sanitary sewer system and thinners, solvents, excess oil-based paints and sludge should be disposed as hazardous waste.

- i. Cementaceous products such as concrete, mortar or stucco from concrete trucks, potable mixers and miscellaneous containers **shall not** be washed-out into the storm drain system or watercourses. Designated washout areas shall be located at least 50 feet from concentrated flows of storm water, watercourses and storm drain inlets and runoff from washout-areas shall be contained by constructing a temporary pit or berm-area large enough to capture the liquid and solid waste materials.
 - j. Saw-cut cement concrete and asphalt concrete slurry shall not be allowed to enter the storm drain system or watercourses. Residue from grinding operations should be picked up by means of a vacuum attachment to the grinding machine and not allowed to flow across the pavement or be left on the surface of the pavement.
25. WQMP BMP Exhibit - The BMP Exhibit from the approved Final WQMP shall be included as a sheet in the precise grading/civil engineer plans and building permit construction plans.
26. Haul Route - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant or designee shall submit plans and obtain an encroachment permit for a haul route from the City of Laguna Niguel Public Works Department, and any other applicable permits required for hauling through other adjacent cities or jurisdictions.
27. Import/Export of Material - All trucks hauling dirt, sand, soil, and other loose materials to and from the project site shall be covered. If visible soil material is carried onto private/public paved streets, the streets shall be swept to remove the soil material at the end of each workday. The applicant shall be responsible for any repair of any damage to the existing streets resulting from the exporting and importing of earth to and from the site.
28. Construction Noise Control Measures - Limit construction hours and employ noise-reducing construction practices. The following noise control measures shall be incorporated into the project contract specifications in order to minimize construction noise effects:
- a. All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications.

- b. All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulations while in the course of project activity.
 - c. All construction equipment shall be properly maintained. (Poor maintenance of equipment may cause excessive noise levels.)
 - d. All construction equipment shall be operated only when necessary and shall be switched off when not in use.
 - e. Construction employees shall be trained in the proper operation and use of the equipment. (Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.)
 - f. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
 - g. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
 - h. Construction site and access road speed limits shall be established and enforced during the construction period.
 - i. To minimize potential public objections to unavoidable noise, the contractor shall maintain good communication with the surrounding community regarding the schedule, duration, and progress of the construction. Notification shall be provided advising that there will be loud noise associated with construction and providing a telephone contact number for affected parties to ask questions and report any unexpected noise levels. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints.
29. Construction Activity Contact - Prior to issuance of a grading and/or a building permit, the name and phone number of the on-site construction supervisor shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. This contact person will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc.

Traffic, Circulation, & Parking

30. Right-of-Way Improvements - Prior to building permit issuance and prior to commencing with any demolition or construction within the public right-of-way, the applicant or designee shall submit Street Improvement Plans for review and approval by the Public Works Director/City Engineer for all necessary right-of-way improvements (applicant responsible for all design and construction components). Traffic/circulation improvements include the following:
- a. **Alicia Parkway at Pacific Island Drive/Ivy Glenn Drive.** Extend the northbound left-turn pocket 65 feet to provide a minimum total storage of 225 feet. This would require the removal of 65 feet of the existing raised median.
 - b. **Intersection of Alicia Parkway and the Project's Driveway at Town Center Drive.** Install a five-phase traffic signal with protective left-turn phasing on Alicia Parkway, and stripe crosswalks on all four legs, inclusive of preemption for emergency vehicles and interconnection to adjacent signal. Restripe the eastbound approach (internal to project site) to provide an exclusive eastbound left-turn lane. Install traffic signal preemption for the Orange County Sheriff's Department. Install blank-out signs, if needed. Install accessible pedestrian signal push buttons and video detection.
 - c. **Crown Valley Parkway at Alicia Parkway.** Extend the dual northbound left-turn lanes 30 feet each to provide a minimum total storage of 205 feet per lane (410 feet total for both lanes). This would require the removal of 30 feet of the existing raised median.
 - d. **Intersection of Crown Valley Parkway and the Project's Driveway at Hillhurst Drive.** Widen and restripe Crown Valley Parkway to provide an exclusive southbound right-turn deceleration lane. Modify the existing traffic signal to convert the five-phase traffic signal to a six-phase traffic signal in order to provide split phasing in the east-west direction along Project Driveway No. 2/Hillhurst Drive. Extend the northbound left-turn pocket 100 feet to provide a minimum total storage of 190 feet. This would require the removal of 100 feet of the existing raised median. Install accessible pedestrian signal push buttons and video detection.
 - e. **Pacific Island Drive.** Install raised median and striping at Pacific Island Drive at the Project Driveway No. 4 to restrict northbound (outbound) left turn movements onto Pacific Island Drive from the project site and to restrict southbound (outbound) left turn movements onto Pacific Island Drive from the commercial center across from Driveway No. 4.

- i. Install “KEEP CLEAR” pavement messages in the two westbound and eastbound through lanes.
 - ii. Install GPS-based signal preemption at the intersections of Alicia Parkway at Pacific Island Drive and Highlands Avenue at Pacific Island Drive, which will be controlled by the OCFA Station No. 5.
 - iii. Increase the median area length between the current eastbound and westbound left turn pocket design, by shortening both pockets to 60 feet and installing two-way-left-turn-lane striping.
 - iv. Install new driveway with rolled curb along the OCFA’s Station No. 5 Pacific Island Drive frontage to allow direct access to the station for inbound fire trucks.
 - v. Add flashing yellow beacon to the existing fire station signage on Pacific Island Drive heading east before the station.
 - f. **Project Driveway Intersections.** Advance stop lines and continental crosswalks at all four project driveway intersections (Alicia Parkway at Pacific Island Drive, Alicia Parkway at Town Center Drive, Alicia Parkway at Crown Valley Parkway, Crown Valley Parkway at Hillhurst Drive). No loop detectors are necessary due to video detection.
 - g. **Bicycle Lane and Crosswalk Enhancements.** The project includes enhancements to the bicycle lane network and crosswalks in the area surrounding the project site:
 - i. Restripe to provide an intersection bicycle box on the southbound approach of Alicia Parkway at Crown Valley Parkway.
 - ii. Buffered bike lanes along all three project frontages.
31. Local Road Safety Program (Fair Share Contribution) - Prior to building permit issuance, the applicant shall pay its fair share contribution to the proposed Local Road Safety Program improvements at the following intersections at the following percentages; however, City’s issuance of building permits to applicant shall not be withheld on the payment of fair share fees if City has not provided applicant with an invoice, cost estimate and supporting documentation, in writing.

- a. Alicia Parkway at Pacific Island Drive/Ivy Glenn Drive: 13.26%. - video detection including bicycle detection, accessible pedestrian signal push buttons, and blank-out signs.
 - b. Crown Valley Parkway at Alicia Parkway: 10.82% - video detection including bicycle detection and pedestrian call indicators.
 - c. Crown Valley Parkway at Hillhurst Drive: 17.04% - Blank-out signs.
- 32. Right-of-Way Improvement Installation - Prior to issuance of any certificate of use and occupancy (including temporary), the applicant or designee shall demonstrate that all required right-of-way improvements, as listed as conditions of approval of this Resolution and/or as shown in the plans approved for grading and/or building permits, have been installed, at the applicant's expense, and are operational, to the satisfaction of the Public Works Director/City Engineer, including the new traffic signal at the intersection of Alicia Parkway and the Project's Driveway at Town Center Drive intersection.
- 33. Construction Traffic Management Plan - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant or designee shall submit a Construction Traffic Management Plan for review and approval by the Public Works Director/City Engineer to ensure impacts to the surrounding street system are kept to a minimum. The Construction Traffic Management Plan should be developed in coordination with the City of Laguna Niguel and, at a minimum, address the following:
 - a. The names, addresses, and emergency contact numbers for those responsible for maintaining the traffic control devices during the course of construction.
 - b. Provisions for maintaining access for emergency vehicles at all times, including Orange County Fire Authority and Orange County Sheriff's Department.
 - c. Traffic control for any street closure, detour, or other disruption to traffic circulation.
 - d. Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.
 - e. Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
 - f. Provision of traffic controls within the site that may include flag persons wearing Cal OSHA-approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity.
 - g. Requirements that all haul routes be kept clean and free of debris, including, but not limited to, gravel and dirt as a result of its operations.

The applicant shall clean adjacent streets, as directed by the Public Works Director/City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas

- h. Hauling or transport of oversize loads will be allowed between sunrise and sunset, Monday through Saturday, unless approved otherwise by the Public Works Director/City Engineer. Hauling on Saturdays is subject to suspension if the City receives complaints that cannot be resolved to the satisfaction of the Public Works Director/City Engineer. No hauling or transport will be allowed during nighttime hours, Sundays, or Federal holidays.
 - i. Haul trucks entering or exiting public streets shall at all times yield to public traffic.
 - j. If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the Public Works Director/City Engineer.
 - k. All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site.
 - l. This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Laguna Niguel requirements.
34. On-Site Traffic Control Signage/Striping - Prior to building permit issuance, the applicant or designee shall submit overall way-finding and traffic control signage/striping for internal circulation throughout the project for the review and approval of the Community Development Director and the Public Works Director/City Engineer. This is to include directional signage and striping ("Do Not Block Driveway" or "Keep Clear" pavement legends and signs) as shown on the approved plans (see Condition No. 3). Prior to issuance of any certificate of use and occupancy (including temporary), said improvements shall be installed to the satisfaction of the Public Works Director/City Engineer.
35. Driveway Sight Distance on Pacific Island Drive - To maintain adequate sight distance for project site driveways along Pacific Island Drive, landscaping and any structures shall not exceed 30 inches in height above the curb/sidewalk and trees shall have a canopy of a minimum of 8 feet in the line of sight triangle areas as shown on Figures 29 and 30 of the Laguna Niguel City Center Traffic Impact Analysis prepared by Linscott, Law, & Greenspan Engineers, dated March 9, 2022 (included as Appendix L1 of Environmental Impact Report EIR 22-01).
36. Pacific Island Drive and Driveway No. 4 - Should traffic safety or circulation problems arise at the intersection of Pacific Island Drive and Driveway No. 4 (driveway east of Fire Station No. 5) within the first two years of issuance of certificate of occupancy, at the discretion of the Public Works Director/City Engineer, the applicant may be required by the City to implement additional site access restrictions at the intersection by modifying the median island to restrict

left-turn movements into the project site and commercial center, to the satisfaction of the Public Works Director/City Engineer.

37. Parking Management Program - Should parking and/or circulation problems arise at the project site, at the discretion of the Community Development Director, the applicant may be required by the City to implement a Parking Management Program, which may include the applicant providing valet parking, employee requirements to park within the parking structure (excluding the top level during evening hours), and/or some other alternative means of parking management, subject to the review and approval of the Community Development Director. The applicant, its successor, or their designated representative, shall ensure that all part-time and full-time employees, residents, and guests of the development park their vehicles on-site and shall not adopt parking policies which force employees, residents, and guests to park their vehicles off-site.

Building Conditions

38. Building Permit - Prior to commencing with construction, the applicant or designee shall submit applicable plans for the review and approval by the Laguna Niguel Planning and Building Divisions.
39. Boundary Landscape Reduction (Alternative Development Standard) - There shall be allowed a reduction in the minimum depth of boundary landscaping (from a minimum of 5 feet to a minimum of 0 feet) at the base of the open space ascending slope for a property line segment along proposed Lot 15, as shown on the approved project plans (see Condition No. 3).
40. Building Height Certification - Prior to scheduling the roof framing/sheeting inspection, the applicant or designee shall provide the Planning Division with written certification prepared by a licensed surveyor or civil engineer identifying the actual height of the residential buildings, parking structures, library, and office buildings at their tallest point, with the projected addition of approved roofing materials and appurtenant structures. No building shall be taller than 50 feet from finished grade as identified on the approved project plans (see Condition No. 3).
41. Solar - The project shall provide a 1.5 kilowatt/unit solar system on carports in the surface parking lot adjacent to Residential Building No. 2.
42. Non-Glare Materials - All roof tops, parking lot decks, and windows shall be designed with non-glare material.
43. Building Permit Final - Prior to building permit final inspection request, the applicant or designee shall be responsible for contacting the Planning Division for an inspection of the site and building to ensure compliance with the applicable conditions of approval and project plans.

44. Utility Providers - Prior to issuance of a building permit, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the utility providers.
45. WQMP Implementation - Prior to issuance of a certificate of use and occupancy, the applicant or designee shall:
 - a. Demonstrate that all structural BMPs described in the project's WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the project's WQMP;
 - c. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

Signage Advertising, & Cultural Depiction

46. Project Signage (Sign Program) - Prior to building permit issuance or installation of any project identification signage (including freestanding and building mounted signs), the applicant or designee shall submit and obtain approval of a Site Development Permit by the Planning Commission to establish an overall sign program for the mixed use project in accordance with LNZN Subarticle 7. Sign Programs, via a Site Development Permit, are required for all shopping centers, office complexes, business parks, and similar projects.
47. Advertising - Unless first approved as a part of a Site Development Permit or Temporary Use Permit, under no circumstances shall the applicant employ advertising devices such as mechanical signs, human signs, searchlights, banners, balloons, flags, and pennants, which are prohibited under LNZN Section 9-1-77.
48. Cultural Depiction - Prior to building permit issuance, the applicant or designee shall submit a cultural depiction program subject to approval by the Planning Commission. The project's overall design pays tribute to the municipal and civic history and heritage of the project site by incorporating civic elements, such as paseos, a new library, programmable spaces, a town green, and other spaces that elevate the existing project site and complements the adjacent City Hall site. To further incorporate references to the City's civic and cultural heritage, prior to building permit issuance, the applicant shall submit to the Community Development Director, a cultural depiction plan that incorporates depictions of the City's heritage into the project. Such depictions might include artwork, such as sculptures, mosaics, or murals; displays containing artifacts found on or near the development site; plaques, commemorating historical events or pointing out exceptional vistas or physical features of the location; or similar representations.

Said improvements shall be installed prior to issuance of a certificate of use and occupancy.

Landscaping and Outdoor Lighting Conditions

49. Final Landscape Plans - Prior to building permit issuance, the applicant or designee shall submit final landscaping and irrigation plans for the review and approval of the Community Development Department and the City's landscape consultant. Said final plans shall be consistent with preliminary landscaping plans and provide specific landscaping details to ensure compliance with the City's Water Efficient Landscape Ordinance, Regulations and Guidelines. The placement and installation of utilities, irrigation systems, and landscape plantings shall be coordinated and shown on the final landscaping plan. Utilities and irrigation systems shall be adequately screened with landscaping.
50. Landscaping Installation - Prior to the issuance of a certificate of use and occupancy, the applicant or designee shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved final landscape plans.
51. Landscape Maintenance - The property owner shall be responsible for adequately installing and maintaining all existing and new landscaping at all times. The landscaping shall be maintained in a neat, clear, and healthy condition. This shall include proper pruning, weeding, removal and immediate replacement of plants and trees when necessary and the regular watering of landscaping.
52. Outdoor Lighting - Prior to building permit issuance for outdoor lighting, the applicant or designee shall submit construction-level lighting plans that include photometric calculations for the review and approval of the Community Development Department. The proposed lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the project. Light sources, intensity of light and color of light shall be designed and located consistent with the LNZN.
53. Light Spillage - All project lighting shall be designed to direct downward, and light sources shall be shielded from neighboring properties. Prior to installation of project lighting, a photometric plan shall be prepared, subject to the approval of the Community Development Department, to demonstrate no light spillage from the project onto adjoining properties.

Development Fees

54. School Fees - Consistent with current City requirements, the developer shall pay to the Capistrano Unified School District no less than the statutory school fees in effect at the time of issuance of building permits.
55. Fee Programs - If applicable, prior to building permit issuance, the applicant shall be required to participate in the following transportation fee programs: Coastal Area Road Improvements and Traffic Signals (CARITS) Fee Program, Major Thoroughfare and Bridge Fee Program for the Moulton Parkway/Laguna Niguel Area, San Joaquin Hills Transportation Corridor (SJHTC) Fee Program, and any other fee programs adopted by the City, at the rate in effect at the time of permit issuance.
56. Environmental Impact Report and Notice of Determination Filing Fees - Within 48 hours of the approval of the project, the applicant or designee shall deliver to the Community Development Department, a check payable to the "County Clerk" in the amount of \$XXXX for the County Clerk administrative fee (\$XXXX) and the California Department of Fish and Game Code fee (\$XXXX) to enable the City to file the CEQA Notice of Determination with the County Clerk.
57. Parkland and/or Parkland Fees - Laguna Niguel Municipal Code (LNMC) Section 9-1-522 specifies parkland requirements for all development projects pursuant to the Quimby Act. The applicant is responsible for satisfaction of the LMZC through the provision of 1.54 acres of parkland. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMC Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMC prior to the issuance of building permits.

Orange County Fire Authority (OCFA)

58. OCFA (General Condition) - Prior to issuance of a building permit, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the OCFA.
59. Temporary/Final Occupancy Inspections - Prior to issuance of temporary or final certificate of use and occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at (714) 573-6150.

60. Fire Station No. 5 - Street Frontage Landscaping - Prior to building permit issuance, the applicant or designee shall submit landscaping and irrigation details/plans for the review and approval of the Community Development Department and OCFA for replacement and/or supplemental Fire Station No. 5 street frontage landscaping. Landscape planting (species, sizing, spacing) shall be consistent with the proposed project's frontage landscaping along Pacific Island Drive. Prior to the issuance of a certificate of use and occupancy, the applicant or designee shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved landscape details/plans.

Orange County Library

61. Interim Library - Prior to issuance of a demolition permit for the existing Laguna Niguel branch of the County Library, the applicant shall have secured a location for an interim library. The minimum size of the interim library shall be approximately 3,000 sf, as determined by the County Librarian. The location and space plan for the interim library shall be approved by the County Librarian. Per the direction of the County Librarian, applicant shall relocate those furnishings, fixtures and equipment deemed necessary by the County Librarian from the current library to the interim library requirements to allow for operation of the interim library. It may be necessary to close the existing library for up to sixty days prior to the opening of the interim library to allow the move of furnishings, fixtures and equipment. The applicant's obligations for an interim library as set forth herein will terminate upon the opening of the new library.

Police Services

62. Minor Building Improvements (Police Services) - Prior to building permit issuance, the applicant or designee shall submit construction plans for the review and approval of the Community Development Department and Orange County Sheriff's Department the following at the Police Services building located at 30111 Crown Valley Parkway: (1) the addition of three landscape tree plantings, (2) raising of the existing perimeter fence and gate to 8 feet, and (3) adding shade structure (trellis, approximately 20 feet x 25 feet) to the station's open patio. Said improvements shall be installed to the satisfaction of the Community Development Department and Orange County Sheriff's Department prior to issuance of a certificate of use and occupancy (including temporary).

Operational Conditions

63. Special Events Noise - Prior to special events with outdoor amplified music or sound, the applicant or designee shall submit and obtain a Temporary Use Permit from the City. The Temporary Use Permit shall demonstrate that special event noise will not exceed 65 dBA _{Leq} at off-site residential property lines. All amplified speech, music, or movie nights shall be concluded by 10:00 p.m. Measures to achieve the performance standard of 65 dBA _{Leq} include, but are not limited to:
- a. Orient speakers away from nearby residences;
 - b. Position speakers between project buildings or use other shielding and barrier methods to break line-of-sight with nearby residential uses;
 - c. Incorporate bandwidth and/or peak limiters into the sound system;
 - d. Other speaker angling and directivity techniques.
64. Trash Compactor Noise - Operation of the trash compactor shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
65. Roof Materials and Finish - Prior to building permit issuance, details shall be included on the project building plans identifying all proposed roof materials/colors, which shall have a non-reflective finish to minimize reflection and glare from the surfaces of the roof.
66. Commercial Uses (Hours of Operation) - Unless approved through a Minor Use Permit or similar discretionary application for a specific use, all commercial uses shall operate between the hours of 6:00 a.m. and 10:00 p.m., with deliveries occurring only during the hours of operation.
67. Maintenance of Publicly Accessible Areas - The property owner shall be responsible for maintaining all publicly accessible areas on the property and associated with development of the project in a neat and clean manner at all times. Maintenance shall include pavers and other ground surfaces, tables, seating, etc., and all landscaping to be maintained in a healthy condition, including proper watering, pruning, weeding, with removal and immediate replacement of plants and trees when necessary.

The Planning Commission hereby recommends approval of the incorporation of the following plans, programs, and policies and mitigation measures from Environmental Impact Report EIR 22-01 as additional conditions for Site Development Permit SDP 19-03 and Use Permit UP 19-22. The Planning Commission also recommends finding that, consistent with CEQA Guidelines Section 15088.5, no recirculation of the EIR is required.

Plans, Programs, and Policies

1. PPP AES-1 - The proposed project will be designed and constructed in accordance with the applicable provisions of the Laguna Niguel Municipal Code—Sections 9-1-35.15 and 9-1-45.14 (Outdoor Lighting), Section 9-1-42 (Permitted Uses), Section 9-1-43 (Nonresidential Development Standards), Section 9-1-45.3 (Landscaping), Subarticle 7 (Signs), and Subarticle 9 (Community Design Guidelines).
2. PPP AES-2 - The proposed project will be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations), which outlines mandatory provisions for lighting control devices and luminaires.
3. PPP AIR-1 - New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2019 Building and Energy Efficiency Standards became effective January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and nonresidential buildings by 2030.
4. PPP AIR-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).
5. PPP AIR-3 - Construction activities will be conducted in compliance with California Code of Regulations Title 13 Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
6. PPP AIR-4 - Construction activities will be conducted in compliance with any applicable South Coast Air Quality Management District rules and regulations, including but not limited to:
 - a. Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance.
 - b. Rule 402, Nuisance, which states that a project shall not "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or

which cause, or have a natural tendency to cause, injury or damage to business or property.”

- c. Rule 1113, which limits the volatile organic compound content of architectural coatings.
7. PPP BIO-1 – Special-Status Species. The FESA, administered by the USFWS, prohibits unlawful “take” of any listed species (16 U.S. Code Sections 1531–1544). The CESA, administered by CDFW, prohibits “take” of any listed species (California Fish and Game Code, Section 86).
8. PPP BIO-2 - The proposed project will implement the requirements of Sections 9-1-81, 9-1-92.3, and 9-1-93.3 of the Laguna Niguel Municipal Code.
9. PPP CUL-1 - In accordance with California Health and Safety Code, Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 48 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify the persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.
10. PPP E-1 - New buildings are required to achieve the current California Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen). The 2019 Building Energy Efficiency Standards became effective on January 1, 2020. The Building Energy Efficiency Standards and CALGreen are updated tri-annually. The 2019 standards included energy reduction measures such as solar photovoltaic (PV) system requirements for all new low-rise residential buildings. Title 24 is updated to increase sustainability and energy efficiency every three years and the project would be subject to the version of Title 24 in effect when building permits are submitted.
11. PPP E-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new nonresidential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).

12. PPP E-3 - California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reused on the project, or salvaged for future use or sale and the amount of construction and demolition waste generated (by weight or volume).
13. PPP E-4 - Construction activities are required to adhere to California Code of Regulations Title 13 Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
14. PPP E-5 - New buildings are required to adhere to the California Green Building Standards Code and the City's municipal code requirements to increase water efficiency and reduce urban per capita water demand.
15. PPP GEO-1 - The proposed project will be designed and constructed in accordance with the Laguna Niguel Building Code, which adopts the California Building Code (CBC), which is based on the International Building Code. New construction, alteration, or rehabilitation shall comply with applicable ordinances of the City and/or the most recent City building and seismic codes in effect at the time of project design. In accordance with Section 1803.2 of the 2019 CBC, a final geotechnical investigation is required based on the final grading plans and must evaluate soil classification, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, and expansiveness, as determined by the City building official. The final geotechnical investigation must be prepared by registered professionals (i.e., California Registered Civil Engineer or Certified Engineering Geologist). Recommendations from the preliminary geotechnical investigation and the final geotechnical investigation shall be incorporated into the final Geotechnical Design Report to provide design details on structural design and construction for earthwork, grading, slopes, foundations, pavements, and other necessary geologic and seismic considerations that must be incorporated into the design and construction of the proposed project.
16. PPP GEO-2 - The proposed project shall apply for a grading permit, which requires the preparation of an erosion control plan prepared in accordance with the City's Grading Manual.

17. PPP GHG-1 - New buildings are required to achieve the current California Building Energy and Efficiency Standards (California Code of Regulations Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2019 Building and Energy Efficiency Standards became effective on January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and non-residential buildings by 2030.
18. PPP GHG-2 - New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2). The proposed project would be required to provide anchored bicycle racks and long-term secured bicycle parking.
19. PPP GHG-3 - California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvaged for future use or sale and the amount (by weight or volume).
20. PPP GHG-4 - Construction activities are required to adhere to Title 13 California Code of Regulations Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.
21. PPP GHG-5 - New buildings are required to adhere to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase water efficiency and reduce urban per capita water demand.
22. PPP GHG-6 - CARB's Renewable Portfolio Standard (RPS) is a foundational element of the State's emissions reduction plan. These mandates apply directly to investor-owned utilities, which in the case of the proposed project is Southern California Edison. On September 10, 2018, Senate Bill 100 was signed into law and established the following RPS targets: 50 percent renewable resources target by December 31, 2026, and 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030.

23. PPP GHG-7 - On January 18, 2007, Governor Arnold Schwarzenegger issued Executive Order S-1-07 requiring the establishment of a Low Carbon Fuel Standard (LCFS) for transportation fuels. The LCFS was amended in 2011 and readopted in 2015. This statewide goal requires that California's transportation fuels reduce their carbon intensity by at least 10 percent by 2020.
24. PPP GHG-8 - The 2007 Energy Bill creates new federal requirements for increases in fleetwide fuel economy for passenger vehicles and light trucks under the Federal Corporate Average Fuel Economy Standards. The federal legislation requires a fleetwide average of 35 miles per gallon (mpg) to be achieved by 2020. The National Highway Traffic Safety Administration is directed to phase in requirements to achieve this goal. Analysis by CARB suggests that this will require an annual improvement of approximately 3.4 percent between 2008 and 2020.
25. PPP GHG-9 - On July 22, 2002, Governor Gray Davis signed Assembly Bill 1493 (Pavley) requiring CARB to develop and adopt regulations designed to reduce greenhouse gases emitted by passenger vehicles and light-duty trucks beginning with the 2009 model year. The standards set within the Pavley regulations are expected to reduce GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016. California had petitioned the EPA in December 2005 to allow these more stringent standards and California executive agencies have repeated their commitment to higher mileage standards. On July 1, 2009, the EPA granted California a waiver that will enable the state to enforce stricter tailpipe emissions on new motor vehicles.
26. PPP GHG-10 - SB 375 requires the reduction of GHG emissions from light trucks and automobiles through land use and transportation efforts that will reduce vehicle miles traveled. SB 375's goal is to prioritize transportation funding in a manner that reduces GHG emissions, accounting for local jurisdiction's general plans. SB 375 is one of the vehicle emission reduction measures of the GHG reduction requirements of AB 32, California's global warming bill enacted in 2006, and SB 32.
27. PPP HAZ-1 - Any project-related hazardous materials and hazardous wastes will be transported to and/or from the project site in compliance with any applicable state and federal requirements, including the US Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

28. PPP HAZ-2 - Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with Subtitle C of the Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The proposed project will be designed and constructed in accordance with the regulations of the Orange County Environmental Health Department, which is the designated Certified Unified Program Agency and implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program, (3) California Accidental Release Prevention Program, (4) Aboveground Storage Tank Program, and (5) Underground Storage Tank Program.
29. PPP HAZ-3 - Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing materials will be conducted in accordance with applicable regulations, including, but not limited to:
 - a. South Coast Air Quality Management District's Rule 1403
 - b. California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529)
 - c. Code of Federal Regulations (Title 40, Part 61, Part 763; Title 29, Part 1926)
30. PPP HAZ-4 - The proposed project is required to comply with the California Building Code, the California Fire Code, and the Orange County Fire Authority Fire Prevention Guidelines.
31. PPP HYD-1 - The proposed project shall be constructed in accordance with the General Permit for Storm Water Discharges Associated with the Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires filing a notice of intent, a risk assessment, a site map, a Storm Water Pollution Prevention Plan and associated best management practices, an annual fee, and a signed certification statement. Also, the County requires preparation of an erosion and sediment control plan for projects that disturb more than one acre of land and implementation of best management practices to control erosion, debris, and construction related pollutants.
32. PPP HYD-2 - The MS4 permit requires new development and redevelopment projects to:
 - a. Control contaminants into storm drain systems.
 - b. Educate the public about stormwater impacts.
 - c. Detect and eliminate illicit discharges.
 - d. Control runoff from construction sites.

- e. Implement best management practices and site-specific runoff controls and treatments for new development and redevelopment.
- 33. PPP HYD-3 - As required by the City of Laguna Niguel's municipal ordinances on stormwater quality management, the proposed project must submit a priority-project-specific water quality management plan to the City for approval before the City issues any building or grading permits.
 - 34. PPP HYD-4 - Per the requirements of the Orange County Department of Public Works, as detailed in the Orange County Hydrology Manual and the Orange County Local Drainage Manual, the proposed project must submit a final Hydrology Report to the City for review and approval prior to the issuance of grading permits. Catch basin, drainage pipe sizing, and final sizing for the detention basin will be calculated in the final Hydrology Report so that the proposed project does not increase the flow and velocity of runoff in the developed condition compared to the pre-development condition.
 - 35. PPP LU-1 - The proposed project will be designed and constructed in accordance with the applicable provisions of Title 9 (Planning and Zoning) of the Laguna Niguel Municipal Code.
 - 36. PPP N-1 - The proposed project shall comply with City of Laguna Niguel Municipal Code's Exterior Noise Standards (see Section 5.11.1.3, Regulatory Background) and limited construction hours (Monday through Saturday from 7:00 am to 8:00 pm, and no construction on Sundays or federal holidays) and Policy 4.1 of the Laguna Niguel Noise Element related to construction noise.
 - 37. PPP N-2 - The proposed project shall comply with Goal 4, Policy 4.1, and Action 4.1.1 of the General Plan to enforce the noise ordinance for all nonemergency construction operations.
 - 38. PPP N-3 - The applicant shall implement the following best management practices (BMPs) during grading, demolitions, and construction to limit construction-related noise prior to issuance. During the entire active construction period, equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, use of intake silencers, ducts, engine enclosures, acoustically attenuating shields, shrouds wherever feasible).
 - a. Require that impact tools (e.g., jack hammers and hoe rams) be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler shall be used on the compressed air exhaust as shall external noise jackets on the tools.
 - b. Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.

- c. Stockpiles of materials shall be located as far as feasible from nearby noise-sensitive receptors.
 - d. Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than five minutes.
 - e. During the entire activity construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
39. PPP N-4 - Per the California Building Code Title 24 requirement of 45 dBA CNEL or lower for habitable dwellings, the project applicant shall retain a qualified acoustical specialist to prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code and City requirements. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building (residential building 1 and 2) treatments to reduce residential interior noise levels to 45 dBA CNEL or lower at the project site. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and design, prior to issuance of a building permit. Upon approval by the City, the treatments shall be incorporated into final building and design plans prior to issuance of a building permit.
40. PPP FP-1 - The proposed project shall be developed in accordance with the Laguna Niguel Municipal Code, Division 3 Sec. 11-3-1.
41. PPP RR REC-1 - The proposed project will be required to comply with the provisions of Section 9-1-45.3, Landscaping and open area; Section 9-1-508, Use of fees; Section 9-1-520, Applicability; Section 9-1-522, Amount of park land required; and Section 9-1-523, Amount of park fees required, of the Laguna Niguel Municipal Code.
42. PPP T-1 - The proposed project's construction activities will be conducted in accordance with the provision of traffic-control devices in compliance with the California Manual for Uniform Traffic Control Devices (MUTCD) to ensure traffic safety on public streets, highways, pedestrian walkways, and bikeways.

43. PPP T-2 - The proposed project's construction contractor will be required to comply with all City of Laguna Niguel standard conditions pertaining to construction including work hours, traffic control plan, haul route, and access. Where possible, construction related trips will be restricted to off-peak hours.
44. PPP T-3 - The proposed project's construction contractor will be required to obtain an oversized-vehicle transportation permit, if necessary, from Caltrans.
45. PPP T-4 - The proposed project will implement fire protection requirements as detailed in Title 11, Division 3, of the City's Municipal Code and the Orange County Fire Authority Fire Prevention Guidelines.
46. PPP USS-1 - The proposed project will be designed, constructed, and operated in accordance with SOCWA Ordinance 2015-1. All wastewater discharges into SOCWA facilities shall be required to comply with the discharge standards to protect the public sewage system.
47. PPP USS-2 - The proposed project's sewer infrastructure improvements will be designed, constructed, and operated in accordance with the applicable regulations in the Moulton Niguel Water District's standard specifications.
48. PPP W-1 - The proposed project is required to comply with the California Building Code and California Fire Code as amended by the Laguna Niguel Municipal Code
49. PPP W-2 - Projects located in portions of the City that are designated as VHFHSZs are required to provide fuel modification depending on the project site's proximity to open space.
50. PPP W-3 - Fuel modification must be provided within a project site's boundaries or within an offsite easement granted for fuel modification. If an offsite easement is being used for fuel modification that easement must be secured prior to completion of the environmental document. Securing the offsite fuel modification cannot be deferred until after approval of the project. *Project does not include offsite fuel modification.*
51. PPP W-4 - The Applicants are required to prepare preliminary fuel modification plans. The preliminary fuel modification plan shall be reviewed and approved by Staff and the OCFA prior to completion of the environmental document. *Applicant has obtained preliminary approval of a fuel modification plan.*

Mitigation Measures

1. MM AQ-1 - The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for site preparation and rough grading/earthwork, utilities trenching, and building construction activities that overlap with site preparation and rough grading activities. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Final emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for EPA Tier 4 Final emissions standards for construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with these phases in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
2. MM AQ-2 - The construction contractor(s) shall implement the following measures to reduce construction exhaust emissions during demolition and soil hauling activities associated with demolition and rough grading:
 - a. Demolition activities shall be prohibited from overlapping with grading activities. Ground disturbing activities shall commence following the demolition of the existing structures on-site.
 - b. Hauling of soil generated from rough grading activities shall be limited to a maximum of 3,626 miles per day. Air quality modeling was based on the assumption that the 3,626 miles per day would consist of 98 one-way haul trips per day with 14 cubic-yard trucks and a one-way haul distance of approximately 37 miles. All plans shall identify the disposal site for exported material, the distance to the disposal site, and the number of permitted truck trips to the disposal site to remain under the miles per day limit.

These requirements shall be noted on all construction management plans prior to issuance of any construction permits and verified by the City of Laguna Niguel during the demolition and soil-disturbing phases.

3. MM AQ-3 - The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities—in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (AQMD) Rule 403—to further reduce PM₁₀ and PM_{2.5} emissions:

- a. Following all grading activities, the construction contractor shall prevent dust and wind-born erosion by either planting ground cover or applying a binder/gel tackifier.
- b. During all construction activities, the construction contractor shall sweep streets with South Coast AQMD Rule 1186-compliant, PM₁₀-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
- c. During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and shall tarp materials with a fabric cover or other cover that achieves the same amount of protection.
- d. During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
- e. During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.
- f. During all ground disturbing activities, the construction contractor shall apply nontoxic soil stabilizers to minimize fugitive dust.

Prior to construction activities, the construction contractor shall ensure that all construction plans submitted to the City clearly show the watering and soil stabilizer requirement to control fugitive dust. During construction activities, the City of Laguna Niguel shall verify that these measures have been implemented during normal construction site inspections.

4. MM BIO-1 - Prior to removal of potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Laguna Niguel that the following has been or will be accomplished:

The project applicant and construction contractor shall schedule all vegetation removal activities outside the nesting season to avoid potential impacts to nesting birds, including sensitive raptor species such as Cooper's hawk and white-tailed kite. The nesting season is February 15 to September 15 for songbirds and January 15 to September 15 for raptors.

If vegetation removal cannot be avoided during the nesting season—January 15 through September 15—the project applicant shall have a qualified biologist survey all potential nesting vegetation within the property for nesting birds prior to commencing vegetation removal. If no nesting activities are observed, work activities may begin. If an active bird nest is located, the nest site should be avoided, and a buffer should be marked/flagged at an appropriate distance in all directions. The buffer distance is dependent on the nesting bird species, typically 500 feet for endangered, threatened, and candidate species and all raptors, and 100 to 300 feet for other species, as determined appropriate by the qualified biologist. No work shall occur within the buffer area until after the nest becomes

inactive, or unless a qualified biologist monitors the nest during construction activities within the buffer and does not observe any signs of stress or erratic behavior that indicate a negative effect on nesting. The biologist shall inform construction personnel of the location of active nest(s) and required avoidance measures. The survey results shall be submitted to the City of Laguna Niguel Planning Division for review and approval.

5. MM CUL-1 - Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained this individual, and that the consultant will monitor all grading and other significant ground-disturbing activities in native soil. Prior to the initiation of grading, the project applicant shall meet with the Juaneño Band of Mission Indians, Acjachemen Nation Cultural Resource Director to coordinate monitoring by a Native American monitor. During all ground-disturbing activities/earthwork, a professional Native American monitor, procured by the Juaneño Band of Mission Indians, Acjachemen Nation, shall be present to monitor grading activities. During initial monitoring, if the qualified archaeologist and/or designated Native American representative can demonstrate that the level of monitoring should be reduced or discontinued, or if the qualified archaeologist and/or designated Native American representative can demonstrate a need for continuing monitoring, the qualified archaeologist and Native American representative, in consultation with the Laguna Niguel Planning Division, may adjust the level of monitoring to circumstances as warranted. In the event archaeological resources are discovered during ground-disturbing activities, the archeological monitor and designated Native American monitor shall have the authority to halt any activities that may adversely impact potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or designated Native American monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA) and determined construction activities can resume without damaging resources.

If archaeological resources are discovered, the archeologist and designated Native American monitor shall assess the most appropriate treatment for the resources, prioritizing preservation in place. When data recovery through excavation is the only feasible treatment method, the archeologist, in consultation with the designated Native American monitor, shall prepare a data recovery plan with provisions for adequately recovering the scientifically consequential information from and about the historical resource and shall deposit studies with the California Historical Resources Regional Information Center. Recovered archeological resources shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the John D. Cooper Center or California State University, Fullerton, or a

responsible public or private institution with a suitable repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered for which a treatment plan must be prepared the project applicant or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the project applicant or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, reburial, return of artifacts to tribe).

6. MM GEO-1 - Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depths, the project applicant shall provide a letter to the City of Laguna Niguel from a qualified paleontologist and paleontological monitor who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will monitor all grading and significant ground-disturbing activities in areas identified as likely to contain paleontological resources during project construction. These areas are defined as all excavations of previously undisturbed sediments in areas mapped as the Capistrano Formation and in areas of Quaternary alluvium where excavations would exceed depths of five feet.

The qualified paleontologist and/or paleontological monitor shall attend all pre-grade meetings to ensure all construction personnel that would conduct grading and significant ground-disturbing activities receive training to recognize fossil materials in the event any are uncovered during earthwork.

The qualified paleontological monitor shall be equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays and shall be empowered to temporarily halt or divert grading activities in order to recover the fossil specimens. The paleontological monitor may establish a protected buffer around a discovery for the duration of recovery of the discovery.

If previously undiscovered paleontological resources are discovered on-site, suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the paleontological monitor has evaluated discoveries to assess whether they are classified as unique paleontological resources pursuant to the California Environmental Quality Act (CEQA) and authorized the resumption of construction activities. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Found specimens shall then be curated into the John D. Cooper Center in Santa Ana or a responsible public or private institution with a suitable repository willing to and capable of accepting

and housing the resource. If no museum or repository is willing to accept the resource, it shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion to avoid a significant impact.

Upon completion of construction activities, the qualified paleontological monitor shall prepare a report of paleontological resource findings within 30 days of construction completion. The report shall append itemized inventory of recovered resources, documentation of each locality, and interpretation of recovered fossils. The report and inventory, when submitted and approved by the City, will signify completion of the program to mitigate impacts to paleontological resources.

7. MM GHG-1 - All installed/provided major appliances shall be “Energy Star” appliances. Prior to issuance of building permits for residential and nonresidential buildings, the property owner/applicant shall identify on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are “Energy Star” appliances. Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
8. MM GHG-2 - Prior to issuance of building permits for residential development buildings, the project applicant shall indicate on the building plans that the following features shall be incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
 - a. For residential and nonresidential buildings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) and A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code as applicable.
 - b. Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the 2019 CALGreen Code and reproduced below:
 - i. *Short-term bicycle parking* – Permanently anchored bicycle racks shall be provided within 100 feet of the visitor’s entrance to the residential building, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity for the multifamily units with a minimum of one 2-bike capacity rack.
 - ii. *Long-term bicycle parking for multifamily buildings* – Provide on-site bicycle parking for at least one bicycle per every two dwelling units. Acceptable bike parking facilities shall be conveniently reached from the street.

9. MM GHG-3 - Prior to issuance of building permits for nonresidential development buildings, the project applicant shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Laguna Niguel prior to issuance of a Certificate of Occupancy.
 - a. Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code. Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the 2019 CALGreen Code.
10. MM HAZ-1 - Prior to issuance of grading permits, the project applicant shall prepare and implement a soils management plan (SMP) for the vehicle maintenance facility and the former fire station. The SMP will ensure that safe and appropriate handling, transportation, off-site disposal, reporting, oversight, and protocols are used during construction to protect the health and safety of workers and future residents. The SMP shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered and prior to grading for the soil stockpile. If, during grading activities, additional contamination is discovered, grading within that area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the SMP to render the area suitable to resume grading activities. Soil remediation and/or export of hazardous materials must be performed in accordance with the appropriate agency's requirements (Regional Water Quality Control Board, Department of Toxic Substances Control, and/or South Coast Air Quality Management District).
11. MM HAZ-2 - After grading is complete, the project applicant shall perform a post-grading soil vapor survey within the footprint of future structures in the areas of the vehicle maintenance facility and former fire station. The survey shall be approved by the City and the appropriate oversight agency (OC EHD or DTSC) prior to signoff of the grading permit.
12. MM HAZ-3 - Prior to the issuance of a demolition permit for any structure on the property, the project applicant shall conduct a comprehensive survey for asbestos-containing materials to identify the locations and quantities of asbestos-containing materials in above-ground structures. The project applicant shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. If asbestos is discovered, the project applicant shall retain a licensed or certified contractor to remove and dispose of all asbestos containing materials in accordance with the appropriate South Coast AQMD asbestos-containing material removal practices and procedures.

PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.

AYES: Fisk, Brown, Savage-Lebhart, Vahid

NOES:

ABSTAIN:

ABSENT: Green



Jonathan Orduna
Community Development Director



Brian Fisk
Chairman of the Planning Commission

Attachment J

Full-Size Project Plans

LIMITED DISTRIBUTION

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
949.362.4360

Normal copying charges apply - Or available to download at no cost from
www.CityofLagunaNiguel.org