

AUGUST 2022



PASEO DE COLINAS TOWNHOMES PROJECT

Public Review Draft Initial Study/Mitigated Negative Declaration



PREPARED FOR
CITY OF LAGUNA NIGUEL

PREPARED BY

Michael Baker
INTERNATIONAL

**PUBLIC REVIEW DRAFT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Paseo de Colinas Townhomes
Project**

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1.0 INTRODUCTION

The Paseo de Colinas Townhomes Project (herein referenced as the “project”) involves development of a 38-unit townhome community; refer to Section 2.0, Project Description. Following a preliminary review of the proposed project, the City of Laguna Niguel (City) has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects of the project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with CEQA (Public Resources Code Section 21000-21177) and pursuant to California Code of Regulations Section 15063, the City of Laguna Niguel, acting in the capacity of Lead Agency under CEQA, is required to undertake the preparation of an Initial Study to determine if the proposed project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration for that project. Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Public Resources Code Section 21080(c)).

The environmental documentation, which is ultimately selected by the City in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not; however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and/or other discretionary approvals would be required.

The environmental documentation is subject to a public review period. During this review, agency and public comments on the document relative to environmental issues should be addressed to the City. Following review of any comments received, the City will consider these comments as a part of the project’s environmental review and include them with the Initial Study documentation for consideration by the City.

1.2 PURPOSE

CEQA Guidelines Section 15063 identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include:

- A description of the project, including the location of the project;
- Identification of the environmental setting;
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- Discussion of ways to mitigate significant effects identified, if any;
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.



1.3 CONSULTATION

As soon as a Lead Agency (in this case, the City of Laguna Niguel) has determined that an Initial Study would be required for the project, the Lead Agency is directed to consult informally with all Responsible Agencies and Trustee Agencies that are responsible for resources affected by the project, to obtain the recommendations of those agencies as to whether an EIR or Negative Declaration should be prepared for the project. Following receipt of any written comments from those agencies, the Lead Agency considers any recommendations of those agencies in the formulation of the preliminary findings. Following completion of this Initial Study, the Lead Agency initiates formal consultation with these and other governmental agencies as required under CEQA and its implementing guidelines.

1.4 INCORPORATION BY REFERENCE

The following documents were utilized during preparation of this Initial Study and are incorporated into this document by reference. The documents are available for review at the City of Laguna Niguel Community Development Department located at 30111 Crown Valley Parkway, Laguna Niguel, California 92677.

- City of Laguna Niguel General Plan (August 4, 1992). The *City of Laguna Niguel General Plan* (General Plan) provides a source of information and a policy framework for managing future growth and development and for establishing a system of land use administration tailored to the needs of the City. The General Plan focuses on key community priorities to fully understand the long-term consequences and benefits of the City's land use decisions. The General Plan includes the following elements: Land Use, Open Space/Parks/Conservation, Circulation, Public Facilities, Noise, Seismic/Public Safety, Housing, Growth Management, and Community Service Standards. Each element provides regulatory background, environmental setting, and goals, policies, and actions.

The *Laguna Niguel Local Coastal Program* (LCP) is comprised of two County-adopted local coastal programs, the *South Laguna Specific Plan* and the *Aliso Creek Specific Plan*. The City's boundaries include portions of these two specific plans. The LCP includes required components and issue areas which relate to the subjects of several different General Plan elements; therefore, components of the LCP are distributed among various elements of the General Plan and are individually discussed within the applicable element.

- Laguna Niguel Municipal Code (current through Ordinance No. 2021-211, enacted August 3, 2021). The *Laguna Niguel Municipal Code* (Municipal Code) provides regulations for government administrative operations, construction, development, infrastructure, public safety, and business operations within the City. The City's Zoning Code (Municipal Code Title 9, *Planning and Zoning*) is intended to promote public health, safety, and general welfare within Laguna Niguel. The Zoning Code implements the General Plan; provides regulations not covered by the LCP; classifies different land uses and structures in appropriate places and regulates such land uses to serve the needs of the City; establishes conditions which allow the various land use types to exist in harmony and to promote the stability of existing land uses by protecting them; and prevents undue intensity of land use or development to maintain a suitable balance between developed land and open space, among others.
- City of Laguna Niguel CEQA Manual (adopted June 1, 2021, and revised February 2022). The *City of Laguna Niguel CEQA Manual* (CEQA Manual) provide the City and project applicants with local guidelines, procedures, requirements, and thresholds of significance for the environmental review process within the City consistent with CEQA and State CEQA Guidelines (Title 14, California Code of Regulations (CCR), Division 6, Chapter 3, Section 15000 et seq.). The CEQA Manual serves to augment and implement those procedures contained in CEQA and the State CEQA Guidelines.



2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The City of Laguna Niguel (City) is located in the southern portion of the County of Orange; refer to Exhibit 2-1, Regional Vicinity. The cities of Aliso Viejo and Laguna Hills are located to the north, Mission Viejo and San Juan Capistrano are to the east, Dana Point is to the south, and Laguna Beach and unincorporated Orange County areas are to the west.

The proposed Paseo de Colinas Townhomes Project (project) site is approximately 2.47 acres and is located at 29001 Paseo de Colinas (Assessor's Parcel Numbers [APNs] 637-181-01, -392-02, and -412-02) in the northeastern portion of the City; refer to Exhibit 2-2, Site Vicinity. Specifically, the project site is located northwest of the intersection of Paseo de Colinas and Del Cerro, and to the east of Niguel Hills Middle School. Regional access to the project site is provided via Interstate 5 (I-5) and State Route 73 (SR-73) (also known as the San Joaquin Hills Transportation Corridor). Local access to the project site is provided via Paseo de Colinas, Golden Lantern, and Crown Valley Parkway.

2.2 ENVIRONMENTAL SETTING

Capistrano Unified School District (CUSD) owns the project site, which was declared as surplus property in 2006. The irregularly shaped project site is a currently vacant, partially paved lot. The site is currently fenced on the western boundary and includes a concrete masonry wall on the eastern boundary along Paseo de Colinas. The project site is currently accessed via a gated driveway along Paseo de Colinas. Non-native vegetation is present in the southern portion of the site (unpaved). An existing landscape easement is located in the southernmost corner of the site.

The site is relatively flat with an elevation of approximately 470 feet above mean sea level. The existing topography of the project area gently slopes downwards to the west. The site is approximately 70 feet higher in elevation than the adjacent Niguel Hills Middle School and is bound by steep slopes along the western boundary. Similarly, existing residences across Paseo de Colinas are up-gradient, and to the east of, the project site, approximately 60 feet higher in elevation.

GENERAL PLAN LAND USE DESIGNATION AND ZONING

Based on the *City of Laguna Niguel General Plan* (General Plan), the project site is located within Community Profile Area 3, Sub Area E, Aloma Avenue. The General Plan Land Use Map designates the project site as Public/Institutional; Residential Attached; and Parks and Recreation. Additionally, according to the General Plan Land Use Element, if the site is developed as residential, a park of between 0.5 and 1.0 acre is required to be dedicated to the City by the property owner.

According to the City's Zoning Map, the project site is zoned Public Institutional District (PI)/Multifamily District (RM)/Parks and Recreation District (PR).

SURROUNDING LAND USES

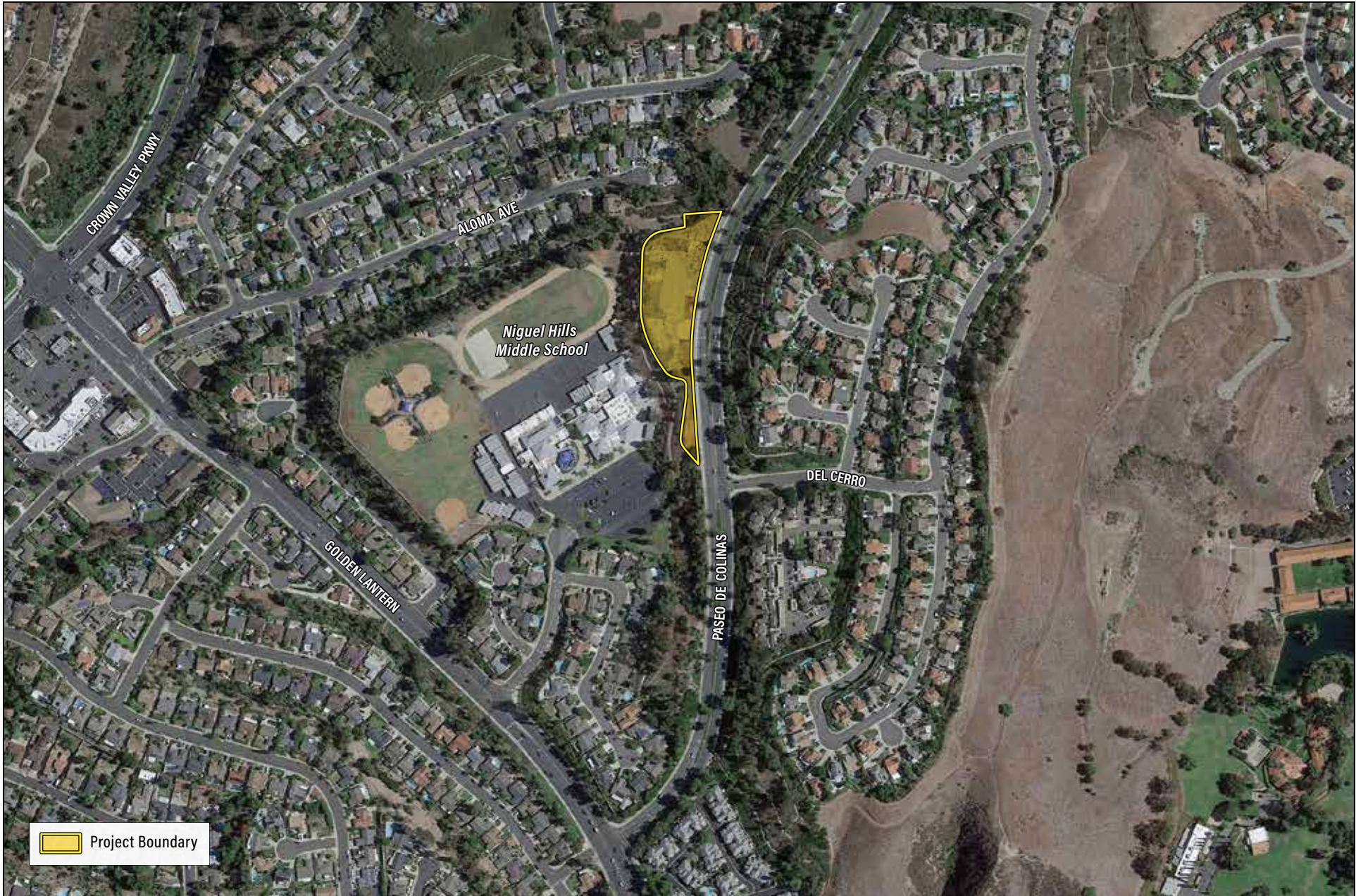
Surrounding land uses include a mixture of institutional, residential, and open space uses. Specifically, land uses surrounding the project site include:



PASEO DE COLINAS TOWNHOMES PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Regional Vicinity





Source: Google Earth Pro, February 2022



- **North:** Single-family residences and undeveloped, vacant land are located to the north of the project site. These areas are designated Residential Detached, Residential Attached, and Open Space, and zoned Single-Family District 3 (RS-3), RM, and Open Space (OS);
- **East:** Paseo de Colinas bounds the project site to the east, followed by a steep vegetated slope and single-family residences further east. These areas are designated Open Space and Residential Detached and zoned OS and RS-3;
- **South:** The Niguel Hills Middle School parking lot, undeveloped open space, and single-family residences are located to the south of the site. These areas are designated Public/Institutional, Open Space, and Residential Detached, and zoned PI, OS, and RS-3; and
- **West:** Vegetated slope and Niguel Hills Middle School are located to the west of the project site and are designated Public/Institutional and zoned PI.

2.3 BACKGROUND AND HISTORY

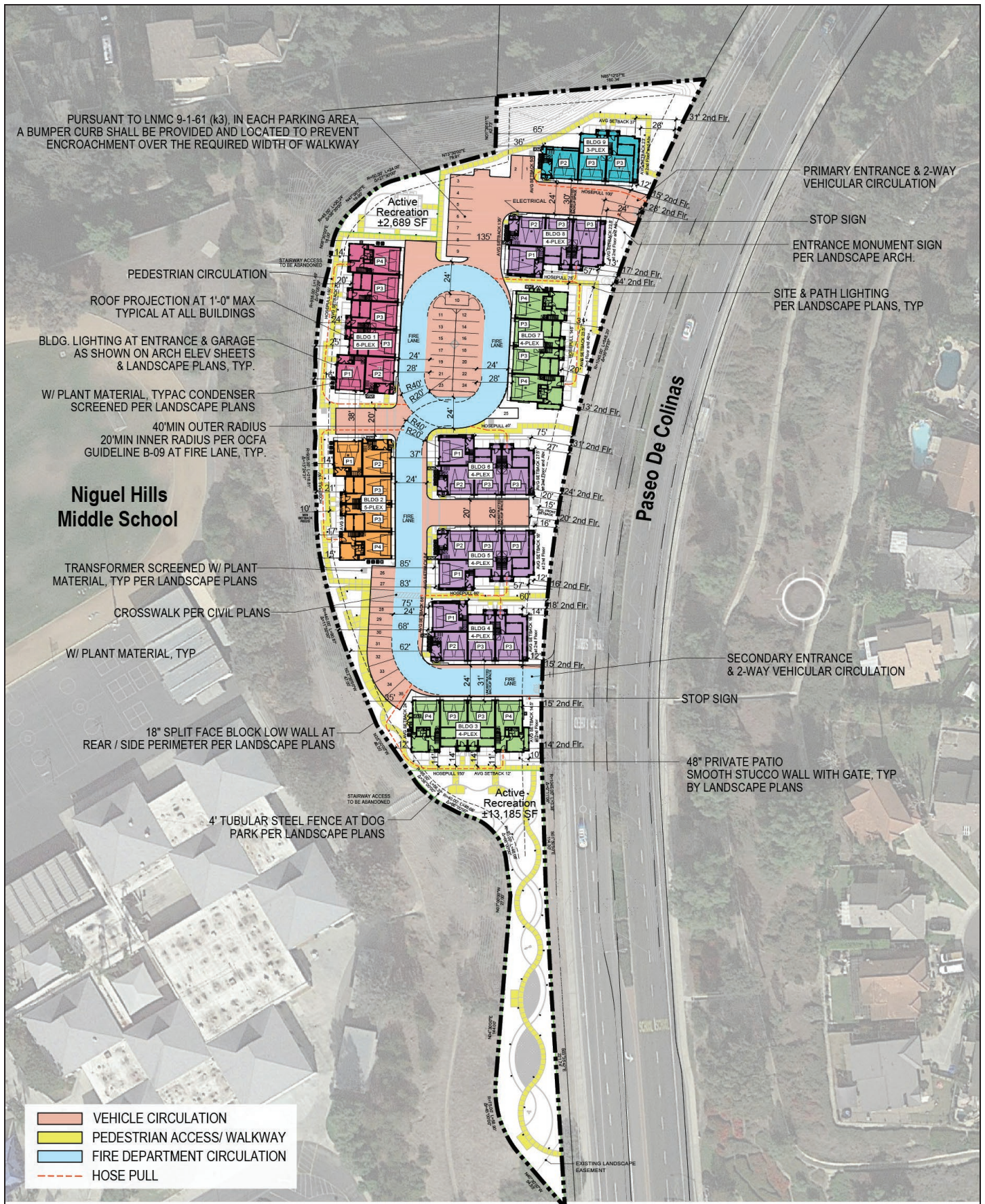
The project site consisted of vacant land until the early 1980s, at which time CUSD graded the site. By 1989, various CUSD structures were constructed in the southern portion of the site. Since then, the site has been used by CUSD for the storage of portable classrooms and various education-related activities. Parking lots were also developed on different portions of the site; however, all structures on-site were demolished by 2021. The site is currently vacant and not utilized for any purpose.

On March 20, 2007, the Laguna Niguel City Council adopted Negative Declaration ND 07-01 and approved. General Plan Amendment GPA 07-01 and Zone Change ZC 07-01. General Plan Amendment GPA 07-01 proposed the addition of Residential Attached and Parks and Recreation land use designations to the Public/Institutional designation to accommodate either the continued use of the site as a public/institutional facility, or allow for multi-family residential development, which includes the provision of a public park. Zone Change ZC 07-01 proposed to add RM, PR, and Managed Care Overlay (MC) zoning designations to the Public/Institutional (PI) zoning designation to be consistent with the General Plan Amendment GPA 07-01. No development has been proposed since approval of the General Plan Amendment or Zone Change.

CUSD is now interested in entitling the project site for a townhome development without the parkland dedication, as described in [Section 2.4, *Project Characteristics*](#), which is the subject of this Initial Study.

2.4 PROJECT CHARACTERISTICS

The project proposes to develop a 38-unit townhome community; refer to [Exhibit 2-3, *Conceptual Site Plan*](#). The 58,307-square foot townhome development would consist of nine three-story townhome buildings with attached two-car garages. The townhome buildings would utilize four different floor plans that consist of two-, three-, and four-bedroom units, with sizes ranging from approximately 1,236 to 1,925 square feet; refer to [Table 2-1, *Proposed Townhome Units*](#). Two of the 38 for-sale townhome units would be moderate for-sale affordable units.



Source: ktgy Architecture + Planning, May 2022





Table 2-1
Proposed Townhome Units

Plan	Number of Bedrooms/Bathrooms	Net Floor Area	Dwelling Count
Plan 1	2 bedrooms, 2 bathrooms	1,236 square feet	6 DU
Plan 2	2 bedrooms, 2 bathrooms	1,260 square feet	7 DU
Plan 3	3 bedrooms, 2.5 bathrooms	1,618 square feet	19 DU
Plan 4	4 bedrooms, 3.5 bathrooms	1,925 square feet	6 DU
TOTAL		58,528 square feet	38 DU
Notes: DU = dwelling units			
Source: KTGy, 2022.			

Proposed on-site and surrounding topography, as well as building heights are shown on Exhibit 2-4, Site Cross Sections. Per Exhibit 2-4, the project area gradually slopes downwards towards the west. Existing single-family residences are located up-gradient from the project site and Niguel Hills Middle School is located down-gradient from the project site. The vegetated slopes to the east are maintained by the residential homeowners association and the slopes to the west are maintained by Niguel Hills Middle School.

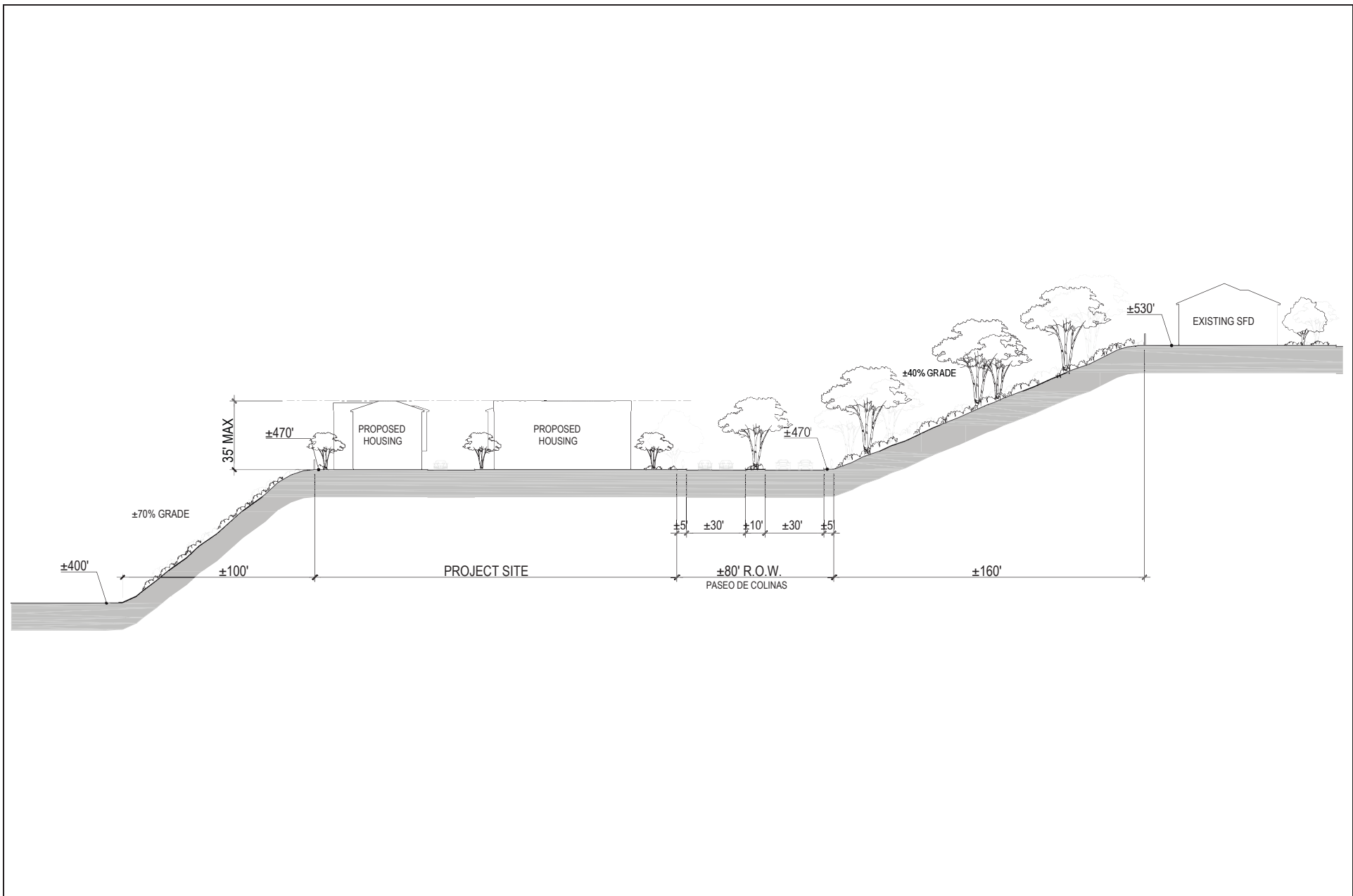
ARCHITECTURAL ELEMENTS

Building elevations are shown on Exhibits 2-5a, Building Elevations – Building 1, through 2-5e, Building Elevations – Building 9. As detailed, the nine townhome buildings would have a maximum building height of 35 feet measured from above natural/finished grade, with protruding architectural features extended up to 36 feet in height. Architectural features exceeding 35 feet in height would include chimneys, roof vents, finials, spires, and similar architectural features not containing usable space, which are permitted pursuant to the *Laguna Niguel Municipal Code* (Municipal Code) Section 9-1-33.1, *Table of development standards*.

The exterior building colors would include a variety of neutral earth tones, while the exterior building features would include stucco wall, wrought iron detailing, and decorative windows, shutters, canvas awnings, and balconies, among others; refer to Exhibits 2-5a through 2-5e. Additionally, a monument sign would be placed adjacent to the main driveway entrance along Paseo de Colinas.

SITE ACCESS AND PARKING

Vehicular site access would be provided via two right-turn only driveways on the northern and southern ends of the project frontage along Paseo de Colinas; refer to Exhibit 2-3. Both driveways connect to internal drive aisles that provide access to each townhome building and surface parking areas. The 24-foot wide internal drive aisles would also serve as fire access lanes pursuant to Municipal Code Section 9-1-65(d), *Parking accessways*.



Source: ktgy Architecture + Planning, June 2021

LEGEND

- 1 Smooth Trowel White Stucco Finish
- 2 Concrete "S" Profile Roof Tile
- 3 Stucco over Foam Eave
- 4 Stucco Sill Trim
- 5 Stucco over Foam Surround (Where Occurs)
- 6 Stucco Recess

- 7 Recessed Faux Diamond Gable Vent
- 8 Decorative Stucco Chimney
- 9 Vinyl Windows
- 10 Exposed Truss Tails at Eaves w/ 2x3 Fascia
- 11 Faux Wood Corbel
- 12 Accent Battered Ceramic Tile Surround
- 13 Stucco over Foam Corbel

- 14 Faux Window Shutter
- 15 Stucco over Foam Trim
- 16 Metal Wrought Iron Grille
- 17 Stucco Slope Sill
- 18 Stucco Arched Soffit
- 19 Stucco Patio Low Wall (See Landscape Dwg)
- 20 Fiber Cement Trim

- 21 Fiber Cement Panel
- 22 Tile Cap
- 23 Metal Juliet Balcony
- 24 Canvas Awning w/ Metal Spears
- 25 Fiberglass Entry Doors
- 26 Decorative Exterior Lights & Raised Address
- 27 Metal Sectional Garage Door

- 28 Micro Gutter at Balcony
- 29 Utility Metal Doors
- 30 Decorative Metal Potshel
- 31 Gutter and Downspout (Where Occurs)
- 32 Stone Veneer



PLAN 1 PLAN 2

RIGHT



PLAN 2 PLAN 3 PLAN 3 PLAN 3 PLAN 4

REAR



PLAN 4

LEFT



PLAN 4 PLAN 3 PLAN 3 PLAN 3 PLAN 1

FRONT

Source: ktgy Architecture + Planning, April 2022



LEGEND

- 1 Smooth Trowel White Stucco Finish
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- 31 Gutter and Downspout (Where Occurs)
- 32 Stone Veneer



PLAN 1 PLAN 2
RIGHT



PLAN 2 PLAN 3 PLAN 3 PLAN 4
REAR



PLAN 4
LEFT



PLAN 4 PLAN 3 PLAN 3 PLAN 1
FRONT

Source: ktgy Architecture + Planning, April 2022

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Building Elevations - Building 2

Exhibit 2-5b

LEGEND

- 1 Smooth Trowel White Stucco Finish
- 2 Concrete "S" Profile Roof Tile
- 3 Stucco over Foam Eave
- 4 Stucco Sill Trim
- 5 Stucco over Foam Surround (Where Occurs)
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- 27 Metal Sectional Garage Door

- 28 Micro Gutter at Balcony
- 29 Utility Metal Doors
- 30 Decorative Metal Polshelf
- 31 Gutter and Downspout (Where Occurs)
- 32 Stone Veneer



PLAN 4

RIGHT



PLAN 4

PLAN 3

PLAN 3

PLAN 4

REAR



PLAN 4

LEFT



PLAN 4

PLAN 3

PLAN 3

PLAN 4

FRONT

36'-0"
35'-0"
T.O. CHIMNEY
T.O. ROOF
T.O. PL
9'-1"
FF
T.O. PL
9'-1"
FF
T.O. PL
8'-1"
FF
T.O. FGD

Source: ktgy Architecture + Planning, April 2022

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NOT TO SCALE

04/2022 JN 188276

PASEO DE COLINAS TOWNHOMES PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Building Elevations - Buildings 3 & 7

Exhibit 2-5c

LEGEND

- 1 Smooth Trowel White Stucco Finish
- 2 Concrete "S" Profile Roof Tile
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- 4 Stucco Sill Trim
- 5 Stucco over Foam Surround (Where Occurs)
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- 32 Stone Veneer



RIGHT



REAR



LEFT



FRONT

Source: ktgy Architecture + Planning, April 2022

LEGEND

- 1 Smooth Trowel White Stucco Finish
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- 29 Utility Metal Doors
- 30 Decorative Metal Potsheif
- 31 Gutter and Downspout (Where Occurs)
- 32 Stone Veneer



RIGHT



REAR



LEFT



FRONT

Source: ktgy Architecture + Planning, April 2022





Based on Municipal Code Section 9-1-63, *Residential parking requirements*, the project is required to provide 111 spaces. Each townhome unit would include an attached two-car garage, totaling to 76 parking spaces in garages. Additionally, 35 open surface parking spaces are provided on-site for guests and residents; refer to [Exhibit 2-3](#). Thus, the project would provide 111 parking spaces in total and would meet the City's minimum parking requirement; refer to [Table 2-2, Proposed Parking](#).

**Table 2-2
Proposed Parking**

Land Use	Buildout	Parking Requirement ¹	Required Parking	Proposed Parking
Residential				
Two-Bedroom Unit	13 Units	2 spaces	26	2 spaces per unit and 35 surface parking spaces
Three-Bedroom Unit	19 Units	2.5 spaces	48	
Four-Bedroom Unit	6 Units	3 spaces	18	
Guest		0.5-space per total units	19	
TOTAL			111 spaces	111 spaces
Notes: 1. Pursuant to Municipal Code Section 9-1-63, <i>Residential parking requirements</i> , for residential development.				

OPEN SPACE AND LANDSCAPING

Approximately 35,499 square feet of common open space areas and 15,874 square feet of active recreation areas are proposed throughout the project site. Specifically, gardens (i.e., common open space areas) are proposed in the southern portion of the site; refer to [Exhibit 2-6, Conceptual Landscape Plan](#). This area would consist of fauna and flora gardens (e.g., oak woodland garden, coastal gardens, southwest arid garden, raptor boxes, and butterfly garden) with interpretive signages, a meandering concrete pathway, decomposed granite path through the gardens, outdoor fitness stations, as well as bench seating. Proposed active recreation areas on-site include a private park in the northwest corner of the site as well as a dog park between the gardens and Building 3 in the southern portion of the site. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating. The dog park would include 890 square feet of synthetic turf, low (four-foot) fencing around the perimeters, and bench seating.

Additionally, four- and seven-foot wide sidewalks are proposed along the western perimeter of the project site. An overlook area with bench seating is proposed south of Building 2. Private open space (i.e., decks) would also be provided for each townhome unit.

Ornamental landscaping would be installed throughout the project site, including along the project frontage, drive aisles, building perimeters, entryways, and common and active open space areas; refer to [Exhibit 2-6](#). Planting materials would include a variety of trees, shrubs, and groundcover. Tree species would include marina strawberry tree, California cherry laurel, and California coffeeberry. All landscaped areas are designed to be irrigated with an automatically controlled 'smart' system with rain-sensor, low precipitation/low angle spray heads.

WALLS AND FENCING

A low split faced block wall is proposed along the site perimeter except along the Paseo de Colinas project frontage. The block wall would be approximately 1.5 feet tall and designed in accordance with Municipal Code Section 9-1-92.3(k)(3), *Perimeter and screening walls*. Additionally, a four-foot tall tubular steel fence is proposed along the dog park perimeter. It is noted that the existing two pedestrian access stairways to the west of the site are property of Niguel Hills Middle School and are not a part of the project site; staircase access would not be permitted from the project site. Additionally, all transformers and air conditioner condensers on-site would be screened from public view via proposed landscaping.





OPEN SPACE CALCULATIONS:		
PER LN2C: R-1-35.13		
	BUILDABLE PROJECT AREA:	105,049 S.F.
	COMMON OPEN AREA	
	COMMON OPEN AREA REQUIRED: (25% OF BUILDABLE PROJECT AREA)	26,762 S.F.
	COMMON OPEN AREA PROVIDED:	35,499 S.F. (34%)
	ACTIVE RECREATION AREA	
	ACTIVE RECREATION AREA REQUIRED: (10% OF BUILDABLE PROJECT AREA AT LEAST 15' WIDE AND 300 S.F. IN AREA)	10,505 S.F.
	ACTIVE RECREATION AREA PROVIDED:	15,874 S.F. (35%)

Exhibit 2-6



A monument wall and sign are proposed at the main driveway entrance on the northern end of Paseo de Colinas and would be designed in accordance with Municipal Code Section 9-1-73, *Permitted signs in residential districts*. The 27-square foot monument sign would sit atop a low freestanding wall and would be approximately four feet tall with stucco finishing and matching color and architecture.

UTILITIES AND SERVICES

The following utilities and services would serve the project site:

- Water. The project site would be served by the Moulton Niguel Water District (MNWD). The project proposes private 8-inch water lines throughout the site to connect to a proposed 12-inch water main in Paseo de Colinas. The new 12-inch water main would extend south to connect to an existing 12-inch water main in Del Cerro. The project would also install an irrigation meter that connects to an existing 12-inch recycled water line for on-site irrigation. Additionally, three fire hydrants are proposed along the project frontage.
- Sewer. MNWD would also provide sanitary sewer services to the project site. The project proposes to construct private 8-inch sewer lines throughout the site to connect to the existing 8-inch sewer line in Paseo de Colinas.
- Drainage. The project proposes to construct an on-site storm drain system with modular wetland systems, a pump, and an underground hydromodification tank. Low flows of on-site runoff would be captured on-site and conveyed to the modular wetland system units. Should the storm event exceed the capacity of the modular wetland system units, the water would then be stored in the hydromodification tank in order to control flows through the filtration system. Upon filtration, water would then flow to a proposed pump located near Paseo de Colinas and be pumped up to a proposed parkway culvert where water would outflow into the City's storm drain system in Paseo de Colinas.
- Dry Utilities. San Diego Gas & Electric Company and Southern California Gas Company would provide electricity and natural gas services to the site, respectively. The project would install appropriate connections on-site to the existing system.

2.5 PHASING/CONSTRUCTION

Construction activities are anticipated to occur in one phase for approximately 25 months. Demolition, grading, and paving activities would occur for the first four months with building construction and architectural painting activities occurring for the remaining time. Project earthwork would include approximately 3,400 cubic yards of cut and fill with all grading to be balanced on-site.

2.6 AGREEMENTS, PERMITS, AND APPROVALS

The proposed project would require agreements, permits, and approvals from the City of Laguna Niguel prior to construction. These discretionary actions are listed below and may change as the project entitlement process proceeds.

- General Plan Amendment (GPA 21-02): to increase the maximum number of attached dwelling units for the project site from 30 to 38 units and to eliminate the park dedication identified in the General Plan Land Use Element;
- Site Development Permit (SP 20-02): to construct 38 dwelling units, including architectural/design review; and
- Tentative Tract Map (TT Map 19230): to subdivide the property.



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3.0 INITIAL STUDY CHECKLIST

3.1 BACKGROUND

1. **Project Title:**
Paseo de Colinas Townhomes Project
2. **Lead Agency Name and Address:**
City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, California 92677
3. **Contact Person and Phone Number:**
Katie Crockett, Senior Planner
949.362.4363
4. **Project Location:**
The proposed project is located at 29001 Paseo de Colinas (Assessor's Parcel Numbers [APNs] 637-181-01, -392-02, and -412-02) in the northeastern portion of the City.
5. **Project Sponsor's Name and Address:**
Project Dimensions, Inc. (On behalf of the property owner, Capistrano Unified School District)
4 Park Plaza, Suite 700
Irvine, California 92614
949.476.2246
6. **General Plan Designation:**
Public/Institutional; Residential Attached; and Parks and Recreation
7. **Zoning:**
Public Institutional District (PI)/Multifamily District (RM)/Parks and Recreation District (PR)
8. **Description of Project:**
The project involves development of a 38-unit townhome community; refer to Section 2.4, *Project Characteristics*.
9. **Surrounding Land Uses and Setting:**
Surrounding land uses include a mixture of institutional, residential, and open space uses. Specifically, land uses surrounding the project site include:
 - North: Single-family residences and undeveloped, vacant land are located to the north of the site. These areas are designated Residential Detached, Residential Attached, and Open Space, and zoned Single-Family District 3 (RS-3), RM, and Open Space (OS);
 - East: Paseo de Colinas bounds the project site to the east, followed by a steep vegetated slope and single-family residences. These areas are designated Open Space and Residential Detached and zoned OS and RS-3;
 - South: The Niguel Hills Middle School parking lot, undeveloped open space, and single-family residences are located to the south of the site. These areas are designated Public/Institutional, Open Space, and Residential Detached, and zoned PI, OS, and RS-3; and



- West: Vegetated slope and Niguel Hills Middle School are located to the west of the project site and are designated Public/Institutional and zoned PI.

10. Other public agencies whose approval is required:

San Diego Regional Water Quality Control Board

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

In compliance with Assembly Bill 52, the City distributed letters to Native American tribes previously requesting information from the City regarding future projects in their territory to inform them of the proposed project. Refer to Section 4.18, Tribal Cultural Resources.

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation Incorporated."

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input checked="" type="checkbox"/>	Geology and Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials
<input type="checkbox"/>	Hydrology and Water Quality	<input type="checkbox"/>	Land Use and Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population and Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities and Service Systems	<input type="checkbox"/>	Wildfire	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the CEQA Guidelines Appendix G and used by the City of Laguna Niguel in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.



For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- *No Impact*. The project would not have any measurable environmental impact on the environment.
- *Less Than Significant Impact*. The project would have the potential for impacting the environment, although this impact would be below established thresholds that are considered to be significant.
- *Less Than Significant Impact With Mitigation Incorporated*. The project would have the potential to generate impacts which may be considered as a potentially significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- *Potentially Significant Impact*. The project would have impacts which are considered potentially significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

Where potential impacts are anticipated to be potentially significant, mitigation measures will be required, so that impacts may be avoided or reduced to less than significant levels.



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4.0 ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

<i>Except as provided in Public Resources Code Section 21099, would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

a) *Have a substantial adverse effect on a scenic vista?*

No Impact. A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed.¹ Scenic vistas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated federal and State lands, as well as local open space or recreational areas, may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features.

According to the City's CEQA Manual and General Plan, there are no designated scenic resources or scenic vistas within Laguna Niguel. However, General Plan Figure OS-3, *Scenic Highways*, identifies Landscape Corridors within the City. According to the General Plan, a Landscape Corridor traverses developed or developing areas and has been designated for special treatment to provide a pleasant driving environment and community enhancement. Alicia Parkway, Camino del Avion, Crown Valley Parkway, La Paz Road, Moulton Parkway, Niguel Road (between Crown Valley Parkway and Camino del Avion), Pacific Island Drive, and Golden Lantern Street are all designated by the General Plan as Landscape Corridors. Views of the project site from these Landscape Corridors are not readily afforded due to topographic conditions and intervening vegetation and structures. Thus, no impacts to General Plan-designated Landscape Corridors would occur in this regard.

Mitigation Measures: No mitigation measures are required.

¹ A viewshed is the geographical area which is visible from a particular location.



b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. According to the California Department of Transportation and the City's CEQA Manual, there are no officially designated State scenic highways in Laguna Niguel.² The nearest scenic highway is State Route 74 (SR-74) (designated as eligible for listing), which is located approximately three miles southeast of the project site. Views of the project site are not readily afforded from SR-74 due to topographic conditions and intervening vegetation and structures. Thus, the project would not substantially damage scenic resources within a State scenic highway. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The irregularly shaped project site is a currently vacant, partially paved lot. The site is currently fenced on the western boundary and includes a concrete masonry wall on the eastern boundary along Paseo de Colinas; refer to Exhibits 4.1-1a, Site Photographs, and 4.1-1b, Site Photographs. Surrounding areas are primarily comprised of institutional, residential, and open space uses. Based on the project's urbanized setting, the following analysis evaluates the project's potential to conflict with applicable zoning and other regulations governing scenic quality.

CONSTRUCTION

As discussed in Section 2.5, Phasing/Construction, construction activities are anticipated to occur over a duration of 25 months. During this time, short-term construction activities, construction equipment, and truck traffic would be visible to local roadway travelers along Paseo de Colinas. Intervening topography would screen residential, institutional, and open space uses to the north, south, and west from the majority of the project's proposed construction activities. While project construction would be visible from private residences to the east up-slope from Paseo de Colinas, private views are not protected under CEQA or by local ordinance. Additionally, these construction-related visual impacts are considered to be temporary and would cease upon construction completion.

To reduce temporary construction impacts to visual character and quality, Standard Condition of Approval (SCA) AES-1 would require project construction materials, heavy duty equipment, and debris piles be clustered in designated staging areas. Compliance with SCA AES-1 would ensure the project's construction-related impacts to visual character/quality of the project site and its surrounding areas are less than significant.

OPERATIONS

Exhibit 4.1-2a, Street Simulations – Entry, through Exhibit 4.1-2f, Street Simulations – Building 1, illustrate the project's anticipated building perspectives from public view along Paseo de Colinas. Municipal Code Section 9-1-31.6, *RM Multifamily District*, includes site development standards that aid in governing scenic quality. Table 4.1-1, Municipal Code Consistency Analysis Governing Scenic Quality, provides a consistency analysis of the proposed project to applicable development standards in the Municipal Code governing scenic quality. Refer to Section 4.11, Land Use and Planning, for a discussion concerning the project's consistency with other applicable zoning requirements.

² California Department of Transportation, *California State Scenic Highway System Map*, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacc>, updated July 2019.



View looking south from the northwestern portion of the site. Paseo de Colinas is located beyond the concrete walls to the east of the site.



View looking northeast from the northwestern portion of the site.



View looking east from the northern portion of the site towards the concrete wall that bounds the eastern site boundary.



View looking south from the northeastern portion of the site across the vacant, partially paved lot.



View looking south from the central portion of the site across the vacant, partially paved lot.



View looking northwest from the central portion of the site.



View looking south towards the southern portion of the project site from the sidewalk along Paseo de Colinas.



View looking south from the southern portion of the site. The Paseo de Colinas and Del Cerro intersection is visible further south.





FRONT/RIGHT



FRONT/LEFT





FRONT/RIGHT



FRONT/LEFT





FRONT/RIGHT



FRONT/LEFT





FRONT/RIGHT



FRONT/LEFT





FRONT/RIGHT



FRONT/LEFT





Table 4.1-1
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>Sec. 9-1-33.3. - Roof and wall projections.</p> <p>a) Roof projections. Notwithstanding the height standards of Section 9-1-33.4, chimneys, roof vents, finials, spires, and similar architectural features not containing usable space are permitted to extend up to three feet above the maximum structure height set forth in Table 3.2 preceding.</p> <p>b) Wall projections. The following architectural projections are permitted to encroach into the required setbacks specified in Table 3.2 preceding:</p> <ol style="list-style-type: none"> 1. Roof overhangs, chimneys, awnings, canopies, and similar projections may encroach a maximum of two feet into any required setback provided such projections are no closer than three feet from any property line. 2. Cantilevered seating windows, ledges and similar projections, which are located a minimum of one foot above the floor and do not increase a building's usable floor area, may encroach a maximum of two feet into any required setback provided such projections are no closer than three feet from any property line. 3. Subject to approval of a minor adjustment, balconies, elevated decks, and exterior stairways may encroach a maximum of four feet into required front and rear setbacks provided such projections are no closer than three feet from any property line. Such projections shall not encroach into required side setbacks. 	<p><u>Consistent.</u> The proposed project would have a maximum building height of 35 feet measured from above natural/finished grade, with protruding architectural features (i.e., chimneys, roof vents, etc.) extending up an additional one foot; refer to Exhibits 2-5a, <i>Building Elevations – Building 1</i>, through 2-5e, <i>Building Elevations – Building 9</i> and Exhibits 4.1-2a through 4.1-2f. The proposed roof projections would comply with Municipal Code Section 9-1-33.3 in this regard.</p> <p>Similarly, none of the proposed architectural wall projections (i.e., balconies and awnings) associated with the townhome buildings would encroach into the required setbacks specified in Municipal Code Table 3.2. As such, the proposed wall projections would comply with Municipal Code Section 9-1-33.3 in this regard.</p>
<p>Sec. 9-1-33.4. - Measurement of building height.</p> <p>Unless specifically stated otherwise, for purposes of this code the maximum height of buildings and other structures shall be defined as the vertical distance from the ground to an imaginary plane above and parallel to the ground. For residential districts, this imaginary plane shall be located at a vertical distance of 35 feet from ground level, and the building shall not penetrate that plane. "Ground level" shall be defined by the director as the lower of the following alternatives (i.e., that which is the lowest level above sea level):</p> <ol style="list-style-type: none"> 1. The finish grades at the exterior walls of an existing or proposed building; or 2. The existing grades on the site. 	<p><u>Consistent.</u> The proposed project would have a maximum building height of 35 feet measured from above natural/finished grade. As such, the proposed project would comply with Municipal Code Section 9-1-33.4.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>Sec. 9-1-33.5. - Measurement of setbacks.</p> <p>a) Measurement. "Setback" means the distance that a building or other structure or a parking lot or other facility must be located from a lot line, property line, or other specified boundary. Setbacks for residential development are specified in Table 3.2, except where different setbacks are provided for special situations in this and following sections. Setbacks are measured along a line drawn at a 90-degree angle to whichever of the following results in the greatest setback:</p> <ol style="list-style-type: none"> 1. Front setbacks. The front lot line or the ultimate street right-of-way. 2. Rear setbacks. The rear lot line or the ultimate street right-of-way. 3. Side setbacks. The side lot line or the ultimate street right-of-way. <p>b) Surface easements. Where a surface easement for recreation trail or vehicular access has been granted across any portion of a lot, the building setback shall be a minimum of five feet from the edge of that easement. Setbacks from utility access easements shall be zero.</p>	<p><u>Consistent.</u> As described in <u>Table 4.11-2, RM Development Standards Consistency Analysis</u>, there are no minimum front, rear, and side yard setbacks for the RM zone. Additionally, the proposed project does not include any surface or utility easement. Thus, the proposed project would not conflict with Municipal Code Section 9-1-33.5.</p>
<p>Sec. 9-1-33.6. - Setbacks from slopes.</p> <p>The following setbacks apply for structures adjacent to slopes which are 2:1 or steeper and over ten feet in height unless a minor adjustment is approved, per Section 9-1-114, to allow encroachment into the setback:</p> <ol style="list-style-type: none"> 1. All main buildings and all accessory structures over 12 feet in height shall be set back a minimum of ten feet from the tops and toes of such slopes. 	<p><u>Consistent.</u> Based on the <i>Summary of Geotechnical Evaluation and Feasibility Study, Residential Development, Paseo de Colinas, Laguna Niguel, California</i>, prepared by LGC Geotechnical, Inc., May 15, 2018, the proposed townhome community would be constructed on a primarily flat site with slopes descending from the north and west sides. North-facing slopes would be a 1.5:1 ratio and slopes of 2:1 would be located on the west-facing slopes. As described in <u>Table 4.11-2</u>, the proposed project would comply with the minimum 10-foot setback identified for slopes that are 2:1 or steeper. The proposed project would not conflict with Municipal Code Section 9-1-33.6.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>Sec. 9-1-35.2. - Fences and walls.</p> <p>a) Definitions. For purposes of this section, “fence” or “wall” means any type of fence, wall, retaining wall, sound attenuation wall, screen, windscreen, hedge or thick growth of shrubs or trees, or any combination of these. A building wall shall not be considered a fence or wall for the purposes of this section. The terms “fence” and “wall” are used interchangeably in this section to mean any or all of the preceding structures or vegetation. “Hedge” or “thick growth of shrubs or trees” means vegetation at least 42 inches high which creates a screen blocking at least 50 percent of the view through the vegetation measured over a horizontal distance of five feet or greater.</p> <p>b) Measurement of fence height.</p> <ol style="list-style-type: none">1. Fence heights shall be measured from finish grade at the base of the fence to the top on that side which results in the greatest height, except as otherwise specified in this section.2. Fences separated by 30 inches or more (as measured between their closest surfaces) shall be considered separate structures and their heights shall be measured independently. Fences less than 30 inches apart shall be considered one structure and fence height shall be measured from the base of the lower fence to the top of the higher fence. <p>c) Fence height standards. The construction and installation of fences shall be in compliance with the following height and related standards:</p> <ol style="list-style-type: none">1. Railings on top of retaining walls. Open railings, up to 48 inches high, placed on top of a retaining wall may extend beyond the permitted wall height limit for the purpose of pedestrian safety, with approval of the community development director. Approval shall only be granted in cases where pedestrian access is located adjacent to the wall and either the wall is existing and cannot be modified, or as a result of site constraints construction of the wall would result in the need for a railing which exceeds the wall height limit. This provision shall apply only to areas where fences are permitted over 42 inches in height.	<p><u>Consistent.</u> As stated above, there are no minimum front, rear, or side yard setbacks identified for the RM zone. The project proposes a 1.5-foot tall, low split faced block wall along the site perimeter except along Paseo de Colinas project frontage. Approximately 3.5-foot private patio wall and gates are proposed along the patios of each townhome unit; refer to <u>Exhibits 4.1-2a</u> through <u>4.1-2f</u>. Additionally, a four-foot high tubular steel fence is proposed along the dog park perimeter. The proposed fences and walls would comply with Municipal Code Section 9-1-35.2.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<ol style="list-style-type: none"> 2. Architectural features. For all fences, architectural features, such as pilasters, finials, and similar features, may extend an additional six inches above the maximum fence height, provided such features do not comprise more than ten percent of the horizontal length of the fence. 3. Within side and rear setbacks. The maximum fence height shall be six feet within any required rear or side setback area, except that where a difference in grade exists between two properties, the following rules shall apply: <ol style="list-style-type: none"> a. Fence height shall be determined independently for each property. b. No fence adjacent to a property line shall exceed eight feet in height as measured from the property on which it is located. c. No fence adjacent to a property line shall exceed six feet in height as measured from any adjacent property or street. 4. Within front setbacks. <ol style="list-style-type: none"> a. Maximum fence height shall be 42 inches if located within the front setback. b. Where, because of the orientation of the lots, a property line fence separates a front yard on one lot from a rear yard on an adjacent lot, the maximum fence height shall be six feet within the front setback area, except as limited by paragraph (c)(6) of this section (required sight distances). c. Any portion of a building site where vehicular access is taken shall conform to the requirements of paragraph (c)(6) of this section (required sight distances). 5. Within main building area. In the area of a lot where a main building may be constructed, the maximum fence height shall be 12 feet. Higher fences may be permitted if a minor adjustment is approved per paragraph (d) of this section. 6. Required sight distances. In regulating fences, it is necessary to provide open "corner cutback" areas in order to preserve motorist sight distances. Therefore, notwithstanding other provisions of this section, maximum fence height shall be one foot within the triangular area formed by drawing a straight line as follows: 	



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>a. Between two points located on and 15 feet distant from the point of intersection of two ultimate street right-of-way lines.</p> <p>b. Within five feet from the intersection of an ultimate street or alley right-of-way and the edge of a driveway or another alley right-of-way.</p> <p>7. Swimming pool fencing. Fences enclosing swimming pools shall conform to the height requirements of this section and to the provisions of section 9-1-35.5 (Swimming pools and spas).</p> <p>8. Sound attenuation walls. City or state-required sound attenuation walls bordering freeways or arterial highways may exceed six feet in height, if approved by the director.</p>	
<p>Sec. 9-1-35.12. - Screening.</p> <p>All projects within the RM district shall conform to the nonresidential screening requirements of section 9-1-45.4.</p>	<p><u>Consistent.</u> Municipal Code Section 9-1-45.4 requires screening along site boundaries where the property abuts areas zoned for residential or open space uses. The project site abuts areas zoned residential to the north. While the existing vegetated slopes located across Paseo de Colinas to the east of the site are zoned open space, the slopes do not abut the project site. Ornamental landscaping would be planted along the site perimeter and building perimeters and entryways; refer to <u>Exhibit 2-6, Conceptual Landscape Plan</u>. Specifically, the site's northern boundary abutting areas zoned residential would be screened with a 1.5-foot tall low split faced block wall. Additionally, planting material along the northern boundary and general site perimeter would include a variety of trees, shrubs, and groundcover; refer to <u>Exhibit 4.1-2a</u>. Tree species would include marina strawberry tree, California cherry laurel, and California coffeeberry. Thus, the proposed development would be screened from adjacent residential uses to the north.</p> <p>Municipal Code Section 9-1-45.4 also requires compliance with the fencing height requirements detailed in Section 9-1-45.2. The 1.5-foot tall low split faced block wall would comply with the maximum fencing height requirements.</p> <p>The proposed project would comply with screening requirements under Municipal Code Section 9-1-35.12.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>Sec. 9-1-35.13. – Landscaping and open area.</p> <p>b) <i>RM and RP zoning district requirements.</i></p> <p>(1) <i>Open area requirement.</i> All projects within the RM and RP districts shall include common open area equal to at least 25 percent of the 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 perimeter rights-of-way and easements and areas set aside for public schools, parks, and other public uses.</p> <p>(2) <i>Open area standards.</i> Required common open area shall consist of passive landscaped and active recreation areas established and maintained in accordance with the following standards:</p> <p>a. <i>Excluded areas.</i> Rights-of-way, parking areas, private patios, private yards, and slopes steeper than 20 percent shall not be credited toward the common open area requirement.</p> <p>b. <i>Passive landscaped area.</i></p> <p>1. <i>Design guidelines.</i> This section sets forth 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.</p> <p>2. <i>Landscaping standards.</i> A landscape plan shall be prepared, approved, and implemented for all projects through the landscape review process. Landscaping consisting of trees, shrubs, vines, groundcover, water features, or any combination thereof shall be installed and maintained in accordance with the following standards:</p> <p>i. Height of landscaping along all streets and boundaries shall comply with section 9-1-35.2 (Fences and walls).</p> <p>ii. Boundary landscaping abutting arterial highways shall be required to an average depth of 15 feet with a</p>	<p><u>Consistent.</u> The project proposes approximately 35,499 square feet of common open space areas and 15,874 square feet of active recreation areas. Overall, the proposed common open space areas would consist of approximately 33 percent of the buildable project area and consist of fauna and flora gardens with interpretive signages, a meandering concrete pathway, decomposed granite path through the gardens, outdoor fitness stations, as well as bench seating. The proposed active recreation areas would consist of approximately 15 percent of the buildable project area and consist of a private park in the northwest corner of the site and a dog park in the southern portion of the site. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating.</p> <p>Ornamental landscaping on-site would be installed along the access roads, building perimeter, entryways, and yards; refer to <u>Exhibit 2-6</u>. Planting material would include a variety of trees, shrubs, and groundcover. Tree species would include marina strawberry tree, California cherry laurel, and California coffeeberry. All landscaped areas are designed to be irrigated with an automatically controlled 'smart' system with rain-sensor, low precipitation/low angle spray heads. As such, the project would comply with landscaping and open area requirements under Municipal Code Section 9-1-35.13 in this regard.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>minimum depth of ten 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 at all points, measured from the curb.</p> <p>iii. Boundary landscaping abutting public streets other than arterial highways shall be required to an average depth of ten feet with a minimum depth of five feet, measured from the street right-of-way.</p> <p>iv. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb or other barrier at least six inches higher than the parking or vehicular area to prevent vehicular damage to the landscaped area.</p> <p>v. 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.</p> <p>vi. 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 the regular application of appropriate quantities of water to all landscaped areas.</p> <p>vii. 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</p>	



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

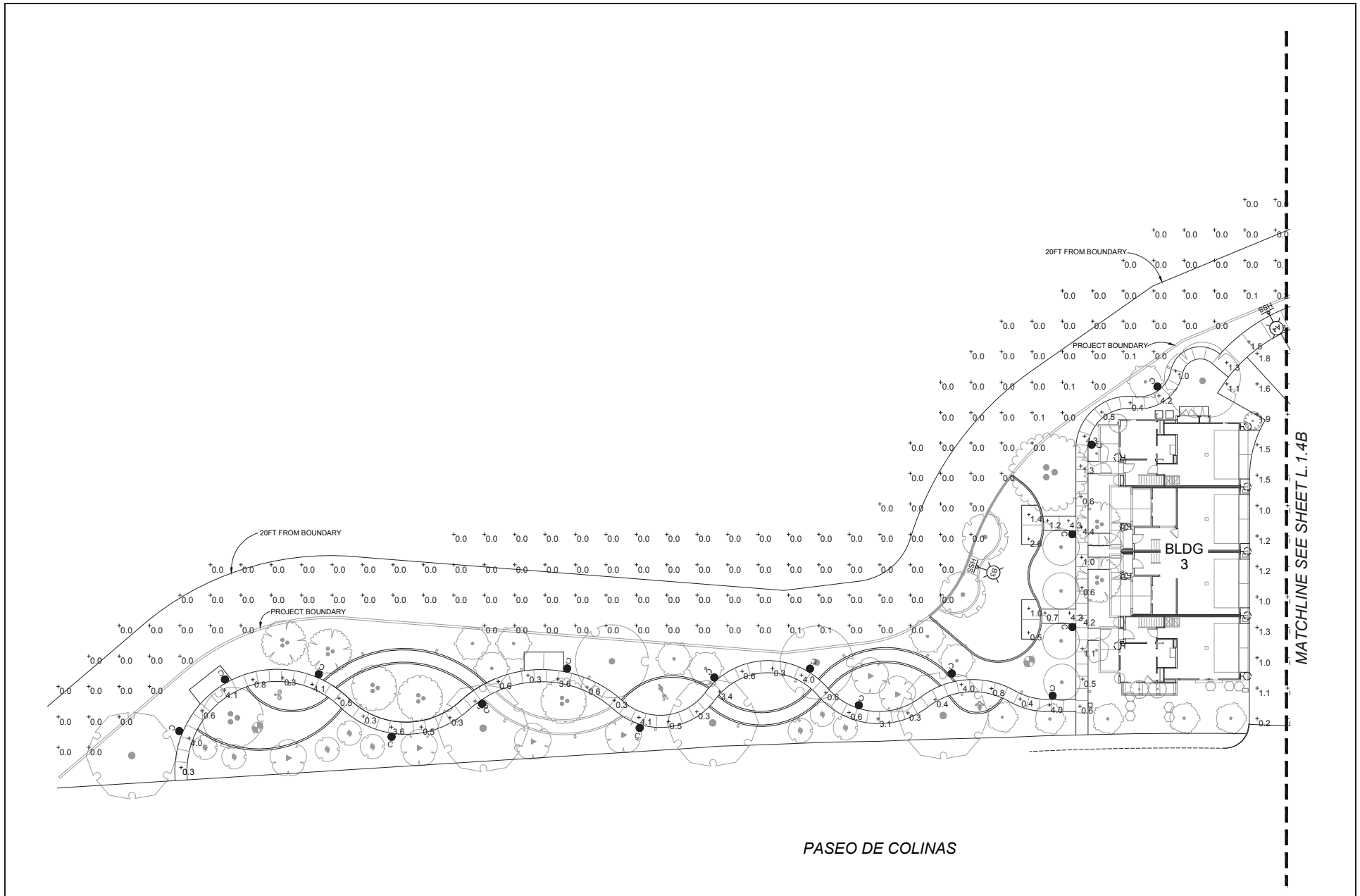
Relevant Section	Consistency Analysis
<p>community development director.</p> <p>(3) Active <i>recreation area requirement</i>.</p> <p>a. <i>Minimum area</i>. At least ten percent of the buildable project area shall be devoted to active recreational uses. This may be part of the required project common open area.</p> <p>b. <i>Size and slope standards</i>. Active recreation area shall be at least 15 feet wide and 300 square feet in area, with slopes no greater than five percent.</p> <p>c. <i>Recreation facilities</i>. 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; or similar facilities for active recreational use.</p>	
<p>Sec. 9-1-35.15. - Outdoor lighting.</p> <p>a) Purpose. This section is intended to provide standards for outdoor lighting which allows adequate lighting for public safety while minimizing the adverse effects of excessive lighting on neighbors and the community.</p> <p>b) Outdoor game courts. Any lighted outdoor recreation use shall be subject to the provisions of Section 9-1-35.14 for lighted game courts.</p> <p>c) Residential lighting standards. All properties zoned for residential use shall be subject to the outdoor lighting standards of this section. The regulations apply to both security and purely decorative lighting. Outdoor lighting which complies with these standards shall be permitted as an accessory use while deviation from the standards shall require approval of a site development permit.</p> <p>d) Intensity and design. The proposed lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the property. Light sources, intensity of light, and color of light shall be designed and located to achieve security or decorative lighting goals without causing an adverse impact on neighboring properties. Light sources shall be designed, and located to minimize spillover of light or glare onto neighboring properties.</p> <p>e) Height. Building-mounted lights shall be installed below the eave line. Pole or fence-mounted lights shall be located no more than eight feet above grade, except in residential parking lots.</p>	<p><u>Consistent</u>. The project does not propose outdoor game courts. Seven, 14-foot tall LED light poles would be installed on-site. Two dual head post lights would be located in the central portion of the residential surface parking lot, three along the eastern portion, and two along the northern portion of the parking lot. All light poles would be shielded, directed towards the ground, and meet lighting intensity requirements. Additionally, wall lights, bollards, trellis accent lights, flush lights, and uplights are proposed throughout the project site for landscaping, security, and building lighting. As part of the project's Site Development Permit, the City would verify that the project plans, including the photometric plan included as <u>Exhibits 4.1-3a and 4.1-3b, Site Photometric Plan</u>, complies with all applicable RM development standards related to outdoor lighting to verify exterior lighting is designed and located to minimize spillover of light or glare onto neighboring properties. As shown, the lighting proposed on-site would result in an illumination ranging from +0 to +0.1 footcandles off-site towards the eastern and northern downhill slopes. Thus, the project would be consistent with Municipal Code 9-1-35.15 in this regard.</p>



Table 4.1-1 [cont'd]
Municipal Code Consistency Analysis Governing Scenic Quality

Relevant Section	Consistency Analysis
<p>f) Location. Lighting shall only be installed adjacent to buildings, walkways, driveways, or activity areas (decks, patios, spas and pools, and similar use areas) and focal landscape areas close to the residence or activity area.</p> <p>g) Residential parking lots. The lighting intensity within parking lots and adjacent areas shall conform to the standards of subarticle 9 (Community Design Guidelines); that is, lighting intensity shall be at least 1.0 footcandle at all points, but shall not exceed an average of 3.0 footcandles over the entire parking lot. Overall height of light standards shall be no more than 22 feet above finish grade.</p> <p>h) Common area lighting. The director may require lighting plans for common open space or recreation areas in single-family districts and lighting plans for multi-family developments to include a photoanalysis demonstrating compliance with these lighting standards.</p> <p>i) Holiday and decorative lighting. Lighting and decorations with lights which are related to a specific holiday period shall be permitted in residential districts. Decorative lighting not associated with a holiday period shall not be the type that flashes, blinks, moves, or otherwise draws attention.</p> <p>j) Enforcement. If the director determines through complaints received and/or site visits that any outdoor lighting may not be designed consistent with the provisions of this section and may cause an adverse impact on neighboring properties, the director may require a photoanalysis by a licensed engineer, to allow continued use of the lighting.</p>	
<p>Sec. 9-1-35.22. – Trash and recyclable materials storage. All townhome, condominium, and apartment projects shall conform to the nonresidential trash and recyclable materials storage requirements of Section 9-1-45.19.</p>	<p><u>Consistent.</u> The proposed project would include recyclable materials containers and standard trash containers. Both type of containers would be located within a solid covered and enclosed area. Additionally, the enclosed area would be located at least 250 feet from the nearest dwelling units and meet enclosure design requirements, including weather protection to maintain deposited materials during windy conditions. As such, the proposed project would comply with Municipal Code Section 9-1-35.22.</p>
<p>Source: City of Laguna Niguel, <i>Laguna Niguel Municipal Code</i>, current through Ordinance No. 2021-211, enacted August 3, 2021.</p>	

As indicated in Table 4.1-1, the proposed project would be consistent with applicable Municipal Code requirements that govern scenic quality. Further, the project would be subject to design review as required by the City's Site Development Permit process. This regulatory procedure would enforce the City's regulations governing scenic quality for the project site and surrounding area to ensure the proposed development complies with all applicable RM standards, including, but not limited to permitted uses, development standards and all supplemental regulations. As a result, implementation of the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.





Standard Conditions of Approval:

SCA AES-1 To minimize construction-related impacts to visual character or quality of the site and its surroundings for the surrounding public, prior to issuance of a grading permit, project Applicant shall demonstrate/annotate in the grading permit plans that construction staging areas along with the storage of equipment and debris within the project area would be located in the least conspicuous location as is practical. Compliance with this standard condition of approval shall be subject to periodic field inspections.

Mitigation Measures: No mitigation measures are required.

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Less Than Significant Impact. There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (i.e., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Light introduction can be a nuisance to adjacent uses and diminish the view of the clear night sky. There are four light poles on-site, three of which are adjacent to Paseo de Colinas; no other existing light sources are located within the project boundaries. Additional sources of light and glare in the project vicinity include vehicular lighting, streetlights, building illumination, and landscape lighting associated with surrounding residential and institutional uses.

CONSTRUCTION

Project construction could involve temporary light and glare impacts as a result of construction equipment and materials. However, based on the project's limited construction duration and scope of activities, these sources of glare would not be substantial. In conformance with Municipal Code Section 6-6-7, *Exemptions from Article*, no construction activities would be permitted between 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays or Federal holidays. Thus, construction-related impacts concerning light and glare would be less than significant.

OPERATIONS

Project implementation would increase lighting at the project site compared to existing conditions. Security lighting, building and landscape lighting, and parking lot lighting would be introduced on-site. Specifically, LED light poles would be installed on-site, primarily within the surface parking lot area and at the dog park. All light poles would be shielded, directed towards the ground, and meet lighting intensity requirements. Additionally, wall lights, bollards, trellis accent lights, flush lights, and uplights are proposed throughout the project site, including focal landscape areas, buildings, walkways, driveways, and activity areas (e.g., gardens, dog park, and private park) for security and building lighting. As shown on [Exhibits 4.1-3a](#) and [4.1-3b](#), the lighting proposed on-site would result in an illumination ranging from +0 to +0.1 footcandles off-site towards the eastern and northern downhill slopes, and thus, would result in negligible spillover. Additionally, according to the City's CEQA Manual, lighting typical of a residential development, such as downward directed streetlights and decorative house lighting, are not considered significant impacts.

Further, as part of the project's Site Development Permit, the City would verify that the project plans, including the photometric plan, complies with all applicable RM development standards related to outdoor lighting to verify proposed exterior lighting is designed and located to minimize spillover of light or glare onto neighboring properties per Municipal Code Section 9-1-35.15, *Outdoor Lighting*. As such, the project's operational lighting impacts would be less than significant.

Vehicles entering and exiting the project site would also generate new sources of light and glare. However, the project site is located adjacent to Paseo de Colinas, which is a heavily trafficked roadway. Thus, light and glare impacts associated with trips generated by the project would not substantially alter the project area's lighting conditions compared to existing conditions.



Interior lighting associated with the project may be visible from surrounding uses. However, these lighting conditions would appear similar in character to those emitted from existing residential uses to the north, east, and south of the project site. As such, impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.



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4.2 AGRICULTURE AND FORESTRY RESOURCES

<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

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

No Impact. According to the California Department of Conservation, the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.¹ No farmland exists within the site vicinity. Thus, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

¹ California Department of Conservation, *California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed March 20, 2022.



b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is zoned Public Institutional District (PI)/Multifamily District (RM)/Parks and Recreation District (PR) and is not covered under an existing Williamson Act contract.² Thus, project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is zoned PI/RM/PR and is not occupied or used for forest land, timberland, or timberland production. Further, project implementation would not result in the rezoning of forest land, timberland, or timberland zoned timberland production. No impacts would occur.

Mitigation Measures: No mitigation measures are required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Refer to Response 4.2(c). No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

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

No Impact. Refer to Responses 4.2(a) through 4.2(d). No impacts would occur.

Mitigation Measures: No mitigation measures are required.

² California Department of Conservation, *Agricultural Preserves 2004, Williamson Act Parcels – Orange County*, 2004.



4.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c. Expose sensitive receptors to substantial pollutant concentrations?			✓	
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓	

a) ***Conflict with or obstruct implementation of the applicable air quality plan?***

Less Than Significant Impact. The project is located within the South Coast Air Basin (Basin), which is governed by the South Coast Air Quality Management District (SCAQMD). On March 3, 2017, the SCAQMD Governing Board adopted the *2016 Air Quality Management Plan for the South Coast Air Basin* (2016 AQMP). The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2016 AQMP utilized information and data from the Southern California Associations of Governments (SCAG) *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016-2040 RTP/SCS). While SCAG has recently adopted the updated *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS), SCAQMD has not released an updated AQMP that utilizes information from the 2020-2045 RTP/SCS. An updated AQMP is planned to be released in 2022. As such, this consistency analysis is based off the 2016 AQMP and the 2016-2040 RTP/SCS. The SCAQMD considers projects that are consistent with the 2016 AQMP, which is intended to bring the Basin into attainment for all criteria pollutants, to have less than significant cumulative impacts.

Criteria for determining consistency with the AQMP are defined by the following indicators:

Criterion 1:

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

a) ***Would the project result in an increase in the frequency or severity of existing air quality violations?***

Since the consistency criteria pertains to pollutant concentrations, rather than to total regional emissions, an analysis of the project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluating project consistency. As discussed in Response 4.3(c), localized concentrations of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter less than 10 microns in diameter (PM₁₀), and particulate matter less than 2.5 microns in diameter (PM_{2.5}) would be less than significant during project



construction and operations. Therefore, the proposed project would not result in an increase in the frequency or severity of existing air quality violations.¹

b) Would the project cause or contribute to new air quality violations?

As discussed in Response 4.3(b), the proposed project would result in emissions that are below the SCAQMD thresholds. Therefore, the project would not have the potential to cause or affect a violation of the ambient air quality standards.

c) Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?

The proposed project would result in less than significant impacts with regard to localized concentrations during project construction and operations; refer to Responses 4.3(b) and 4.3(c). As such, the project would not delay the timely attainment of air quality standards or 2016 AQMP emissions reductions.

Criterion 2:

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the proposed project exceeds the assumptions utilized in preparing the forecasts presented in the 2016 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2016 AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

a) Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?

Growth projections included in the 2016 AQMP form the basis for the projections of air pollutant emissions and are based on General Plan land use designations and SCAG's 2016-2040 RTP/SCS demographics forecasts. The population, housing, and employment forecasts within the 2016-2040 RTP/SCS are based on local general plans as well as input from local governments, such as the City of Laguna Niguel. The SCAQMD has incorporated these same demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment) into the 2016 AQMP.

Based on the General Plan Land Use Map, the project site is designated Public/Institutional; Residential Attached; and Parks and Recreation. Moreover, based on the General Plan, the project site is uniquely designated as Community Profile Area 3, Sub Area E, Aloma Avenue. The site currently allows a maximum development of 30 attached dwelling units.

As proposed, the 38-unit townhome community would exceed the site's current allowed density. As such, the project is proposing a General Plan Amendment (GPA 21-02) to increase the maximum number of attached dwelling units for the project site from 30 to 38 units and to eliminate the park dedication identified in the General Plan Land Use Element. While the project would increase the site's anticipated buildout by eight additional units, the additional units would not induced substantial unplanned population growth.

¹ Because reactive organic gases (ROGs) are not a criteria pollutant, there is no ambient standard or localized threshold for ROGs. Due to the role ROG plays in ozone formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established.



As discussed in Section 4.14, *Population and Housing*, based on the City's average household size of 2.49, the project would introduce up to 95 new residents.² For this reason, the project is considered growth-inducing since it would generate population growth through its provision of a residential development. However, the project's potential growth-inducing impacts would be considered less than significant since the 95 additional residents would represent only 0.1 percent over the City's estimated existing 2022 population of 64,316 persons.³ Additionally, SCAG growth forecasts estimate the City's population to reach 69,700 persons by 2045, representing a total increase of 3,600 persons between 2016 and 2045.⁴ The project's anticipated population increase (95 persons) would represent approximately 2.6 percent of the City's anticipated population growth between 2016 and 2045, or 0.1 percent of the City's projected population by the year 2045. Given the nominal population increase generated by the project, the proposed project would be consistent with the types, intensity, and patterns of land use envisioned for the site in the 2016-2040 RTP/SCS. Additionally, as the SCAQMD has incorporated similar population projections into the 2016 AQMP, it can be concluded that the proposed project would be consistent with the population projections included in the 2016 AQMP.

It is also noted that the project's construction and operational air emissions would not exceed the SCAQMD regional thresholds, and localized emissions during construction would also be below SCAQMD LST thresholds. The project would also be required to comply with the applicable SCAQMD emission reduction measures such as Rule 403 – *Fugitive Dust*, which requires regular watering or other dust prevention measures to control excessive fugitive dust emissions. As such, a less than significant impact would occur with regard to 2016 AQMP consistency with the project.

b) *Would the project implement all feasible air quality mitigation measures?*

The demolition of on-site structures and development of the project would be required to comply with all applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions be controlled by regular watering or other dust prevention measures and Rule 1113 that regulates the ROG content of paint. As such, the project meets this AQMP consistency criterion.

c) *Would the project be consistent with the land use planning strategies set forth in the AQMP?*

Land use planning strategies set forth in the 2016 AQMP are primarily based on the 2016-2040 RTP/SCS. The project is an infill redevelopment project that would develop a 38-unit townhome community where there are existing commercial/neighborhood-serving commercial uses within walking distance (e.g., The Grove at Laguna Niguel shopping mall). The project would provide approximately 35,499 square feet of common open space areas and 15,874 square feet of active recreation areas and opportunities for recreation, including fauna and flora gardens, a private park, and dog park; refer to Exhibit 2-6, *Conceptual Landscape Plan*. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating, while the dog park would include 890 square feet of synthetic turf, low (four-foot) fencing around the perimeters, and bench seating. As such, the project would be consistent with the actions and strategies of the 2016-2040 RTP/SCS.

As discussed in Section 4.8, *Greenhouse Gas Emissions*, the project would be consistent with the strategies of the 2020-2045 RTP/SCS, which are intended to help the region meet its regional VMT and GHG reduction goals, as required by the State. The project would be located within close proximity to a major transit station (i.e., Laguna Niguel/Mission Viejo Metrolink Station), multiple bus stops (i.e., Lines 85 and 90 serviced by the Orange County Transportation Authority along both sides of Golden Lantern, with the closest stop located approximately 0.2-mile southwest of the site), as well as commercial uses such as retail and services. The

² California Department of Finance Demographic Research Unit, *Report E-5 Population and Housing Estimates for Cities, Counties, and the State*, January 2021-2022, with 2020 Benchmark, Sacramento, California, May 2022.

³ Ibid.

⁴ Southern California Association of Governments, *2025-2040 RTP/SCS Technical Report, Demographics and Growth Forecast*, September 3, 2020.



project would also be required to designate a minimum of ten percent of the total multifamily dwelling parking spaces for electric vehicle (EV) spaces capable of supporting future installation of EV charging infrastructure. Additionally, bicycle parking and storage spaces would be provided on-site in accordance with the Title 24 standards and CALGreen Code. As a result, the project would provide residents the opportunity to use alternative forms of transportation (i.e., walking, bicycling, public transportation) and therefore reduce criteria pollutant emissions. As such, the proposed project meets this AQMP consistency criterion.

In conclusion, the determination of 2016 AQMP consistency is primarily concerned with the long-term influence of a project on air quality in the Basin. The proposed project would not result in a long-term impact on the region's ability to meet federal and State air quality standards. As discussed above, the proposed project's long-term influence would also be consistent with the SCAQMD and SCAG's goals and policies and is considered consistent with the 2016 AQMP.

Mitigation Measures: No mitigation measures are required.

b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less Than Significant Impact.

Criteria Pollutants

The following discusses the specific criteria pollutants of concern considered as part of this analysis.

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O₃). O₃ occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O₃ layer) extends upward from about 10 to 30 miles and protects life on Earth from the sun's harmful ultraviolet rays. "Bad" O₃ is a photochemical pollutant, and needs volatile organic compounds (VOCs), NO_x, and sunlight to form; therefore, VOCs and NO_x are O₃ precursors. To reduce O₃ concentrations, it is necessary to control the emissions of these O₃ precursors. Significant O₃ formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O₃ concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O₃ in the upper atmosphere (stratosphere) protects the Earth from harmful ultraviolet radiation, high concentrations of ground-level O₃ (in the troposphere) can adversely affect the human respiratory system and other tissues. O₃ is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O₃. Short-term exposure (lasting for a few hours) to O₃ at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO₂). NO_x are a family of highly reactive gases that are a primary precursor to the formation of ground-level O₃ and react in the atmosphere to form acid rain. NO₂ (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO₂ occur in areas that have a



high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO₂ can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO₂ concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO₂ may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM₁₀). PM₁₀ refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the Statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM_{2.5}). Due to recent increased concerns over health impacts related to PM_{2.5}, both State and federal PM_{2.5} standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM_{2.5} standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards. On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for federal PM_{2.5} standards. On June 20, 2002, CARB adopted amendments for Statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the Statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging.

Sulfur Dioxide (SO₂). SO₂ is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with SO_x. Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O₃ to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms VOC and ROG (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOC, ROG are also precursors in forming O₃ and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and NO_x react in the presence of sunlight. ROG are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC interchangeably.

Short-Term Construction Emissions

The project involves construction activities associated with grading, building construction, and architectural coating applications. The project would be constructed over a duration of approximately 25 months. Grading activities would include approximately 3,400 cubic yards of cut and fill with all grading to be balanced on-site. Exhaust emission factors for typical diesel-powered heavy equipment are based on the California Emissions Estimator Model (CalEEMod)



version 2020.4.0 program defaults. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. The analysis of daily construction emissions has been prepared utilizing CalEEMod. Refer to [Appendix A, Air Quality/GHG/Energy Data](#), for the CalEEMod outputs and results. [Table 4.3-1, Construction Related Emissions](#), presents the anticipated daily short-term construction emissions.

**Table 4.3-1
Construction Related Emissions**

Emissions Source	Maximum Daily Emissions (pounds/day) ¹					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction Related Emissions²						
Year 1	2.33	23.13	21.10	0.04	3.94	2.30
Year 2	5.74	14.76	18.77	0.04	3.09	1.22
Year 3	5.61	13.87	18.52	0.04	3.01	1.14
Maximum Daily Emissions	5.74	23.13	21.10	0.04	3.94	2.30
SCAQMD Thresholds	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Notes: 1. Emissions were calculated using CalEEMod, version 2020.4.0. Winter emissions represent the worst-case scenario. 2. Modeling assumptions include compliance with SCAQMD Rule 403 which requires the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour.						
Source: Refer to Appendix A for detailed model input/output data.						

Fugitive Dust Emissions

Construction activities are a source of fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project area. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill, and truck travel on unpaved roadways (including demolition as well as construction activities). Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations, and weather conditions. Fugitive dust from grading, excavation and construction is expected to be short-term and would cease upon project completion. Most of this material is inert silicates, rather than the complex organic particulates released from combustion sources, which are more harmful to health.

Dust (larger than 10 microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular health concern is the amount of PM₁₀ generated as a part of fugitive dust emissions. PM₁₀ poses a serious health hazard alone or in combination with other pollutants. PM_{2.5} is mostly produced by mechanical processes. These include automobile tire wear, industrial processes such as cutting and grinding, and re-suspension of particles from the ground or road surfaces by wind and human activities such as construction or agriculture. PM_{2.5} is mostly derived from combustion sources, such as automobiles, trucks, and other vehicle exhaust, as well as from stationary sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_x and SO_x combining with ammonia. PM_{2.5} components from material in the Earth's crust, such as dust, are also present, with the amount varying in different locations.

Construction activities would comply with SCAQMD Rule 403, which requires that excessive fugitive dust emissions be controlled by regular watering or other dust prevention measures. Adherence to Rule 403 greatly reduces PM₁₀ and PM_{2.5} concentrations. It should be noted that these reductions were applied in CalEEMod. As depicted in [Table 4.3-1](#),



total PM₁₀ and PM_{2.5} emissions would not exceed the SCAQMD thresholds during construction. Therefore, construction-related air quality impacts from fugitive dust emissions would be less than significant.

Construction Equipment and Worker Vehicle Exhaust

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, employee commutes to the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials to/from the site. As presented in Table 4.3-1, construction equipment and worker vehicle exhaust emissions would not exceed the established SCAQMD threshold for all criteria pollutants. Therefore, impacts in this regard would be less than significant.

ROG Emissions

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O₃ precursors. In accordance with the methodology prescribed by the SCAQMD, the ROG emissions associated with paving and architectural coating have been quantified with the CalEEMod model. The project would be required to comply with SCAQMD Rule 1113 – *Architectural Coating*, which provides specifications on painting practices as well as regulation on the ROG content of paint used during all architectural coating activities for the proposed structures. ROG emissions associated with the proposed project would be less than significant; refer to Table 4.3-1.

Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, federal, and international agencies and was identified as a toxic air contaminant by the CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed. According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, serpentinite and ultramafic rocks are not known to occur within the project area.⁵ Thus, there would be no impact in this regard.

Long-Term Operational Emissions

Long-term air quality impacts would consist of mobile source emissions generated from project-related traffic and emissions from stationary area and energy sources. Emissions associated with each of these sources were calculated and are discussed below.

Mobile Source

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example,

⁵ Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000, https://www3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf, accessed January 25, 2022.



ROG, NO_x, SO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NO_x and ROG react with sunlight to form O₃ [photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. The *Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development* (Traffic Assessment), prepared by Linscott, Law & Greenspan, Engineers and dated September 21, 2021, was prepared for the proposed project. Trip generation rates are based on the Institute of Transportation Engineers (ITE) *Trip Generation Rate Manual*, 10th Edition. The trip generation rate for Low Rise Multifamily Housing (ITE Land Use Code 220) was utilized for the proposed project. According to the Traffic Assessment, the project would generate approximately 278 average weekday daily trips. Table 4.3-2, Long-Term Air Emissions, presents the project's anticipated operational emissions.

Table 4.3-2
Long-Term Air Emissions

Emissions Source	Maximum Daily Emissions (lbs/day) ^{1, 2}					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Project Winter Emissions						
Area Source	0.99	0.60	3.38	<0.01	0.06	0.06
Energy Source	0.01	0.11	0.04	<0.01	<0.01	<0.01
Mobile	0.73	0.78	7.30	0.02	2.01	0.54
Total Emissions	1.73	1.49	10.72	0.02	2.09	0.62
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Project Summer Emissions						
Area Source	2.32	23.12	21.15	0.04	3.94	2.30
Energy Source	5.72	14.73	18.95	0.04	3.09	1.22
Mobile	5.58	13.83	18.69	0.04	3.01	1.14
Total Emissions	5.72	23.12	21.15	0.04	3.94	2.30
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No
Notes:						
1. Emissions were calculated using CalEEMod, version 2020.4.0.						
2. The numbers may be slightly off due to rounding.						
Source: Refer to <u>Appendix A</u> , for detailed model input/output data.						

Area Source Emissions

Area source emissions would be generated due to an increased demand for natural gas associated with the proposed project; refer to Table 4.3-2. The primary use of natural gas producing area source emissions by the project would be for consumer products, architectural coating, and landscaping.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas usage associated with the proposed project; refer to Table 4.3-2. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.



Total Operational Emissions

As shown in [Table 4.3-2](#) the total operational emissions for both summer and winter would not exceed established SCAQMD thresholds. Therefore, impacts in this regard would be less than significant.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, O₃ precursors, VOCs and NO_x, affect air quality on a regional scale. Health effects related to O₃ are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

Further, as noted in the Brief of Amicus Curiae by the SCAQMD⁶, the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Furthermore, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD)⁷, SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from O₃, as an example is correlated with the increases in ambient level of O₃ in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient O₃ levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's *2012 Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO_x and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce O₃ levels at highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify O₃-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Thus, as the project would not exceed SCAQMD thresholds for construction and operational air emissions, the project would have a less than significant impact for air quality health impacts.

Cumulative Construction Impacts

With respect to the proposed project's construction-period air quality emissions and cumulative Basin-wide conditions, the SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the 2016 AQMP pursuant to Clean Air Act mandates. The project would be required to comply with SCAQMD Rule 403 requirements and implement all feasible SCAQMD rules to reduce construction air emissions to the extent feasible. Rule 403 requires that fugitive dust be controlled with the best available control measures in order to reduce dust so that it does not remain visible in the atmosphere beyond the property line of the proposed project. In addition, the proposed project would comply with adopted 2016 AQMP emissions control measures. Pursuant to SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403

⁶ South Coast Air Quality Management District, *Application of the South Coast Air Quality Management District for Leave to File Brief of Amicus Curiae in Support of Neither Party and Brief of Amicus Curiae. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

⁷ San Joaquin Valley Air Pollution Control District, *Application for Leave to File Brief of Amicus Curiae Brief of San Joaquin Valley Unified Air Pollution Control District in Support of Defendant and Respondent, County of Fresno and Real Party In Interest and Respondent, Friant Ranch, L.P. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.



compliance and compliance with adopted AQMP emissions control measures) would also be imposed on construction projects throughout the Basin, which would include related projects.

As discussed above, the project's short-term construction emissions would be below the SCAQMD thresholds and would result in a less than significant impact. Thus, it can be reasonably inferred that the project's construction emissions would not contribute to a cumulatively considerable air quality impact for nonattainment criteria pollutants in the Basin. Thus, a less than significant impact would occur in this regard.

Cumulative Operational Impacts

As discussed, the proposed project would not result in long-term air quality impacts as emissions would not exceed SCAQMD-adopted operational thresholds. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Emission reduction technology, strategies, and plans are constantly being developed. As a result, the proposed project would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant. Therefore, cumulative operational impacts associated with implementation of the proposed project would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant Impact.

Localized Significance Thresholds

Localized Significance Thresholds (LSTs) were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized air quality impacts. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre projects emitting CO, NO_x, PM_{2.5}, and/or PM₁₀. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors. The project site is located within Source Receptor Area (SRA) 21, Capistrano Valley. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. In order to identify impacts to sensitive receptors, the SCAQMD recommends addressing LSTs for construction and operational impacts (stationary sources only).

Sensitive Receptors

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The closest sensitive receptors are single-family residences adjoining the project site to the north and institutional uses (i.e., Niguel Hills Middle School) to the west.

Non-Residential Receptors

Commercial and industrial uses (i.e., non-residential receptors) are not included in the definition of sensitive receptor because employees and patrons do not typically remain on-site for a full 24 hours and are usually on-site for eight hours or less. The LST Methodology explicitly states that "LSTs based on shorter averaging periods, such as the NO₂ and CO LSTs, could also be applied to receptors such as industrial or commercial facilities since it is reasonable to



assume that a worker at these sites could be present for periods of one to eight hours.”⁸ Commercial and industrial uses are not present within 500 meters of the project site. Therefore, non-residential receptor LST thresholds are not applicable to this project.

Construction LST

The SCAQMD’s guidance on applying CalEEMod to LSTs specifies the number of acres a particular piece of equipment would likely disturb per day. Based on default information provided by CalEEMod, the project is anticipated to disturb up to 44 acres during the grading phase. The grading phase would take approximately 44 days in total to complete. As such, the project would actively disturb an average of approximately one acre per day (44 acres divided by 44 days). Therefore, the LST thresholds for one acre was utilized for the construction LST analysis. As the nearest sensitive receptors adjoin the project site, the lowest available LST values for 25 meters were used.

Table 4.3-3, *Localized Emissions Significance*, shows the localized construction-related emissions for NO_x, CO, PM₁₀, and PM_{2.5} compared to the LSTs for SRA 21. It is noted that the localized emissions presented in Table 4.3-3 are less than those in Table 4.3-1 because localized emissions include only on-site emissions (e.g., from construction equipment and fugitive dust) and do not include off-site emissions (e.g., from hauling activities). As shown in Table 4.3-3, the project’s localized construction emissions would not exceed the LSTs for SRA 21. Therefore, localized significance impacts from project-related construction activities would be less than significant.

Table 4.3-3
Localized Emissions Significance

Maximum Emissions	Maximum Daily Emissions (pounds/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Year 1 ^{1,4}	14.47	14.21	3.23	1.82
Year 2 ^{2,4}	12.82	14.10	0.54	0.51
Year 3 ^{3,4}	12.02	14.00	0.47	0.45
Maximum Daily Emissions	14.47	14.21	3.23	1.82
<i>Localized Significance Threshold Mass Rate Screening Criteria</i>	91	696	4	3
Thresholds Exceeded?	No	No	No	No
Note: <ol style="list-style-type: none">Maximum on-site daily emissions occur during grading phase for NO_x, PM₁₀, and PM_{2.5}, and during building construction phase for CO in Year 1 (2023).Maximum on-site daily emissions occur during building construction phase for NO_x, CO, PM₁₀, and PM₂ in Year 2 (2024).Maximum on-site daily emissions occur during building construction phase for NO_x, CO, PM₁₀, and PM_{2.5} in Year 3 (2025).Modeling assumptions include compliance with SCAQMD Rule 403 which requires the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour.The Localized Significance Threshold Mass Rate Screening Criteria was determined using Appendix C of the SCAQMD <i>Final Localized Significant Threshold Methodology</i> guidance document for pollutants NO_x, CO, PM₁₀, and PM_{2.5}. The Localized Significance Threshold was based on the anticipated daily acreage disturbance for construction (approximately one acre; therefore, the one-acre threshold was used) and Source Receptor Area 21.				

Operational LST

According to SCAQMD LST methodology, LSTs would apply to the operational phase of a proposed project if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). The proposed project does not include such uses. Thus, due to the lack

⁸ South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, revised July 2008.



of such emissions, no long-term LST analysis is needed. Operational LST impacts would be less than significant in this regard.

Carbon Monoxide Hotspots

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (e.g., adversely affecting residents, school children, hospital patients, and the elderly).

The Basin is designated as an attainment/maintenance area for the federal CO standards and an attainment area under State standards. There has been a decline in CO emissions even though vehicle miles traveled (VMT) on U.S. urban and rural roads have increased; estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for 82 percent of the nation's total anthropogenic CO emissions.⁹ Three major control programs have contributed to the reduced per-vehicle CO emissions, including exhaust standards, cleaner burning fuels, and motor vehicle inspection/maintenance programs.

According to the SCAQMD *CEQA Air Quality Handbook*, a potential CO hotspot may occur at any location where the background CO concentration already exceeds 9.0 parts per million (ppm), which is the 8-hour California ambient air quality standard. As previously discussed, the site is located in SRA 21. Communities within SRAs are expected to have similar climatology and ambient air pollutant concentrations. The monitoring station representative of SRA 21 is the Mission Viejo station, which is located approximately 8.7 miles northeast of the site. The CO concentration at Mission Viejo station was measured at 0.963 ppm in 2019. Given that the background CO concentration does not currently exceed 9.0 ppm, a CO hotspot would not occur at the project site. Therefore, CO hotspot impacts would be less than significant in this regard.

Air Quality Health Impacts

As evaluated above, the project's air emissions would not exceed the SCAQMD's LST thresholds, and CO hotspots would not occur as a result of the proposed project. Therefore, the project would not exceed the most stringent applicable federal or State ambient air quality standards for emissions of CO, NO_x, PM₁₀, or PM_{2.5}. It should be noted that the ambient air quality standards are developed and represent levels at which the most susceptible persons (children and the elderly) are protected. In other words, the ambient air quality standards are purposefully set in a stringent manner to protect children, elderly, and those with existing respiratory problems. Thus, an air quality health impact would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the project would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by requiring equipment

⁹ U.S. Environmental Protection Agency, *Carbon Monoxide Emissions*, https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=10, accessed March 31, 2022.



to be shut off when not in use or limiting idling time to no more than five minutes. Compliance with these existing regulations would further reduce the detectable odors from heavy-duty equipment exhaust. The project would also be required to comply with the SCAQMD Rule 1113 – *Architectural Coating*, which would minimize odor impacts from ROG emissions during architectural coating. Any odor impacts to existing adjacent land uses would be short-term and negligible. As such, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.



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4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

- a) ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

No Impact. The project site is located within a built out, urbanized area of the City and is currently a vacant, partially paved lot. The site is currently fenced on the western boundary and includes a concrete masonry wall on the eastern boundary along Paseo de Colinas. The project site supports minimal vegetation, with limited non-native vegetation located on the southern unpaved portion of the site.

Based on the project site's disturbed condition and lack of native vegetation, project development would not adversely impact candidate, sensitive, or special status species. Further, no habitat that could support such species are present on-site. Thus, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.



- b) ***Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

No Impact. Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors.

The project site is currently developed as a vacant, partially paved lot in an urbanized area of Laguna Niguel. No riparian habitat or other sensitive natural communities are present in the project area; refer to General Plan Table OS-3, *Sensitive Plant Species and Communities in the Project Region*, and General Plan Figure OS-7, *Plant Communities*. As such, the project would not create a substantial adverse effect on any riparian habitat or other sensitive natural communities. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- c) ***Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

No Impact. No State or federally protected wetlands are located within the project site.¹ As discussed, the project site is a partially paved vacant lot. The project would not involve direct removal, filling, hydrological interruption, or other direct or indirect impact to wetlands. As such, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

Less Than Significant Impact With Mitigation Incorporated. As stated, the project site is predominantly developed and surrounded on all sides by existing urban uses. There are no areas within the project vicinity which could function as a wildlife corridor or nursery site for native and migratory wildlife. However, the minimal non-native vegetation in the southern unpaved portion of the site could provide suitable nesting habitat for migratory birds. As such, project-related construction could potentially impact nesting birds protected by the Migratory Bird Treaty Act (MBTA). The MBTA prohibits activities that result in the direct take (defined as killing or possession) of a migratory bird. The proposed project has the potential to impact nesting birds on-site if construction activities occur during the nesting season. As such, Mitigation Measure BIO-1 would require a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities. Implementation of Mitigation Measure BIO-1 would reduce such impacts to less than significant levels.

Mitigation Measures:

BIO-1 If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (generally from January 1 through August 31), a qualified biologist retained by the Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the project site during the clearance survey with a brief letter report indicating that no

¹ U.S. Fish and Wildlife Service, *National Wetlands Inventory*, <https://www.fws.gov/wetlands/data/Mapper.html>, accessed March 3, 2022.



impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be 500 feet. The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Laguna Niguel, California Department of Fish and Wildlife, and other appropriate agency(ies). This requirement shall be indicated on project plans and specifications for verification by the City of Laguna Niguel prior to vegetation removal.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. Municipal Code Section 11-8-1, *Damaging or defacing city property*, prohibits the defacement or disfigurement of any tree situated in any public street or highway of the City by painting, cutting, scratching, or breaking. There are no street trees within the project site, therefore, this code section does not apply.

Municipal Code Section 9-1-93.3(d), *Tree Preservation*, contains regulations on the preservation, transplantation, or removal of existing trees on-site during construction activities. The proposed project would remove all on-site trees. As such, existing trees that are proposed for removal would require replacement trees with a cumulative trunk diameter of up to two times the cumulative trunk diameter of the trees to be removed. The proposed project would install gardens on the southern portion of the site, which would include an oak woodland garden, coastal garden, southwest arid garden, and butterfly garden. Tree species for the proposed gardens would include marina strawberry tree, California cherry laurel, and California coffeeberry in compliance with Municipal Code Section 9-1-93.3(d).

Overall, the proposed landscape plan illustrated on Exhibit 2-6, Conceptual Landscape Plan, would be consistent with the City's Tree Preservation Code. As such, the project would not conflict with any local policies or ordinances protecting biological resources, and no impacts would occur.

Mitigation Measures: No mitigation measures are required.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. According to the California Department of Fish and Wildlife's *California Natural Community Conservation Map*, the City is located within the boundaries of the *Orange County Natural Community Conservation Plan and Habitat Conservation Plan for the Central and Coastal Subregion* (NCCP/HCP).² The NCCP/HCP is intended to protect and manage habitats supporting a broad range of plant and animal populations found within the Central and Coastal Subregion. Additionally, the NCCP/HCP establishes a habitat Reserve System which allows participating members to proceed with projects containing impacts to sensitive plant or animal populations located outside of the Reserve System. The City is not a participant or permittee to the NCCP/HCP, and development within the City is not subject to the requirements of the NCCP/HCP. Thus, the proposed project would not conflict with any provisions related to such plans, and no impacts would occur.

Mitigation Measures: No mitigation measures are required.

² California Department of Fish and Wildlife, *California Regional Conservation Plans*, April 2019, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>, accessed March 3, 2022.



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4.5 CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		✓		
c. Disturb any human remains, including those interred outside of dedicated cemeteries?			✓	

This section is primarily based upon the *Cultural and Paleontological Resources Identification Report for the Paseo De Colinas Townhome Development Project, 29001 Paseo de Colinas, City of Laguna Niguel, Orange County, California*, (Cultural/Paleo Report) prepared by Michael Baker International and dated April 2022; refer to Appendix B, Cultural/Paleontological Resources Assessment.

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

No Impact. As part of the Cultural/Paleo Report, a South Central Coastal Information Center (SCCIC) records search, literature review and historical map review, historical society consultation, field survey, Native American Heritage Commission Sacred Lands File request, and archeological site sensitivity analysis were conducted to determine whether the project could result in a significant adverse change to cultural resources in accordance with CEQA. The field survey was conducted on March 10, 2022. The records search of the California Historical Resources Inventory System (CHRIS) was conducted at the SCCIC to identify previously recorded cultural resources and previously conducted cultural resource studies within a 0.5-mile of the project site. The CHRIS search results were provided on March 14, 2022 and included a review of the National Register of Historic Places, California Inventory of Historic Resources, California Points of Historical Interest, California Historical Landmarks, Archaeological Resources Directory, and the Built Environment Resources Directory. The Cultural/Paleo Report also included a review of available historic United States Geologic Survey 7.5-minute topographic quadrangle maps and consultation request with the Laguna Niguel Historical Society.

The records search identified 19 previous cultural resource studies conducted within a 0.5-mile radius of the project site. Of these, four studies included portions of the project site. The record search also identified three previously recorded cultural resources within a 0.5-mile radius of the project site, none of which were identified within the project site. Additionally, no buildings or archeological artifacts, features, materials, or residues were identified within the project site during the field survey. Based on the distances of known cultural resources from the project site and lack of identified buildings or structures on-site, project development would not result in adverse effects to historical resources. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact With Mitigation Incorporated. As discussed in Response 4.5(a) and detailed in the Cultural/Paleo Report, no previously recorded cultural resources were identified within the project site during the records search or field survey, and the project site has a low sensitivity for prehistoric and historic archaeological sites. Factors that support the sensitivity analysis include the local environmental conditions, record search information, and



local land use history. Local environmental conditions that indicate low sensitivity include the long distance from viable water sources and the topography. Availability of close water would have been necessary, such as on a river terrace, especially for sizeable prehistoric occupation. The rugged topography is also not conducive to human habitation. Both prehistoric and historic archaeological sites generally require flatter land than the project area, though resource extraction sites could potentially be present within areas of rugged topography. Lastly, the record search indicated a very low number of archaeological sites within a 0.5-mile radius. The historical topographic map and aerial photograph analyses also indicate that the project area was not used until the development of the school property in 1974.

Pursuant to Senate Bill (SB) 18, the City also notified tribal representatives of the proposed project to invite them to consult on the project. Notification letters were sent to tribes via certified mail on April 13, 2022. The Juaneño Band of Mission Indians, Acjachemen Nation-Belardes (Tribe) responded on May 17, 2022 stating that the project site is located within a sensitive area of the Tribe's territory and requested additional information regarding the site's history and previously recorded cultural resources within the project area. Upon review of the requested information, the Tribe recommended that a representative from the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes be provided the opportunity to monitor all project-related ground disturbing activities. No other tribes responded to the consultation notification per SB 18. As such, SB 18 consultation efforts concluded on July 12, 2022 (i.e., 90 days after initial notification letters were sent on April 13, 2022).

Although the project site has a low sensitivity for potential archeological resources, project-related construction could uncover previously undiscovered archaeological resources during earth-moving activities. As such, Mitigation Measure CUL-1 requires the project Applicant retain a qualified professional archaeologist should archaeological material be uncovered during project-related ground-disturbing activities. Work is required to temporarily halt in the vicinity of the find while the qualified archaeologist evaluates the significance of the find and determines the appropriate treatment for the resource. Additionally, Mitigation Measure CUL-2 ensures a representative from the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes is provided the opportunity to monitor all project-related ground disturbing activities. With implementation of Mitigation Measures CUL-1 and CUL-2, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

Mitigation Measures:

CUL-1 If archaeological material is uncovered during project-related ground-disturbing activities, work shall be temporarily halted in the vicinity of the find (within a 50-foot buffer) and the project Applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Standards for Archaeology to evaluate the significance of the find and determine appropriate treatment for the resource in accordance with California Public Resources Code Section 21083.2(i) and the provisions of the California Environmental Quality Act (CEQA). The qualified archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following shall apply:

- If the qualified archaeologist determines the find does not represent a cultural resource, work may resume, and no agency notifications are required. A record of the archaeologist's determination shall be made in writing to the City of Laguna Niguel Planning Community Development Department.
- If the qualified archaeologist determines that the find does represent a cultural resource and is considered potentially eligible for listing on the California Register of Historical Resources (CRHR), and avoidance is not feasible, then the City of Laguna Niguel Planning Community Development Department shall be notified and a qualified archaeologist shall prepare and implement appropriate treatment measures. The treatment measures may consist of data recovery excavation of a statistically significant part of those portions of the site that will be damaged or destroyed by the project. Work cannot resume within the no-work radius until the City, through consultation as appropriate, determines that the find is either not eligible for the CRHR, or that appropriate treatment measures have been completed to the satisfaction of the City in consultation with the tribes.



- Additionally, if the resource is prehistoric or historic-era and of Native American origin, as determined by a qualified professional archaeologist, then those Native American tribes that have requested consultation on the project pursuant to California Public Resources Code Section 21080.3.1, including the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes, shall be notified of the find, and shall consult on the eligibility of the resource and the appropriate treatment measures.

CUL-2 The project Applicant shall notify the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes (Tribe) of the anticipated construction schedule for ground-disturbing activities at the project site at least one week prior to ground-disturbing activities to provide the Tribe with the opportunity to monitor such activities for the potential to adversely impact previously unknown cultural resources. If archaeological material of Native American origin is uncovered during project-related ground-disturbing activities, work shall be temporarily halted in the vicinity of the find (within a 50-foot buffer) and the Tribe representative and qualified professional archaeologist (retained pursuant to Mitigation Measure CUL-1) shall consult on the eligibility of the resource and the appropriate treatment measures.

c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

Less Than Significant Impact. Due to the level of disturbance in the site vicinity, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or ground-disturbing activities. Nonetheless, if human remains are found, those remains would require proper treatment in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5 through 7055 describe the general provisions for human remains. Specifically, State Health and Safety Code Section 7050.5 requires if any human remains are accidentally discovered during excavation of a site, the County Coroner shall be notified of the find immediately, and no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. As required by State law, if the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). Following compliance with the aforementioned regulations, impacts related to the disturbance of human remains are less than significant.

Mitigation Measures: No mitigation measures are required.



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4.6 ENERGY

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓	

- a) ***Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

Less Than Significant Impact.

Regulatory Framework

California Building Energy Efficiency Standards

The 2019 California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as “Title 24,” became effective on January 1, 2020. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, residential buildings will use about 53 percent less energy (mainly due to solar photovoltaic panels and lighting upgrades) when compared to those constructed under 2016 Title 24 standards. The 2019 Title 24 standards require installation of energy efficient windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses.

California Green Building Standards

The 2019 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as CALGreen, went into effect on January 1, 2020. CALGreen is the first-in-the-nation mandatory green buildings standards code. The California Building Standards Commission developed CALGreen in an effort to meet the State’s landmark initiative Assembly Bill (AB) 32 goals, which established a comprehensive program of cost-effective reductions of greenhouse gas (GHG) emissions to 1990 levels by 2020. CALGreen was developed to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, and healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the environmental directives of the administration. CALGreen requires that new buildings employ water efficiency and conservation, increase building system efficiencies (e.g., lighting, heating/ventilation and air conditioning [HVAC], and plumbing fixtures), divert construction waste from landfills, and incorporate electric vehicles charging infrastructure. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

Senate Bill 100

Senate Bill (SB) 100 (Chapter 312, Statutes of 2018) 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 (kWh) 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; 60 percent by December 31, 2030; and 100 percent by December 31, 2045. The bill requires the California Public Utilities Commission (CPUC), California Energy Commission (CEC), State board or the California Air Resources Board's (CARB), and all other State agencies to incorporate the policy into all relevant planning. In addition, SB 100 requires the CPUC, CEC, and CARB to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every four years thereafter, that includes specified information relating to the implementation of SB 100.

Project-Related Sources of Energy Consumption

This analysis focuses on three sources of energy that are relevant to the proposed project: electricity, natural gas, and transportation fuel for vehicle trips associated with new development and for project construction. The analysis of operational electricity/natural gas usage is based on the California Emissions Estimator Model version 2016.3.2 (CalEEMod) modeling results for the project, which quantifies energy use for occupancy. The project's estimated electricity/natural gas consumption is based primarily on CalEEMod's default settings for Orange County, and consumption factors provided by San Diego Gas and Electric (the electricity provider for the City of Laguna Niguel and the project site). The results of the CalEEMod modeling are included in Appendix A, Air Quality/GHG/Energy Data. The amount of operational fuel consumption was estimated using the California Air Resources Board's Emissions Factor 2017 (EMFAC2017) computer program which provides projections for typical annual fuel usage in Orange County, and the project's annual vehicle miles traveled (VMT) outputs from CalEEMod. The estimated construction fuel consumption is based on the project's construction equipment list timing/phasing, and hours of duration for construction equipment.

The project's estimated energy consumption is summarized in Table 4.6-1, Energy Consumption. As shown in Table 4.6-1, the project's electricity usage would constitute an approximate 0.0008 percent increase over Orange County's typical annual electricity and an approximate 0.0007 percent increase over Orange County's typical annual natural gas consumption. The project's construction and operational vehicle fuel consumption would increase Orange County's consumption by 0.091 percent and 0.0047 percent, respectively.

**Table 4.6-1
Energy Consumption**

Energy Type	Project Annual Energy Consumption ¹	Orange County Annual Energy Consumption ²	Percentage Increase Countywide ²
Electricity Consumption	160 MWh	19,733,000 MWh	0.0008%
Natural Gas Consumption	4,237 therms	594,632,076 therms	0.0007%
Fuel Consumption			
• Construction (Heavy-Duty Diesel Vehicle) Fuel Consumption ³	59,775 gallons	65,564,072 gallons	0.091%
• Operational Automotive Fuel Consumption ³	56,082 gallons	1,183,854,669 gallons	0.0047%
Notes:			
1. As modeled in CalEEMod version 2020.4.0.			
2. The project's increases in electricity and natural gas consumption are compared to the total consumption in Orange County in 2020. The project increases in automotive fuel consumption are compared with the projected Countywide fuel consumption in 2025. Orange County electricity consumption data source: California Energy Commission, <i>Electricity Consumption by County</i> , http://www.ecdms.energy.ca.gov/elecbycounty.aspx , accessed March 28, 2022. Orange County natural gas consumption data source: California Energy Commission, <i>Gas Consumption by County</i> , http://www.ecdms.energy.ca.gov/gasbycounty.aspx , accessed March 28, 2022.			
3. Project fuel consumption calculated based on CalEEMod results. Countywide fuel consumption is from the California Air Resources Board EMFAC2017 model.			
Source: Refer to <u>Appendix A, Air Quality/GHG/Energy Data</u> , for assumptions used in this analysis.			



Construction-Related Energy Consumption

Project construction would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and glass).

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used primarily during the grading and building construction phases. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. Environmental Protection Agency (EPA) and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.¹

Reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials.² The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials.³ The project-related incremental increase in the use of energy, bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas), would not substantially increase demand for energy compared to overall local and regional demand for construction materials. As indicated in [Table 4.6-1](#), the project's fuel consumption from construction would be approximately 59,775 gallons, which would increase fuel use in the County by 0.091 percent. As such, construction would have a nominal effect on the local and regional energy supplies. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. Further, there are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

Operational Energy Consumption

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration (NTSA) is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. [Table 4.6-1](#) provides an estimate of the daily fuel consumed by vehicles traveling to and from the site. As indicated in [Table 4.6-1](#), project operations are estimated to consume approximately 56,082 gallons of fuel per year, which would increase the County's automotive fuel consumption by 0.0047 percent. The project would not result in any unusual characteristics that would result in excessive operational fuel consumption. Fuel

¹ U.S. Green Building Council, *Green Building Costs and Savings*, <https://www.usgbc.org/articles/green-building-costs-and-savings>, accessed March 28, 2022.

² California Department of Resources Recycling and Recovery, *Green Building Materials*, <https://www.calrecycle.ca.gov/greenbuilding/materials#Material>, accessed March 28, 2022.

³ Ibid.



consumption associated with project-related vehicle trips would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. As such, a less than significant impact would occur in this regard.

Electricity Demand

The project would consume energy for interior and exterior lighting; heating, ventilation, and air conditioning (HVAC); refrigeration; electronics systems; appliances; and security systems, among other common household features. The project would be required to comply with Title 24 standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Further, the Title 24 standards, includes mandated photovoltaic solar panels and other lighting upgrades and would ensure residential structures use 53 percent less energy than those constructed under the previous Title 24 standards. Implementation of the Title 24 standards significantly reduces energy usage. Furthermore, the electricity provider, San Diego Gas and Electric, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 50 percent of total procurement by 2030. As indicated in Table 4.6-1, operational energy consumption would represent an approximate 0.0008 percent increase in electricity consumption over the annual Countywide usage (as of 2020). Therefore, the project would not result in the inefficient, wasteful, or unnecessary consumption of building energy, and impacts in this regard would be less than significant.

As indicated in Table 4.6-1, operational energy consumption would represent an approximate 0.0008 percent increase in electricity consumption and a 0.0007 percent increase in natural gas consumption over the annual Countywide usage (as of 2020). The project would adhere to all federal, State, and local requirements for energy efficiency, including the Title 24 standards. Additionally, the project would not result in a substantial increase in demand or transmission service, resulting in the need for new or expanded sources of energy supply or new or expanded energy delivery systems or infrastructure. The project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less than Significant Impact. The City does not have an adopted renewable energy or energy efficiency plan. State and regional plans for renewable energy and energy efficiency include the California Energy Commission's Integrated Energy Policy Report (IEPR), California Public Utilities Commission's Energy Efficiency Strategic Plan (CPUC Strategic Plan), Title 24 standards, and CALGreen standards. The project would be required to comply with Title 24 and CALGreen standards and incorporates all applicable energy efficiency measures. Energy efficiency measures typical for residential projects include installation of energy efficient windows, insulation, lighting, ventilation systems, and water efficient fixtures, conservation of roof areas for future installation of solar panels, as well as provision of electric vehicles charging infrastructure, among others. Compliance with Title 24 and CALGreen standards would also be consistent with the CPUC Strategic Plan strategies and the IEPR building energy efficiency recommendations, which would ensure project conformance with the State's energy reduction goals. As such, the proposed project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

Mitigation Measures: No mitigation measures are required.



4.7 GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?				✓
4) Landslides?			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✓	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		

This section is primarily based upon the following technical studies; refer to [Appendix B, *Cultural/Paleontological Resources Assessment*](#), and [Appendix C, *Geotechnical Evaluation*](#).

- LGC Geotechnical, *Summary of Geotechnical Evaluation and Feasibility Study, Residential Development, Paseo De La Colinas, Laguna Niguel, California, Project No. 18045-01* (2018 Geotechnical Evaluation), dated May 15, 2018;
- LGC Geotechnical, *Geotechnical Addendum to Feasibility Study, Proposed Development of 29001 Paseo De Colinas, Laguna Niguel, California, Project No. 18045-01* (Geotechnical Addendum), dated April 19, 2021; and
- *Cultural and Paleontological Resources Identification Report for the Paseo De Colinas Townhome Development Project, 29001 Paseo de Colinas, City of Laguna Niguel, Orange County, California*, (Cultural/Paleo Report) prepared by Michael Baker International, April 2022.



a) ***Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

1) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

No Impact. Southern California is located within a seismically active margin between the North American and Pacific tectonic plates. Nonetheless, the project area is not within an Alquist-Priolo earthquake fault zone.¹ Additionally, according to the 2018 Geotechnical Evaluation, the project site is not located within a Fault Rupture Hazard Zone and there are no active or potentially active faults mapped on or in close vicinity of the site. As such, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

2) ***Strong seismic ground shaking?***

Less Than Significant Impact. The 2018 Geotechnical Evaluation stated that the project site would likely experience strong seismic ground shaking during the project's lifetime as expected for the southern California region. As such, the project would be required to comply with existing seismic design requirements of the California Building Code as incorporated by reference in Municipal Code Section 8-1-12, *Adoption of California Building Code and Related Codes*. Upon compliance with existing seismic design requirements of the California Building Code and any subsequent seismic design requirements imposed by the City, the project would not directly or indirectly cause potential substantial adverse effects with respect to strong seismic ground shaking. Impacts would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

3) ***Seismic-related ground failure, including liquefaction?***

No Impact. Liquefaction and seismically-induced settlement or ground failure is generally related to strong seismic shaking events where the groundwater occurs at shallow depth (generally within 50 feet of the ground surface) or where lands are underlain by loose, cohesionless deposits. Liquefaction typically results in the loss of shear strength of a soil, which occurs due to the increase of pore water pressure caused by the rearrangement of soil particles induced by shaking or vibration. During liquefaction, soil strata behave similarly to a heavy liquid.

According to the 2018 Geotechnical Evaluation, the project site is not located in a zone of potential seismically-induced liquefaction. It is noted that groundwater was not encountered to maximum explored depth of approximately 90 feet below existing grade. As such, no impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

4) ***Landslides?***

Less Than Significant Impact. According to the 2018 Geotechnical Evaluation, the project site is not located within a State of California Seismic Hazard Zone for earthquake-induced landslides, and no landslides were observed during the site visit conducted as part of the 2018 Geotechnical Investigation nor are landslides mapped in the vicinity of the site. However, the slopes descending from the site are located in a zone of potential seismically-induced landsliding.

Based on the findings from the 2018 Geotechnical Evaluation and Geotechnical Addendum, adequate static and seismic factor of safety can be achieved to minimize potential landsliding hazards with the use of shear pins for

¹ California Geological Survey, *Earthquake Zones of Required Investigation*, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed April 4, 2022.



proposed habitable building structures in the northern portion of the site; refer to Sheet 1, *Geotechnical Map*, of the Geotechnical Addendum. The Geotechnical Addendum details required minimum design requirements for the use of shear pins in this portion of the site. Further, as discussed above, the project would be required to comply with existing seismic design requirements of the California Building Code. Upon compliance with the California Building Code requirements, the project would not directly or indirectly cause potential substantial adverse effects with respect to landsliding or unstable slopes. Impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. As discussed in Section 4.10, Hydrology and Water Quality, the project site is greater than one acre in size, and would be required to obtain a General Construction Permit under the National Pollutant Discharge Elimination System (NPDES) program. The General Construction Permit requires the project Applicant to prepare and implement a stormwater pollution prevention plan (SWPPP), which would specify best management practices (BMPs) to be implemented during construction of the project to prevent erosion, minimize siltation impacts, and protect water quality. Additionally, the project would be subject to compliance with the City's Water Quality Local Implementation Plan (LIP). LIP Section A-8, *Construction Component*, includes a detailed set of erosion and sediment controls and waste and materials management BMPs to prevent or minimize the impacts of urban runoff generated by construction activities within the City on receiving water bodies. According to LIP Section A-2, *Program Management*, the City of Laguna Niguel Public Works Department and Community Development Department would verify project compliance with applicable LIP requirements. During project operation, the project would be required to comply with the project-specific WQMP (Appendix E, Hydrology Report and WQMP) prepared in compliance with Municipal Code Section 6-3-405, *Control of runoff discharges* and the LIP. The WQMP includes overall site design, low impact development (LID), and hydromodification BMPs capable of minimizing stormwater pollutants of concern during project operations. The project's LID includes the installation of an on-site storm drain system with modular wetland systems and an underground storage tank. Other BMPs identified in the WQMP that helps prevent the loss of top soil include common area landscape management, use of efficient irrigation systems/landscape design, smart controllers, source control to minimize runoff, and other non-structural and structural BMPs; refer to Appendix E.

Upon compliance with the NPDES, the City's LIP and Municipal Code, as well as BMP identified for the project, impacts concerning substantial soil erosion and loss of topsoil would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Refer to Responses 4.7(a)(3), 4.7(a)(4), and 4.7(d) for a discussion concerning liquefaction, landslides and slope stability, and expansive soils.

Lateral Spreading

Lateral spreading is limited displacement ground failure, often associated with liquefaction. Lateral spreading is typically exemplified by the formation of vertical cracks on the surface of liquefied soils, and usually takes place on gently sloping ground or level ground with nearby free surface such as a drainage or stream channel. Given the low potential for liquefaction on-site, the probability of lateral spreading occurring during a seismic event is also considered to be unlikely. No impacts would occur in this regard.



Subsidence/Collapse

Subsidence can occur in various ways during an earthquake. Large areas of land can subside drastically during an earthquake because of offset along fault lines; land subsidence can also occur as a result of settling and compacting of unconsolidated sediment (i.e., settlement) from seismic shaking. Collapsible soils generally have loose soil structures that can greatly decrease in volume upon wetting, additional loading, or both. Soil collapse typically occurs due to the addition of water.

Based on the 2018 Geotechnical Evaluation, groundwater was not encountered to the maximum explored depth of approximately 90 feet below existing grade. According to the 2018 Geotechnical Evaluation, the site is underlain by Capistrano Formation bedrock material. Generally, the Capistrano Formation consists of a weak, clayey siltstone with some interbedded silty sandstone, which typically has a high potential for expansion and are considered to be “severely” corrosive to concrete. The 2018 Geotechnical Evaluation recommends utilizing concrete flatwork and pre-soaking the subgrade for building slabs and flatwork to minimize the impacts of expansive site soils. Additionally, the 2018 Geotechnical Evaluation recommends removing potential compressible materials from three to five feet below existing grades during site remedial grading to reduce impacts associated with collapsible soils. According to the City’s CEQA Manual, recommendations from an Applicant-prepared geotechnical investigation (i.e., the 2018 Geotechnical Evaluation and Geotechnical Addendum) and the final geotechnical investigation to be prepared by the Applicant with engineering and design details at the construction level would be verified as part of the project’s Site Development Review to ensure all recommendations are integrated into the project plans. As such, implementation of recommended remedial measures from the 2018 Geotechnical Evaluation would ensure impacts related to subsidence/collapsible soils are less than significant.

Mitigation Measures: No mitigation measures are required.

- d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

Less Than Significant Impact. Expansive soils are those that undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement, and distorting structural elements.

According to the 2018 Geotechnical Evaluation, the majority of on-site soils are expected to have a “high to very high” expansion potential. As such, the 2018 Geotechnical Evaluation recommends the incorporation of mitigation measures for foundations and site improvements (e.g., concrete flatwork) to minimize the impacts of expansive site soils. Additionally, pre-soaking of the subgrade for building slabs and flatwork is recommended. As stated in the City’s CEQA Manual, recommendations from an Applicant-prepared geotechnical investigation (i.e., the 2018 Geotechnical Evaluation and Geotechnical Addendum) and the final geotechnical investigation to be prepared by the Applicant with engineering and design details at the construction level would be verified as part of the project’s Site Development Review to ensure all recommendations are integrated into the project plans. As such, site-specific design recommendations identified in the 2018 Geotechnical Evaluation and Geotechnical Addendum would be integrated in the project design and grading and building plans, specifically those related to reducing expansive soil impacts. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

- e) ***Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

No Impact. No septic tanks or alternative wastewater systems would be constructed as part of the project. No impacts would occur in this regard.



Mitigation Measures: No mitigation measures are required.

f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant Impact With Mitigation Incorporated. According to the Cultural/Paleo Report, the Capistrano formation, an Upper Miocene age (approximately 6.4 to 4.9 million years ago) marine sedimentary rock is within the project area. The Capistrano Formation is a light gray sandy siltstone and fine-grained sandstone which contains limestone concretions. The depth of the Miocene-age Capistrano Formation in the project area is unknown, but the sensitivity of Capistrano exposures is typically considered high in intact geologic contexts. Further, the soils in the project area are mapped as Alo series clay, which are composed of very hard silty clay.

The Natural History Museum of Los Angeles (NHMLA) completed a fossil locality records search in the project area on February 26, 2022. The records search did not identify any previously known fossil localities within the project area. However, nine fossil localities were identified within one mile of the project site. Due to the depth and nature of ground-disturbing activities, previous discoveries from the Capistrano Formation, and the types and quantities of resources found in the record search area, the project has a high potential to disturb paleontological resources. Thus, implementation of Mitigation Measure GEO-1 would ensure a qualified paleontologist provides sensitivity training and is present on-site to monitor all project-related grading and excavation into sedimentary rock material. In the event that paleontological resources are encountered during ground-disturbing activities, all such activities are required to halt until the qualified paleontologist is able to assess the significance of the find. If the find is determined to be significant, the qualified paleontologist would prepare and implement a data recovery plan with applicable measures. As such, impacts regarding paleontological resources would be reduced to less than significant levels with mitigation incorporated.

Mitigation Measures:

GEO-1 Prior to grading or excavation in sedimentary rock material other than topsoil, the project Applicant shall retain a Society of Vertebrate Paleontology qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved in earth-moving activities associated with the project. The training session shall focus on how to identify paleontological resources, such as fossils that may be encountered, and the procedures to follow if identified.

The qualified paleontologist shall monitor project-related grading and excavation activities in sedimentary rock material other than topsoil. If fossils are discovered during grading, the qualified paleontologist shall notify the on-site construction supervisor, who shall redirect work away from the location of the discovery. The recommendations of the qualified paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.

If any paleontological resources are encountered during construction or during the course of any ground-disturbance activities, activities within 100 feet of the find shall halt immediately. At this time, the Applicant shall notify the City of Laguna Niguel Community Development Department and consult with the qualified paleontologist to assess the significance of the find. The assessment shall follow SVP standards. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified paleontologist and approved by the City of Laguna Niguel Community Development Department shall be followed unless avoidance is determined to be unnecessary or infeasible by City staff. Other appropriate measures (e.g., data recovery, excavation) shall be instituted if avoidance is infeasible.

If the fossils are determined to be significant, then the qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures:



- The qualified paleontologist shall ensure that all significant fossils collected are cleaned, identified, cataloged, and permanently curated with an appropriate institution with a research interest in the materials (e.g., John D. Cooper Archaeological and Paleontological Center);
- The qualified paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and
- The qualified paleontologist shall ensure that curation of fossils is completed in consultation with the City. A letter of acceptance from the curation institution shall be submitted to the City of Laguna Niguel Community Development Department.



4.8 GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

Global Climate Change

California is a substantial contributor of global greenhouse gases (GHGs), emitting approximately 418.1 million metric tons of carbon dioxide equivalent (MMTCO₂e) per year.¹ Methane (CH₄) is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation will be required to reduce the rate of GHG emissions enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO₂, CH₄, and nitrous oxide (N₂O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO₂ concentrations ranged from 180 to 300 parts per million (ppm). For the period from approximately 1750 to the present, global CO₂ concentrations increased from a pre-industrialization period concentration of 280 to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range. As of March 2022, the highest monthly average concentration of CO₂ in the atmosphere was recorded at 417.88 ppm.²

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO₂e)³ concentration is required to keep global mean warming below 2 degrees Celsius (°C), which in turn is assumed to be necessary to avoid dangerous climate change.

Regulatory Framework

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and

¹ California Air Resources Board, *California Greenhouse Gas Emissions for 2000 to 2019, Trends of Emissions and Other Indicators*, <https://ww2.arb.ca.gov/ghg-inventory-data>, accessed March 29, 2022.

² Scripps Institution of Oceanography, *Carbon Dioxide Concentration at Mauna Loa Observatory*, <https://scripps.ucsd.edu/programs/keelingcurve/>, accessed March 29, 2022.

³ Carbon Dioxide Equivalent (CO₂e) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.



economic effects in the long term. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation is necessary to reduce the rate of GHG emissions enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

State

Assembly Bill 32 (California Global Warming Solutions Act of 2006). California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Executive Order S-3-05. Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Senate Bill 32. Signed into law on September 2016, Senate Bill (SB) 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030.

California Building Energy Efficiency Standards (Title 24). The *2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings* (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," became effective on January 1, 2020. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, nonresidential buildings would use about 30 percent less energy (mainly due to lighting upgrades) when compared to 2016 Title 24 standards.⁴ The standards require installation of energy efficient windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses.

CARB Scoping Plan. On December 11, 2008, CARB adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce CO₂e emissions by 174 million metric tons (MT), or approximately 30 percent, from the State's projected 2020 emissions level of 596 million MTCO₂e under a business-as-usual (BAU)⁵ scenario. This is a reduction of 42 million MTCO₂e, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

In December 2017, CARB approved the *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*. This update focuses on implementation of a 40 percent reduction in GHGs

⁴ California Energy Commission, *2019 Building Energy Efficiency Standards*, March 2018.

⁵ Based on the Scoping Plan, "Business-as-Usual" (BAU) scenario refers to GHG emissions that would be expected to occur in the absence of existing reductions policies. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the "definition." It is broad enough to allow for design features to be counted as reductions.



by 2030 compared to 1990 levels. To achieve this, the updated Scoping Plan draws on a decade of successful programs that addresses the major sources of climate changing gases in every sector of the economy:

- *More Clean Cars and Trucks:* The Scoping Plan sets out far-reaching programs to incentivize the sale of millions of zero-emission vehicles, drive the deployment of zero-emission trucks, and shift to a cleaner system of handling freight statewide.
- *Increased Renewable Energy:* California's electric utilities are ahead of schedule meeting the requirement that 33 percent of electricity come from renewable sources by 2020. The Scoping Plan guides utilities to 50 percent renewables, as required under SB 350.
- *Slashing Super-Pollutants:* The Scoping Plan calls for a significant cut in super-pollutants such as methane and HFC refrigerants, which are responsible for as much as 40 percent of global warming.
- *Cleaner Industry and Electricity:* California's renewed cap-and-trade program extends the declining cap on emissions from utilities and industries and the carbon allowance auctions. The auctions will continue to fund investments in clean energy and efficiency, particularly in disadvantaged communities.
- *Cleaner Fuels:* The Low Carbon Fuel Standard will drive further development of cleaner, renewable transportation fuels to replace fossil fuels.
- *Smart Community Planning:* Local communities will continue developing plans which will further link transportation and housing policies to create sustainable communities.
- *Improved Agriculture and Forests:* The Scoping Plan outlines innovative programs to account for and reduce emissions from agriculture, as well as forests and other natural lands.

Southern California Association of Governments 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. On September 3, 2020, the Regional Council of Southern California Association of Governments (SCAG) formally adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita vehicle miles traveled (VMT). Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and green regions.

Thresholds of Significance

In accordance with the CEQA Guidelines, project impacts are evaluated to determine whether significant adverse environmental impacts would occur. This analysis will focus on the project's potential impacts and provide mitigation measures, if required, to reduce or avoid any potentially significant impacts that are identified. According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to greenhouse gas emissions, if it would:



- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Appendix G, GHG question [a]); and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Appendix G, GHG question [b]).

The South Coast Air Quality Management District (SCAQMD), CARB, or any other State or regional agency has not adopted a numerical significance threshold for assessing impacts related to GHG emissions that is applicable to the project. In December 2008, the SCAQMD adopted an interim 10,000 metric tons CO₂e (MTCO₂e) per year screening level threshold for stationary source/industrial projects for which the SCAQMD is the lead agency. The SCAQMD has continued to consider adoption of significance thresholds for review of residential and general development projects by local lead agencies. The most recent proposal issued in September 2010 uses the following tiered approach to evaluate potential GHG impacts from various uses:

- **Tier 1** Determine if CEQA categorical exemptions are applicable. If not, move to Tier 2.
- **Tier 2** Consider whether or not the proposed project is consistent with a locally adopted GHG reduction plan that has gone through public hearings and CEQA review, that has an approved inventory, includes monitoring, etc. If not, move to Tier 3.
- **Tier 3** Consider whether the project generates GHG emissions in excess of screening thresholds for individual land uses. The 10,000 MTCO₂e per year (MTCO₂e per year) threshold for industrial uses would be recommended for use by all lead agencies. Under Option 1, separate screening thresholds are proposed for residential projects (3,500 MTCO₂e per year), commercial projects (1,400 MTCO₂e per year), and mixed-use projects (3,000 MTCO₂e per year). Under Option 2 a single numerical screening threshold of 3,000 MTCO₂e per year would be used for all non-industrial projects. If the project generates emissions in excess of the applicable screening threshold, move to Tier 4.
- **Tier 4** Consider whether the project generates GHG emissions in excess of applicable performance standards for the project service population (population plus employment). The efficiency targets were established based on the goal of Assembly Bill AB 32 (AB 32) (Stat. of 2006) to reduce statewide GHG emissions by 2020 and 2035. The 2035 targets that reduce emissions to 40 percent below 1990 levels are 3.0 MTCO₂e per service population for project level analyses and 4.1 MTCO₂e per service population for plan level analyses. If the project generates emissions in excess of the applicable efficiency targets, move to Tier 5.
- **Tier 5** Consider the implementation of CEQA mitigation (including the purchase of GHG offsets) to reduce the project efficiency target to Tier 4 levels.

However, these thresholds identified above have not been adopted by the SCAQMD and likelihood of threshold adoption is uncertain.

The *City of Laguna Niguel CEQA Manual* (CEQA Manual), adopted on June 1, 2021, and revised in February 2022, contains City-specific procedures, requirements, formats, and methodologies for the environmental review process that apply to the vast majority of projects. According to the CEQA Manual, the City relies on SCAQMD's draft thresholds for the purpose of evaluating the GHG impacts associated with general development projects in the absence of other thresholds of significance. Therefore, for the smaller and simpler non-industrial projects, such as those identified on the air quality decision tree in Figure 3, *Air Quality Decision Tree*, of the CEQA Manual, the GHG threshold of significance in GHG question (a) is 3,000 MTCO₂e per year. For larger and/or more complicated projects, the five-tier approach detailed above shall be used to evaluate level of significance for State CEQA Guidelines Appendix G, GHG



threshold (a). The proposed project is considered a “larger” project by the City.⁶ As such, the five-tier approach is utilized in the evaluation of project impacts. It is noted that the City has not consistently chosen to use Option 1 or Option 2 under Tier 3; as such, Option 2 (a single numerical screening threshold of 3,000 MTCO₂e per year) is utilized to evaluate project level of significance as a more conservative analysis, if applicable.

Additionally, the CEQA Manual notes that in the absence of a local Climate Action Plan, evaluating level of significance for Appendix G, GHG question (b) should rely on an analysis of consistency with the current Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG, and whether the project meets the numeric threshold utilized for Appendix G, GHG threshold (a). A project is generally less than significant if it does not conflict with any policies from the current RTP/SCS, as applicable, and the project’s GHG emissions are less than the thresholds established in the five-tier outline specified above.

- a) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Less Than Significant Impact.

Project-Related Sources of Greenhouse Gases

Project-related GHG emissions include emissions from direct and indirect sources. The proposed project would result in direct and indirect emissions of CO₂, N₂O, and CH₄, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. The amount of GHG emissions that would be attributable to the project is calculated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod relies upon trip generation rates and project specific land use data to calculate emissions. The *Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development* (Traffic Assessment), prepared by Linscott, Law & Greenspan, Engineers and dated September 21, 2021, was prepared for the proposed project. Trip generation rates were based on the Institute of Transportation Engineers (ITE) *Trip Generation Rate Manual*, 10th Edition. The trip generation rate for Low Rise Multifamily Housing (ITE Land Use Code 220) was utilized for the proposed project. According to the Traffic Assessment, the project would generate approximately 278 average weekday daily trips. Table 4.8-1, Estimated Greenhouse Gas Emissions, presents the estimated CO₂, N₂O, and CH₄ emissions of the proposed project. The CalEEMod outputs are contained within the Appendix A, Air Quality/GHG/Energy Data.

Direct Project-Related Sources of Greenhouse Gases

Construction Emissions. Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operational emissions.⁷ As shown in Table 4.8-1, the proposed project would result in 25.17 MTCO₂e when amortized over 30 years (755.12 MTCO₂e total).

⁶ The CEQA Manual defines “simple” development project as those within green and blue tiers illustrated in Figure 3, *Air Quality Decisions Tree*, of the CEQA Manual. The project would include demolition; as such, it would be considered a “larger and/or more complicated” project under the CEQA Manual.

⁷ The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October 2008).



Area Source. Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment. The project would directly result in 12.83 MTCO₂e per year from area source emissions; refer to Table 4.8-1.

Mobile Source. As previously discussed, the project is anticipated to generate approximately 278 average daily trips. The project would directly result in 300.64 MTCO₂e per year of mobile source-generated GHG emissions; refer to Table 4.8-1.

Table 4.8-1
Estimated Greenhouse Gas Emissions

Source	CO ₂	CH ₄		N ₂ O		Total Metric Tons of CO ₂ e ^{2,3}
	Metric Tons/yr ¹	Metric Tons/yr ¹	Metric Tons of CO ₂ e ¹	Metric Tons/yr ¹	Metric Tons of CO ₂ e ¹	
Direct Emissions						
Construction (amortized over 30 years)	24.95	<0.01	0.10	<0.01	0.12	25.17
Area Source	12.43	0.01	0.32	<0.01	0.08	12.83
Mobile Source	296.58	0.02	0.44	0.01	3.61	300.64
Total Direct Emissions ²	333.96	0.03	0.86	0.01	3.80	338.64
Indirect Emissions						
Energy	61.91	<0.01	0.07	<0.01	0.21	62.19
Solid Waste	3.57	0.21	5.27	0.00	0.00	8.84
Water Demand	16.75	0.08	2.04	<0.01	0.60	19.40
Total Indirect Emissions ²	82.23	0.30	7.39	0.00	0.81	90.43
Total Project-Related Emissions ²	429.07 MTCO ₂ e/yr					
SCAQMD GHG Threshold	3,000 MTCO ₂ e/yr					
Project Exceeds Threshold?	No					
Notes: CO ₂ = carbon dioxide; CH ₄ = methane; N ₂ O = nitrous oxides, MTCO ₂ e/yr = metric tons of carbon dioxide equivalent per year						
1. Emissions were calculated using CalEEMod version 2020.4.0, as recommended by the SCAQMD.						
2. Totals may be slightly off due to rounding.						
3. Carbon dioxide equivalent values calculated using the U.S. Environmental Protection Agency, <i>Greenhouse Gas Equivalencies Calculator</i> , http://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator , accessed March 29, 2022.						
Refer to Appendix A, <i>Air Quality/Greenhouse Gas/Energy Data</i> , for detailed model input/output data.						

Indirect Project-Related Sources of Greenhouse Gases

Energy Consumption. Energy consumption emissions were calculated using CalEEMod (refer to Appendix A) and project-specific land use data, including consumption factors provided by San Diego Gas and Electric (the electricity provider for the City of Laguna Niguel and the project site). The project would indirectly result in 62.19 MTCO₂e per year due to energy consumption; refer to Table 4.8-1.

Solid Waste. Solid waste associated with operations of the proposed project would result in 8.84 MTCO₂e per year; refer to Table 4.8-1.

Water Demand. Emissions from indirect energy impacts due to water supply would result in 19.40 MTCO₂e per year; refer to Table 4.8-1.



Total Project-Related Sources of Greenhouse Gases

As shown in [Table 4.8-1](#), the total amount of proposed project-related GHG emissions from direct and indirect sources combined would total 429.07 MTCO₂e per year and is below the SCAQMD's applicable GHG threshold of 3,000 MTCO₂e per year for residential projects. Thus, impacts in this regard would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. In accordance with the City's CEQA Manual, the following discussion analyzes the project's consistency with the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS is forecast to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by eight percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. [Table 4.8-2, Project Consistency with 2020-2045 RTP/SCS](#), provides a consistency analysis of the project with the five key SCS strategies found within the 2020-2045 RTP/SCS that are intended to help the region meet its regional VMT and GHG reduction goals, as required by the State. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

**Table 4.8-2
Project Consistency with 2020-2045 RTP/SCS**

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
<i>Focus Growth Near Destinations and Mobility Options</i>		
<ul style="list-style-type: none"> Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets Plan for growth near transit investments and support implementation of first/last mile strategies Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) Identify ways to "right size" parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking) 	<p>Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.</p>	<p>Consistent. Transit Priority Areas (TPAs) are defined as areas within 0.5-mile of an existing or planned major transit stop or an existing stop along a High Quality Transit Corridor (HQTC). A HQTC is defined as a corridor with fixed route bus service frequency of 15 minutes (or less) during peak commute hours. Based on the City's <i>Transportation Assessment Guidelines</i>, dated November 17, 2020, the project is not located within a TPA nor is the project located along a HQTC. Nonetheless, the project is an infill development located approximately 0.7-mile from the Laguna Niguel/Mission Viejo Metrolink Station. Existing bus stops serviced by the Orange County Transportation Authority (OCTA) (Lines 85 and 90) are located along both sides of Golden Lantern, with the closest stop approximately 0.2-mile southwest of the site. Furthermore, the site fronts existing pedestrian sidewalks along project frontage to the east and is within walking and bicycling distance to existing institutional (i.e., Niguel Hills Middle School), commercial (e.g., the Grove at Laguna Niguel), and recreational uses (e.g., Laguna Niguel Regional Park). The project would also comply with all applicable energy efficient measures in accordance with Title 24 standards and CALGreen Code. Therefore, the project would focus growth near destinations and mobility options, and the project would be consistent with this reduction strategy.</p>



Table 4.8-2 [cont'd]
Project Consistency with 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
Promote Diverse Housing Choices		
<ul style="list-style-type: none"> • Preserve and rehabilitate affordable housing and prevent displacement • Identify funding opportunities for new workforce and affordable housing development • Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply • Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions 	PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening.	Consistent. The project would develop 38 multifamily townhome units in an urbanized area. Two of the 38 for-sale units would be affordable units to those with moderate incomes. These units would increase homeownership opportunities within the City. As discussed above, the project is located in proximity to a major transit stop and bus stops, and within walking and bicycling distance to existing institutional, commercial, and recreational uses. As such, the project is anticipated to increase market rate and affordable housing supply while reducing vehicles miles traveled and the associated greenhouse gas emissions. The project would be consistent with this reduction strategy.
Leverage Technology Innovations		
<ul style="list-style-type: none"> • Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space • Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a “mobility wallet,” an app-based system for storing transit and other multi-modal payments • Identify ways to incorporate “micro-power grids” in communities, for example solar energy, hydrogen fuel cell power storage and power generation 	HQTA, TPAs, NMA, Livable Corridors.	Consistent. Pursuant to the most current CALGreen Code, the project would be required to designate a minimum of ten percent of the total parking spaces on-site for electric vehicles (EVs) to support future installation of EV charging infrastructure. Additionally, bicycle parking and storage spaces would be installed in accordance with the Title 24 standards and CALGreen Code. Further, the project would be located within walking and bicycling distance (i.e., within one mile) to retail and services. As such, the project would be consistent with this reduction strategy.
Support Implementation of Sustainability Policies		
<ul style="list-style-type: none"> • Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions • Support Statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations • Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space • Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies • Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region • Continue to support long range planning efforts by local jurisdictions 	Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.	Consistent. This strategy is geared towards actions that local agencies and jurisdictions can implement to support sustainability policies. As an individual development project, this reduction strategy is not as applicable. However, as previously discussed, the project site is located in close proximity to an existing major transit stop (i.e., Laguna Niguel/Mission Viejo Metrolink Station) and there are existing OCTA bus stops nearby. Furthermore, the site fronts existing pedestrian sidewalks along the project frontage to the east and is within walking and bicycling distance to existing institutional (i.e., Niguel Hills Middle School), commercial (e.g., the Grove at Laguna Niguel), and recreational uses (e.g., Laguna Niguel Regional Park). The project would also comply with Title 24 and CALGreen standards and incorporates all applicable energy efficiency measures. Energy efficiency measures typical for residential projects include installation of energy efficient windows, insulation, lighting, ventilation systems, and water efficient fixtures,



Table 4.8-2 [cont'd]
Project Consistency with 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
<ul style="list-style-type: none"> Provide educational opportunities to local decisionmakers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy 		conservation of roof areas for future installation of solar panels, as well as provision of electric vehicles charging infrastructure, among others. Therefore, the project would involve sustainability features that reduce GHG emissions and would be located near transit stations and stops.
Promote a Green Region		
<ul style="list-style-type: none"> Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration Integrate local food production into the regional landscape Promote more resource efficient development focused on conservation, recycling and reclamation Preserve, enhance and restore regional wildlife connectivity Reduce consumption of resource areas, including agricultural land Identify ways to improve access to public park space 	Green Region, Urban Greening, Greenbelts and Community Separators.	Consistent. The proposed project is an infill development in an urbanized area and would therefore not interfere with agricultural land or regional wildlife connectivity; refer to Section 4.2, Agriculture and Forestry Resources , and Section 4.4 Biological Resource , respectively. The project would also be required to comply with sustainable practices per Title 24 standards and CALGreen Code, which would help reduce energy consumption and associated GHG emissions. Thus, the project would support efficient development that reduces energy consumption and GHG emissions and would be consistent with this reduction strategy.
Source: Southern California Association of Governments, <i>Connect SoCal: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy</i> , September 3, 2020.		

In summary, the project would be consistent with the 2020-2045 RTP/SCS. Further, as shown in [Table 4.8-1](#), project-generated GHG emissions would be less than the established 3,000 MTCO₂e per year SCAQMD thresholds. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.



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4.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

This section is primarily based upon the *Phase I Environmental Site Assessment, 29001 Paseo de Colinas, Laguna Niguel, California 92677* (Phase I ESA), prepared by Project Dimensions, Inc. and dated January 12, 2022; refer to Appendix D, *Phase I ESA*.

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less Than Significant Impact. Exposure of the public or the environment to hazardous materials could occur through improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel, a transportation accident, environmentally unsound disposal methods, or fire, explosion, or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors.

CONSTRUCTION

Project construction could expose construction workers and the public to temporary hazards related to the transport, use, and maintenance of construction equipment and/or materials (i.e., oil, diesel fuel, and transmission fluids). However, these activities would be short-term in nature, and the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. All project construction activities would be required to demonstrate compliance with the applicable laws and regulations governing the use, storage, and transportation of hazardous materials, ensuring that all potentially hazardous materials are used and handled in an appropriate manner.



Therefore, impacts concerning the routine transport, use, or disposal of hazardous materials during project construction would be less than significant.

OPERATIONS

Hazardous materials are not typically associated with residential uses. Anticipated hazardous materials use during project operations may include minor cleaning products and the occasional use of pesticides and herbicides for landscape maintenance. Compliance with applicable laws and regulations governing the use, storage, and transportation 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 to occur. As such, impacts concerning the routine transport, use, or disposal of hazardous materials during project operations would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant Impact. One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substance into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure of contaminated soil, soil vapor, or water can have potential health effects on a variety of factors, including the nature of the contaminant and the degree of exposure.

Construction

Construction Equipment

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluids used for construction equipment. The level of risk associated with the accidental release of these hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any construction equipment-related materials released are appropriately contained and remediated as required by local, State, and federal law.

Grading Activities

Construction activities could also result in accidental conditions involving existing on-site contamination. The following analysis considers current and past uses of the project site, project area, and adjacent properties, which may have impacted soil, soil gas, and/or groundwater underlying the project site.

Historical On-Site Uses

Based on the Phase I ESA, the project site was vacant prior to 1938. The site was graded by CUSD circa 1983 and by 1989, various structures were constructed in the southern portion of the site. Since then, the site has been used by CUSD for the storage of portable classrooms and various education-related activities. Parking lots were also developed on different portions of the site; however, all structures on-site were demolished by 2021.

According to the Phase I ESA, the project site was listed as Proposed Community School #8, a School Investigation case with a "No action required as of 12/22/06" status based on the absence of reported leaks or unregulated discharges. As such, it is not anticipated that significant contamination of soil, soil gas, and/or groundwater as a result of this historical use would occur.



On-Site Infrastructure and Debris

The Phase I ESA noted the following existing on-site infrastructure and debris:

- Six floor drains were observed throughout the vacant lot, remnant from past uses. No surface staining was observed near the floor drains. As such, the Phase I ESA determined that these floor drains are not indicative of a release of hazardous materials/substances at the project site.
- An electrical transformer was observed in the northwestern corner of the project site. However, no surface staining or signs of release of oils were observed near the electrical transformer. As such, the Phase I ESA determined that this existing on-site transformer is not indicative of a release of hazardous materials/substances at the project site.
- Six electrical vaults were observed in the western and southern portions of the project site. Electrical cables associated with the electrical vaults were observed protruding from the ground in the western and southeastern portions of the site. An unidentified black polyvinyl chloride pipe and steel pipes were also observed protruding from the ground in the southeastern portion of the site. Additionally, trash and debris were observed in the southern corner of the site. Electrical vaults, pipes, trash, and other miscellaneous debris are not typically considered substantial sources of hazardous materials contamination. As such, the Phase I ESA determined that these on-site utilities and debris were not indicative of an environmental concern associated with hazardous materials/substances at the project site.

Project construction would include removal of the existing on-site infrastructure and debris. As discussed above, all project construction activities would be required to demonstrate compliance with the applicable laws and regulations, including those governing the handling of hazardous materials/substances during clearing activities, ensuring that all potentially hazardous materials are and handled in an appropriate manner. Therefore, impacts concerning the removal of existing on-site materials, including the floor drains, electrical transformer, and electrical vaults, during project construction would be less than significant.

Off-Site Facilities

Based on the Phase I ESA, several off-site facilities were listed on various environmental databases. Among these listed properties, the former Texaco Service Station (also known as Texaco/Shell Service Station) located at 28922 Golden Lantern, is situated in close proximity (approximately 1,802 feet west) of and upgradient (in regard to groundwater) to the project site. According to the Phase I ESA, the former Texaco Service Station had a history of petroleum-related contamination to soil, soil gas, and groundwater, and was listed as a Leaking Underground Storage Tank (LUST) Cleanup case. Nonetheless, on July 30, 2003, the Orange County Health Care Agency issued a Remedial Action Completion Certification for this property which confirmed the completion of site investigation and corrective action for the USTs located at this facility. Based on the distance, direction, and regulatory status, the Phase I ESA determined that the former Texaco Service Station is not considered an environmental concern to the project site.

The Phase I ESA concluded that all of the listed off-site properties have not resulted in an environmental concern at the project site via on-site soil, soil vapor, and/or groundwater. As such, proposed grading activities are not anticipated to encounter on-site contamination as a result of off-site properties. No impacts are anticipated in this regard.

Conclusion

Overall, construction activities would be conducted in accordance with local, State, and federal law standards, and it is not anticipated that construction equipment, historical on-site uses, on-site infrastructure and debris, or off-site listed facilities would result in significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Less than significant impacts would occur in this regard.



Operations

Refer to Response 4.9(a) for a description of impacts related to proposed operations at the project site. Upon adherence to existing regulations related to hazards and hazardous materials safety, impacts pertaining to the potential for accidental conditions during project operations would be less than significant.

Mitigation Measures: No mitigation measures are required.

- c) ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Less Than Significant Impact. The closest school to the project site is the Niguel Hills Middle School adjoining the project site to the west at 29070 Shark Bay. Although the project site is located within 0.25-mile of an existing or proposed school, less than significant hazards and hazardous materials impacts would occur as a result of project-related construction and operational activities; refer to Responses 4.19(a) and 4.19(b). Further, hazardous materials are not typically associated with residential uses, and the project would be required to comply with applicable federal, State, and local laws and regulations regarding the handling and transport of hazardous materials. For these reasons, project implementation is not anticipated to result in adverse impacts in regard to emitting hazardous emissions or handling hazardous materials within 0.25-mile of an existing school. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

- d) ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

No Impact. Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) to compile and update a regulatory sites list (pursuant to the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Health and Safety Code Section 116395. Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

According to the Phase I ESA and the California Environmental Protection Agency, the project site is not listed pursuant to Government Code Section 65962.5.¹ Thus, no impact would result in this regard.

Mitigation Measures: No mitigation measures are required.

- e) ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***

No Impact. The nearest airport to the project site is the John Wayne Airport in the City of Santa Ana, approximately 13.5 miles to the northwest. According to the *Airport Environs Land Use Plan for John Wayne Airport* (AELUP), the project site is located outside of the Airport Impact Zones, AELUP Notification Area, Federal Aviation Regulation Part 77 Notification Area, and Airport Safety Zones.² Additionally, the project site is not located within the vicinity of a private

¹ California Environmental Protection Agency, *Cortese Listing*, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed March 31, 2022.

² Orange County Airport Land Use Commission, *Airport Environs Land Use Plan for John Wayne Airport*, April 17, 2008.



airstrip or related facilities. Therefore, project implementation would not expose people residing or working in the project area to excessive airport noise levels or safety hazards. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant Impact. The proposed project would not cause any permanent alterations to vehicular circulation routes and/or patterns or obstruct public access or travel. However, project construction activities could temporarily impact adjacent roadway rights-of-way (e.g., through partial lane closures). As discussed in Response 4.17(a), Standard Condition of Approval (SCA) TRA-1 would require a Construction Traffic Management Plan (TMP) be prepared and implemented to ensure traffic flow and emergency access are maintained during the construction phase. As stated, the TMP would include information detailing proposed signage, lane closures, flag persons, among others.

At project completion, the project site would be accessed via two unsignalized “right-turn only” driveways at the north and south end of the project site along southbound Paseo De Colinas. Both driveways would connect to internal drive aisles that provide access to each townhome building and surface parking area. The driveways and internal drive aisles would provide adequate space for emergency vehicles access; refer to Response 4.17(c).

Overall, with implementation of SCA TRA-1, project development would not result in inadequate emergency access or interfere with any adopted emergency response plan or emergency evacuation plan. Impacts in this regard would be less than significant.

Standard Conditions of Approval: Refer to SCA TRA-1.

Mitigation Measures: No mitigation measures are required.

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation measures are required.



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4.10 HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
1) Result in substantial erosion or siltation on- or off-site?			✓	
2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			✓	
3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
4) Impede or redirect flood flows?			✓	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

This section is primarily based upon the following technical studies included in Appendix E, Hydrology Report and WQMP:

- *Preliminary Hydrology Report for Paseo De Colinas, Laguna Niguel, California* (Hydrology Report), prepared by Fuscoe Engineering and dated July 2021; and
- *Preliminary Water Quality Management Plan for Paseo De Colinas* (WQMP), prepared by Fuscoe Engineering and dated May 25, 2021.

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less Than Significant Impact. As part of Section 402 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct stormwater discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The project site is located within the jurisdiction of the San Diego RWQCB.



Impacts related to water quality typically range over three different periods: 1) during the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.

Construction

Project construction could result in short-term impacts to water quality due to the handling, storage, and disposal of construction materials, maintenance and operation of construction equipment, and earthmoving activities. Potential pollutants associated with these activities could impact downstream waterbodies. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the SWRCB's *General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ* (General Construction Permit). Given that the project site is greater than one acre in size, the project would be required to obtain a General Construction Permit under the NPDES program. The General Construction Permit requires the project Applicant to prepare and implement a stormwater pollution prevention plan (SWPPP). The SWPPP would specify best management practices (BMPs) to be implemented during construction of the project to minimize or avoid water pollution, thereby reducing potential short-term impacts to water quality. Upon completion of the project, the Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction has been completed.

Further, the project would be subject to compliance with the City's *Water Quality Local Implementation Plan* (LIP) as a "High Priority Project – New Development Greater than 10,000 Square Feet."¹ The LIP describes the activities that the City is undertaking to meet the requirements of the San Diego RWQCB Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES Permit No. CAS0109266 (also known as the "Fifth Term Permit"). LIP Section A-8, *Construction Component*, includes a detailed set of erosion and sediment controls and waste and materials management BMPs to prevent or minimize the impacts of urban runoff generated by construction activities within the City on receiving water bodies. According to LIP Section A-2, *Program Management*, the City of Laguna Niguel Public Works Department and Community Development Department would verify project compliance with applicable LIP requirements. Compliance with the General Construction Permit requirements and LIP Section A-8 would reduce the project's short-term water quality impacts to less than significant levels.

Operations

Project operations would be required to comply with Municipal Code Section 6-3-405, *Control of runoff discharges*, which requires a WQMP for new development or significant redevelopment in accordance with the LIP. In conformance with LIP requirements, a project-specific WQMP was prepared for the project to identify overall site design, low impact development (LID), and hydromodification BMPs capable of minimizing stormwater pollutants of concern during project operations. According to the WQMP, project operations are anticipated to generate pollutants of concern including suspended solids/sediments, nutrients, pesticides, oil/grease, and trash/debris; refer to [Appendix E](#).

The proposed project would install an on-site storm drain system with modular wetland systems, a pump, and an underground hydromodification tank. Low flows of on-site runoff would be captured on-site and conveyed to the modular wetland system units. Upon filtration, water would then flow to a proposed pump located near Paseo de Colinas. Water would then be pumped up to a proposed parkway culvert where water would outflow into the City's storm drain system in Paseo de Colinas. Should the wetland system units reach capacity (flows up to a 10-year storm event), flows would then enter the underground hydromodification tank (via a flow control structure) in order to reduce the flow rate. This flow rate reduction would allow water to flow through the wetland system units at the appropriate

¹ City of Laguna Niguel, *Water Quality Local Implementation Plan*, January 2019.



design capacity. Should flows exceed the capacity of the hydromodification tank (a 10-year storm event), runoff would overflow from the tank to the proposed pump structure prior to leaving the site.

Other BMPs identified in the WQMP include common area landscape management and litter control measures, stenciling storm drains with prohibitive language and/or graphical icons to prevent dumping, use of efficient irrigation systems/landscape design, water conservation, smart controllers, and source control to minimize runoff, and other non-structural and structural BMPs; refer to [Appendix E](#). Following compliance with the conditions and requirements identified in the project's WQMP, long-term operational impacts to water quality would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less Than Significant Impact. According to the WQMP, the proposed project would decrease impervious surfaces on-site from 2.12 acres to 1.75 acres compared to existing conditions. Additionally, the project site is not currently utilized for groundwater recharge given that it is predominantly developed as a partially paved lot. Thus, implementation of the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of a basin. Further, the proposed project is an allowed use under the site's existing Residential Attached land use designation. It is acknowledged that a General Plan Amendment is requested to increase the allowable residential density from 30 to 38 dwelling units. Thus, water consumption associated with the proposed project was not fully accounted for in the Moulton Niguel Water District (MNWD) 2020 *Urban Water Management Plan*. However, the nominal increase in unit count (i.e., eight additional dwelling units) is not anticipated to adversely impact MNWD groundwater supplies; refer to [Section 4.20, *Utilities and Service Systems*](#). A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

1) *Result in substantial erosion or siltation on- or off-site?*

Less Than Significant Impact. The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river. As discussed in Response 4.10(a), compliance with the requirements identified in the General Construction Permit and LIP would minimize erosion and water quality impacts during construction to less than significant levels.

At project completion, the project site would not include large areas of exposed soils that would be subject to runoff. Rather, any unpaved areas would be improved with landscaping to minimize the potential for erosion or siltation on- or off-site; refer to [Exhibit 2-6, *Conceptual Landscape Plan*](#). As indicated in [Table 4.10-1, *Peak Flow Runoff Conditions*](#), overall post-development peak flow runoff volumes from the site into the City's storm drain system would be slightly less compared to existing conditions under 25-year and 100-year storm events. Specifically, post-development conditions would result in a nominal increase in runoff volumes at the southern discharge point where the proposed gardens are located. Additionally, the project would increase discharge at the proposed culvert in the northern portion of the site. However, the existing discharge point north of the proposed culvert would be eliminated and ultimately result in an overall lower volume of discharge from the entire project site into the City's storm drain system.

Given the nature of proposed use, the urbanized project setting, and the substantial increase in landscaped and paved areas, long-term operation of the project would not have the potential to result in substantial erosion or siltation. As



stated, the proposed project would install a new on-site drainage system which would include a below-ground hydromodification tank which would drain on-site runoff into the proposed paved culvert.

Table 4.10-1
Peak Flow Runoff Conditions

Storm Event	Existing	Proposed
25-Year Storm	8.4 cubic feet per second	7.9 cubic feet per second
100-Year Storm	10.7 cubic feet per second	10.0 cubic feet per second
Source: Fuscoe Engineering, Preliminary Hydrology Report for Paseo De Colinas, Laguna Niguel, California, July 2021.		

As stated in Response 4.10(a), the proposed project would also include BMPs in conformance with LID and Municipal Code requirements in order to reduce long-term water quality impacts to less than significant levels. Thus, impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact. As indicated above, the project would decrease on-site runoff volumes compared to existing conditions upon implementation of the proposed on-site storm drain system. As discussed in Response 4.10(a), the new storm drain system would meet the City's design requirements for a 10-year storm event. As such, impacts concerning flooding on- and off-site would be less than significant.

Mitigation Measures: No mitigation measures are required.

3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. As stated, the project would decrease on-site runoff volumes compared to existing conditions and post-development runoff volumes would be adequately accommodated by the proposed on-site storm drain system. Based on the Hydrology Study and WQMP, the proposed project is not anticipated to exceed the capacity of existing/planned stormwater drainage systems. Further, as indicated in Response 4.10(a), less than significant impacts related to potential polluted runoff from the site would occur. As a result, project implementation is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

4) Impede or redirect flood flows?

Less Than Significant Impact. Refer to Responses 4.10(c)(2) and 4.10(c)(3).

Mitigation Measures: No mitigation measures are required.



d) ***In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

No Impact.

Flood Hazard

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06059C0441J, the project site is located outside of the 100-year flood hazard area.² As a result, no impacts would occur in this regard.

Tsunami

A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. The project site is located at an elevation of approximately 530 feet above mean sea level and over 4.5 miles inland from the Pacific Ocean and thus, is located at a sufficient elevation and distance to avoid tsunami-related hazards. No impacts would occur in this regard.

Seiche

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. The project site is not located within the vicinity of a reservoir, harbor, or lakes capable of creating a seiche. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

e) ***Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

No Impact. The *Water Quality Control Plan for the San Diego Basin* (Basin Plan) designates beneficial uses for water bodies in the San Diego Region and establishes water quality objectives and implementation plans to protect those beneficial uses. As noted above, the project would not result in significant impacts to water quality following implementation of the proposed storm drain improvements and conformance with the Construction General Permit, LIP requirements, and WQMP BMPs.

The Sustainable Groundwater Management Act (SGMA) requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans or prepare an alternative to a groundwater sustainability plan. According to the California Department of Water Resources SGMA Basin Prioritization Dashboard, the project is not underlain by a groundwater basin.³ Thus, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and no impact would occur.

Mitigation Measures: No mitigation measures are required.

² Federal Emergency Management Agency, *FEMA Flood Map Service Center; Search By Address*, <https://msc.fema.gov/portal/search?#searchresultsanchor>, accessed March 9, 2022.

³ California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed March 8, 2022.



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4.11 LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	

a) Physically divide an established community?

No Impact. Factors that could physically divide a community include, but are not limited to:

- Construction of major highways or roadways;
- Construction of storm channels;
- Closing bridges or roadways; and
- Construction of utility transmission lines.

The key factor with respect to this question is creating physical barriers that change the connectivity between areas of a community to the extent that persons are separated from other areas of the community. The project does not propose to construct any major highways or roadways, storm channels, bridges or roadways, or utility transmission lines that would physically divide a community. The project site is an irregularly-shaped vacant and partially paved lot currently fenced on all sides. The site is also designated and zoned for residential use. As such, the proposed infill residential development would not physically divide an established community. Rather, the project would redevelop a vacant lot into a residential community that complements existing nearby residences. As such, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact.

General Plan Consistency

Based on the General Plan, the project site is located within Community Profile Area 3, Sub Area E, Aloma Avenue. According to the General Plan Land Use Map, the project site is designated as Public/Institutional; Residential Attached; and Parks and Recreation. The Public/Institutional designation is intended for a wide range of public, quasi-public and special purpose facilities that are aimed at providing a variety of governmental or social services to the community. The Residential Attached designation applies to townhomes, apartment, and condominium uses; these areas are characterized by attached dwelling units constructed on individual lots. Last, the Parks and Recreation designation is intended for areas with active recreational uses and activities within open space areas. Passive recreational activities may also be included as an ancillary part of the recreational complex. As the proposed project involves development of a townhome community, the proposed use is allowed under the site's Residential Attached land use designation. However, the project proposes to increase the maximum number of attached dwelling units for



the project site from 30 to 38 units. Therefore, a General Plan Amendment is requested as part of the project to increase the site's allowable residential density.

Additionally, according to the General Plan Land Use Element, if the site is developed as residential, a park of between 0.5 and 1.0 acres is required to be dedicated to the City by the property owner. As part of the aforementioned General Plan Amendment, the project proposes to eliminate the site's required park dedication identified in the General Plan Land Use Element. While this would eliminate the City's potential to acquire a new park on-site, the City has determined that the site is not an ideal location for a future City park given that there are no adjacent residences (i.e., on the western side of Paseo de Colinas) that could directly access the park. Additionally, the narrow shape and small size of the site would not provide adequate space for a future residential development, park between 0.5 and 1.0 acre in size, and a parking lot for future park patrons. The City has also determined that adequate existing parkland and recreational facilities are available throughout Laguna Niguel.

Table 4.11-1, *General Plan Consistency Analysis*, analyzes the project's consistency with relevant General Plan goals and policies. As indicated in Table 4.11-1, the project is consistent with the applicable General Plan goals and policies.

Table 4.11-1
General Plan Consistency Analysis

Relevant Policies	Project Consistency Analysis
LAND USE ELEMENT	
<u>Goal LU 1:</u> A well-balanced mixture of land uses that meet the residential, commercial open space and public service needs of residents.	
<u>LU 1.1:</u> Encourage the development of land uses that contribute to the goal of a well-balanced community.	<u>Consistent.</u> The project proposes development of a 38-unit townhome community. Two of the 38 townhome units would be affordable units. Approximately 35,449 square feet of common open space areas and 15,874 square feet of active recreation areas are proposed throughout the project site. Specifically, gardens (i.e., common open space areas) are proposed in the southern portion of the site; refer to <u>Exhibit 2-6, Conceptual Landscape Plan</u> . This area would consist of fauna and flora gardens (e.g., oak woodland garden, coastal gardens, southwest arid garden, raptor boxes, and butterfly garden) with interpretive signages, a meandering concrete pathway, decomposed granite path through the gardens, outdoor fitness stations, as well as bench seating. Proposed active recreation areas on-site include a private park in the northwest corner of the site as well as a private dog park between the gardens and Building 3 in the southern portion of the site. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating. The dog park would include 890 square feet of synthetic turf, low (four-foot) fencing around the perimeters, and bench seating. Therefore, the proposed townhome community would provide a balanced mix of market and affordable housing and recreational amenities in the project area. The project would also revitalize a currently vacant lot in a residential area of the City.
<u>Goal LU 2:</u> A sufficient amount of commercial and industrial uses which provide jobs and revenue to the City without compromising environmental quality.	
<u>LU 2.1:</u> Allow a wide range of uses in the City that will be beneficial in terms of employment and revenue generation, but without undue impacts on public services and facilities.	<u>Consistent.</u> Project implementation would provide a positive contribution to the maintenance and expansion of the City's economic base as the proposed development would increase the City's property taxes. Additionally, as analyzed in <u>Section 4.15, Public Services</u> , the project would not result in adverse impacts to public services and facilities.



Table 4.11-1 [cont'd]
General Plan Consistency Analysis

Relevant Policies	Project Consistency Analysis
Goal LU 3: Compatible relationships between land uses in the community.	
LU 3.1: Ensure that effective buffers between residential and non-residential uses are established and maintained.	<u>Consistent.</u> While the Niguel Hills Middle School adjoins the project site to the west, an existing steep vegetated slope provides a buffer between the school and project site. No changes are proposed to the vegetated slope that separates the proposed residential community from the institutional use. Additionally, the project proposes to construct an approximately 1.5-foot tall block wall along the site perimeter except along the Paseo De Colinas project frontage. Four- and seven-foot wide sidewalks are also proposed along the western site perimeter adjacent to the vegetated slope. As such, the project would provide an effective buffer between the proposed residential development and adjoining non-residential use.
LU 3.3: Reduce land use conflicts between residential and non-residential uses.	<u>Consistent.</u> Refer to response to Policy LU 3.1.
LU 3.4: Ensure that residential densities are compatible with the surrounding land uses and buildings are in scale with the neighborhood character.	<u>Consistent.</u> Nearby residential uses to the site include single-family residences to the north, east, and south, and multi-family residences to the north. While there are single-family residences nearby, those residences are separated from the project site by steep vegetated slopes and thus, breaks up the density of the residences in the area. Additionally, the Sparrow Hill residential community to the north consists of a number of two- and three-story condominium buildings. Thus, the proposed project, consisting of nine three-story townhome buildings, would be compatible with the existing density and character of the nearby multi-family residential community.
Goal LU 4: Urban design that provides community gathering areas and other pedestrian spaces.	
LU 4.1: Emphasize attractive and functional urban design in new development.	<p><u>Consistent.</u> While Goal LU 4 is related to urban design in public places, the proposed project is also uniquely designed and functional in its design as a townhome community. Building elevations are shown on <u>Exhibits 2-5a, Building Elevations – Building 1</u>, through <u>2-5e, Building Elevations – Building 9</u>. As detailed, the nine townhome buildings would have a maximum building height of 35 feet measured from above natural/finished grade, with protruding architectural features extended up to 36 feet in height. Architectural features exceeding 35 feet in height would include chimneys, roof vents, finials, spires, and similar architectural features not containing usable space.</p> <p>Further, the exterior building colors would include a variety of neutral earth tones, while the exterior building features would include stucco wall, wrought iron detailing, and decorative windows, shutters, canvas awnings, and balconies, among others; refer to <u>Exhibits 2-5a through 2-5e</u>.</p> <p>Common open space areas are also proposed in the southern portion of the site with fauna and flora gardens with interpretive signages, a meandering concrete pathway, decomposed granite path through the gardens, outdoor fitness stations, and bench seating.</p>



Table 4.11-1 [cont'd]
General Plan Consistency Analysis

Relevant Policies	Project Consistency Analysis
<p><u>LU 4.4:</u> Provide, where feasible, pedestrian walkways and linkages between residential, commercial, office, open space/recreation facilities and other public places.</p>	<p><u>Consistent.</u> Pedestrian sidewalks and pathways are proposed throughout the project site to provide connections between the townhome buildings, common open space area, dog park, and private park on-site. Specifically, a meandering concrete pathway from the common open space area in the southern portion of the site would connect to the private park in the northern portion of the site via four- and seven-foot wide pedestrian sidewalks along the western perimeter of the project site. Additionally, access to the townhome buildings would be facilitated via proposed sidewalks and pathways; refer to <u>Exhibit 2-3, Conceptual Site Plan</u>.</p>
<p>Goal LU 5: Preservation and enhancement of the natural setting of the City.</p>	
<p><u>LU 5.2:</u> Ensure that adequate recreational and open space areas are provided.</p>	<p><u>Consistent.</u> According to the General Plan Land Use Element, if the site is developed with residential use, a park of between 0.5 and 1.0 acres is required to be dedicated to the City by the property owner. It is acknowledged that the project proposes a General Plan Amendment to, among others, eliminate the site's required park dedication identified in the General Plan Land Use Element. As such, the project would eliminate the City's potential to acquire a new park on-site. However, the City has determined that the site is not an ideal location for a future City park given that there are no adjacent residences (i.e., on the western side of Paseo de Colinas) that could directly access the park. Additionally, the narrow shape and small size of the site would not provide adequate space for a future residential development, park between 0.5 and 1.0 acre in size, and a parking lot for future park patrons. The City has also determined that adequate existing parkland and recreational facilities are available throughout Laguna Niguel. Thus, the loss of the required park dedication would not adversely impact the City's park services.</p> <p>Additionally, the project proposes active recreation areas on-site, including a private park in the northwest corner of the site as well as a dog park in the southern portion of the site. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating. The private dog park would include 890 square feet of synthetic turf, low (four-foot) fencing around the perimeters, and bench seating. Further, four- and seven-foot wide sidewalks are proposed along the western site perimeter with an overlook area with bench seating proposed south of Building 3.</p> <p>Common open space areas are also proposed in the southern portion of the site. This area would consist of fauna and flora gardens with a meandering concrete pathway, outdoor fitness stations, and bench seating.</p>
<p><u>LU 5.3:</u> Strive to maintain or improve the City's existing environmental quality.</p>	<p><u>Consistent.</u> As analyzed throughout this Initial Study, the project would result in less than significant environmental impacts with implementation of existing regulatory requirements and/or mitigation measures. The City's existing environmental quality would not be substantially degraded or adversely impacted by the proposed development.</p>
<p>Goal LU 6: Enhanced community identity for residents, visitors and commuters.</p>	
<p><u>LU 6.1:</u> Provide for the development of pedestrian gathering areas to promote social interaction.</p>	<p><u>Consistent.</u> Refer to response to Policy LU 5.2.</p>



Table 4.11-1 [cont'd]
General Plan Consistency Analysis

Relevant Policies	Project Consistency Analysis
OPEN SPACE/PARKS/CONSERVATION ELEMENT	
Goal OS 5: Conservation of natural resource areas of community and regional significance.	
OS 5.1: Conserve sensitive species and plant communities and wildlife habitats to the maximum extent feasible through open space dedication and easements, creative site design, and other workable mitigation actions.	<u>Consistent.</u> As discussed in Section 4.4, <i>Biological Resources</i> , the project site supports minimal vegetation, with limited non-native vegetation located on the southern unpaved portion of the site. Based on the project site's disturbed condition and lack of native vegetation, project development would not adversely impact sensitive plant or animal species or sensitive habitats. Additionally, the project's potential impact to nesting birds would be less than significant upon implementation of Mitigation Measure BIO-1. Overall, with the incorporation of Mitigation Measure BIO-1, development of the proposed project would not adversely impact sensitive habitat, plant communities, or wildlife species.
CIRCULATION ELEMENT	
Goal C 1: An adequate transportation/circulation system that supports regional and local land uses at adopted level of service (LOS) standards and complies with requirements of the Countywide Traffic Improvement and Growth Management Program (Measure M).	
C 1.2: Make all feasible transportation improvements in order to meet a target level of service (LOS) standard of "C" and a threshold standard of LOS "D." The City recognizes that not all intersections within the City can meet this target LOS. Therefore, the City will establish a critical intersection list which consists of intersections which do not meet the target LOS of "C," at peak periods only, but do not exceed the City's threshold LOS standard of "D." In order for an intersection to be placed on the City's critical intersection list, the City Council must find that the improvements necessary to meet target LOS "C" are not feasible because of one or more of the following reasons: 1) the cost of the necessary improvements exceeds available funding sources; 2) the design of the necessary improvements is not compatible with the surrounding land uses; or 3) the design of the necessary improvements is contrary to other established City policies.	<p><u>Consistent.</u> As analyzed in Section 4.17, <i>Transportation</i>, the project is anticipated to generate approximately 278 average weekday daily trips, including 17 trips in the morning peak hour and 21 trips in the evening peak hour. Therefore, the project would generate fewer than 50 trips during both the weekday morning and evening peak hours. Based on the City's scoping criteria for LOS analysis in the <i>City of Laguna Niguel Transportation Assessment Guidelines</i>, dated November 17, 2020, projects that add less than 50 peak hour trips during both weekday morning and evening peak hours would have no substantial impacts on the surrounding street network and no further LOS analysis is needed.</p> <p>Additionally, given that the project would not exceed the City's established screening threshold of 500 vehicle trips per day pertaining to vehicle miles traveled (VMT) impacts, the project would result in a less than significant VMT impact.</p>
Goal C 7: Well-designed and convenient parking facilities.	
C 7.1: Provide sufficient on- and off-street parking.	<u>Consistent.</u> Based on Municipal Code Section 9-1-63, <i>Residential parking requirements</i> , the project is required to provide 111 spaces. Each townhome unit would include an attached two-car garage, totaling to 76 parking spaces in garages. Additionally, 35 open surface parking spaces are provided on-site for guests and residents. Thus, the project would provide 111 parking spaces in total and would meet the City's minimum parking requirement; refer to Table 2-2, <i>Proposed Parking</i> .



Table 4.11-1 [cont'd]
General Plan Consistency Analysis

Relevant Policies	Project Consistency Analysis
PUBLIC FACILITIES ELEMENT	
Goal PF 7: A quality school system with adequate facilities and funding to educate the youth of Laguna Niguel.	
PF 7.1: Work with the Capistrano Unified School District to ensure adequate educational facilities are provided and maintained.	<u>Consistent.</u> Capistrano Unified School District (CUSD) owns the project site, which was declared as surplus property in 2006. One of the provisions of the proposed development requires that the funds received from the sale of this CUSD property be earmarked for improvements to and maintenance of Niguel Hills Middle School exclusively (not for use across the district). Therefore, development of the project would involve working with CUSD to provide funding for Niguel Hills Middle School improvements and maintenance.
NOISE ELEMENT	
Goal N 5: The consideration of noise issues in the planning process.	
N 5.1: Evaluate potential noise conflicts for individual sites and projects.	<u>Consistent.</u> As analyzed in Section 4.13, <i>Noise</i> , construction and operational mobile and stationary source noises associated with the proposed development would not exceed established thresholds. Thus, the project would not result in noise conflicts with nearby sensitive receptors.
HOUSING ELEMENT	
Goal H 1: Provide a diversity of housing opportunities that satisfy the physical, social, and economic needs of existing and future residents of Laguna Niguel.	
H 1.3: Promote a variety of housing opportunities that accommodate the needs of all income levels of the population.	<u>Consistent.</u> The project would develop a townhome community with 38 for-sale units, two of which would be moderate for-sale affordable units. The project would fill a gap in the City's current housing stock by providing "entry-level" housing ownership opportunity for people between apartment rentals and single-family residence ownership.
Source: City of Laguna Niguel, <i>City of Laguna Niguel General Plan</i> , August 4, 1992.	

Zoning Code Consistency

According to the City's Zoning Map, the project site is zoned Public Institutional District (PI), Multifamily District (RM), and Parks and Recreation (PR). Although the project site is zoned PI, RM, and PR, the proposed residential development would be required to comply with the development standards of the RM zone. Thus, [Table 4.11-2, *RM Zone Development Standards Consistency Analysis*](#), analyzes the project's consistency with applicable RM zone development standards.

Table 4.11-2
RM Zone Development Standards Consistency Analysis

RM Zone Development Standard	Requirement	Proposed Project	Does Project Satisfy Requirement?
Maximum Building Height ¹	35 feet	35 feet	Yes
Minimum Lot Size	N/A	2.47 acres	Yes
Minimum Setbacks			
Front Yard	N/A	15 feet	Yes
Side Yard	N/A	10 feet	Yes
Rear Yard	N/A	10 feet	Yes



Table 4.11-2 [cont'd]
RM Zone Development Standards Consistency Analysis

RM Zone Development Standard	Requirement	Proposed Project	Does Project Satisfy Requirement?
Minimum Setback from Tops/Toes of Slopes 2:1 or Steeper and over 10 Feet High	10 feet	10 feet	Yes
Minimum Driveway Length	20 feet	28 feet	Yes
Minimum Common Open Area	25 percent (26,262 square feet)	34 percent (35,499 square feet)	Yes
Minimum Perimeter Setbacks ²	10 feet/25 feet average	10 feet/38 feet average for entire site perimeter	Yes
Minimum Parking Spaces	<p>Two-bedroom units: 2.0 off-street parking spaces per unit. At least one space shall be covered for each unit plus guest parking.</p> <p>Three-bedroom or more units: 2.5 off-street parking spaces per unit, plus 0.5 off-street parking space for each bedroom in excess of three. At least two spaces shall be covered for each unit plus guest parking.</p> <p>Guest spaces: For developments with two-or more dwelling units, up to 50 dwelling units, guest parking shall be provided at a rate of 0.5 guest parking spaces per unit (rounded to the nearest whole number).</p> <p>A total of 111 parking spaces would be required.</p>	111 parking spaces; 2 covered spaces per unit and 35 surface parking spaces	Yes
Maximum Fence Height ³	<p>Within side/rear yard setbacks: 6 feet;</p> <p>Within front yard setbacks: 42 inches;</p> <p>Within main building area: 12 feet</p>	The project proposes a low split faced wall approximately 1.5 feet tall in height along the site perimeter except along the Paseo de Colinas project frontage. No fencing is proposed along the front yard. Additionally, a four-foot tubular steel fence is proposed along the dog park perimeter. No retaining walls are proposed.	Yes
<p>Notes: N/A = Not Applicable</p> <p>¹ Building height is measured from "ground level," defined as the lower of the following (i.e., whichever is the lowest level above sea level): the finish grade at the exterior wall of an existing or proposed building, or the existing grade on the site. Roof projections, including chimneys, roof vents, finials, spires, and similar architectural features not containing usable space, are permitted to extend up to three feet above the maximum structure height.</p> <p>² A 10-foot minimum at any point; 25-foot minimum average over the entire perimeter. Exception: Along scenic highways designated in the general plan, 25-foot minimum at any point (measured from the curb line) per Municipal Code Section 9-1-35.13.</p> <p>³ Fence height is measured from finish grade at the base of the fence to the top on that side which results in the greatest height. Retaining walls are considered "accessory structures" and require a three-foot top-or-toe of slope setback.</p> <p>Source: City of Laguna Niguel, <i>Laguna Niguel Municipal Code</i>, current through Ordinance No. 2021-211, enacted August 3, 2021.</p>			



Additionally, the following discretionary approvals are required for the proposed project.

- General Plan Amendment. A General Plan Amendment is requested to increase the maximum number of attached dwelling units for the project site from 30 to 38 units and to eliminate the park dedication identified in the General Plan Land Use Element.
- Site Development Permit. A Site Development Permit is requested to ensure the proposed development complies with all applicable RM zone standards, including, but not limited to permitted uses, development standards, and all supplemental regulations.
- Tentative Tract Map. A Tentative Tract Map is required to subdivide the property.

Based on the analysis above and upon approval of the requested entitlements, the proposed project would not conflict with applicable goals and policies in the General Plan or applicable Zoning Code regulations. As such, the project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.



4.12 MINERAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

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

No Impact. The California Geological Survey designates areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists as Mineral Resource Zone 2 (MRZ-2). The project site is not mapped as MRZ-2; instead, the site is mapped as MRZ-1, which is defined as areas where no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.¹ Additionally, according to the General Plan Open Space/Parks/Conservation Element, there are no mineral resources within the City. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. Refer to Response 4.12(a).

Mitigation Measures: No mitigation measures are required.

¹ California Geological Survey Division of Mines and Geology, Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California, Part II- Orange County *Special Report 143: Mineral Land Classification of the Greater Los Angeles Area: Part III - Classification of Sand and Gravel Resource Areas, Orange County-Temescal Valley Production-Consumption Region, Mineral Land Classification Map Plate 3.32, 1981.*



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4.13 NOISE

<i>Would the project result in:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b. Generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air, and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear de-emphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately three dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3 dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (L_{eq}), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level (L_{dn}). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Another commonly used metric, the Community Noise Equivalent Level (CNEL), measures the 24-hour noise level that incorporates a 5-dBA penalty for sounds occurring between 7 p.m. to 10 p.m. and a 10-dBA penalty for sounds occurring between 10 p.m. to 7 a.m. Noise levels described by L_{dn} and CNEL are similar and usually do not differ by more than 1 dB. Typical L_{dn} noise levels for light and medium density residential areas range from 55 dBA to 65 dBA. Daytime L_{eq} levels are generally louder than L_{dn} or CNEL levels. Therefore, if the measured L_{eq} meets noise standards, then L_{dn} or CNEL standards would also be met.



Thresholds of Significance

In accordance with the CEQA Guidelines, project impacts are evaluated to determine whether significant adverse environmental impacts would occur. This analysis will focus on the project's potential impacts and provide mitigation measures, if required, to reduce or avoid any potentially significant impacts that are identified. The *City of Laguna Niguel CEQA Manual* (CEQA Manual), adopted on June 1, 2021, and revised in February 2022, contains City-specific procedures, requirements, formats, and methodologies for the environmental review process that apply to the vast majority of projects. According to the CEQA Manual, the City relies on augmented thresholds of significance in accordance with Appendix G of the CEQA Guidelines.

Construction Noise

According to the CEQA Manual, the following noise screening criteria may be used for a new project construction:

- Would construction activities occur within 500 feet of a noise sensitive use?
- Would construction occur between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, or anytime on Sunday or federal holidays?

A “yes” response to either of the preceding questions indicates further study is required. Based on the above criteria, the proposed project does not qualify for an exemption from a construction noise assessment (project construction activities would occur within 500 feet of a noise sensitive use). As such, the proposed project would be required to prepare a detailed analysis of construction noise impacts, as specified below, on sensitive receptors according to the methodology and criteria contained in the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* (FTA Manual) dated September 2018 or most current version.¹ Specifically, the construction noise assessment shall be prepared in accordance with “Option B: Detailed Analysis” included in the FTA Manual. The thresholds of significance applied to construction projects within the City are the FTA standards found in the FTA Manual Table 7-3, *Detailed Analysis Construction Noise Criteria*.

For a development project adjacent to residential receptors, the daytime construction noise threshold is 80 dBA² L_{eq} 8-hour.³ Nighttime construction activities are generally prohibited by the Laguna Niguel Municipal Code, however if an exemption is provided, the construction noise thresholds found in Table 7-3 of the FTA Manual would also apply to nighttime construction. The nighttime threshold of significance for construction noise at residential properties is 70 dBA L_{eq} 8-hour.

Operational Noise

According to the CEQA Manual, the following operational noise screening criteria may be used for a new project construction:

- Would the proposed project introduce a stationary noise source audible beyond the property line of the project site?
- Would the project include 75 or more dwelling units, 100,000 square feet or greater of nonresidential development, or have the potential to generate 1,000 or more average daily vehicle trips?

A “yes” response to either of the preceding questions indicates further study of operational noise impacts is required. Based on the above criteria, the proposed project would require further study of operational noise impacts. Project

¹ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

² Ibid.

³ The L_{eq} 8-hour is an average of noise levels over an 8-hour period to approximate a full-day of construction.



operational impacts are generally due to the project including single or multiple noise sources within the project site (stationary sources) or causing increases in vehicular traffic on City streets (mobile sources), or both.

Mobile Sources

According to the CEQA Manual, a project would have a significant noise impact on nearby noise-sensitive land uses if:

- The project results in ambient exterior noise levels at nearby noise-sensitive uses to increase above the City standards in Table 4.13-1, City of Laguna Niguel Land Use Noise Standards (i.e., 65 dBA CNEL for residential land uses);
- Baseline noise levels at nearest noise-sensitive land uses without the project are below 55 dBA CNEL and the project results in noise level increases of 10 dBA CNEL or more in ambient noise levels;
- Baseline noise levels at nearest noise-sensitive land uses without the project are in the range of 55 to 60 dBA CNEL and the project results in ambient noise levels that are 5 dBA CNEL or more above baseline noise levels; or
- Baseline noise levels at nearest noise-sensitive land uses without the project are above 60 dBA CNEL and the project results in a noise level increase of 3 dBA CNEL or more above baseline noise levels.

Table 4.13-1
City of Laguna Niguel Land Use Noise Standards

Land Use	Interior Standard (CNEL, dBA)	Exterior Standard (CNEL, dBA)
Residential – Detached Residential – Attached	45	65
Neighborhood Commercial Community Commercial	--	70
Professional Office	50	70
Community Commercial/Professional Office	--	70
Industrial/Business Park	55 ¹	70
Professional Office/Industrial/Business Park Industrial/Business Park/Professional Office/Community Commercial	--	75
Public/Institutional Public Institutional/Professional Office	50	70
Schools	50 ²	65 ²
Parks and Recreation	--	70
Notes: 1. Where quiet is a basis for use. 2. In interior or exterior Classroom Areas during school operating hours.		
Source: City of Laguna Niguel, <i>City of Laguna Niguel CEQA Manual</i> , adopted June 1, 2021, revised February 2022.		

Stationary Sources

According to the CEQA Manual, Municipal Code Division 6, *Noise Control*, establishes noise standards applicable to stationary sources. Section 6-6-5, *Exterior Noise Standards*, establishes exterior noise standards as follows (refer to Table 4.13-2, Exterior Noise Standards), which constitute the thresholds of significance for stationary sources:



Table 4.13-2
Exterior Noise Standards

Noise Level	Time Period
55 dBA	7:00 a.m. – 10:00 p.m.
50 dBA	10:00 p.m. – 7:00 a.m.
Source: City of Laguna Niguel, <i>Laguna Niguel Municipal Code, Section 6-6-5, Exterior Noise Standards</i> , current through Ordinance No. 2021-211, enacted August 3, 2021.	

A significant impact would occur if noise levels on any other residential property exceed:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;
2. The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
3. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour;
4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour; or
5. The noise standard plus 20 dB(A) for any period of time.

The Municipal Code sets an interior noise standard of 45 dBA during the nighttime hours of 10:00 pm to 7:00 am. Projects located in noisy environments must include measures to meet this standard. A significant impact would occur if a project is unable to attain an interior noise standard of 45 dBA during the nighttime hours.

Vibration

The City has established the following standards from California Department of Transportation (Caltrans) as the thresholds of significance for vibration impacts, as shown in Tables 4.13-3, *Construction Vibration Damage Criteria* and 4.13-4, *Groundborne Vibration Potential Annoyance Criteria*, below.

Table 4.13-3 lists the vibration damage criteria for several categories of building structures. These criteria are expressed in terms of Peak Particle Velocity (PPV). PPV is the maximum instantaneous positive or negative peak of the vibration signal, often used in monitoring of construction vibration (such as blasting) since it is related to the stresses that are experienced by buildings. Criteria listed in Table 4.13-4 are thresholds of vibration levels that would result in people's annoyance or interference with daily activities. These levels are also expressed in terms of PPV. Vibration levels that are "distinctly perceptible" or worse are adopted by the City as its thresholds of significance. It should be noted, projects using only equipment that generates little or no ground vibration, such as air compressors, light trucks, and hydraulic loaders, would only require qualitative descriptions. A quantitative construction vibration analysis is appropriate for projects where construction vibration may result in building damage or prolonged annoyance. For example, activities involving blasting, piledriving, vibratory compaction, demolition, drilling, heavy grading, or excavation near sensitive structures require a quantitative vibration analysis.



Table 4.13-3
Construction Vibration Damage Criteria

Structure and Condition	Maximum PPV (inch-per-second)	
	Transient Sources ¹	Continuous/Frequent Intermittent Sources ²
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.10
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern Industrial/commercial buildings	2.0	0.5
Notes: 1. Transient sources create a single isolated vibration event, such as blasting or drop balls. 2. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.		
Source: City of Laguna Niguel, <i>City of Laguna Niguel CEQA Manual</i> , adopted June 1, 2021, revised February 2022.		

Table 4.13-4
Groundborne Vibration Potential Annoyance Criteria

Human Response	Maximum PPV (inch-per-second)	
	Transient Sources ¹	Continuous/Frequent Intermittent Sources ²
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4
Notes: 1. Transient sources create a single isolated vibration event, such as blasting or drop balls. 2. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.		
Source: City of Laguna Niguel, <i>City of Laguna Niguel CEQA Manual</i> , adopted June 1, 2021, revised February 2022.		

Existing Conditions

Stationary Sources

The project site is located within an urbanized area. Primary sources of stationary noise in the project vicinity are urban-related residential activities (e.g., mechanical equipment, parking areas, and pedestrians). The noise associated with these sources may represent a single-event noise occurrence, short-term, or long-term/continuous noise.

Mobile Sources

The majority of the existing noise near the project area is generated from vehicular sources traveling along Paseo de Colinas. According to the General Plan, traffic noise levels along Paseo de Colinas at 100 feet from the centerline range from 59.0 to 65.6 dBA CNEL.⁴

⁴ City of Laguna Niguel, *City of Laguna Niguel General Plan, Table N-7, Future CNEL Range at 100 Feet from Centerline*, August 4, 1992.



Noise Measurements

In order to quantify existing ambient noise levels in the vicinity of the project site, three short-term and one long-term noise measurements were taken on March 8, 2022; refer to Table 4.13-5, *Noise Measurements*. The short-term noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site, including within as close proximity as possible to adjoining properties and land uses. The three ten-minute short-term measurements were taken between 11:00 a.m. and 12:00 p.m. Short-term (L_{eq}) measurements are considered representative of the noise levels throughout the day. The long-term noise measurement site was also representative of existing noise exposure within all areas of the project site. It is noted that the long-term noise measurement was secured to a fence near the center of the property for security purposes. The long-term measurement was taken from 12:05 p.m. on March 8, 2022, to 1:30 p.m. on March 9, 2022. The results of the field measurements are included in [Appendix F, Noise Data](#).

Table 4.13-5
Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Peak (dBA)	Ldn/CNEL (dBA)	Time
Short-Term (10-minute) Measurement							
1	Basketball court area in the playground of Niguel Hills Middle School	57.4	50.5	72.1	97.9	-	11:10 a.m. – 11:20 a.m.
2	Cul-de-sac north of the site along Aloma Avenue	44.7	38.3	58.2	84.3	-	11:35 a.m. – 11:45 a.m.
3	Cul-de-sac east of the site along Del Poniente	46.8	42.1	56.8	80.6	-	11:50 a.m. – 12:00 p.m.
Long-Term (24-hour) Measurement							
4	On-site – northwest corner of project site	53.0	31.0	77.0	100.0	57.4/57.9	12:05 p.m. (Day 1) – 1:30 p.m. (Day 2)
Notes: dBA = A-weighted decibels, L_{eq} = Equivalent Sound Level; L_{min} = Minimum Sound Level; L_{max} = Maximum Sound Level, Peak = Highest Instantaneous Sound Level							
Source: Michael Baker International, March 8, 2022. Refer to Appendix F, Noise Data , for detailed noise measurement data.							

Meteorological conditions for the short-term noise measurements were clear sky with calm weather, cool to warm temperatures, with light wind (approximately 0 to 7 miles per hour), and high atmospheric pressure (over 30.20 inches of mercury). The sources of peak noise include sports/recreation activities and car door slamming for the short-term measurements. Noise monitoring equipment used for the ambient noise survey consisted of a Larson Davis hand-held sound level meter Model 820 equipped with a Type 2561 externally polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for sound level meters.

- a) ***Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

Less Than Significant Impact. It is difficult to specify noise levels that are generally acceptable to everyone; noise that is considered a nuisance to one person may be unnoticed by another. Standards may be based on documented complaints in response to documented noise levels or based on studies of the ability of people to sleep, talk, or work under various noise conditions.



Construction

Construction noise is difficult to quantify because of the many variables involved, including the specific equipment types, size of equipment used, percentage of time each piece is in operation, condition of each piece of equipment, and number of pieces that would operate on the site. Construction equipment produce maximum noise levels when equipment is operating under full power conditions (i.e., the equipment engine at maximum speed). However, equipment used on construction sites typically operates under less than full power conditions, or part power. To characterize construction-period noise levels more accurately, the average (L_{eq}) noise level associated with each construction stage is calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction stage. These noise levels are typically associated with multiple pieces of equipment simultaneously operating on part power. The loudest construction phase would be the grading phase, as heavy-duty construction equipment may be operated up to the project property line. The estimated construction noise levels at the nearest noise-sensitive receptors are presented in [Table 4.13-6, Construction Noise Levels at Adjacent Receptors](#). To present a conservative impact analysis, the estimated noise levels were calculated for a scenario in which all heavy construction equipment (e.g., concrete saws, excavators, and dozers) were operating simultaneously and located at the construction area nearest to the affected receptors (i.e., 70 feet from the nearest structure at the Niguel Hills Middle School to the project property line).

Table 4.13-6
Construction Noise Levels at Adjacent Receptors

Phase	Nearest Sensitive Receptor to Project Site	Existing Noise Level (dBA L_{eq}) ¹	Estimated Exterior Construction Noise Level (dBA L_{eq}) ²	Construction Noise Threshold (dBA L_{eq}) ³	Exceeds Standards with Mitigation?
Grading	Institutional Use to the west (approximately 70 feet)	57.4	81.5	85	No
	Residential Use to the north (approximately 130 feet)	44.7	76.1	80	No
Notes: ¹ Short-term noise measurements were taken on March 8, 2022; refer to Appendix F, Noise Data , for detailed noise measurement data. ² These noise levels conservatively assume the simultaneous operation of all heavy construction equipment at the same precise location. Modeled heavy construction equipment include excavators, graders, and tractor during the grading phase (the loudest construction phase). ³ The construction noise thresholds are based on the <i>City of Laguna Niguel CEQA Manual</i> , adopted on June 1, 2021, and revised in February 2022, and the referenced Federal Transit Administration (FTA) <i>Transit Noise and Vibration Impact Assessment Manual</i> (FTA Manual), dated September 2018. Based on the FTA Manual Table 7-3, <i>Detailed Analysis Construction Noise Criteria</i> , construction noise threshold during daytime is 85 dBA for commercial uses (i.e., the adjacent institution use) and 80 dBA for adjacent residential use.					
Source: Federal Highway Administration, <i>Roadway Construction Noise Model (RCNM)</i> , 2006. Refer to Appendix F, Noise Data .					

As depicted in [Table 4.13-6](#), adjacent institutional receptors could be exposed to temporary and intermittent construction noise levels from the combined used of construction equipment at 81.5 dBA, which does not exceed the City's construction noise standard (85 dBA) for the institutional receptors to the west.⁵ Further, adjacent residential receptors could be exposed to temporary and intermittent construction noise levels from the combined used of construction equipment at 76.1 dBA, which does not exceed the City's construction noise standard (80 dBA) for the residential receptors to the north.

As previously noted, noise levels presented in [Table 4.13-6](#) are conservative, as these noise levels assume the simultaneous operation of all heavy construction equipment (e.g., concrete saws, excavators, and dozers) at the same precise location. In reality, construction equipment would be used throughout the project site and would not be

⁵ Per FTA Manual Table 7-3, construction noise thresholds are only available for residential, commercial, and industrial land uses. For the purpose of this analysis, the adjacent institutional use (i.e., Niguel Hills Middle School) is considered a commercial use.



concentrated at the point closest to the sensitive receptors. Additionally, it is noted that the grading phase (the loudest construction phase) would occur for approximately two months (44 days) and thus, the associated noise impacts would be temporary. All other construction phases (demolition, building construction, paving, and architectural coating) would not involve the operation of heavy-duty machinery on-site, and are generally considered to have significantly less construction noise compared to the grading phase. It should also be acknowledged that pursuant to the Municipal Code Section 6-6-7, *Exemptions from article*, construction activities would occur during normal daytime hours (between 7:00 a.m. and 8:00 p.m.) to avoid noise disturbances at nearby receptors during the more sensitive hours (between 8:00 p.m. and 7:00 a.m.) on weekdays and Saturdays. No construction activities would occur on Sundays or federal holidays. The permitted hours of construction recognize that construction activities undertaken during daytime hours are a typical part of living in an urban environment and do not cause a significant disruption. Construction noise would also be temporary and would cease once project construction is completed. Upon compliance with Municipal Code Section 6-6-7, short-term construction noise impacts would be reduced to less than significant levels.

Operations

Mobile Noise

Future development generated by the proposed project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. According to the *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, a doubling of traffic volumes would result in a 3 dBA increase in traffic noise levels, which is barely detectable by the human ear.⁶ The *Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development* (Traffic Assessment), prepared by Linscott, Law & Greenspan, Engineers and dated September 21, 2021, was prepared for the proposed project. Trip generation rates are based on the Institute of Transportation Engineers (ITE) *Trip Generation Rate Manual*, 10th Edition. The trip generation rate for Low Rise Multifamily Housing (ITE Land Use Code 220) was utilized for the proposed project. According to the Traffic Assessment, the project would generate approximately 278 average weekday daily trips. According to the Orange County Transportation Authority (OCTA), Paseo de Colinas experiences approximately 20,000 average daily trips.⁷ As such, the project's minimal trip generation (approximately 278 average trips per day) would not double existing traffic volumes along Paseo de Colinas and the increase in traffic noise generated by the project along the roadway would be imperceptible. Therefore, project-related traffic noise would be less than significant.

Stationary Noise

Stationary noise sources associated with the proposed multi-family residential project would include those typical of suburban areas (e.g., dogs/pets, landscaping activities, weekly garbage collection, and cars parking). These noise sources are typically intermittent and short in duration and would be comparable to existing sources of noise experienced at surrounding residential uses. Further, all stationary noise activities would be required to comply with the Municipal Code and the California Building Code requirements pertaining to noise attenuation.

Mechanical Equipment

The project would include heating, ventilation, and air conditioning (HVAC) units located on the roofs of the proposed townhome buildings. HVAC units typically generate noise levels ranging from approximately 42 to 55 dBA L_{eq} at 50 feet from the source.⁸ For a conservative analysis, the louder estimated noise level of 55 dBA L_{eq} is utilized as a reference. The closest sensitive receptor to a proposed HVAC unit on-site is the Niguel Hills Middle School, located downslope approximately 75 feet west from the roof of proposed Building 2; refer to Exhibit 2-3, Conceptual Site Plan.

⁶ U.S. Department of Transportation, *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, August 2017, https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/polguide/polguide02.cfm, accessed April 8, 2022.

⁷ Orange County Transportation Authority, *2021 Traffic Flow Map, Orange County, California*, September 23, 2021, <https://www.octa.net/Projects-and-Programs/All-Projects/Streets-Projects/Master-Road-Plan/Annual-Traffic-Volume-Maps/>, accessed April 8, 2022.

⁸ Berger, Elliott H., et al., *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.



HVAC noise levels at 75 feet would attenuate to approximately 51 dBA. Therefore, the City's exterior daytime noise standards of 55 dBA per Municipal Code Section 6-6-5 would not be exceeded as a result of HVAC stationary noise at the project site. It is noted that the City's exterior nighttime noise standard of 50 dBA would not be applicable for Niguel Hills Middle School as schools do not operate at night. The nearest nighttime noise sensitive use is the residential use located downslope approximately 150 feet northwest from the roof of proposed Building 1. At this distance, HVAC noise would be approximately 45 dBA and would not exceed the City's exterior nighttime noise standards of 50 dBA per Municipal Code Section 6-6-5.

Outdoor Gathering Areas

Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. According to the U.S. Environmental Protection Agency, crowd noise is approximately 62 dBA at one meter (i.e., 3.28 feet) from the source.⁹ Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. Within the proposed project boundaries, crowds have the potential to gather at proposed outdoor areas, including the private park, dog park, and gardens; refer to [Exhibit 2-3](#). The nearest sensitive receptor is Niguel Hills Middle School located approximately 90 feet west of the proposed dog park. At this distance, crowd noise from the dog park to the school would be approximately 33 dBA and would not exceed the City's exterior daytime noise standards of 55 dBA per Municipal Code Section 6-6-5. It is noted that the City's exterior nighttime noise standards of 50 dBA would not be applicable as schools do not operate at night. The nearest nighttime noise sensitive use is the residential use located downslope approximately 130 feet northwest of the proposed private park in the northwest corner of the site. At this distance, crowd noise from the proposed private park to the residences would be approximately 30 dBA and would not exceed the City's exterior nighttime noise standards of 50 dBA per Municipal Code Section 6-6-5. Impacts would be less than significant in this regard.

Parking Areas

Traffic associated with residential parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the day-night average sound level (DNL) (or Ldn) scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and engine idling may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with typical parking lot activities are presented in [Table 4.13-7, Typical Noise Levels Generated by Parking Lots](#).

Table 4.13-7
Typical Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA L_{eq}
Car starting	60 dBA L_{eq}
Car idling	53 dBA L_{eq}
Source: Kariel, H. G., <i>Noise in Rural Recreational Environments</i> , Canadian Acoustics 19(5), 3-10, 1991.	

Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. It is noted that parking activity noises are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking activities would be far lower than what is identified in [Table 4.13-7](#). The project proposes 35 uncovered surface parking spaces on-site for guests and residents; refer to [Exhibit 2-3](#). The nearest sensitive receptor is Niguel Hills Middle School, located approximately 95

⁹ U.S. Environmental Protection Agency, *Community Noise*, 1971.



feet west of the nearest surface parking area. While existing sensitive receptors may be exposed to parking lot noise as a result of project implementation, such noise would be partially masked by background noise from traffic along Paseo de Colinas. Additionally, the project proposes a 1.5-foot low split faced block wall that would block the line-of-sight between the nearest sensitive receptors to the north and west of the project site, which would further reduce parking lot noise levels. Therefore, the project's parking activities would not result in substantially greater noise levels than existing conditions in the project vicinity, and any parking lot noise generated would be short-term. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. For most residential structures that are non-engineered timber and masonry buildings, the FTA architectural damage criterion for continuous vibrations is 0.2 inch per second PPV. As outlined in [Table 4.13-3](#), the City's threshold for any modern industrial/commercial building (e.g., Niguel Hills Middle School buildings) is 2.0 inch per second PPV for vibration damage from transient sources and 0.5 inch per second PPV for vibration damage from continuous sources. Additionally, the City's threshold of vibration levels that would result in people's annoyance or interference with daily activities is "distinctly perceptible", or worse. To be classified "distinctly perceptible", vibration from transient sources should not exceed 0.25 inch per second PPV while vibration from continuous sources should not exceed 0.04 inch per second PPV.

The equipment with the greatest vibration level utilized during project construction would be a large bulldozer, which could generate a vibration level of 0.089 inches per second PPV at 25 feet from the source of activity.¹⁰ The nearest structure to the project site would be a structure at the Niguel Hills Middle School located approximately 70 feet to the west of the proposed Building 2. At this distance, the vibration velocities for a large bulldozer (a continuous source) would be approximately 0.019 inches per second PPV and would not exceed the significance threshold of 0.5 inch per second PPV for building damage, and 0.04 inches per second PPV for human annoyance. It is noted that the 40-foot elevation difference between the project site and the Niguel Hills Middle School would act as natural shielding and would further reduce construction vibration impacts in this regard. As such, construction activities would not cause groundborne vibration above the Caltrans and City's significance thresholds. Impacts would be less than significant in this regard.

Further, the project would not introduce new land uses with the potential to generate excessive groundborne vibration or noise. As such, operational impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

¹⁰ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.



- c) ***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

No Impact. The nearest airport to the project site is the John Wayne Airport in the City of Santa Ana, approximately 13.5 miles to the northwest. According to the *Airport Environs Land Use Plan for John Wayne Airport* (AELUP), the project site is located outside of the Airport Impact Zones, AELUP Notification Area, Federal Aviation Regulation Part 77 Notification Area, and Airport Safety Zones.¹¹ Additionally, the project site is not located within the vicinity of a private airstrip or related facilities. Therefore, project implementation would not expose people residing or working in the project area to excessive airport noise levels or safety hazards. No impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

¹¹ Orange County Airport Land Use Commission, *Airport Environs Land Use Plan for John Wayne Airport*, April 17, 2008.



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4.14 POPULATION AND HOUSING

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

- a) ***Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

Less Than Significant Impact. A project could induce population growth in an area either directly, through the development of new residences or businesses, or indirectly, through the extension of roads or other infrastructure. The proposed project would redevelop an existing vacant lot with a 38-unit townhome community. Therefore, the project would result in direct population growth.

Based on the City's average household size of 2.49, the project would introduce up to 95 new residents.¹ Therefore, the project would induce population growth in the City. Conservatively assuming that all 95 project-generated residents relocate from outside of the City, potential population growth associated with the project would represent 0.1 percent over the City's estimated existing 2022 population of 64,316 persons.² Therefore, the project would not induce substantial unplanned population growth.

Potential population growth impacts are also assessed based on a project's consistency with adopted plans that have addressed growth management from a local and regional standpoint. The Southern California Association of Governments (SCAG) growth forecasts estimate the City's population to reach 69,700 persons by 2045, representing a total increase of 3,600 persons between 2016 and 2045.³ SCAG's regional growth forecasts are based upon long-range development assumptions (i.e., general plans) of the relevant jurisdiction. The project's anticipated population increase (95 persons) would represent approximately 2.6 percent of the City's anticipated population growth between 2016 and 2045, or 0.1 percent of the City's projected population by the year 2045.

Further, the site has a land use designation of Public/Institutional; Residential Attached; and Parks and Recreation, and thus, the proposed residential use is permitted on-site. It is acknowledged that a General Plan Amendment is requested to increase the maximum number of attached dwelling units for the site from 30 to 38 units. Therefore, development of the site with up to 30 attached dwelling units was previously contemplated in the buildout of the General Plan. While the project would increase the site's anticipated buildout by eight additional units, the additional units would not induce substantial unplanned population growth.

¹ California Department of Finance Demographic Research Unit, *Report E-5 Population and Housing Estimates for Cities, Counties, and the State*, January 2021-2022, with 2020 Benchmark, Sacramento, California, May 2022.

² Ibid.

³ Southern California Association of Governments, *2025-2040 RTP/SCS Technical Report, Demographics and Growth Forecast*, September 3, 2020.



Overall, the project would not induce substantial unplanned population growth exceeding existing local conditions (0.1 percent increase over the City's estimated 2022 population) or regional projections (0.1 percent of the City's projected 2045 population). As such, the proposed project would result in less than significant impacts in this regard.

Mitigation Measures: No mitigation measures are required.

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. As shown on Exhibit 2-2, Site Vicinity, the project site is currently a vacant lot and no housing exists on-site. Therefore, project implementation would not displace any existing housing or people. No impacts would occur in this regard.



4.15 PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?			✓	

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

1) ***Fire protection?***

Less Than Significant Impact. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services to the City and project site. There are three fire stations located within Laguna Niguel; the closest fire station to the project site is Station #39, located approximately 2.6 miles to the northwest at 24241 Avila Road.¹

Construction

Construction activities associated with the proposed project could create a temporary increased demand for fire protection services at the project site. All construction activities would be subject to compliance with all applicable State and local regulations in place to reduce risk of construction-related fire, such as installation of temporary construction fencing to restrict site access and maintenance of a clean construction site. As a result, project construction would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCFA performance standards. A less than significant impact would occur in this regard.

Operations

The proposed project would result in a direct increase in residential population, and would therefore increase demand for fire protection services in the project area. As detailed in Section 4.14, *Population and Housing*, the project would generate approximately 95 new residents. However, due to the infill nature of the project, the anticipated population increase would not result in the need for new or physically altered fire protection facilities. The project area is already served by OCFA and development of the project would not require expanding OCFA's service area beyond existing conditions. Additionally, the project would be designed to comply with fire safety and fire access requirements.

¹ Orange County Fire Authority, *Fire Stations*, <https://ocfa.org/AboutUs/FireStations.aspx>, accessed March 24, 2022.



Specifically, pursuant to Municipal Code Section 9-1-65(d), *Parking accessways*, the project would provide a fire lane for firefighting vehicle access; refer to Exhibit 2-3, Conceptual Site Plan. The project would also install three fire hydrants along the project frontage. In accordance with Municipal Code Title 8 Division 1, *Buildings and Construction Generally*, the project would be required to comply with Chapter 9 of the 2019 California Building Code (CBC), which includes standards and requirements for the installation of fire protection systems. The project would also be required to comply with Title 11 Division 3, *Fire Protection and Explosives*, which includes the adaptation of the California Fire Code, restrictions on fire usage, and requirements for fire alarm systems. Compliance with these applicable laws, ordinances, and regulations would further reduce the project's operational impacts.

Last, developments within the City are required to enter into a secured fire protection agreement with OCFA through payment of funds. The funds help offset impacts of new development on OCFA resources and are utilized by OCFA to provide infrastructure and capital improvements to continue supporting the regional service area. Additional funding would also be provided by County and City revenue generated by property taxes and intergovernmental revenues. Thus, a proportional amount of funding would be provided by the project to allow OCFA to maintain adequate resources and services. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

2) Police protection?

Less Than Significant Impact. The Orange County Sheriff's Department (OCSD) provides police protection services to the City, including the project site. The Laguna Niguel station is located at City Hall, approximately 2.1 miles to the southwest of the project site at 30111 Crown Valley Parkway.

Construction

Construction activities associated with the proposed project could temporarily increase demand for police protection services at the project site. However, all construction activities would be subject to compliance with Municipal Code Title 8, *Building Regulations*, and the 2019 California Building Code. Chapter 33, *Safeguards During Construction*, of the California Building Code includes emergency access requirements which would minimize site safety hazards and potential construction-related impacts to police services. Thus, project construction would not result in the need for new or physically altered sheriff protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other OCSD performance standards. A less than significant impact would occur in this regard.

Operations

The proposed project would increase demand for police protection services in the project area. However, due to the infill nature of the project, the population increase of 95 persons would not result in the need for new or physically altered police protection facilities. The project area, including the existing residential and institutional uses nearby, is currently within OCSD's service area and thus, the project would not extend OCSD's resources and staffing beyond their existing service area. Further, as stated, the proposed driveways along Paseo de Colinas would meet OCFA fire access requirements and thus, would similarly provide adequate emergency access for OCSD as well. The proposed project would also be designed in compliance with Municipal Code Title 8, *Building Regulations*, which includes provisions of the 2019 California Building Code. The California Building Code includes emergency access requirements which would minimize site safety hazards and potential operational impacts to police services. Following compliance with Municipal Code requirements, the project's operational impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.



3) **Schools?**

Less Than Significant Impact. The Capistrano Unified School District (CUSD) provides school services to the City. The project site is located within the CUSD school boundaries for Hidden Hills Elementary School, located one mile southwest of the project site at 25142 Hidden Hills Road in the City; Niguel Hills Middle School, which is adjacent to the project site at 29070 Shark Bay in the City; and Dana Hills High School, located 4.4 miles southwest of the project site at 33333 Golden Lantern in the City of Dana Point.²

The project involves the development of 38 townhomes, which could generate additional students within the project area. Based on CUSD's student generation rates for multi-family attached units, the project would generate up to 13 new students (six elementary school students, three middle school students, and four high school students).^{3,4} The nominal increase in student population generated by the project would not result in the need for new or physically altered schools. Additionally, the project would be subject to CUSD developer fees pursuant to Senate Bill 50 and Municipal Code Title 9 Division 1 Article 6, *Interim School Facilities Fees*. According to Government Code Section 65996, payment of statutory fees under Senate Bill 50 is considered to be full mitigation for new development projects. Thus, payment of developer impact fees would ensure project impacts to CUSD services are proportionally offset and reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

4) **Parks?**

Less Than Significant Impact. There are currently 31 parks located within the City.⁵ The nearest park to the project site is Hidden Hills Park, located approximately 0.75-mile to the northwest.

As discussed above, the proposed project would increase the City's population by approximately 95 persons. Approximately 35,499 square feet of common open space areas and 15,874 square feet of active recreation areas are proposed throughout the project site. Specifically, gardens (i.e., common open space areas) are proposed in the southern portion of the site; refer to Exhibit 2-6, Conceptual Landscape Plan. This area would consist of fauna and flora gardens with interpretive signages, a meandering concrete pathway, decomposed granite path through the gardens, outdoor fitness stations, as well as bench seating. Proposed active recreation areas on-site include a private park in the northwest corner of the site as well as a private dog park between the gardens and Building 3 in the southern portion of the site. The private park would include a boules court, activity lawn, overhead shade trellis, barbecue grills, picnic table, and bench seating. The dog park would include 890 square feet of synthetic turf, low (four-foot) fencing around the perimeters, and bench seating. Additionally, four- and seven-foot wide sidewalks are proposed along the western perimeter of the project site. An overlook area with bench seating is proposed south of Building 2. Private open space (i.e., decks) would also be provided for each townhome unit.

The project would also be subject to a required parkland dedication, which would be met with payment of a park-in-lieu fee per Municipal Code Article 5, *Local Park Code*. Payment of the park-in-lieu fee and implementation of the proposed common open space areas and active recreation areas would provide adequate common and private open space for future residents and reduce project impacts on existing City parks and recreational facilities.

According to the General Plan Land Use Element, if the site is developed with residential use, a park of between 0.5 and 1.0 acres is required to be dedicated to the City by the property owner. It is acknowledged that the project proposes

² Capistrano Unified School District, *MySchool Locator*, <https://betalocator.decisioninsite.com/?StudyID=209898>, accessed March 15, 2022.

³ Cooperative Strategies, *Capistrano Unified School District Residential Development School Fee Justification Study*, February 26, 2018.

⁴ The following multi-family attached student generation rates were utilized: Elementary School (Grades K-5) = 0.1391; Middle School (Grades 6-8) = 0.0727; and High School (Grades 9-12) = 0.0931.

⁵ City of Laguna Niguel, *Facilities Listing*, <https://www.cityoflagunaniguel.org/Facilities>, accessed March 15, 2022.



a General Plan Amendment to, among others, eliminate the site's required park dedication identified in the General Plan Land Use Element. As such, the project would eliminate the City's potential to acquire a new park on-site. However, the City has determined that the site is not an ideal location for a future City park given that there are no adjacent residences (i.e., on the western side of Paseo de Colinas) that could directly access the park. Additionally, the narrow shape and small size of the site would not provide adequate space for a future residential development, park between 0.5 and 1.0 acre in size, and a parking lot for future park patrons. The City has also determined that adequate existing parkland and recreational facilities are available throughout Laguna Niguel. Thus, the loss of the required park dedication would not adversely impact the City's park services. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

5) Other public facilities?

Less Than Significant Impact. Other public facilities that could potentially be impacted by the proposed project include library services. Library services for the City, including the project site, are provided by the Orange County Public Library (OCPL). The nearest OCPL branch library is the Laguna Niguel Library, approximately 2.3 miles to the southwest at 30341 Crown Valley Parkway. While the Laguna Niguel Library would primarily serve future residents of the site, residents also have access to all 33 libraries in the OCPL system, including those in Dana Point, Aliso Viejo, and San Juan Capistrano. OCPL provides online services that allow library patrons to check out books and resources from any of the OCPL libraries regardless of where one lives, which alleviates the potential demand the project may have on the Laguna Niguel Library. Additionally, it is acknowledged that a new, larger 16,290-square foot Laguna Niguel Library will replace the existing 14,400-square foot library in roughly the same location as part of the recently approved Laguna Niguel City Center Mixed-Use Project.⁶ The new library would provide more functional library space with modern technologies and programmable indoor and outdoor space. Overall, library resources would not be limited to what is provided by the existing Laguna Niguel Library and therefore, project implementation is not anticipated to result in a significant impact on OCPL services. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

⁶ City of Laguna Niguel Website, *Laguna Niguel City Center Mixed Use Project*, <https://www.cityoflagunaniguel.org/1213/Laguna-Niguel-City-Center-Mixed-Use-Proj>, accessed July 11, 2022.



4.16 RECREATION

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	

- a) ***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

Less Than Significant Impact. Refer to Response 4.15(a)(4).

Mitigation Measures: No mitigation measures are required.

- b) ***Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

Less Than Significant Impact. Refer to Response 4.15(a)(4). The project's potential environmental impacts associated with the construction of recreational amenities throughout the project site are analyzed throughout this Initial Study. Compliance with applicable laws, ordinances, and regulations would ensure that the project's impacts are reduced to less than significant levels in this regard.

Mitigation Measures: No mitigation measures are required.



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4.17 TRANSPORTATION

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✓	
b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			✓	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		✓		
d. Result in inadequate emergency access?			✓	

This section is primarily based upon the *Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development* (Traffic Assessment), prepared by Linscott Law & Greenspan, Engineers (dated September 21, 2021); refer to Appendix G, Traffic Assessment.

- a) ***Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

Less Than Significant Impact.

ROADWAY FACILITIES

Refer to Response 4.17(b) below regarding project impacts on roadway facilities.

TRANSIT, BICYCLE, AND PEDESTRIAN FACILITIES

Transit services in the City are provided by Metrolink and Orange County Transit Authority (OCTA). OCTA Routes 85, 87 and 90 provide transit services to the City, with a Route 90 bus stop located approximately 0.3-mile south of the site at the intersection of Paseo de Colinas and Golden Lantern.¹ The Metrolink rail lines that service the City include the Orange County line and the Inland Empire-Orange County line.² The Laguna Niguel/Mission Viejo Metrolink station is located approximately 0.9-mile northeast of the project site.

The General Plan Circulation Element classifies Paseo de Colinas as a Class II Bicycle Lane, which is defined as a restricted lane within the right-of-way of a paved roadway for the exclusive or semi-exclusive use of bicycles. Pedestrian sidewalks are provided on both sides of Paseo de Colinas, including along the project frontage.

Given the distance of existing bus stops and railway stops from the project site, construction and operations of the proposed project would not conflict with any program plan, ordinance, or policy addressing the project area's existing transit network.

¹ Orange County Transportation Authority, *System Map*, <https://www.octa.net/ebusbook/RoutePdf/SystemMap.pdf>, accessed April 6, 2022.

² Metrolink, *Regional System Map-Free/ Special Rate/ Pay Transfer*, <https://metrolinktrains.com/globalassets/maps/metrolink-map---all-connections.pdf>, accessed April 7, 2022.



Construction activities associated with the project, including potential temporary sidewalk and partial lane closures, may temporarily impact bicycle and pedestrian facilities along Paseo de Colinas. As such, Standard Condition of Approval (SCA) TRA-1 would require preparation of a Construction Traffic Management Plan (TMP) to maintain traffic flow and emergency access during construction activities. The TMP would include information detailing proposed signage, lane closures, flag persons, etc., and require that bicycle lanes, pedestrian sidewalks, and bus stops remain open and accessible, to the great extent feasible, during construction or be re-routed to ensure continued connectivity. With implementation of SCA TRA-1, the project would not conflict with existing bicycle and pedestrian facilities during construction activities, and impacts would be less than significant.

Additionally, General Plan Circulation Element Policy 5.4 aims to preserve existing pedestrian walkways, Class II bicycle lanes, and wide curb lanes by not modifying, altering, or restriping, any roadway, that has either a pedestrian walkway, Class II bicycle lane, or enough right-of-way to accommodate a pedestrian walkway or Class II bicycle lane. The proposed project does not propose any modifications to the Paseo de Colinas right-of-way. Existing pedestrian sidewalks and Class II bicycle lane along Paseo de Colinas would remain at project completion. Additionally, the project would construct enhanced pedestrian paving connecting the proposed townhome community to the existing sidewalks along Paseo de Colinas; refer to Exhibit 2-3, Conceptual Site Plan. As such, project operations is not anticipated to adversely impact existing bicycle or pedestrian facilities. Impacts would be less than significant in this regard.

Standard Conditions of Approval:

SCA TRA-1 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 (TMP) for review and approval by the Public Works Director. The TMP shall include signage, lane closures, flag persons, etc., and shall specify that one lane of travel in each direction shall be maintained along City rights-of-way. Bicycle lanes, pedestrian sidewalks, and bus stops shall remain open and accessible, to the greatest extent feasible, during construction or shall be re-routed to ensure continued connectivity while maintaining Americans with Disabilities Act (ADA) accessibility. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

Mitigation Measures: No mitigation measures are required.

b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

Less Than Significant Impact. The State of California Governor's Office of Planning and Research (OPR), in implementing Senate Bill (SB) 743, issued proposed updates to the CEQA guidelines in November 2017 that amends the Appendix G question for transportation impacts to delete reference to vehicle delay and level of service (LOS) and instead refer to Section 15064.3, subdivision (b)(1) of the CEQA Guidelines asking if the project would result in a substantial increase in vehicle miles traveled (VMT). The California Natural Resources Agency certified and adopted the revisions to the CEQA Guidelines in December of 2018, and as of July 1, 2020, the provisions of the new section are in effect Statewide. Concurrently, OPR developed the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), dated December 2018, which provides non-binding recommendations on the implementation of VMT methodology which has significantly informed how VMT analyses are conducted in the State. The City of Laguna Niguel has incorporated the VMT methodology as the required metric to address transportation impacts, and is further detailed in the *City of Laguna Niguel Transportation Assessment Guidelines* (City Guidelines), dated November 2020.

The Traffic Assessment evaluates the project's vehicle miles traveled (VMT) impacts in accordance with the City Guidelines, specifically Section 3.2, *VMT Screening Criteria for Land Use Project*. According to Section 3.2 of the City Guidelines, projects that generate less than 500 vehicle trips per day based on the latest Institute of Transportation Engineers (ITE) Trip Generation Manual are presumed to result in a less than significant impact in regard to VMT. The project's estimated trip generation was calculated using the trip generation rate for Land Use Code 220 (Multifamily



Housing [Low-Rise]) from the ITE Trip Generation Manual, 10th Edition (2017); refer to [Table 4.17-1, Project Trip Generation](#).³

**Table 4.17-1
Project Trip Generation**

Land Use	Daily Two-Way Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Trip Generation Rate							
Multifamily Housing (Low-Rise) ITE Land Use Code 220	7.32	23%	77%	0.46	63%	37%	0.56
Trip Generation Summary							
Proposed Use							
Paseo de Colinas 38-Dwelling Unit Residential	278	4	13	17	13	8	21
Source: Linscott, Law and Greenspan Engineers, <i>Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development</i> , Table 2, September 21, 2021.							

As shown in [Table 4.17-1](#), the proposed project is anticipated to generate approximately 278 average weekday daily trips, including 17 trips in the morning peak hour and 21 trips in the evening peak hour. Given that the project would not exceed the City's established screening threshold (i.e., 500 vehicle trips per day), the project would result in a less than significant VMT impact.

Mitigation Measures: No mitigation measures are required.

- c) ***Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Less Than Significant Impact With Mitigation Incorporated. The project would not introduce any hazards to the existing circulation system, such as sharp curves or dangerous intersections, and would not introduce any incompatible uses. Site access would be provided via two unsignalized "right-turn only" driveways at the northern and southern ends of the project frontage along southbound Paseo de Colinas; refer to [Exhibit 2-3](#). Both driveways would connect to internal drive aisles that provide access to each townhome building and surface parking area. Site access evaluation was conducted as part of the Traffic Assessment, including a sight distance analysis and internal circulation evaluation as described below.

SIGHT DISTANCE ANALYSIS

A sight line assessment was prepared to validate the adequacy of sight lines at the project's "right-turn only" access driveways. The assessment is based on the intersection sight distance requirements, as published in the California Department of Transportation's (Caltrans) *Highway Design Manual* (HDM), and focuses on the sight distance requirements for the proposed project's "right-turn only" driveways located on southbound Paseo de Colinas.

Based on the HDM sight distance standards for "Private Road Intersections" and established "critical speed" based on the design speed of Paseo de Colinas (55 miles per hour), a minimum stopping sight distance of 500 feet is required. To provide a conservative assessment, the "corner sight distance" criteria of the HDM was also utilized, which requires a corner sight distance of 526 feet. Traffic Assessment Figure 3, *Sight Distance Analysis – Driveway No. 1*, and Figure 4, *Sight Distance Analysis – Driveway No. 2*, illustrate a schematic of the sight distance evaluation for the two proposed driveways for stopping sight distance and corner sight distance. As shown, sight distances at the project driveways are expected to be adequate if obstructions within the sight triangles are minimized. Adequate sight lines give motorists

³ It is acknowledged that the new ITE Trip Generation Manual, 11th Edition (2021) was published after the Traffic Assessment was prepared. However, the trip generation rate for Land Use Code 220 is 7.32 average daily trips in the 10th Edition and 6.74 average daily trips in the 11th Edition. Thus, the Traffic Assessment utilizes a more conservative trip generation rate.



the ability to see gaps in traffic to help with egress from the site. Mitigation Measure TRA-1 would ensure hardscape and/or landscape within the sight triangles are not higher than 30 inches to ensure adequate sight distance. Due to these sight lines, an acceleration lane is not required, and impacts would be reduced to less than significant levels with mitigation.

INTERNAL CIRCULATION EVALUATION

An internal circulation evaluation was also conducted to determine potential for vehicle-pedestrian conflicts. The Traffic Assessment determined that the conceptual site plan does not create any unsafe vehicle-pedestrian conflict points and the driveway throating is sufficient such that access to parking spaces is not impacted by internal vehicle queuing/stacking. The evaluation of on-site circulation was also performed using the Turning Vehicle Templates, developed by Jack E. Leisch & Associates and AutoTURN for AutoCAD computer software that simulates turning maneuvers for various types of vehicles. Passenger vehicle, trash truck, and fire truck turning templates were utilized in the evaluation.

Traffic Assessment Figure 5, *Passenger Vehicle Turning Analysis*, presents the turning movements required for passenger vehicles turning into the project site. The two project driveways have a 24-foot width and the curb return radii have been confirmed and are generally considered adequate. The design of the project driveways are an adequate width to accommodate both inbound and outbound vehicle movements at the same time without conflicts. As such, vehicles entering the site via Paseo De Colinas can do so unimpeded and a deceleration lane into the site is not required. Traffic Assessment Figure 6, *Trash Truck Turning Analysis*, and Figure 7, *Fire Truck Turning Analysis*, present the turning movements required of a trash truck and fire truck to circulate throughout the project site, respectively. Overall, the turning maneuvers for both trash and fire trucks are considered adequate.

Overall, project impacts related to hazards due to geometric design features or incompatible uses would be less than significant.

Mitigation Measures:

TRA-1 To ensure adequate sight distance at the proposed driveways, the project Applicant shall ensure project plans illustrating proposed hardscape and/or landscape along the public right-of-way limited use area, illustrated on Figure 3, *Sight Distance Analysis – Driveway No. 1*, and Figure 4, *Sight Distance Analysis – Driveway No. 2*, of the *Updated Traffic Assessment for the Proposed Paseo De Colinas 38-DU Residential Development*, prepared by Linscott Law & Greenspan, Engineers and dated September 21, 2021, are maintained to less than 30 inches in height. Fences and walls are prohibited within the limited use areas. Maximum tree size and minimum tree spacing in the limited use area shall be 24-inch caliper tree trunks (maximum size at maturity) spaced at 60-feet on center. The City of Laguna Niguel Community Development Department shall verify that proposed plantings and hardscape improvements meet the City's site distance requirements and the project Applicant/future homeowner association shall be responsible for the landscaping maintenance.

d) Result in inadequate emergency access?

Less Than Significant Impact. Project construction activities could temporarily impact adjacent roadway rights-of-way (e.g., through partial lane closures). However, as discussed in Response 4.17(a), SCA TRA-1 would require a TMP be prepared and implemented to ensure traffic flow and emergency access are maintained during the construction phase. As stated, the TMP would include information detailing proposed signage, lane closures, flag persons, among others. Upon implementation of SCA TRA-1, construction-related impacts to emergency access in the project area would be reduced to less than significant levels.

At project completion, the project site would be accessed via two unsignalized "right-turn only" driveways at the north and south end of the project site along southbound Paseo De Colinas. Both driveways would connect to internal drive



aisles that provide access to each townhome building and surface parking area. The driveways and internal drive aisles would provide adequate space for emergency vehicles access; refer to Response 4.17(c).

Overall, with implementation of SCA TRA-1, project development would not result in inadequate emergency access. Impacts in this regard would be less than significant.

Standard Conditions of Approval: Refer to SCA TRA-1.

Mitigation Measures: No mitigation measures are required.



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4.18 TRIBAL CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) 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), or				✓
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				✓

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” Section 21074 of AB 52 also defines a new category of resources under CEQA called “tribal cultural resources.” Tribal cultural resources are defined as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is either listed on or eligible for the California Register of Historical Resources (CRHR) or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

On February 19, 2016, the California Natural Resources Agency proposed to adopt and amend regulations as part of AB 52 implementing Title 14, Division 6, Chapter 3 of the California Code of Regulations, CEQA Guidelines, to include consideration of impacts to tribal cultural resources pursuant to Government Code Section 11346.6. On September 27, 2016, the California Office of Administrative Law approved the amendments to Appendix G of the CEQA Guidelines, and these amendments are addressed within this Initial Study.

In compliance with AB 52, the City of Laguna Niguel distributed letters notifying each tribe that requested to be on the City’s list for the purposes of AB 52 of the opportunity to consult with the City regarding the proposed project; refer to Appendix H, AB 52 Documentation. The letters were distributed by certified mail on March 28, 2022.



- a) ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***
- 1) ***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)?***

No Impact. As detailed in Response 4.5(a), no historic resources listed or eligible for listing in a State or local register of historic resources are located on-site. Therefore, no impacts related to historic tribal cultural resources defined in Public Resources Code Section 5020.1(k) would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- 2) ***A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

No Impact. As noted above, the City distributed letters to potentially affected Native American tribes which have cultural or traditional affiliation with the City in accordance with AB 52; refer to [Appendix H](#). The letters were distributed by certified mail on March 28, 2022. The 30-day response period for AB 52 consultation concluded on April 28, 2022. The City did not receive any communications or requests for consultation. As such, consultation efforts pursuant to AB 52 concluded. No potential project impacts would occur to tribal cultural resources in this regard.

Mitigation Measures: No mitigation measures are required.



4.19 UTILITIES AND SERVICE SYSTEMS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✓	
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓	
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	
e. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?			✓	

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

Less Than Significant Impact.

Water

The project site is served by the Moulton Niguel Water District (MNWD). The proposed project would construct 8-inch private water lines on-site to connect to a proposed 12-inch water main in Paseo de Colinas. The new 12-inch water main would extend south to connect to an existing 12-inch water main in Del Cerro. The project would also install three fire hydrants and an irrigation meter that connects to an existing 12-inch recycled water line for on-site irrigation. The MNWD provided a preliminary letter for the proposed project stating that MNWD would be able to provide water, recycled water, and wastewater services for the proposed project. However, the letter states that a significant water main extension from Del Cerro to Loma Linda, and looped water main extensions would be required at a later date to accommodate the proposed development.¹ For the anticipated water infrastructure improvements, the project Applicant would be required to submit additional items to MNWD, including site plans showing locations of proposed potable water connections for domestic use and fire suppression, calculated fire suppression/sprinkler system water demands, installation locations on fire suppression lines, irrigation plans, a hydraulic analysis for fire flow, and an Orange County Fire Authority-approved Water Availability Form, among others. The Applicant would also be required to pay standard MNWD water connection fees and ongoing user fees to ensure the project's impacts on existing water facilities are adequately offset. As such, less than significant impacts would occur in this regard.

¹ Moulton Niguel Water District, *Proposed Development of up to 38 Residential Units Located at 29001 Paseo De Colinas Laguna Niguel*, May 12, 2021.



Wastewater

MNWD would also provide wastewater services to the proposed development. The project proposes to construct private 8-inch sewer lines throughout the site to connect to the existing 8-inch sewer line in Paseo de Colinas. Wastewater generated at the project site would be treated at one of the following three treatment plants: Regional Treatment Plant, Plant 3A, or J.B. Latham Treatment Plant. MNWD treats an average annual flow of 7.3 million gallons per day (mgd) at the Regional Treatment Plant (with maximum capacity of 12 mgd); 1.8 mgd at Plant 3A (with maximum capacity of 6 mgd); and 6 mgd at J.B. Latham Treatment Plant (with maximum capacity of 13 mgd).² Based on a wastewater generation rate of 170 gallons per day (gpd) per multi-family dwelling unit, the project is anticipated to generate approximately 6,460 gpd of wastewater.³ Sufficient capacity exists within MNWD's three treatment plants to accommodate wastewater generated by the proposed project and thus, no new wastewater treatment facilities or expansion of existing facilities would be necessary.

MNWD provided a preliminary letter for the proposed project stating that MNWD would be able to provide wastewater services for the proposed development.⁴ The letter also provided a list of requirements to confirm that there is capacity for the project's wastewater services, including a sewer hydraulic study to confirm any upsize requirements, site plans showing locations of proposed wastewater connections, plumbing plans, and plumbing system water demands, among others. In addition, the project would be required to pay standard wastewater connection fees and ongoing user fees, which would ensure the project's impacts on existing sewer facilities are adequately offset. Payment of these fees would fund improvements and upgrades to surrounding sewer lines, and would offset the project's increase in demand for wastewater collection services. As such, impacts would be less than significant in this regard.

Stormwater

The proposed project would install an on-site storm drain system with modular wetland systems, a pump, and an underground hydromodification tank. Low flows of on-site runoff would be captured on-site and conveyed to the modular wetland system units. Upon filtration, water would then flow to a proposed pump located near Paseo de Colinas. Water would then be pumped up to a proposed parkway culvert where water would outflow into the City's storm drain system in Paseo de Colinas. Should the wetland system units reach capacity (flows up to a 10-year storm event), flows would then enter the underground hydromodification tank (via a flow control structure) in order to reduce the flow rate. This flow rate reduction would allow water to flow through the wetland system units at the appropriate design capacity. Should flows exceed the capacity of the hydromodification tank (a 10-year storm event), runoff would overflow from the tank to the proposed pump structure prior to leaving the site. The proposed project is not anticipated to exceed the capacity of existing/planned stormwater drainage systems. The *Preliminary Hydrology Report for Paseo De Colinas, Laguna Niguel, California* (Hydrology Report), prepared by Fuscoe Engineering and dated, July 2021, and *Preliminary Water Quality Management Plan for Paseo De Colinas* (WQMP), prepared by Fuscoe Engineering and dated, May 25, 2021, conclude that overall runoff volumes would be reduced during post-development conditions compared to existing conditions and identifies best management practices (BMPs) to be implemented to further minimize runoff volumes. BMPs include common area landscape management and litter control measures, stenciling storm drains with prohibitive language and/or graphical icons to prevent dumping, use of efficient irrigation systems/landscape design, water conservation, smart controllers, and source control to minimize runoff, and other non-structural and structural BMPs; refer to Appendix E, Hydrology Report and WQMP. Implementation of the proposed storm drain improvements and BMPs would reduce the need for new or expanded storm water drainage facilities. Thus, impacts in this regard would be less than significant.

² Moulton Niguel Water District, 2020 *Urban Water Management Plan*, https://www.mnwd.com/wp-content/uploads/2021/06/2020-Urban-Water-Management-Plan_Adopted.pdf, June 2021.

³ Moulton Niguel Water District, *Development Requirements for Establishing and Modifying potable Water, Recycled Water, and Wastewater Service*, <https://www.mnwd.com/app/uploads/2019/02/Complete-Doc-DEVELOPMENT-REQUIREMENTS-SIG-PAGE-PART-I-APENDICES-AND-PART-II-FINAL.pdf>, January 2019.

⁴ Moulton Niguel Water District, *Proposed Development of up to 38 Residential Units Located at 29001 Paseo De Colinas Laguna Niguel*, May 12, 2021.



Dry Utilities

Southern California Gas Company and San Diego Gas and Electric would provide natural gas and electricity services to the site, respectively. Telecommunication services would be provided by AT&T, Cox Communication, and/or Frontier Communications. The project would require construction of new private on-site dry utilities; however, payment of standard utility connection fees and ongoing user fees would ensure these utility services are able to accommodate the proposed development. Additionally, the project's potential environmental effects in this regard are analyzed throughout this Initial Study and would be subject to compliance with all applicable local, State, and federal laws, ordinances, and regulations, as well as the specific mitigation measures throughout this Initial Study. As such, project impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Less Than Significant Impact. As discussed above, MNWD would provide water services to the project site. Based on MNWD's 2020 Urban Water Management Plan (UWMP), Table 4.19-1, MNWD Total Water Demand Projections, details MNWD's anticipated total water demand projections from 2020 through 2045.

**Table 4.19-1
MNWD Total Water Demand Projections**

	2020	2025	2030	2035	2040	2045
Potable and Raw Water Demand	23,083	25,695	25,436	25,286	25,161	24,992
Recycled Water Demand	5,013	6,398	6,346	6,326	6,312	6,288
Total Water Demand	28,096	32,093	31,782	31,612	31,473	31,280
Notes: Units are in acre-feet per year.						
Source: Moulton Niguel Water District, 2020 Urban Water Management Plan, Table 4-3: Use for Potable and Non-Potable Water (AF), June 2021.						

MNWD relies on a combination of imported potable water (75 percent) and recycled water (25 percent) to meet its water demands.⁵ MNWD's imported water sources include the State Water Project and Colorado River Aqueduct via Metropolitan Water District of Southern California. According to the UWMP, MNWD is able to meet projected demands during normal, dry, and multiple dry years through 2045; refer to Tables 4.19-2, Normal Year Supply and Demand Comparison, through 4.19-4, Multiple Dry Year Supply and Demand Comparison.

**Table 4.19-2
Normal Year Supply and Demand Comparison**

	2025	2030	2035	2040	2045
Supply Totals	32,093	31,782	31,612	31,473	31,280
Demand Totals	32,093	31,782	31,612	31,473	31,280
Difference	0	0	0	0	0
Notes: Units are in acre-feet per year.					
Source: Moulton Niguel Water District, 2020 Urban Water Management Plan, Table 7-2 Retail: Normal Year Supply and Demand Comparison (AFY), June 2021.					

⁵ Moulton Niguel Water District, *Operations (webpage)*, <https://www.mnwd.com/operations/>, accessed March 15, 2022.



Table 4.19-3
Single Dry Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Supply Totals	33,435	33,111	32,933	32,790	32,588
Demand Totals	33,435	33,111	32,933	32,790	32,588
Difference	0	0	0	0	0
Notes: Units are in acre-feet per year.					
Source: Moulton Niguel Water District, 2020 Urban Water Management Plan, Table 7-3 Retail: Single Dry Year Supply and Demand Comparison, June 2021.					

Table 4.19-4
Multiple Dry Year Supply and Demand Comparison

		2025	2030	2035	2040	2045
First Year	Supply Totals	33,435	33,111	32,934	32,790	32,588
	Demand Totals	33,435	33,111	32,934	32,790	32,588
	Difference	0	0	0	0	0
Second Year	Supply Totals	33,419	33,124	32,953	32,797	32,636
	Demand Totals	33,419	33,124	32,953	32,797	32,636
	Difference	0	0	0	0	0
Third Year	Supply Totals	31,969	31,714	31,556	31,396	31,280
	Demand Totals	31,969	31,714	31,556	31,396	31,280
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	31,906	31,680	31,529	31,357	31,280
	Demand Totals	31,906	31,680	31,529	31,357	31,280
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	31,844	31,646	31,501	31,319	31,280
	Demand Totals	31,844	31,646	31,501	31,319	31,280
	Difference	0	0	0	0	0
Notes: Units are in acre-feet per year.						
Source: Moulton Niguel Water District, 2020 Urban Water Management Plan, Table 7-4 Retail: Multiple Dry Years Supply and Demand Comparison, June 2021.						

Based on a water demand factor of 180 gpd per multi-family dwelling unit, project implementation is anticipated to result in a water demand of approximately 6,840 gpd, or 7.7 acre-feet per year.⁶ The project's estimated water demand of 7.7 acre-feet per year would represent less than 0.1 percent of the City's projected water demand of 32,093 acre-feet for 2025 and 31,280 acre-feet for 2045; refer to Table 4.19-1.

It is acknowledged that a General Plan Amendment is requested to increase the maximum number of attached dwelling units for the site from 30 to 38 units. Therefore, development of the site with up to 30 attached dwelling units was previously contemplated in the buildout of the General Plan and MNWD's UWMP. While the project would increase the site's anticipated buildout by eight additional units, the additional units would not substantially increase water demand. The project would also be required to comply with water efficiency and water conservation standards in the 2019 California Building Energy Efficiency Standards and 2019 California Green Building Standards Code. Thus, project implementation would result in a less than significant impact in this regard.

Mitigation Measures: No mitigation measures are required.

⁶ Moulton Niguel Water District, *Development Requirements for Establishing and Modifying Potable Water, Recycled Water, and Wastewater Service*, <https://www.mnwd.com/app/uploads/2019/02/Complete-Doc-DEVELOPMENT-REQUIREMENTS-SIG-PAGE-PART-I-APENDICES-AND-PART-II-FINAL.pdf>, January 2019.



- c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less Than Significant Impact. Development of the proposed project would generate additional wastewater beyond existing conditions; refer to Response 4.19(a). However, as analyzed above, there is substantial remaining capacity to treat project-generated wastewater at the three MNWD wastewater treatment plants. Thus, following compliance with the relevant laws, ordinances, and regulations, project-generated wastewater, in addition to MNWD's existing commitments, would be adequately accommodated by existing MNWD wastewater treatment facilities. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Less Than Significant Impact. CR&R Environmental Services, Inc. (CR&R) provides residential waste collection for the City and would provide collection services for the project site. In 2019, a total of 45,161 tons of solid waste generated in the City were disposed of in six landfills, with the majority being disposed of at the Prima Deshecha Landfill in the City of San Juan Capistrano; refer to Table 4.19-5, Landfills Serving the City.⁷

**Table 4.19-5
Landfills Serving the City**

Landfill/Location	Maximum Daily Throughput (tons per day)	Remaining Capacity (cubic yards)	Anticipated Closure Date
Prima Deshecha Landfill 32250 Avenida La Pata, San Juan Capistrano, CA 92675	4,000	134,300,000	12/31/2102
Frank R. Bowerman Sanitary Landfill 11002 Bee Canyon Access Road, Irvine, CA 92618	11,500	205,000,000	12/31/2053
Simi Valley Landfill and Recycling Center 2801 Madera Road, Simi Valley, CA 93065	9,250	82,954,873	3/31/2063
Olinda Alpha Sanitary Landfill 1942 North Valencia Avenue, Brea, CA 92823	8,000	17,500,000	12/31/2036
Azusa Land Reclamation Co. Landfill 1211 West Gladstone Street, Azusa, CA 91702 (for inert waste and asbestos containing waste only)	8,000	51,512,201	1/1/2045
El Sobrante Landfill 10910 Dawson Canyon Road, Corona, CA 91719	16,054	143,977,170	1/1/2051
Source: California Department of Resources Recycling and Recovery, SWIS Facility/Site Search, https://www2.calrecycle.ca.gov/SolidWaste/Site/Search , accessed March 14, 2022.			

Construction

Project construction is not anticipated to generate significant quantities of solid waste with the potential to affect the capacity of regional landfills. All construction activities would be subject to conformance with relevant federal, State, and local requirements related to solid waste disposal. Specifically, the project would be required to demonstrate compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires all California cities

⁷ California Department of Resources Recycling and Recovery, *Jurisdiction Disposal By Facility, Disposal During 2019 for Laguna Niguel*, <https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility>, accessed March 14, 2022.



to reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible. Specifically, AB 939 requires that at least 50 percent of waste produced is recycled, reduced, or composted. The project would also be required to demonstrate compliance with the 2019 Green Building Code, which includes design and construction measures that act to reduce construction-related waste through material conservation and other construction-related efficiency measures. Compliance with these programs would ensure the project's construction-related solid waste impacts would be less than significant.

Operations

Based on a solid waste generation rate of 4 pounds per day per multi-family residential unit, project operations are expected to generate approximately 152 pounds of solid waste per day, or approximately 0.08 tons per day.⁸ This represents less than 0.1 percent of the daily permitted throughput capacities of the six landfills identified in [Table 4.19-5](#). As such, the project is not anticipated to generate solid waste in excess of State or local standards, in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

- e) ***Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?***

Less Than Significant Impact. Refer to Response 4.19(d). The proposed project would comply with all federal, State, and local statutes and regulations related to solid waste, including AB 939. Specifically, the project would be required to recycled, reduced, or composted at least 50 percent of construction and demolition debris. Compliance with existing laws and regulations would ensure project's impacts related to solid waste are reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

⁸ California Department of Resources Recycling and Recovery, *Estimated Solid Waste Generation Rates*, <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>, accessed March 23, 2022.



4.20 WILDFIRE

<i>If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. According to the California Department of Forestry and Fire's FHSZ Viewer, the project site is not located in or near a State responsibility area nor is the project site designated as a very high fire hazard severity zone.¹ Additionally, the site is not located in the vicinity of a moderate or high fire hazard severity zone. Thus, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation measures are required.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation measures are required.

¹ California Department of Forestry and Fire Protection, *FHSZ Viewer*, <https://egis.fire.ca.gov/FHSZ/>, accessed May 16, 2022.



- d) ***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

No Impact. Refer to Response 4.20(a).

Mitigation Measures: No mitigation measures are required.



4.21 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓		
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

- a) ***Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

Less Than Significant Impact With Mitigation Incorporated. As detailed in Section 4.4, Biological Resources, no impacts would occur to any special-status plant or wildlife species known to occur in the project area. However, short-term construction activities could impact nesting birds protected by the Migratory Bird Treaty Act. Implementation of Mitigation Measure BIO-1 would minimize potential impacts to nesting birds to less than significant levels. As such, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

Additionally, project implementation is not anticipated to result in adverse impacts to known cultural, paleontological, or tribal cultural resources; refer to Section 4.5, Cultural Resources, Section 4.7, Geology and Soils, and Section 4.18, Tribal Cultural Resources. However, in the unlikely event that buried archaeological resources are encountered during ground disturbance activities, Mitigation Measure CUL-1 would require all construction work to halt until a qualified archaeologist can evaluate the find and determine the appropriate treatment plan for the resource. Additionally, Mitigation Measure CUL-2 would ensure a Native American Monitor is provided the opportunity to monitor ground-disturbing activities that may impact previously unknown cultural resources of Native American origin. Additionally, Mitigation Measure GEO-1 would ensure a qualified paleontologist provides sensitivity training and is present on-site to monitor all project-related grading and excavation into sedimentary rock material. In the event that paleontological resources are encountered during ground-disturbing activities, all such activities would be required to halt until the qualified paleontologist is able to assess the significance of the find. Therefore, the proposed project would not eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant with mitigation incorporated in this regard.



- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

Less Than Significant Impact With Mitigation Incorporated. A significant impact may occur if a proposed project, in conjunction with related projects, would result in impacts that are less than significant when viewed separately, but would be significant when viewed together. As concluded in Sections 4.1 through 4.20, the proposed project would not result in any significant and unavoidable impacts in any environmental categories with implementation of existing regulatory requirements and/or project-specific mitigation measures. Implementation of standard conditions of approval (SCAs) and mitigation measures at the project-level would reduce the potential for the incremental effects of the proposed project to be considerable when viewed in connection with the effects of past projects, current projects, or probable future projects. Thus, impacts in this regard would be less than significant with SCAs and mitigation incorporated.

- c) ***Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

Less Than Significant Impact With Mitigation Incorporated. Previous sections of this Initial Study reviewed the proposed project’s potential impacts related to aesthetics, air quality, noise, hazards and hazardous materials, transportation, and other issues. As concluded in these previous discussions, the proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly, following conformance with the existing regulatory framework, SCAs, and mitigation measures. Further, as a residential development, project features would be designed to meet the needs of humans and are not anticipated to result in direct or indirect adverse effects. Impacts would be less than significant upon implementation of SCAs and mitigation measures detailed in this Initial Study.



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5.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in the Initial Study/Environmental Checklist, we recommend that the City of Laguna Niguel prepare a mitigated negative declaration for the Paseo De Colinas Townhomes Project. We find that the proposed project could have a significant effect on several environmental issues, but that mitigation measures have been identified that reduce such impacts to a less than significant level. We recommend that the second category be selected for the City of Laguna Niguel's determination (see Section 6.0, Lead Agency Determination).

8/19/2022

Date

A handwritten signature in cursive script, likely belonging to Frances Yau.

Frances Yau, AICP, Project Manager
Michael Baker International



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6.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐

Signature:

Title:

Senior Planner

Printed Name:

Katie Crockett

Agency:

City of Laguna Niguel

Date:

8/19/22



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