LAGUNA NIGUEL GATEWAY SPECIFIC PLAN

Program Environmental Impact Report

SCH No. 1998111080

Volume Ia: Final PEIR

Prepared for
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CHAPTER 8 Introduction to the Final PEIR

8.1 CEQA REQUIREMENTS

Before approving a project, the California Environmental Quality Act (CEQA) requires the Lead Agency to prepare and certify a Final Program Environmental Impact Report (Final PEIR). The contents of a Final PEIR are specified in CEQA Guidelines Section 15132, which states that:

> The Final PEIR shall consist of:
>
> (a) The Draft PEIR or a revision of the Draft PEIR.
>
> (b) Comments and recommendations received on the Draft PEIR either verbatim or in summary.
>
> (c) A list of persons, organizations, and public agencies commenting on the Draft PEIR.
>
> (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
>
> (e) Any other information added by the Lead Agency.

The Lead Agency (the City of Laguna Niguel) must also provide each public agency that commented on the Draft PEIR with a copy of the City's response to those comments at least ten days before certifying the Final PEIR. In addition, the City may also provide an opportunity for members of the public to review the Final PEIR prior to certification, though this is not a requirement of CEQA.

8.2 PUBLIC REVIEW PROCESS

The Draft PEIR for the Laguna Niguel Gateway Specific Plan was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period that began on July 25, 2011, and concluded on September 12, 2011. Twelve written letters were received during the review period, and one letter was received on September 14, 2011, and one letter was received on September 29, 2011, after the review period had concluded.

8.3 CONTENTS AND ORGANIZATION OF THE FINAL PEIR

This Final PEIR is composed of three volumes. They are as follows:

Volume I — **Draft PEIR**—This volume describes the existing environmental conditions in the project area and in the vicinity of the project, and analyzes potential impacts on those conditions due to the proposed project; identifies mitigation measures that could avoid or reduce the magnitude of significant impacts; evaluates cumulative impacts that would be caused by the project in combination with other future projects or growth that could occur in the region; analyzes growth-inducing impacts; and provides a full evaluation of the alternatives to the proposed project that could eliminate, reduce, or avoid project-related impacts. Text revisions to the Draft PEIR resulting from corrections of minor errors and/or clarification of items are identified

in Volume Ia, as described below. The Draft PEIR is incorporated by reference into the Final PEIR.

Volume Ia **Revised Final PEIR (Text Changes and Responses to Comments)**—This volume contains an explanation of the format and content of the Final PEIR; all text changes to the Draft PEIR; a complete list of all persons, organizations, and public agencies that commented on the Draft PEIR; copies of the comment letters received by the City of Laguna Niguel on the proposed project; and the Lead Agency's responses to these comments. As stated above, the Draft PEIR is incorporated by reference into the Final PEIR.

Volume II **Draft PEIR Appendices**—This volume includes supporting technical data used in the preparation of the Draft PEIR. No text changes were made to the Technical Appendices in preparation of the Final PEIR.

8.4 USE OF THE FINAL PEIR

Pursuant to CEQA Guidelines Sections 15088(a) and 15088(b), the lead agency must evaluate comments on environmental issues received from persons who reviewed the Draft PEIR and must prepare written responses. The Final PEIR allows the public and the City of Laguna Niguel an opportunity to review the response to comments, revisions to the Draft PEIR, and other components of the PEIR, such as the Mitigation Monitoring and Reporting Program (MMRP), prior to the City's decision on the project. The Final PEIR serves as the environmental document to support approval of the proposed project, either in whole or in part.

After completing the Final PEIR, and before approving the project, the Lead Agency must make the following three certifications as required by CEQA Guidelines Section 15090:

- That the Final PEIR has been completed in compliance with CEQA
- That the Final PEIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final PEIR prior to approving the project
- That the Final PEIR reflects the Lead Agency's independent judgment and analysis

Pursuant to CEQA Guidelines Section 15091(a), if a PEIR that has been certified for a project identifies one or more significant environmental effects, the lead agency must adopt "Findings of Fact." For each significant impact, the lead agency must make one of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the PEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final PEIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, pursuant to CEQA Guidelines Section 15091(d), the Lead Agency must adopt, in conjunction with the findings, a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring and Reporting Program.

Additionally, pursuant to CEQA Guidelines Section 15093(b), when a Lead Agency approves a project that would result in significant, unavoidable impacts that are disclosed in the Final PEIR, the agency must state in writing its reasons for supporting the approved action. This Statement of Overriding Considerations is supported by substantial information in the record, which includes this Final PEIR. Since the project could result in significant and unavoidable impacts related to air quality, noise levels, and traffic levels of service, the City of Laguna Niguel would be required to adopt a Statement of Overriding Considerations if it approves the proposed project.

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CHAPTER 9 Changes to the Draft PEIR

Text changes are intended to clarify or correct information in the Draft PEIR in response to comments received on the document, or as initiated by Lead Agency staff. Revisions are shown in Section 9.2 (Text Changes) below as excerpts from the Draft PEIR text, with a ~~line through~~ deleted text and a double underline beneath inserted text. In order to indicate the location in the Draft PEIR where text has been changed, the reader is referred to the page number of the Draft PEIR.

9.1 TEXT CHANGES

This section includes revisions to text, by Draft PEIR section, that were initiated either by Lead Agency staff or in response to public comments. All changes appear in order of their location in the Draft PEIR.

Pages 2-6 to 2-16, Table 2-1, Air Quality and Greenhouse Gas Emissions sections

Table 2-1 Summary of Environmental Effects and Project Requirements/Mitigation Measures

LTS = less than significant; PS = potentially significant; SU = significant and unavoidable

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Project Requirements*	*Level of Significance After Mitigation*
…			
		AIR QUALITY	
…			
Impact 4.2-2 Implementation of the proposed project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. This would be a potentially significant impact. Implementation of mitigation would reduce this impact, but not to a less-than-significant level. Therefore, this would be a *significant and unavoidable* impact.	PS	… MM4.2-9 Project Applicant shall provide ridesharing or shuttle service for construction workers, as feasible. MM4.2-10 Project Applicant shall provide temporary traffic controls, such as a flag person, during all phases of construction to maintain smooth traffic flow, as deemed necessary by the Public Works Director; MM4.2-11 Project Applicant shall provide dedicated turn lanes for movement of construction trucks and equipment on and off site, as deemed necessary by the Public Works Director; MM4.2-12 Project Applicant shall reroute construction trucks away from congested streets or sensitive receptor areas; as feasible MM4.2-13 Project Applicant shall require the use of cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards. MM4.2-~~10~~14 Project Applicant shall ensure that all architectural coating (paint and primer) products applied during construction have a low to no VOC rating. MM4.2-~~11~~15 Electrical outlets shall be included in the building design of all loading docks to allow use by	SU

Table 2-1 Summary of Environmental Effects and Project Requirements/Mitigation Measures

LTS = less than significant; PS = potentially significant; SU = significant and unavoidable

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Project Requirements*	*Level of Significance After Mitigation*
		refrigerated delivery trucks. The Project Applicant shall require that no trucks idle for more than five minutes. Refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units. MM4.2-~~12~~16 All multi-family residential and nonresidential facilities shall ensure that current transit schedules are available in common areas for the use of employees and residents. MM4.2-~~13~~17 All retail facilities in excess of 100 employees shall provide preferential vanpool/carpool employee parking. MM4.2-~~14~~18 Project Applicant shall promote trip reduction through commuter-choice programs, employer transportation management, guaranteed ride home programs, and commuter assistance and outreach type programs intended to reduce commuter vehicle miles traveled. Employers with more than 100 employees shall establish a trip reduction plan to include annual employee commute surveys, marketing of commute alternatives, ride matching assistance, and transit information at a minimum, and implement secure bicycle parking, showers and lockers for employees who bike to work. Further this measure would encourage building management companies and smaller businesses located in close proximity to each other to cooperate in establishing joint trip reduction plans. MM4.2-~~15~~19 The Project Applicant shall ensure that all new development is equipped with outdoor electrical outlets to accommodate landscaping equipment. MM4.2-~~16~~20 Project Applicant shall ensure that maintenance requiring the reapplication of architectural coating (paint and primer) shall use products that have a low to no VOC rating.	
Impact 4.2-3 Implementation of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment under applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). This would be a potentially significant impact. Implementation of mitigation would reduce this impact, but not to a less-than-significant level. Therefore, this would be a *significant and unavoidable* impact.	PS	MM4.2-~~11~~15 through MM4.2-~~16~~20 would also apply.	SU
Impact 4.2-4 Implementation of the	PS	MM4.2-~~17~~21 Development of uses that would contain	SU

Table 2-1 Summary of Environmental Effects and Project Requirements/Mitigation Measures

LTS = less than significant; PS = potentially significant; SU = significant and unavoidable

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Project Requirements*	*Level of Significance After Mitigation*
proposed project would expose sensitive receptors to substantial pollutant concentrations. This would be a potentially significant impact. Implementation of mitigation would reduce this impact, but not to a less-than-significant level. Therefore, this would be a *significant and unavoidable* impact.		sensitive receptors within 500 feet of the I-5 and/or the SR-73, and the railway shall incorporate tiered planting of vegetation, as deemed feasible and appropriate by the decision-making authority, adjacent to the TAC source in order to reduce toxic exposure. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency. MM4.2-~~18~~22 Mixed-use or residential development within 500 feet of the I-5 and/or the SR-73 and the existing railway shall implement sealed HVAC systems for all multi-family development. The sealed air system shall be designed so that all ambient air introduced into the interior living space would be filtered to remove DPM and other particulate matter at minimum of up to 75 percent of particulates of 0.3 micron or larger in size from the ambient air that is introduced to the system, and 90 percent of particulates of 1 micron or larger (NAFA 1999). MM4.2-~~19~~23 a. All new industrial and commercial development projects that have the potential to emit TACs shall be required to be located an adequate distance from existing and proposed development used by sensitive receptors, unless a project-specific evaluation of human health risks is conducted and the results of the evaluation determine that no significant impact would occur, to the satisfaction of the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency. The determination of development projects that have the potential for TAC emissions and adequate distances from sensitive receptors are identified in the California ARB's "Air Quality and Land Use Handbook—A Community Health Perspective (April 2005; California ARB Guidance). b. Development projects within the Laguna Niguel Gateway Specific Plan with the potential to emit TAC shall consult with the SCAQMD to identify TAC sources and determine the need for and requirements of a health risk assessment for proposed developments. MM4.2-~~20~~24 Prior to project approval by the City's decision-making authority, applicants for proposed new development with sensitive receptors shall conduct an evaluation of human health risks to identify and reduce any potential health risks from TAC sources within the California ARB buffer zones, to the extent deemed	

Table 2-1 Summary of Environmental Effects and Project Requirements/Mitigation Measures

LTS = less than significant; PS = potentially significant; SU = significant and unavoidable

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Project Requirements*	*Level of Significance After Mitigation*
		feasible and appropriate by the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency.	
Impact 4.2-5 Implementation of the proposed project could create objectionable odors affecting a substantial number of people. This would be a potentially significant impact. Implementation of mitigation would reduce this impact to a *less-than-significant* level.	PS	MM4.2-~~21~~25 Locate potential odor sources predominantly downwind from existing sensitive receptors and potential sensitive receptors predominantly upwind from existing odor sources; MM4.2-~~22~~26 Maintain an adequate buffer between potential odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on odor source); and MM4.2-~~23~~27 Design odor emitting source facilities such that odor emitters are located as far from potential receptors as possible and stack heights are balanced to provide the maximum dispersion of odor between the stack and the nearest sensitive receptor.	LTS
…			
		GREENHOUSE GAS EMISSIONS	
Impact 4.6-1 Implementation of the Laguna Niguel Gateway Specific Plan would have the potential to contribute substantial emissions of greenhouse gases. With the incorporation of mitigation, impacts from the project would be *less than significant*.	PS	MM4.2-~~11~~15 through MM4.2-~~17~~20 would also apply. MM4.6-1 Each project constructed under the Specific Plan will be required to comply with specific efficiency and reduction goals as provided for in the 2010 Green Building Code (Title 24, Part 11), and as may be amended, including the following: ■ Project Applicant shall ensure that all residential and commercial developments increase electrical energy efficiency by 15 percent beyond 2008 standards. ■ Project Applicant shall ensure that all residential and commercial developments increase natural gas efficiency by 15 percent beyond 2008 standards. ■ Project Applicant shall ensure that all residential and commercial development reduce indoor water consumption beyond business-as-usual by a minimum of 20 percent. ■ Project Applicants shall ensure that all construction projects divert 50 percent of all construction debris from landfills. In addition, for projects that require demolition the project shall re-use at least 50 percent of the salvageable materials in the existing buildings on-site. This can take the form of re-use of entire structures, re-use or repurposing of significant elements, such as beams or trusses, and recycling materials within the new project such as grinding paving and asphalt for use as base material at the project site.	LTS

Table 2-1 Summary of Environmental Effects and Project Requirements/Mitigation Measures

LTS = less than significant; PS = potentially significant; SU = significant and unavoidable

Impact(s)	*Level of Significance Prior to Mitigation*	*Mitigation Measure(s) and/or Project Requirements*	*Level of Significance After Mitigation*
Impact 4.6-2 Project emission of greenhouse gases would have the potential to conflict with the implementation of AB 32 and SB 375. With the incorporation of mitigation impacts from the revised project will be *less than significant*.	PS	MM4.2-~~11~~15 through MM4.2-~~17~~20 and MM4.6-1 would also apply.	LTS
…			

Page 4.2-6, "Toxic Air Contaminant Emissions" section, first paragraph

TACs are airborne substances that are capable of causing chronic and acute adverse effects on human health. They include numerous organic and inorganic chemical substances that may be emitted from a variety of common sources and have varied potential health impacts. Due to the vast number of compounds that are considered TACs and the varied potential health impacts, a detailed discussion of all of the potential chemicals and their potential impacts is not included in this document. Diesel particulate matter (DPM) is identified here as it is the greatest TAC emitted and is specifically analyzed in this document.

Page 4.2-25, following MM4.2-9

MM4.2-9 *Project Applicant shall provide ridesharing or shuttle service for construction workers, as feasible.*

MM4.2-10 *Project Applicant shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, as deemed necessary by the Public Works Director;*

MM4.2-11 *Project Applicant shall provide dedicated turn lanes for movement of construction trucks and equipment on and off site, as deemed necessary by the Public Works Director;*

MM4.2-12 *Project Applicant shall reroute construction trucks away from congested streets or sensitive receptor areas; as feasible*

MM4.2-13 *Project Applicant shall require the use of cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards.*

In addition, emission levels of VOCs, which are a precursor for ozone, would potentially exceed SCAQMD significance thresholds during the application of architectural coatings (paint and primer) during build-out of the proposed project. In order to reduce the VOC emissions levels associated with architectural coatings, the following mitigation measure would be implemented:

MM4.2-~~10~~14 *Project Applicant shall ensure that all architectural coating (paint and primer) products applied during construction have a low to no VOC rating.*

Due to the unknown level of construction activity that would occur on any given day during the proposed Specific Plan build-out, this is considered a potentially significant impact. Implementation of mitigation measures MM4.2-1 through MM4.2-~~10~~14 would reduce this impact, but not necessarily to a less-than-significant level. Individual development projects could, even with implementation of the identified mitigation, result in an air quality violation or a substantial contribution to an existing air quality violation. Therefore, this would be a ***significant and unavoidable*** impact for construction activities on a programmatic level.

Pages 4.2-26 to 4.2-27, following first full paragraph

MM4.2-~~11~~15 *Electrical outlets shall be included in the building design of all loading docks to allow use by refrigerated delivery trucks. The Project Applicant shall require that no trucks idle for more than five minutes. Refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units.*

MM4.2-~~12~~16 *All multi-family residential and nonresidential facilities shall ensure that current transit schedules are available in common areas for the use of employees and residents.*

MM4.2-~~13~~17 *All retail facilities in excess of 100 employees shall provide preferential vanpool/carpool employee parking.*

MM4.2-~~14~~18 *Project Applicant shall promote trip reduction through commuter-choice programs, employer transportation management, guaranteed ride home programs, and commuter assistance and outreach type programs intended to reduce commuter vehicle miles traveled. Employers with more than 100 employees shall establish a trip reduction plan to include annual employee commute surveys, marketing of commute alternatives, ride matching assistance, and transit information at a minimum, and implement secure bicycle parking, showers and lockers for employees who bike to work. Further this measure would encourage building management companies and smaller businesses located in close proximity to each other to cooperate in establishing joint trip reduction plans.*

MM4.2-~~15~~19 *The Project Applicant shall ensure that all new development is equipped with outdoor electrical outlets to accommodate landscaping equipment.*

MM4.2-~~16~~20 *Project Applicant shall ensure that maintenance requiring the reapplication of architectural coating (paint and primer) shall use products that have a low to no VOC rating.*

Table 4.2-4 (Daily Mitigated Operational Emissions) shows operational emissions at full build-out after the incorporation of state and local regulations along with mitigation measures MM4.2-~~11~~15 through MM4.2-~~16~~20. With the implementation all feasible mitigation measures, SO_X would remain less than significant, however, all other criteria pollutants would still exceed their respective daily thresholds. Therefore, this would remain a ***significant and unavoidable*** impact.

Page 4.2-27, last paragraph

The Basin is designated as a federal-level severe nonattainment area for ozone, meaning that federal ambient air quality standards are not expected to be met for more than 18 years, and as nonattainment areas for PM_{10} and $PM_{2.5}$. The Basin is a state-level extreme nonattainment area for ozone, and is a state-level nonattainment area for $PM_{2.5}$ and PM_{10} (California ARB 2010a). As indicated under Impact 4.2-2,

emissions from operational activities are anticipated to exceed the operational threshold for all criteria pollutants except SO_X before mitigation. Because the estimated emissions from the Specific Plan area at build-out would be significant on a project level, and the basin is in nonattainment for PM_{10} and $PM_{2.5}$, this is considered to be a potentially significant cumulative impact. Implementation of measures MM4.2-~~11~~15 through MM4.2-~~16~~20 would reduce these impacts; however, emissions would still exceed the daily regulatory thresholds. Because the project exceeds thresholds for standards that the Basin is currently in nonattainment, the proposed project would make a considerable contribution to the cumulative impact. Because all exceedances of project level thresholds inhibit the Basin's ability to reach attainment, any exceedance is considered a ***significant and unavoidable cumulative*** impact.

Pages 4.2-30 to 4.2-31, following first paragraph

MM4.2-~~17~~21 *Development of uses that would contain sensitive receptors within 500 feet of the I-5 and/or the SR-73, and the railway shall incorporate tiered planting of vegetation, as deemed feasible and appropriate by the decision-making authority, adjacent to the TAC source in order to reduce toxic exposure. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency.*

MM4.2-~~18~~22 *Mixed-use or residential development within 500 feet of the I-5 and/or the SR-73 and the existing railway shall implement sealed HVAC systems for all multi-family development. The sealed air system shall be designed so that all ambient air introduced into the interior living space would be filtered to remove DPM and other particulate matter at minimum of up to 75 percent of particulates of 0.3 micron or larger in size from the ambient air that is introduced to the system, and 90 percent of particulates of 1 micron or larger (NAFA 1999).*

While the specific future development within the Laguna Niguel Gateway Specific Plan area is unknown, incorporation of mitigation measures would reduce the potential impacts to sensitive receptors from TAC exposure due to the development of TAC emitters from new commercial and industrial uses within the Specific Plan area.

MM4.2-~~19~~23

a. All new industrial and commercial development projects that have the potential to emit TACs shall be required to be located an adequate distance from existing and proposed development used by sensitive receptors, unless a project-specific evaluation of human health risks is conducted and the results of the evaluation determine that no significant impact would occur, to the satisfaction of the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency. The determination of development projects that have the potential for TAC emissions and adequate distances from sensitive receptors are identified in the California ARB's "Air Quality and Land Use Handbook—A Community Health Perspective (April 2005; California ARB Guidance).

b. Development projects within the Laguna Niguel Gateway Specific Plan with the potential to emit TAC shall consult with the SCAQMD to identify TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

The California ARB has indicated buffer zones within which a source has the potential to adversely impact a sensitive receptor. While the specific future development within the Specific Plan area is unknown, incorporation of certain mitigation measures would reduce the potential impacts to sensitive receptors from TAC exposure from existing emitters, such as freeways or uses specific uses such as auto

repair and other light industrial uses within the Specific Plan area. For sensitive receptors sited within the buffer zones of existing TAC emitters, as outlined in the Analytical Methodology Section, the following mitigation measure will be implemented in order to reduce the potential impact from exposure TAC contaminants.

MM4.2-~~20~~24 *Prior to project approval by the City's decision-making authority, applicants for proposed new development with sensitive receptors shall conduct an evaluation of human health risks to identify and reduce any potential health risks from TAC sources within the California ARB buffer zones, to the extent deemed feasible and appropriate by the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency.*

Operational activities under the Laguna Niguel Gateway Specific Plan may include the implementation of commercial activities that will emit TACs or the siting of sensitive receptors in the vicinity of existing TAC emitters, including the I-5 and SR-73 freeways and the existing rail line. This is considered a potentially significant impact. Implementation of mitigation measures MM4.2-~~17~~21 through MM4.2-~~20~~24 would reduce this impact, but not to a less-than-significant level. Therefore, the implementation of the proposed Specific Plan would result in a ***significant and unavoidable*** impact with respect to TAC emissions.

Page 4.2-32, top of page

MM4.2-~~21~~25 *Locate potential odor sources predominantly downwind from existing sensitive receptors and potential sensitive receptors predominantly upwind from existing odor sources;*

MM4.2-~~22~~26 *Maintain an adequate buffer between potential odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on odor source); and*

MM4.2-~~23~~27 *Design odor emitting source facilities such that odor emitters are located as far from potential receptors as possible and stack heights are balanced to provide the maximum dispersion of odor between the stack and the nearest sensitive receptor.*

This is considered a potentially significant impact. However, implementation of mitigation measures MM4.2-~~21~~25 through MM4.2-~~23~~27 would reduce this impact to a ***less-than-significant*** level.

Page 4.2-33, beginning with first partial paragraph

all criteria pollutants except SO_X before mitigation. Implementation of measures MM4.2-~~11~~15 through MM4.2-~~16~~20 would reduce these impacts; however, emissions would still exceed daily regulatory thresholds. Because emissions from the Laguna Niguel Gateway Specific Plan area would be significant on a project level, and the Basin is in nonattainment for PM_{10} and $PM_{2.5}$, the project would make a considerable contribution to the cumulative impact. Because all exceedances of project level thresholds inhibit the Basin's ability to reach attainment, any exceedance is considered a ***significant cumulative impact***.

Threshold	Would the project expose sensitive receptors to substantial pollutant concentrations?

As discussed in the Local Air Quality portion of Section 4.2.1, no intersection within the Laguna Niguel Gateway Specific Plan area currently exceeds national or state standards for 1-hour or 8-hour CO concentrations. Therefore an impact with respect to localized CO concentrations does not currently exist within the Project area. As discussed in Impact 4.2-4, as the Laguna Niguel Gateway Specific Plan area is built out, the level of service on roadways has the potential to deteriorate; however, no intersection would exceed national or state standards for 1-hour or 8-hour CO concentrations. Therefore, the project would ***not make a cumulatively considerable contribution*** to CO hotspots.

The SCAQMD provides a detailed analysis of existing TAC health risks within the District that indicates existing cancer risk within the Laguna Niguel Gateway Specific Plan area is between 428 and 483 cases in a million. Operational activities under the Specific Plan area may include the implementation of commercial activities that will emit TACs or the siting of sensitive receptors in the vicinity of existing TAC emitters. The potential increase in TAC emissions would result in a ***cumulatively considerable contribution*** to TAC impacts. Even with implementation of mitigation measures MM4.2-~~17~~21 through MM4.2-~~20~~24, the project in combination with future development would not reduce impacts to a less-than-significant level. Therefore, the Gateway Specific Plan results in a ***significant and unavoidable cumulative impact*** from TAC emissions.

Threshold	Would the project create objectionable odors affecting a substantial number of people?

As indicated under Impact 4.2-5, because of the unknown disposition of the developable land under the Laguna Niguel Gateway Specific Plan, there is the potential that new development operations will emit odors that could be objectionable and could be in close proximity to existing sensitive receptors. Therefore the Gateway Specific Plan has the potential to result in a cumulative impact, and because the exact disposition of land uses is unknown, has the potential to result in a cumulatively considerable contribution to the project's cumulative impact. Each individual development project under the Gateway Specific Plan will be required to evaluate the project with respect to odor impacts. By evaluating for potential odor impacts early in the development process, odor sources can be sited away from sensitive receptors or mitigated to a level where odors are not objectionable. The implementation of mitigation measures MM4.2-~~21~~25 through MM4.2-~~23~~27 would reduce this impact to less than significant at a project level. Because odors are localized impacts and the siting of new odor sources as well as sensitive receptors will be evaluated and mitigated such that no localized odor impacts occur, this project would result in a ***less than significant cumulative impact***.

Page 4.4-17, first paragraph

Based on the geologic mapping and the paleontological sensitivity of the project area, there is always the possibility that ground-disturbing activities during construction may uncover previously unknown paleontological sites or unique geologic features. Adherence to existing federal, state, and local regulations as well as the implementation of the mitigation measures MM4.4-~~1~~2(a) and MM4.4-~~1~~2(b) composed for the proposed project would ensure project impacts to paleontological resources are

reduced to a ***less-than-significant*** level. Therefore, when considered in the context of regional present and reasonably foreseeable projects, the proposed project would not cause cumulative impacts to paleontological resources within the Los Angeles Basin.

Page 4.6-20, first and last paragraphs

Mitigation measures MM4.2-~~11~~15 through MM4.2-~~17~~20, identified in Section 4.2 also reduce greenhouse gas emissions from operational activities. In addition, mitigation measure MM4.6-1 is incorporated to ensure the further reduction of greenhouse gas emissions by development within the Specific Plan area. Detailed reduction assumptions and calculations are included in Appendix C.

MM4.6-1 *Each project constructed under the Specific Plan will be required to comply with specific efficiency and reduction goals as provided for in the 2010 Green Building Code (Title 24, Part 11), and as may be amended, including the following:*

- *Project Applicant shall ensure that all residential and commercial developments increase electrical energy efficiency by 15 percent beyond 2008 standards.*
- *Project Applicant shall ensure that all residential and commercial developments increase natural gas efficiency by 15 percent beyond 2008 standards.*
- *Project Applicant shall ensure that all residential and commercial development reduce indoor water consumption beyond business-as-usual by a minimum of 20 percent.*
- *Project Applicants shall ensure that all construction projects divert 50 percent of all construction debris from landfills. In addition, for projects that require demolition the project shall re-use at least 50 percent of the salvageable materials in the existing buildings on-site. This can take the form of re-use of entire structures, re-use or repurposing of significant elements, such as beams or trusses, and recycling materials within the new project such as grinding paving and asphalt for use as base material at the project site.*

The emission of GHGs is considered a potentially significant impact. However, implementation of mitigation measures MM4.2-~~11~~15 through MM4.2-~~17~~20 and MM4.6-1 would reduce this impact to a ***less-than-significant*** level. Table 4.6-2 (Estimated Reduced Annual CO_2e Emissions) shows the annual emissions with the incorporation of the above measures. GHG emissions from the operations of the proposed Specific Plan would be reduced by 34.76 percent from business as usual levels and would meet the AB 32 reduction threshold.

Page 4.6-21, first paragraph

As indicated in Impact 4.6-1, the proposed Specific Plan would result in a reduction of 34.76 from BAU levels. Implementation of the proposed Specific Plan Policies as identified in Chapter 3 of the Specific Plan, include incentives to use alternative transportation modes such as ridesharing, carpools, vanpools, public transit, bicycles, and walking. These policies, as well as incorporation of the identified mitigation measures (MM4.2-~~11~~15 through MM4.2-~~17~~20, and MM4.6-1), the proposed project would result in a less-than-significant impact on operational greenhouse gas emissions and would comply with the goals and policies established by AB 32.

Page 4.9-10, title of Table 4.9-2

Circulation Elements. As requested by SCAG in their November 1, 2010, NOP comment letter, consistency of the proposed project with applicable regional plans is provided in Table 4.9-1 (SCAG Regional Transportation Plan and Compass Growth Visioning Policies Consistency Analysis). Consistency of the proposed project with local plans is provided in Table 4.9-2 (~~Laguna Niguel General Plan~~ SCAG Regional Transportation Plan and Compass Growth Visioning Policies Consistency Analysis). In specific cases where the policies or goals are similar, or address similar issues, the consistency analysis has been summarized for multiple policies. If one policy or goal is unique or addresses a specific issue, a separate consistency analysis is provided for that policy. Table 4.9-3 (Laguna Niguel General Plan Consistency Analysis) provides the general plan consistency analysis.

Table 4.9-2 ~~Laguna Niguel General Plan~~ SCAG Regional Transportation Plan and Compass Growth Visioning Policies Consistency Analysis

SCAG RTP Policies	*Project Consistency*
Regional Transportation Plan	
...	

Page 4.14-56, first partial paragraph

the intersection approaches. In addition, to provide through traffic progression along Crown Valley Parkway, the side street traffic must be given a limited amount of green time at the signals, which results in substantial vehicular delay. As no additional widening of Crown Valley Parkway is feasible, the delay would need to be addressed through either ~~land use scale~~ travel demand reductions or shifts in ridership to non-single-occupant auto modes along ~~these side streets~~ the corridor, reconfiguration of the side street through and turning lanes to eliminate the split-phase traffic signals, or both.

9.2 FIGURE CHANGES

There were no changes to figures.

9.3 APPENDIX CHANGES

9.3.1 Appendix E (Traffic Study)

Page 46, first partial paragraph

Valley Parkway is feasible, the delay would need to be addressed through either ~~land use scale~~ travel demand reductions or shifts in ridership to non-single-occupant auto modes along ~~these side streets~~ the corridor, reconfiguration of the side street through and turning lanes to eliminate the split-phase traffic signals, or both.

Page 57, first partial paragraph

need to be addressed through either ~~land use scale~~ travel demand reductions or shifts in ridership to non-single-occupant auto modes along ~~these side streets~~ the corridor, reconfiguration of the side street through and turning lanes to eliminate the split-phase traffic signals, or both.

CHAPTER 10 Response to Comments

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, thirteen comment letters regarding the Draft PEIR were received from four state departments, four regional agencies, three local agencies, and two organizations. Table 10-1 (Comment Letters Received during the Draft PEIR Comment Period) provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received during the Draft PEIR Comment Period

No.	Commenter/Organization	Abbreviation	Page Where Comment Begins	Page Where Response Begins
	STATE DEPARTMENTS			
1	Native American Heritage Commission, August 29, 2011	NAHC	10-3	10-49
2	Department of Toxic Substances Control, September 1, 2011	DTSC	10-6	10-49
3	Department of Conservation's Division of Oil, Gas and Geothermal Resources, September 6, 2011	DOGGR	10-8	10-52
4	California Department of Transportation, September 8, 2011	Caltrans	10-9	10-52
	REGIONAL AGENCIES			
5	Southern California Association of Governments, August 16, 2011	SCAG	10-11	10-53
6	Transportation Corridor Agencies, September 7, 2011	TCA	10-17	10-54
7	South Coast Air Quality Management District, September 9, 2011	SCAQMD	10-18	10-54
8	Orange County Transportation Authority (OCTA), September 14, 2011	OCTA	10-22	10-57
9	Orange County Public Works (OCPW), September 29, 2011	OCPW	10-23	10-58
	LOCAL AGENCIES			
10	City of Laguna Hills, September 9, 2011	LH	10-29	10-60
11	City of Mission Viejo, September 12, 2011	MV	10-30	10-60
	ORGANIZATIONS			
12	Rancho Mission Viejo, September 12, 2011	RMV	10-36	10-62
13	Buck-Shepard Associates, Inc., September 14, 2011	BSA	10-41	10-66
14	The Kennedy Commission, September 12, 2011	KC	10-45	10-68

This chapter of the Final PEIR contains all comments received on the Draft PEIR during the public review period, as well as the Lead Agency's responses to these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute significant environmental issues.

Therefore, the comment has been noted, but no response has been provided. Generally, the responses to comments provide explanation or amplification of information contained in the Draft PEIR.

10.2 COMMENTS ON THE DRAFT PEIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, followed by a section with the responses to the comments within the letter. As noted above, and stated in CEQA Guidelines Sections 15088(a) and 15088(b), comments that raise significant environmental issues are provided with responses. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues.

10.2.1 State Departments

Native American Heritage Commission (NAHC), August 29, 2011

08/30/2011 11:10 FAX 916 657 5390 NAHC 001/003

NAHC

STATE OF CALIFORNIA Edmund G. Brown, Jr., *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

August 29, 2011

Mr. Larry Longenecker, Senior Planner
CITY OF LAGUNA NIGUEL
27781 La Paz Road
Laguna Niguel, CA 92677

Sent by FAX to: 949-362-4340
No. of Pages: 3

Re_ Tribal Consultation Pursuant to Government Codes No. 127e §§ 65092, 65351, 65352.3, 65352 .4, 65560 and 65562.5 (SB 18) for **the Laguna Niguel Gateway Specific Plan Update and Program Environmental Impact Report (SCH 1998111080);"** located on 315-acres in the northeastern corner of the City, in the City of Laguna Niguel; Orange County, California

Dear Mr. Longenecker:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. The Native American Heritage Commission is the state "trustee agency' designated for the protection of Native American Cultural Resource pursuant to CA Public Resources Code §21070.. Attached is a consultation list of tribes with traditional lands or cultural places located within the Project Area of Potential Effect (APE). In your jurisdiction of Orange County, California. The tribal entities on the list are for your guidance for **government-to-government consultation** purposes. Pursuant to CA Public Resources Code §5097.95, please provide pertinent project information to the tribal consulting parties. NAHC-1

The NAHC did perform a Sacred Lands File search of the project location and **Native American cultural resources were not identified** by the USGS coordinates provided for the 'area of potential effect – APE'. Also, the NAHC Sacred Lands Inventory is not exhaustive; cultural resources may be discovered during construction ground-breaking activity. Please contact the Native Americans on the attached list to determine, from their knowledge, if the proposed changes or governmental action might impact on Native American cultural resources. If so, Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "substantial," and Section 2183.2 requires documentation, data recovery of cultural resources identified. The NAHC recommends that lead agencies provide appropriate archaeological studies and pertinent project information to the consulting Native American tribes, as appropriate. NAHC-2

The Native American Heritage Commission works with Native American tribal governments regarding its identification of 'Areas of Traditional Use,' The Commission may adjust the submitted data defining the 'Area of Traditional Use' in accordance with documentation provided by consulting tribes, generally accepted ethnographic, anthropological, archeological research and oral history. NAHC-3

If you have any questions, please contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Tribal Consultation List

08/30/2011 11:10 FAX 916 657 5390 NAHC 003/003

Native American Tribal Consultation List
Orange County
August 29, 2011

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano , CA 92675
(949) 493-4933 - home
chiefdavidbelardes@yahoo.com

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano , CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628
Santa Ana , CA 92799 Juaneno
sonia.johnston@sbcglobal.net

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

NAHC-4

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65352.4. et seq.

Department of Toxic Substances Control (DTSC), September 1, 2011

DTSC

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

September 1, 2011

Mr. Larry Longenecker, Senior Planner
Community Development Department
City of Laguna Niguel
27781 La Paz Road
Laguna Niguel, California 92677

NOTICE OF AVAILABILITY OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE LAGUNA NIGUEL GATEWAY SPECIFIC PLAN UPDATE PROJECT, (SCH #1998111080), ORANGE COUNTY

Dear Mr. Longenecker :

The Department of Toxic Substances Control (DTSC) has received your submitted Program Environmental Impact Report (PEIR) for the above-mentioned project. The following project description is stated in your document: "The proposed Specific Plan update would replace the current Laguna Niguel Gateway Specific Plan adopted in June 1999. The proposed project provides for the orderly and efficient development and revitalization of the project site by allowing and guiding development of high-quality commercial, office, residential, and mixed use projects, including transit- and pedestrian- oriented districts where people can live, work, shop, are entertained, and recreate. A Zone Change (ZC 11-01) would also be required to update City's Zoning Map and to consider the amended Specific Plan document. The approximate 315-acre Specific Plan area is geographically located entirely within the City of Laguna Niguel. The Specific Plan area is located in the northeastern corner of the City and is bounded by the Interstate 5 (I-5) Freeway to the east and the State Route 73 (SR-73) toll road to the southwest. The Gateway area is currently developed with a variety of commercial services, light industrial, auto sales and services, retail and office uses". DTSC-1

Based on the review of the submitted document DTSC has the following comments:

1) DTSC provided comments on the project Notice of Preparation (NOP) on October 28, 2010; some of those comments have been addressed in the submitted Program Environmental Impact Report. Please ensure that all those comments will be addressed in the final PEIR. DTSC-2

2) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the DTSC-3

RL

Mr. Larry Longenecker
September 1, 2011
Page 2

California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-3 cont.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491. DTSC-4

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3281

Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR), September 6, 2011

DOGGR

NATURAL RESOURCES AGENCY — EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

5816 CORPORATE AVENUE • SUITE 200 • CYPRESS, CALIFORNIA 90630-4731

PHONE 714 / 816-6847 • **FAX** 714 / 816-6853 • **WEB SITE** conservation.ca.gov

September 6, 2011

Mr. Larry Longenecker
City of Laguna Niguel Community Dev. Dept.
27781 La Paz Road
Laguna Niguel, CA 92677

RE: LAGUNA NIGUEL GATEWAY SPECIFIC PLAN, PROGRAM ENVIRONMENTAL IMPACT REPORT, SCH# 1998111080

Dear Mr. Longenecker:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) has reviewed the above referenced project. The DOGGR supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located beyond the administrative boundaries of any oil or gas field. There are no oil, gas, or injection wells within the boundaries of the project. However, if excavation or grading operations uncover a previously unrecorded well, the DOGGR's Cypress district office must be notified, as the discovery of any unrecorded well may require remedial operations. DOGGR-1

If you have any questions, please call me (714) 816-6847.

Sincerely,

Syndi Pompa

Syndi Pompa
Associate Oil & Gas Engineer - Facilities

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

California Department of Transportation (Caltrans), September 8, 2011

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592

Flex your power!
Be energy efficient!

Caltrans

FAX & MAIL

September 8, 2011

Mr. Larry Longenecker
City of Laguna Niguel
27781 La Paz Road
Laguna Niguel, California 92677

File: IGR/CEQA
SCH#: 2010041095
Log #: 2603A
I-5, SR-73

Subject: Laguna Niguel Gateway Specific Plan

Dear Mr. Longenecker,

Thank you for the opportunity to review and comment on the **Draft Program Environmental Impact Report (DPEIR) for the Laguna Niguel Gateway Specific Plan.** The proposed plan establishes the overall policies maps, densities, development standards, building form, and design guidelines that apply specifically to projects within the Gateway area. The Gateway area would accommodate up to 2,994 residential dwelling units and 2,439,000 square feet of nonresidential uses, divided into eleven districts. The plan also identifies various circulation and mobility, streetscape, open space, signage and infrastructure improvements that are envisioned to unify the project area and accommodate the anticipated development. The planning area is bounded by State Route 73 on the west and Interstate 5 on the east. The nearest state highways to the project are SR-73 and I-5. **Caltrans-1**

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. Page 4.14-56 of the Draft PEIR states "The Avery Parkway/I-5 SB Ramps, intersection was recently studied as part of the I-5/Avery Parkway interchange study and no significant capacity increase was identified without acquisition of additional right-of-way, which was deemed infeasible." The analysis also confirmed the need for long-term improvements at the Crown Valley Parkway and I-5 interchange, because the current tight-diamond design will not accommodate future traffic volumes. These Caltrans intersections are currently projected to operate at deficient LOS, and the proposed project would contribute to the cumulative significant impact. **Caltrans-2**

   Section 15091 of the California Environmental Quality Act (CEQA) states that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

   These findings have been detailed in Section MM4.14-1 of the DPEIR. "Analysis of an appropriate fair-share contribution to Gateway area infrastructure improvements, including street widening, medians, sidewalks, trails, etc., as detailed in the Gateway Specific Plan and

"Caltrans improves mobility across California"

as determined appropriate by the decision-making authority," as stated by the City on Page 2-26 of the DPEIR. **Caltrans-2 cont.**

2. The Department, in accordance with Section 130 of the California Streets and Highways Code, may enter into a contract with the lead agency to construct the mitigation measures listed in the DPEIR and Traffic Study. Any such contract may provide for the construction of the mitigation measure, the advancement of funds (proportional to the fair-share cost), or the acquisition of rights-of-way. This applies to any party listed in the contract. Any money appropriated for these mitigation measures may be expended in the construction, improvement or maintenance of any State highway within the City limits. **Caltrans-3**

3. Section 15091(f) of CEQA states, "A statement made pursuant to Section 15093 (Statement of Overriding Considerations) does not substitute for the findings for this section."

   As a result, the Department is requesting to work with the City of Laguna Niguel to negotiate the implementation of mitigation for the aforementioned project impacts, which should be constructed or funded on a fair-share basis. Failure to respond to the Department's request for fair-share negotiation before lead agency certification of the PEIR would be considered a violation of CEQA statute 21092.4 (a). **Caltrans-4**

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Scott Morgan, Office of Planning and Research

"Caltrans improves mobility across California"

10.2.2 Regional Agencies

Southern California Association of Governments (SCAG), August 16, 2011

SCAG

SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

Main Office
818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800
f (213) 236-1825

www.scag.ca.gov

Officers
President
Pam O'Connor, Santa Monica

First Vice President
Glen Becerra, Simi Valley

Second Vice President
Greg Pettis, Cathedral City

Immediate Past President
Larry McCallon, Highland

Executive/Administration Committee Chair
Pam O'Connor, Santa Monica

Policy Committee Chairs
Community, Economic and Human Development
Bill Jahn, Big Bear Lake

Energy & Environment
Margaret Clark, Rosemead

Transportation
Paul Glaab, Laguna Niguel

August 16, 2011

Mr. Larry Longenecker
Senior Planner
City of Laguna Niguel
Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92611
llongenecker@ci.laguna-niguel.ca.us

RE: SCAG Comments on the Draft Environmental Impact Report for the Laguna Niguel Gateway Specific Plan Update [SCAG No. I20110073]

Dear Mr. Longenecker:

Thank you for submitting the **Draft Environmental Impact Report for the Laguna Niguel Gateway Specific Plan Update [SCAG No. I20110073]** to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act (CEQA) Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies. **SCAG-1**

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act Guidelines, Sections 15125 and/or 15206. The proposed Specific Plan Update includes a regulating plan, with specific zoning for property in the Laguna Niguel Gateway area, as well as permitted uses, development standards, and design guidelines applicable to each Specific Plan zoning district.

We have evaluated this project based on the policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Vision Principles that may be applicable to your project. The RTP and Compass Growth Visioning Principles can be found on the SCAG web site at: http://scag.ca.gov/igr. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. Please send a copy of the Final Environmental Impact Report (FEIR) ONLY to SCAG's main office in Los Angeles for our review. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895. Thank you.

Sincerely,

JACOB LIEB, Manager
Environmental and Assessment Services

The Regional Council is comprised of 84 elected officials representing 190 cities, six counties, six County Transportation Commissions and a Tribal Government representative within Southern California.

5.9.11

August 16, 2011
Mr. Longenecker

SCAG No. I20110073

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAGUNA NIGUEL GATEWAY SPECIFIC PLAN UPDATE [SCAG NO. I20110073]

PROJECT LOCATION

The Laguna Niguel Gateway Specific Plan Update area is 315 acres and geographically located within the City of Laguna Niguel. Located in the northeast corner of the City, the Gateway area is bounded on the east by Interstate 5 and generally bounded on the southwest by SR 73 Toll Road. Crown Valley Road bisects the project area in an east/west direction and Cabot Road, Forbes Road, Camino Capistrano, the BNSF railroad, and the Oso Creek flood channel all traverse the project area in a north/south direction. The proposed project area is approximately 2 miles in length and 0.6 miles wide.

PROJECT DESCRIPTION

The Gateway Specific Plan Update envisions incorporation of residential and mixed-use development to revitalize the existing industrial development in the Gateway area. Currently there is a total of approximately 1,371,000 square feet of commercial service, light industrial, auto repair, and office uses in the Gateway area, with most buildings constructed in the 1970s and 80s. The current Specific Plan adopted in 1999 allows 3,777,000 of nonresidential development. The proposed Specific Plan Update would accommodate as many as 2,994 dwelling units, 350 hotel rooms and up to 2,259,931 square feet of nonresidential development in single-use or mixed-use projects including pedestrian and transit oriented development.

SCAG-2

The proposed project provides for the development revitalization of the project site by allowing and guiding development of high-quality commercial, office, residential and mixed-use projects, including transit-and pedestrian-oriented districts where people can live, work, shop are entertained and recreate. In addition to the existing Specific Plan that accommodates and anticipates development by identifying circulation and mobility, streetscape, open space, signage and infrastructure improvements, the proposed Specific Plan Update envisions additional residential, mixed-use, pedestrian and transit-oriented development within the Specific Plan area.

The proposed Specific Plan Update includes a regulating plan, with specific zoning for each property in the Gateway area, as well as permitted use, development standards, and design guidelines applicable to each Specific Plan zoning district. The proposed Specific Plan Update also includes a circulation plan, public realm improvement plan, utilities, infrastructure plan, and implementation program.

CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN

Regional Growth Forecasts

The Draft Environmental Impact Report (DEIR) should reflect the most recently adopted SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region, subregion, and city are as follows:

Page 2

August 16, 2011 **SCAG No. I20110073**
Mr. Longenecker

Adopted SCAG Regionwide Forecasts[1]

	2010	2015	2020	2025	2030	2035
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

Adopted Gateway Cities OCCOG Subregion Forecasts[1]

	2010	2015	2020	2025	2030	2035
Population	3,314,948	3,451,757	3,533,935	3,586,285	3,629,540	3,653,988
Households	1,039,201	1,071,810	1,088,375	1,102,370	1,110,659	1,118,490
Employment	1,755,167	1,837,771	1,897,352	1,933,058	1,960,633	1,981,901

Adopted City of Laguna Niguel Forecasts[1]

	2010	2015	2020	2025	2030	2035
Population	69,994	71,433	72,442	72,766	73,130	73,162
Households	24,507	24,567	24,655	24,668	24,692	24,706
Employment	21,951	23,269	23,672	24,006	24,420	24,568

1. The 2008 RTP growth forecast at the regional, subregional, and city level was adopted by the Regional Council in May 2008.

SCAG-2 cont.

SCAG Staff Comments:

Page 4.11-1 indicates that the DEIR population, household and employment analyses were based on 2008 RTP Regional Growth Forecasts.

The **2008 Regional Transportation Plan (RTP)** also has goals and policies that are pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Regional Transportation Plan Goals:

RTP G1 *Maximize mobility and accessibility for all people and goods in the region.*
RTP G2 *Ensure travel safety and reliability for all people and goods in the region.*
RTP G3 *Preserve and ensure a sustainable regional transportation system.*
RTP G4 *Maximize the productivity of our transportation system.*
RTP G5 *Protect the environment, improve air quality and promote energy efficiency.*
RTP G6 *Encourage land use and growth patterns that complement our transportation investments.*
RTP G7 *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

SCAG-3

SCAG Staff Comments:

Where applicable, SCAG staff finds that the proposed project generally meets consistency with Regional Transportation Plan Goals. RTP Goals G3 and G7 are not applicable in that the proposed project is not a transportation project.

The proposed project generally meets consistency with RTP G1. Mobility pertains to the speed at which one may travel and the delay, or difference between the actual travel time and travel time that

Page 3

August 16, 2011 **SCAG No. I20110073**
Mr. Longenecker

would be experienced if a person traveled at the legal speed limit. Per page 4.14-65 the Specific Plan Update encourages MU Zones that are intended to enable residents to live in proximity to their jobs, commercial services, and transit thereby addresses mobility and accessibility.

SCAG staff finds that the proposed project generally meets consistency with RTP G2. Future developments proposed in the Specific Plan include policies and plans that support an efficient multi-modal transportation network. Also, at full build out, the surrounding regional and arterial roadway system will essential stay the same avoiding impact to the reliability and travel safety of the transportation system. (Page 4.14-47)

The proposed project is consistent with RTP G3. The Specific Plan Update plans to expand parking and access to the existing Metrolink station facilities to enhance linkages with public transit The proposed project also supports mixed-use districts promoting walkability. (Page 4.14-64)

With regard to RTP G4, the proposed project meets consistency. An objective of the proposed Specific Plan is to develop land uses and densities that maximize ridership and support public investment in transit facilities. Per page 4.9-11, the Specific Plan would create an interconnected transportation system that encourages a shift in travel from private passenger vehicles to public transit, ride-sharing, car-sharing, bicycling and walking. **SCAG-3 cont.**

The proposed project is consistent with RTP G5. The proposed Specific Plan would provide for transit-oriented development and mixed uses in an established urban area, which improve alternative transportation and pedestrian opportunities which would result in the reduction of greenhouse gas emissions, automobile trips, criteria pollutant and commuting distances and is therefore consistent. (Page 4.2-18)

With regard to RTP G6, the proposed project meets consistency. The proposed project is located within an area that is already served by existing roadways, highways and public transportation. Mixed Uses are also proposed by creating high-density urban communities and concentrating residents and jobs in close proximity to the Metrolink station. (Page 4.9-11)

COMPASS GROWTH VISIONING

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal. **SCAG-4**

Principle 1: Improve mobility for all residents.

GV P1.1 *Encourage transportation investments and land use decisions that are mutually supportive.*
GV P1.2 *Locate new housing near existing jobs and new jobs near existing housing.*
GV P1.3 *Encourage transit-oriented development.*
GV P1.4 *Promote a variety of travel choices*

SCAG Staff Comments:

SCAG staff finds that the proposed project meets consistency with Principle 1.

Page 4

August 16, 2011 **SCAG No. I20110073**
Mr. Longenecker

The proposed project meets consistency with GV P1.1. As mentioned previously, the proposed project is located in an area with developed transportation infrastructure and existing uses and aims to concentrate development near transit.

With regard to GV P1.2, the proposed project meets consistency as its establishment of Mixed-Use Zone would enable multi-family housing units to be in close proximity to jobs, commercial services and transit. (Page 4.11-9)

SCAG-4 cont.

The proposed project meets consistency with GV P1.3. Per page 4.9-8, the Specific Plan area proposes transit-oriented districts interconnected and unified by a network of public realm improvements and encourages development to be transit-oriented including interactions between rail and bus facilities with adjacent residential uses. (Page 4.14-45)

The proposed project meets consistency with GV P1.4. Per page 4.14-22, the proposed project intends to provide a live-work community that would reduce daily vehicle trips, thereby encouraging alternative transportation via rail, bus, pedestrian and bicycle traffic.

Principle 2: Foster livability in all communities.

GV P2.1 *Promote infill development and redevelopment to revitalize existing communities.*
GV P2.2 *Promote developments, which provide a mix of uses.*
GV P2.3 *Promote "people scaled," walkable communities.*
GV P2.4 *Support the preservation of stable, single-family neighborhoods.*

SCAG Staff Comments:

SCAG staff finds that the proposed project meets consistency with Principle 2.

SCAG staff finds that the proposed project is consistent with GV P2.1, as the proposed project intends to develop in predominately low-intensity, fragmented areas into attractive, transit and pedestrian-oriented communities. (Page 4.9-12) **SCAG-5**

With regard to GV P2.2, the proposed project would encourage a mixture of uses including by establishing five land use zones including Retail Commercial, Business Park, Community Service, Mixed Use, and Open Space and is therefore consistent. (Page 4.9-9)

The proposed project meets consistency with GV P2.3. Page 4.14-64 describes the proposed Mixed use Zone within the Specific Plan area that meets consistency with GV P2.3 by promoting development in active urban environment to create distinct and vibrant pedestrian-friendly 'villages".

With regard to GV P2.4, the proposed project meets consistency. Page 4.11-11 describes how the proposed project is building additional single-family units in addition to the existing, established single-family neighborhoods.

Principle 3: Enable prosperity for all people.

GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*
GV P3.2 *Support educational opportunities that promote balanced growth.* **SCAG-6**
GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*
GV P3.4 *Support local and state fiscal policies that encourage balanced growth*
GV P3.5 *Encourage civic engagement.*

Page 5

August 16, 2011 **SCAG No. I20110073**
Mr. Longenecker

SCAG Staff Comments:

SCAG staff finds that the proposed project meets consistency with Principle 3 where applicable. Principles GV P3.2, GVP3.4 and GV P3.5 are not applicable as they are not discussed in the Draft EIR.

SCAG staff finds the proposed project meets consistency with GV P3.1. Per pages 4.11-2 – 4.11-3, the proposed Specific Plan would result in the development of mixed-use, multi-family residential units with a density of up to 120 dwelling units per acre as an incentive for providing affordable housing by using density bonuses. Also proposed are mixed-use units that tend to bring a higher number of renters encouraging a mixed housing stock of small families, singles, young couples, 'empty-nesters' and young professionals without children. **SCAG-6 cont.**

SCAG staff is unable to determine consistency with GV P3.3.

Principle 4: Promote sustainability for future generations.

GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*
GV P4.2 *Focus development in urban centers and existing cities.*
GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*
GV P4.4 *Utilize "green" development techniques*

SCAG Staff Comments:

Where applicable, SCAG staff finds that the project is consistent with Principle 4 where applicable. GV P4.1 is not applicable in that the proposed project is not located in a rural, agricultural, recreational, or environmentally sensitive area. **SCAG-7**

The proposed project meets consistency with GV P4.2, as it is located within the City of Laguna Niguel and located near an urban area. (Page 2-1)

The proposed project generally meets consistency with GV P4.3 and partially meets consistency GV P4.4. The proposed project would reduce greenhouse gas emissions and criteria pollutants by encouraging mixed-use and transit-oriented development that encourages use of alternative modes of transportation. However no green development techniques are suggested for future development. (Page 4.2-18)

CONCLUSION

Where applicable, the proposed project generally meets consistency with SCAG Regional Transportation Plan Goals and also meets consistency with Compass Growth Visioning Principles.

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here: http://www.scag.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf **SCAG-8**

When a project is of statewide, regional, or area wide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21081.7, and CEQA Guidelines Section 15097 (g).

Page 6

Transportation Corridor Agencies (TCA), September 7, 2011

TCA

San Joaquin Hills Transportation Corridor Agency

Chairman
Scott Schoenthal
Dana Point

Transportation Corridor Agencies

Foothill/Eastern Transportation Corridor Agency

Chairman
Bill Campbell
County of Orange
3rd District

September 7, 2011

Mr. Larry Longnecker
Senior Planner
City of Laguna Niguel Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92677

Subject: Gateway Specific Plan Program Environmental Impact Report (PEIR)

Dear Mr. Longnecker:

Thank you for forwarding the Draft PEIR for the Gateway Specific Plan. The Transportation Corridor Agencies (TCA) has reviewed the above document and would like to provide the following comment for your consideration: TCA-1

- Traffic Analysis: The PEIR and Traffic Study note unavoidable adverse cumulative impacts (page 4.14-62) at SR 73 and Greenfield Drive. Mitigation Measure 4.14-1 requires that additional project-specific traffic studies be conducted prior to project approval. The TCA respectfully requests notification and copies of future traffic studies associated with the subsequent phases of development of the Specific Plan. TCA-2 TCA-3

Should you have any questions regarding this letter, please contact me at (949) 754-3475.

Sincerely,

Valarie McFall
Director, Environmental Planning

cc: David Lowe, TCA
Document Control

Thomas E. Margro, Chief Executive Officer
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South Coast Air Quality Management District (SCAQMD), September 9, 2011

SCAQMD

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: September 9, 2011 September 9, 2011
llongenecker@cityoflagunaniguel.org

Mr. Larry Longnecker
City of Laguna Niguel
Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92677

Review of the Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Laguna Niguel Specific Plan Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the final Program Environmental Impact Report (final PEIR) as appropriate. **SCAQMD-1**

Given that the proposed project includes sensitive land uses (i.e., residences and parks) the AQMD staff is concerned about the potential health risk impacts to the proposed project's residents from an active rail line and the I-5 Freeway adjacent (within 500 feet) to the project's eastern boundary. Specifically, AQMD staff is concerned about the significant impacts a cancer risk of 57 in one million) from toxic air pollutants emitted by the substantial volume (approximately 300,000 automobiles per day) of traffic on the I-5 Freeway and the active rail line (approximately 61trains per day) that runs through the project area. Further, the proposed mitigation measures do not appear to be adequate to reduce these impacts to a less than significant level. Also, the lead agency has determined that the project will have significant construction and operational air quality impacts. As a result, the AQMD staff requests that the lead agency revise the draft PEIR to include additional mitigation pursuant Section 15126.4 of the CEQA Guidelines. Details regarding these comments are attached to this letter. **SCAQMD-2**

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the final PEIR. Further, staff is available to work with the lead agency **SCAQMD-3**

Mr. Larry Longnecker 2 September 9, 2011

to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

SCAQMD-3 cont.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC110726-06
Control Number

Health Risk Impacts to Sensitive Land Uses and Mitigation

1. The proposed project contains sensitive land uses (i.e., residences) surrounded by known sources of Toxic Air Contaminants (TACs) including an active rail line that facilitates 61 trains per day and the I-5 Freeway that carries at least 9,000 trucks[1] and approximately 300,000 cars per day. As a result, the lead agency has determined that these sources will pose a significant health risk impact (i.e., a cancer risk of 57 in one million) to the proposed project. To address this significant health risk impact the lead agency incorporated Mitigation Measures (MM) 4.2-17 and 4.2-18. Specifically, MM4.2-17 requires the use of particulate filters placed in residential HVAC systems and MM4.2-18 requires tiered planting of vegetation adjacent to uses that contain sensitive receptors within 500 feet of the I-5 Freeway, State Route (SR) 73 and the Railway within the project's boundary. However, the lead agency fails to quantify the effectiveness of these measures. The AQMD staff is concerned that while filters can be effective against particulate pollution they do not have the ability to remove a wide variety of gaseous pollutants (i.e., NOx, TAC's and VOC's) associated with traffic-related (locomotives and automobiles) pollution. These filters also have no effectiveness when windows or doors are open, or on outdoor activities associated with residential uses, and require long term maintenance beyond the requirements set forth in the proposed mitigation measures. Therefore, AQMD staff recommends that the lead agency require mitigation that avoids placing sensitive receptors within 500 feet of the I-5 Freeway, SR 73 and the existing railway to minimize the health risk impacts to future residents. **SCAQMD-4**

Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency concluded that the proposed project will have significant construction related air quality impacts the AQMD staff recommends that the lead agency consider additional mitigation pursuant to CEQA Guidelines §15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below: **SCAQMD-5**
   - Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
   - Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
   - Reroute construction trucks away from congested streets or sensitive receptor areas,
   - Require the use of the cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards, and
   - During project construction, all construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

[1] CalTrans data (http://traffic-counts.dot.ca.gov/2009all/docs/2009truckpublication.doc) presents approximately 9,000 trucks per day whereas the Air Quality Appendix in the draft PEIR presents approximately 3,000 trucks per day, therefore, this discrepancy should be explained in the final EIR.

Mr. Larry Longnecker 4 September 9, 2011

- ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards at a minimum. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards at minimum. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards at a minimum, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

For additional measures to reduce off-road construction equipment emissions, refer to the mitigation measure tables located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

SCAQMD-5 cont.

Orange County Transportation Authority (OCTA), September 14, 2011

OCTA

OCTA

AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for Freeway Emergencies

Consolidated Transportation Service Agency

Congestion Management Agency

Service Authority for Abandoned Vehicles

September 14, 2011

Mr. Larry Longenecker
Senior Planner
Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92677

Subject: Program Environmental Impact Report for the Gateway Specific Plan Update.

Dear Mr. Longenecker:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. With regard to Page 4.14-9, the following comments are provided for your consideration: OCTA-1

- Please note that the July 2011 Metrolink service change resulted in six new Metrolink Service Expansion Program trips. The latest Metrolink service schedules can be accessed online at http://www.metrolinktrains.com/schedules/. OCTA-2
- Metrolink weekend service was increased for the summer season between July 2, 2011 to October 9, 2011 and will go back to normal schedule in October (Please see the website referenced above). OCTA-3
- There are tentative plans for additional parking for the Laguna Niguel/Mission Viejo Metrolink Station. OCTA recommends adding the additional parking into the traffic study. OCTA-4

If you have any questions or comments, please contact Carolyn Mamaradlo by phone at (714) 560-5748 or by email at cmamaradlo@octa.net. OCTA-5

Sincerely,

Charles Larwood
Manager, Transportation Planning

c: Megan Taylor, OCTA
Michael Litschi, OCTA

Orange County Transportation Authority
550 South Main Street / P.O. Box 14184 / Orange / California 92863-1584 / (714) 560-OCTA (6282)

Orange County Public Works (OCPW), September 29, 2011

OCPW

ORANGE COUNTY
OC PublicWorks
Our Community. Our Commitment.

Jess A. Carbajal, Director
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Santa Ana, CA

P.O. Box 4048
Santa Ana, CA 92702-4048

Telephone: (714) 834-2300
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CITY LAGUNA NIGUEL
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COMMUNITY DEVELOPMENT

NCL 11-029

September 21, 2011

Mr. Larry Longenecker, Senior Planner
Community Development Department
City of Laguna Niguel
27781 La Paz Road
Laguna Niguel, California 92677

SUBJECT: Notice of Availability of a Draft Program Environmental Impact Report for Laguna Niguel Gateway Specific Plan Update – NCL 11-029

Dear Mr. Longenecker:

The County of Orange has reviewed the Notice of Availability of a Draft Program Environmental Impact Report for Laguna Niguel Gateway Specific Plan Update – NCL 11-029 and offers the following comments: OCPW-1

Flood Programs:

In response to your request dated July 13, 2011, Flood Programs/Hydrology has reviewed Notice of Availability of a Program Environmental Impact Report (EIR) for the Laguna Niguel Gateway Specific Plan Update located in the city of Laguna Niguel. We offer the following comments for your consideration:

1. The Oso Creek (Facility No. L03) runs through the Laguna Niguel Gateway Specific Plan area. All work (if any) within OCFCD right-of-way should be conducted so as not to adversely impact channel's structural integrity, hydraulic flow conditions, access and maintainability and will require encroachment permits from OCPW/Property Permits Section. For information regarding permit application, please visit our web site http://www.ocplanning.net/ . Technical reviews and approvals for the future projects will be accomplished within the permit process. OCPW-2

If you have any questions regarding these comments, please contact me Anna Brzezicki at (714) 647-3989.

Flood Programs/SAR/Trails

Background
The Oso Creek Channel, an Orange County Flood Control District (OCFCD) facility, bisects the subject specific plan from north to south. Within or near channel right-of-way the County of Orange has identified future alignments for the Oso Creek Class I (paved off-road) Bikeway and the Oso Creek OCPW-3

Larry Longenecker, Senior Planner
September 20, 2011
Page 2

Regional Riding and Hiking Trail. The riding and hiking trail is part of the County's Master Plan of Regional Riding and Hiking Trails (from the Recreation Element of the General Plan) and the bikeway is identified on the Orange County Transportation Authority's Commuter Bikeways Strategic Plan.

Regional Riding and Hiking Trails

The Oso Creek Regional Riding and Hiking Trail begins in the Nellie Gail planned community and extends east along the south side of Oso Parkway to Cabot Road. From Oso Parkway a portion of the trail was constructed on east side of Cabot Road south to OCFCD's Galivan Retarding Basin. The trail passes around the west side of the basin (adjoining the paved service road) until it reaches the north end of Forbes Road where it currently ends. The trail is planned to parallel Oso Creek for 3 more miles before it connects with the Arroyo Trabuco Regional Riding and Hiking Trail at Trabuco Creek downstream of the San Diego Freeway.

The Oso Creek Regional Riding and Hiking Trail is part of a network of 54 different trails covering 350 miles that connect much of the middle and south parts of the county. Each trail was purposefully aligned to connect residential and business areas, parks, beaches and other open space lands to provide the public with an accessible, safe, useful and enjoyable recreation system.

Trails typically employ native soil or decomposed granite as a surface. Trails serve walkers, joggers, runners, and equestrian riders and mountain bicycles. At a minimum, trails should have 10 feet of usable tread (the surface) and 3 feet of a parallel shoulder (or shy-distance). Ideal trail grades are between 2 and 7 percent with a cross grade of 2% (to allow for drainage). Trails in urban areas (where heavy vehicle loading may occur) should be designed to have 4 inches of compacted and stabilized decomposed granite over 6 inches of a crushed rock base. Trails should be set-back from streets, walls, fences and curbs and other above-ground structures to create an enjoyable recreation corridor.

OCPW-3 cont.

Class I (paved off-road) Bikeways

The Oso Creek Class I Bikeway is part of a network of master-planned bikeways designed to connect much of the developed areas of the county. Class I Bikeways are paved with either asphalt or concrete and are primarily used by commuter and recreation cyclists. A portion of this bikeway has already been built along the west edge of OCFCD's Galivan Retarding Basin between Rapid Falls Road and the north end of Forbes Road.

The Oso Creek Bikeway begins upstream (east) of the San Diego Freeway in the City of Mission Viejo. The bikeway is proposed follow Oso Creek until it reaches Oso Parkway where it turns west to follow that roadway to Cabot Road. At Cabot Road the bikeway will turn south to follow road right-of-way before descending to a railway service road. The bikeway will follow the service road until it enters the Galivan Retarding Basin. Once past the basin the bikeway will continue to parallel the trail (along Oso Creek) to San Juan Capistrano where it connects with the Trabuco Creek and San Juan Creek Class I Bikeways. San Juan Creek Bikeway is proposed to connect to Ronald W. Caspers Wilderness Park and Doheny State Park. Trabuco Creek Bikeway is proposed to extend several miles upstream to O'Neill Regional Park.

Class I Bikeways should have 12 feet of usable pavement with 2 feet of shoulder (a shy-distance) parallel each side of the pavement. When the bikeway is within OCFCD right-of-way, it will need to accommodate heavy loading. In this case the bikeway should be constructed with 4 inches of AC over 6 inches of a crushed rock base over compacted native soil. The City should consider using Caltrans Highway Design Manual (Chapter 1000) when preparing plans for the bikeway.

Larry Longenecker, Senior Planner
September 20, 2011
Page 3

APPENDIX E, Traffic Study, Bicycle Circulation, Page 11
The update refers to the Oso Creek Bikeway as the "Oso Creek Bike Trail." To avoid confusing the paved-off road bikeway with the parallel Oso Creek Regional Riding and Hiking (dirt) Trail please change the name from "Oso Creek Bike Trail" to read "Oso Creek Class I Bikeway". Also on page 11 the DPEIR also mentions the County-wide riding and hiking (multi-use) trail system. The DPEIR should expand its discussion of the Oso Creek Regional Riding and Hiking Trail, a county master-planned trail. Like the bikeway the trail is proposed to extend the length of the specific plan generally within OCFCD right-of-way. The trail, like the bikeway, will connect the cities of Laguna Hills, Laguna Niguel, and Mission Viejo to the cities of San Juan Capistrano and the San Clemente and eventually to Ronald W. Caspers Wilderness Park. OCPW-4

Landscaping
Trails and bikeways are often landscaped to create an inviting and comfortable setting for the user. Shade trees are of particular importance as they provide relief from the sun and promote outdoor activity. Trees are also welcome amenities at rest stops and other trail related facilities. Trees should be planted at least 10 feet away from the edge of the trail and bikeway unless root barriers or other root-directing devices are employed. When selecting a tree type consideration should be given to its canopy, maintenance and litter characteristics and potential impact to underground facilities. OCPW-5

Shrubs should be planted at least 24 inches off the edge of the trail and bikeway. Irrigation heads and other related devices should also be located at least two feet away from the edge of these facilities to avoid being broken by maintenance vehicles.

Access
It is recommended that access points be provided along the trail and bikeway to allow users to enter and exit these pathways where connections to residential and commercial areas, schools, parks and other public facilities can be provided in a safe manner. Entrances to the trail and bikeway can be modest or themed to suit the character of the development. Line-of-sight is an important consideration when designing an accessway to the bikeway and trail for those users entering, exiting and using the trail and bikeway. Limit the use of tall and bushy plants and large signs at access points and along these routes so as not to obstruct visibility. OCPW-6

Trail and Bikeway Crossing of Crown Valley Parkway
The DPEIR proposes a grade-separated alternative overcrossing of Crown Valley Parkway (CVP) for use by bikeway and riding and hiking trail users (including equestrian riders). The bridge will likely be popular with some commuter and recreational cyclists but possibly unpopular with equestrians.

Unless trained to do so, horses may be reluctant to use the bridge. The confined and elevated space and lack of line-of-sight will make the route problematic for most if not all riders. It is unlikely that horses would (or could) easily or safely share the bridge with bicycles, pedestrians, dogs, strollers and other types of conveyances approaching from the front and rear. More commonly riding and hiking trails (that include horses) cross roadways at shorter grade-separated undercrossings or at-grade crossings at crosswalks. Features to consider when designing a trail bridge (where horses will be present) are listed below: OCPW-7

- A shorter bridge is better
- Maintain a flat trail surface on the bridge (provide minor grade for drainage though)

Larry Longenecker, Senior Planner
September 20, 2011
Page 4

- Line-of-sight (each end of the bridge should have direct line-of-sight to the other end)
- Open to the sky (as is proposed)
- Provide a widened area (for longer lengths) to allow horses to pull over
- Has excellent traction to accommodate metal-shoed horses
- Has smooth and rounded edges (no sharp surfaces of any kind to tear animal flesh)

Instead of crossing equestrians on the bridge consider crossing equestrians at the signalized intersection (or at least provide them the option to do so). Urban equestrians are usually experienced at crossing their animals at busy street intersections. Design features of an at-grade trail crossing include:

- A flat landing for several horses to wait on
- Horse-height buttons on separate posts placed away from the curb (and next to the trail)
- Good line-of-sight with sufficient time to cross the intersection
- An added feature that improves equestrian safety is to replace the AC crosswalk with a heavy-broom finish concrete crosswalk which provides a mostly non-skid, all weather surface.
- Signage alerting drivers to the presence of horses

OCPW-7 cont.

A third possible alternative that should be considered by the DEIR would be to cross bikeway or trail users under CVP at a future grade-separated undercrossing. Grade-separated undercrossings are quite common throughout Orange County. Undercrossings are used within OCFCD right-of-way where channel capacity is not impacted. Unlike fly-over crossings grade separated undercrossings have little visual impact, can act as a service road and are shorter in length.

Horse-Height Buttons

Horse-height buttons should be included at the intersection of CVP and Forbes Road to accommodate equestrian riders from Nellie Gail and the many stables located in San Juan Capistrano. Horse-height buttons are an important safety feature because they allow riders to remain in the saddle and in control of their horse as they wait to cross. Horse-heights buttons should be located on a separate post 2 feet off the edge of the trail and back of the paved sidewalk. Locating the post by the edge of the trail allows equestrians to remain on the soft trail (and away form vehicle traffic) until they can safely cross.

OCPW-8

Figure 2.5: Trail System

Rename the figure from "Trail System" to Trail and Bikeway Systems". Also consider renaming the blue symbol from "Multi-Use Trail" to "Riding and Hiking Trail". It should be noted that a Class I Bikeway and Riding and Hiking Trail are both multiple use routes. The public may use the trail or the bikeway whether they travel on foot, bicycle or horse.

OCPW-9

Consider adding a label designating the Oso Creek Class I Bikeway (since there is a label for the Oso Creek Trail). Also please change the label for the trail from "Oso Creek Trail" to the "Oso Creek Riding and Hiking Trail" to further differentiate it from the paved bikeway.

Figure 4.4

It's not clear if the proposed entrance to the bridge (north of CVP) will block trail user access to the intersection at CVP and Forbes Road. It is recommended that the specific plan extend the riding and hiking trail (as a dirt or decomposed granite trail) past the bridge entrance to the back of the intersection to allow equestrians the option to cross CVP at-grade. Similarly the trail should continue

OCPW-10

Larry Longenecker, Senior Planner
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Page 5

south from the intersection of CVP and Forbes Road until it crosses Oso Creek at a future bridge site near the OCTA train station. OCPW-10 cont.

Page 37 Bicycle Circulation
Although the word "bicycling" is in the title of this portion of the document (and based on several references to bike trails) the discussion appears to focus on the Oso Creek Riding and Hiking (dirt) Trail. The reference to the Colinas Bluff Riding and Hiking Trail (a dirt trail) seems to support this. If the topic of the discussion is about trails consider changing the title to "Riding and Hiking Trail Circulation" instead of Bicycle Circulation.

Consider changing the name "Oso Creek Bike Trail" to "Oso Creek Bikeway" at 3 locations in the "Bicycle Circulation" section if the subject is the bikeway (and not the riding and hiking trail.) If the reference does refer to the Oso Creek Riding and Hiking Trail please include the words "riding and hiking" as appropriate to be clear. OCPW-11

There is no discussion about how equestrian riders will cross CVP at Forbes Road in the near term. Consider including an exhibit that depicts the "near term" crossing of the intersection of CVP and Forbes by the Class I Bikeway and Riding and Hiking Trail since both user groups will attempt such.

Figures 7.5 - 7.6 North Forbes Road
As was previously discussed equestrians may not use the fly-over of CVP and instead cross at-grade. Accommodations for these trail users should be made from Cape Drive to CVP to insure they can safely reach and then cross CVP. Equestrians can and do ride sidewalks especially when they perceive there is no other viable alternative. To accommodate these users consider replacing the paved sidewalk with stabilized decomposed granite or similar non-skid surface. Provide wood rail fencing along Forbes Road (north and south of CVP) to as close to the intersection with CVP as possible. OCPW-12

Figures 7.7 & 7.9 South Forbes Road
Accommodations should be made for trail users from CVP south to the bridge connection with the OCFCD channel service road for the reasons noted above. Requiring equestrians to use the bridge (instead of crossing CVP) may create an unsafe circumstance for all trails users when equestrians are present.

Exhibits, Plans and Cross Sections
On all exhibits, plans and sections (as appropriate) please add the right-of-way boundaries showing Orange County Flood Control District property. Please insure that these boundary lines are easily distinguished from other line work. OCPW-13

If you have any questions regarding these comments, please contact Jeff Dickman at (714) 647-3989. OCPW-14

Sincerely,

Michael Balsamo, Manager
General Land Use Planning

MB/mmc

Larry Longenecker, Senior Planner
September 20, 2011
Page 6

cc: Jeff Dickman, Flood Programs/SAR/Trails
Mehdi Sobhani, Flood Programs

10.2.3 Local Agencies

City of Laguna Hills (LH), September 9, 2011

949-707-2633 City of Laguna Hills 12:40:07 p.m. 09-12-2011 2 /4

LH

CITY OF LAGUNA HILLS

September 9, 2011

Larry Longenecker
Senior Planner
City of Laguna Niguel
27781 La Paz Road
Laguna Niguel, CA 92677

Re: Laguna Niguel Gateway Specific Plan – Draft Program Environmental Impact Report

Dear Mr. Longenecker:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (PEIR) for the proposed Laguna Niguel Gateway Specific Plan Update. We have reviewed the PEIR in light of our November 1, 2010 comments submitted in response to the Notice of Preparation (NOP). See attached. LH-1

Following our review of the PEIR, the City of Laguna Hill's staff offers the following comments: LH-2

- As requested, the PEIR evaluated the intersection of Cabot/Rapid Falls with findings that it remains LOS A in the 2035 build out year.
- Although the Camino Capistrano Connector to Cabot Road (at Vista Viejo) is mentioned as a "Long Range Option" in the project, the Draft PEIR indicates that the "connector" was not included in the traffic model "based on current lack of funding for the project." The City of Laguna Hills remains concerned about the potential future extension of that "connector" and the potential impacts to our residents. LH-3

Thank you for the opportunity to review and comment on the Draft PEIR for the Laguna Niguel Gateway Specific Plan Update. If you have any questions, please contact me at 949-707-2600.

Sincerely,

Vern Jones, A.I.C.P.
Community Development Director

Cc: Bruce Channing, City Manager
Ken Rosenfield, Public Services Director

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website: www.ci.laguna-hills.ca.us

1

City of Mission Viejo (MV), September 12, 2011

MV

City of Mission Viejo

Community Development Department

Dave Leckness
Mayor
Frank Ury
Mayor Pro Tem
Trish Kelley
Council Member
Rhonda Reardon
Council Member
Cathy Schlicht
Council Member

September 12, 2011

Mr. Larry Longenecker
City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, California 92677

Dear Mr. Longenecker:

RE: City of Mission Viejo Comments: Draft Laguna Niguel Gateway Specific Plan Program Environmental Impact Report

The City of Mission Viejo has completed its review, and respectfully submits comments on the draft July 2011 Laguna Niguel Gateway Specific Plan Draft Environmental Impact Report (EIR).

In submitting these comments, the City of Mission Viejo recognizes that the proposed revision to the Laguna Niguel Gateway Specific Plan – with its addition of residential and mixed-use development and reduction in non-residential development – would generate almost 30% less traffic than the adopted 1999 Specific Plan for the subject area. This perspective was an important consideration in the development of our comments, which are presented below. MV-1

1. **Transit Priority Project (TPP) CEQA Streamlining**:
According to the draft EIR, the proposed Specific Plan amendment would allow for the development of a mix and density of residential and nonresidential land uses that would benefit and support the existing Laguna Niguel/Mission Viejo Commuter Rail Station, which is also located in the Laguna Niguel Gateway Specific Plan area. MV-2

State statute (Public Resources Code 21155 et seq.) allows eligible Transit Priority Projects to secure CEQA streamlining opportunities. Further, the Laguna Niguel Gateway PEIR identifies as an objective that the PEIR be used for CEQA streamlining of the Specific Plan's Transit Priority Projects. However, while the City of Mission Viejo supports pursuing this opportunity,

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in our review of Draft documents at SCAG, it does not appear that any of the Transit Priority Project sites as discussed in the draft EIR have in fact been incorporated into the Orange County and SCAG Integrated Growth Forecasts for the 2012 Regional Transportation Plan and Sustainable Communities Strategy, to enable Laguna Niguel to qualify for consideration as a TTP site.

The City of Mission Viejo would respectfully suggest that the City of Laguna Niguel coordinate this objective with the Southern California Association of Governments (SCAG). This coordination will insure that all appropriate steps are identified and all necessary information provided to SCAG, that would allow for the Transit Priority Project sites as proposed under the Laguna Niguel Gateway Specific Plan to be included in, and be consistent with, SCAG's Sustainable Communities Strategy that is currently under development. MV-2 cont.

2. **Transportation/Circulation Mitigation Measures:**
The Laguna Niguel Gateway Specific Plan (Chapters 3 and 6) identify a series of committed, transportation improvements that are deemed integral to accommodate future traffic demand for the proposed Specific Plan amendment.

Specifically, the Specific Plan document states "To insure all roadways and intersections affected by the Laguna Niguel Gateway Specific Plan will meet a threshold standard Level of Service D, in accordance with the City's General Plan, several traffic/circulation improvements will be necessary. The Traffic Analysis identifies several improvement measures that will either reduce or avoid the potential for significant impacts." These referenced mitigation measures, as well as some of the design features incorporated into the project, are delineated in pages 3-20 through 3-41 of the Specific Plan document and in Table 6-5 of the Specific Plan Implementation Schedule. MV-3

While the Laguna Niguel Gateway Specific Plan document identifies these specific transportation/circulation improvements, a review of the draft Program EIR shows that none of these identified transportation/circulation improvements have been carried forward as mitigation measures in the Draft PEIR.

The City of Mission Viejo recommends that these transportation/circulation improvements be included as mitigation measures in the Draft EIR. As detailed in the applicable chapters in the Specific Plan, the improvements would include:

a) Widening Crown Valley Parkway eastbound from Cabot Road to the Interstate 5 northbound ramps, including intersections with Cabot Road and Forbes Road; and,

Mr. Larry Longenecker
City of Laguna Niguel
September 12, 2011
Page 3

b) Widening Crown Valley Parkway westbound from the I-5 southbound off-ramp to Cabot Road, including intersections with Cabot Road and Forbes Road. MV-3 cont.

3. **Avery Parkway @ Marguerite Parkway Intersection:**
The draft Program EIR recognizes that Avery Parkway, in addition to providing local access to the Laguna Niguel Gateway study area, is also a key access for Saddleback College and Camino Capistrano Valley High School, both of which are located in the City of Mission Viejo easterly of the study area (Page 4.14-2).

Further, the EIR traffic study identifies that the Laguna Niguel Gateway project is projected to contribute 7.5% of project trips upon the intersection of Avery Parkway @ Marguerite Parkway, which is forecast in Year 2035 build-out to operate at a Level of Service F, even with committed and ultimate roadway improvements assumed in the traffic analysis.

The City of Mission Viejo is deeply concerned that project traffic from the Laguna Niguel Gateway project will further impact the intersection of Avery Parkway @ Marguerite Parkway, yet no mitigation is identified in the PEIR.

The draft EIR does recognize that the Avery Parkway @ Marguerite Parkway intersection was analyzed as part of an I-5/Avery interchange study conducted by the Orange County Transportation Authority (OCTA). However, the draft EIR concludes that "no significant capacity increase was identified without acquisition of additional right-of-way, which was deemed infeasible." [Page 4.14-54] MV-4

The City of Mission Viejo requests that the above-referenced phrase – "which was deemed infeasible" – be removed from the PEIR, as the OCTA study did not make such a determination in its conclusions and recommendations.

In fact, the I-5 Freeway and Avery Interchange Feasibility Study (Final Report released in June 2011) recommends moving forward with three feasible alternative concepts (with two concepts that address the project objective by improving the traffic operations). The City of Mission Viejo thus recommends that the draft PEIR be revised to include a summary discussion of the three feasible alternative concepts that are under discussion to tackle regional improvement needs at the I-5/Avery study area.

The City of Mission Viejo also recommends that close communication and coordination be conducted between OCTA, Caltrans, the City of Laguna Niguel and the City of Mission Viejo to address the foreseeable traffic impacts and pursue regional mitigation to improve the operating condition of the Avery Parkway @ Marguerite Parkway intersection, based on the findings of

the Laguna Niguel Gateway PEIR and OCTA's I-5 Freeway and Avery Interchange Feasibility Study, and that this effort be included in the Laguna Niguel Gateway Specific Plan, Chapter 6: Plan Implementation, Table 6-5 Implementation Schedule-Mobility Improvements. MV-4 cont.

4. **Schools Capacity:**
With the proposed introduction of a residential land use component to the Laguna Niguel Gateway Specific Plan, the draft Program EIR assesses the ability of the Capistrano Unified School District (CUSD) to address projected school enrollment needs.

The draft Program EIR identifies the specific schools that would service the Specific Plan area: Marian Bergeson Elementary School in the City of Laguna Niguel; Aliso Viejo Middle School in the City of Aliso Viejo, and Aliso Niguel High School in the City of Laguna Niguel.

The draft Program EIR further identifies that enrollment for Aliso Viejo High School currently exceeds capacity and is projected to continue to be overcapacity in Year 2035, but that the proposed project would contribute statutory impact fees to the school district to help fund construction of additional classrooms and offset any additional increases in demand.

MV-5

The City of Mission Viejo expresses concern that if any projected overcapacity at Aliso Viejo High School is realized, that the high school enrollment demand may generate the need for additional portable classrooms at the high school level. Further, the City of Mission Viejo expresses concerns as to which high schools in the CUSD will be capable of accommodating the site needs for the additional facilities. The City of Mission Viejo notes that Capistrano Valley High School – located in the City of Mission Viejo – is also at enrollment capacity. Further, as identified in Issue #3 above, the intersection of Avery Parkway and Marguerite – which serves as a key access to Capistrano Valley High School –is projected to operate at failing levels of service.

The City of Mission Viejo recommends close communication and coordination between CUSD, the City of Laguna Niguel, and the City of Mission Viejo to monitor student enrollment needs, and in particular, requests to be advised of any proposals to site additional portable classrooms at Capistrano Valley High School, so that we can cooperatively work together to address traffic congestion and traffic mitigation solutions for our school facilities.

5. **Transportation/Traffic: City of Mission Viejo Intersections:** MV-6

Mr. Larry Longenecker
City of Laguna Niguel
September 12, 2011
Page 5

The City of Mission Viejo appreciates that the draft Program EIR includes intersections within the City of Mission Viejo in the Program EIR traffic analysis study area.

In conjunction with the Program EIR's discussion about traffic progression on Crown Valley Parkway in the City of Mission Viejo and side streets such as Bellogente, Los Altos, Medical Center, Puerta Real and Kaleidoscope, the draft Program EIR identifies that the green time needed for side street traffic at the side street intersections with Crown Valley Parkway, results in substantial vehicular delay.

The draft Program EIR further states that "As no additional widening of Crown Valley Parkway is feasible, the delay would need to be addressed through either land use scale reductions along these side streets, reconfiguration of the side street through and turning lanes to eliminate the split-phase traffic signals, or both." [Page 4.14-56 of the draft Program EIR and PEIR Appendix E: pages 46 and 57]. MV-6 cont.

The City of Mission Viejo expresses confusion and concern as to the intent of the PEIR discussion relating to an undertaking of "land use scale reductions" along the City of Mission Viejo side streets to Crown Valley Parkway, in order to address vehicular delay.

Specifically, the City of Mission Viejo respectfully questions the appropriateness of any PEIR discussion for the City of Mission Viejo to downsize development along these side streets, when these sites are either already built out or entitled, and the City of Mission Viejo has no legal basis to revoke these existing entitlements. The City of Mission Viejo would thus recommend that the reference to land use scale reductions along Crown Valley Parkway side streets be removed from the PEIR.

Thank you for the opportunity to review and comment on the Laguna Niguel Gateway draft Program EIR. We hope that these comments are helpful in your continued development of the Program EIR. Further, should you seek clarification on any of these comments, please do not hesitate to contact Ms. Elaine Lister, Planning Manager, at 949/470-3029, or email Ms. Lister at elister@cityofmissionviejo.org. MV-7

With appreciation,

E. Lister for C. Wilson

Charles Wilson, AICP
Director of Community Development

cc: Dennis Wilberg, City Manager, City of Mission Viejo
Tim Casey, City Manager, City of Laguna Niguel
Dan Fox, Community Development Director, City of Laguna Niguel
Elaine Lister, Planning Manager, City of Mission Viejo
Mark Chagnon, Public Works Director, City of Mission Viejo
Dave Rogers, Public Works Director/City Engineer, City of Laguna Niguel
Rich Schlesinger, City Engineer, City of Mission Viejo
Philip Nitollama, Traffic Engineer, City of Mission Viejo
Kia Mortazavi, Orange County Transportation Authority
Dr. Tod Burnett, President, Saddleback College
Dr. Joseph Farley, Superintendent, Capistrano Unified School District
GSL Associates

10.2.4 Organizations and Individuals

Rancho Mission Viejo (RMV), September 12, 2011

RMV

RANCHO MISSION VIEJO

September 12, 2011

City of Laguna Niguel
Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92677

Attention: Larry Longenecker, Senior Planner

Subject: Rancho Mission Viejo Comments: Laguna Niguel Gateway Draft Program Environmental Impact Report

Dear Mr. Longenecker,

The proposed update to the Laguna Niguel Gateway Specific Plan is a regionally significant project in the South Orange County area and proposes intensification for non-residential uses and new residential uses and implications for regional traffic and transportation.

Rancho Mission Viejo is a property owner and developer of the Ranch Plan in South Orange County and a participant in regional transportation improvements including the City of Laguna Niguel. The following comments are intended to insure the Draft PEIR for the Gateway Specific Plan answers questions that primarily focus on transportation and traffic operation since the subject is identified as a significant and unavoidable adverse impact related to the project. **RMV-1**

Executive Summary Document - In general, the Executive Summary does not adequately address traffic mitigation for impacts in the area. This is contrary to the South County Road Improvement Program (SCRIP) that was adopted by the Board of Supervisors in November 2004 providing for mitigation of traffic improvements resulting from the Ranch Plan. It is also contrary to the Orange County Transportation Authority (OCTA) South Orange County Major Investment Study (SOC MIS) that was completed in 2009. Specifically comments are: **RMV-2**

1. **Section 2.5 Significant and Unavoidable Impacts (page 2-3)** – approximately 11 intersections (out of 21 analyzed) are identified for unmitigated reductions in traffic level of service (LOS) where the LOS is reduced from "D" to "E" or "E" to "F". Critical intersections include Crown Valley Parkway (CVP) and Marguerite, CVP and Los Altos, CVP and Medical Center Road, Avery and Marguerite, Avery and I-5 Ramps, CVP and I-5 Ramps, etc. These LOS impacts must be **RMV-3**

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RMV Comments – LN Gateway DPEIR
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mitigated as prior projects have done in accordance with mitigation programs established by SCRIP or other similar plans. RMV-3 cont.

2. **Table 2-1 Impact 4.14-1 (page 2-25)** – this section identifies mitigation for traffic and transportation. It indicates that the project would conflict with an applicable plan and is a potentially significant impact and concludes that there is "… a significant and unavoidable impact." This conclusion should be modified to attempt to support the OCTA SOC MIS which provides relief of traffic congestion and improve efficiency in the region for specific transportation projects. This document provides no funding or implementation for any of the SOC MIS or SCRIP transportation related projects. RMV-4

Mitigation for traffic impacts should be provided for the region. In addition to the prior studies referenced, the OCTA has also identified improvements in this region within the OCTA Long Range Transportation Plan. Such improvements include the "Saddleback Connector" project which would provide traffic relief on CVP and Avery Parkway, caused by the project. Improved ingress and egress to the Laguna Niguel/Mission Viejo (LN/MV) Metrolink Station from the I-5 freeway and/or arterial highways in the region would also provide important mitigation. RMV-5

Laguna Niguel Gateway Public Draft Specific Plan - Consistent with the approach identified under the Executive Summary, specific comments are as follows:

3. **Section 1.7 Relationship to Previous Plans (page 1-8)** – while the text summarizes land planning efforts since 1961 in context with transportation improvements, there is no mention of the OCTA SOC MIS, approved in 2009. The Specific Plan should incorporate the findings and recommendations of this OCTA report. RMV-6

4. **Section 3.2 Gateway Policies 3.2.13 and 3.2.14 (page 3-3)** – The Specific Plan recommends working with Caltrans and OCTA for developing a master plan and funding financial assistance for improvement traffic levels of service. However policies should be developed for the Project to pay for its fair share of development impacts. RMV-7

5. **Section 3.2 Gateway Policies 3.2.18 (page 3-4)** – The Specific Plan recommends a policy for LOS "D" for streets that are internal to the project. Similar policy should be developed for streets in the region outside of the Project area. RMV-8

6. **Section 4.3.3 Development Capacities (page 4-18)** – development within the Project is limited by trip generation capacity summarized in Table 4-3 (shown below for convenience). However, no distinction is provided for how these thresholds were determined and what are the impacts to regional traffic improvements. The approach should be clarified to determine limits for allowed RMV-9

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impacts on surrounding traffic circulation improvements and how these compliment prior programs of SCRIP and OCTA SOC MIS.

TABLE 4-3 Automobile Trip Generation Capacity

District		AM Peak		PM Peak	
		Inbound	Outbound	Inbound	Outbound
C & D	Existing 2010	95	50	60	75
	Net Additional	900	400	600	1,200
	Total Future	*995*	*450*	*660*	*1,275*
E	Existing 2010	175	105	200	250
	Net Additional	345	680	760	570
	Total Future	*520*	*785*	*960*	*820*
H	Existing 2010	175	100	75	180
	Net Additional	550	520	740	755
	Total Future	*725*	*620*	*815*	*935*

* Trip capacities shall not apply to other planning districts.

RMV-9 cont.

7. **Section 4.5.3 Parking (page 4-78)** – parking supply is recognized through structured, surface and other means. Since parking will be important to the area, the City should consider integration of parking with the LN/MV Metrolink Station that was proposed by OCTA. RMV-10

8. **Section 5.2 Character of Streets and Public Spaces (page 5-1)** – illustrations are provided for various cross sections of streets and walkways. Additional consideration should be made for integration of walkways, roadway, and mass transit with the LN/MV Metrolink Station. This integration will provide improvement in traffic efficiency and improvement in overall conditions for these modes of transportation in the area. RMV-11

9. **Section 6.3 Funding Mechanisms (page 6-3)** – owner/user financing methods are indented for partnership with the City. Table 6-1 provides a summary cost estimate for key infrastructure improvements within the Project area, totaling $77 million. There should be improvements and costs identified for off-site/regional mitigation, as indicated in comments #2 and #4. RMV-12

10. **Appendix A – Circulation and Mobility Appendix (page A-1)** – the model for the project, as performed by Austin Foust Associates, includes recognition for build-out of Ladera Ranch, the Ranch Plan and Mission Hospital. Also the Foothill Transportation Corridor-South extension is not assumed; since this is still on the County MPAH, an alternative traffic study should evaluate this option. The Saddleback Connector ramps are identified as not included since they are considered "speculative"; if this is the case, the Project should sponsor an RMV-13

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alternate solution. Also, no reference is made to the OCTA SOC MIS list of projects; the analysis of this project should consider appropriate recommendations and priorities for transportation improvements that would be needed or complimentary to the Project including the Saddleback Community College Facility Master Plan project which is under preparation for a draft program EIR. **RMV-13 cont.**

11. **Appendix A.A – Intersection and Roadway Operating Conditions (page A-4)** – 21 intersections outside of the project were analyzed; poor LOS conditions are anticipated at many of the I-5 ramp interchanges and along CVP. Specifically "No improvements are proposed for the four intersections along Marguerite Parkway and Crown Valley Parkway in Mission Viejo….Long term strategies for …improving operations at the Avery Parkway intersection will need to be identified…" Mitigation needs to be identified for all effected intersections and fair-share payment for regional improvements should be provided as identified in comment #9. **RMV-14**

Volume 1: Draft PEIR - Consistent with the approach identified under the Executive Summary, specific comments are as follows:

12. **Section 3.2 Project Characteristics (page 3-10)** – as mention above under comments #6, distinction should be made for how traffic generation thresholds were determined and what are the impacts to regional traffic improvements. The approach should be clarified to determine limits for allowed impacts on surrounding traffic circulation improvements and how these compliment prior programs of SCRIP and OCTA SOC MIS. **RMV-15**

13. **Section 4.14 Transportation/Traffic (page 4.14-5 and 4.14-47)** – the report incorrectly references that South County Major Investment Study; proper referenced should be made to the South Orange County Major Investment Study (SOC MIS, as referenced in these comments), so as not to confuse with other county studies or major investment study reports. It should also be referenced that this study developed policies, programming, and cost estimates approved by the OCTA in 2009. The PEIR references some of the projects within the SOC MIS and should clarify the reason for specific projects identified. Projects within the SOC MIS that are underway with design should be identified, such as the Ortega I-5 Interchange and widening of the I-5 from Avenida Pico to Ortega Highway. The relevance and relation of the Project to "…the study of operations for new interchanges or modification to the Crown Valley Parkway and Avery Parkway interchanges with the I-5 and enhanced/direct access to Saddleback College from the I-5" should be evaluated further in the PEIR for improved traffic conditions in the area and use of the LN/MV Metrolink Station. **RMV-16**

14. **Section 4.14 Transportation/Traffic – Metrolink Train Service (page 4.14-8)** – a summary of Metrolink Train Service is provided with and overview of development plans by the OCTA. No mention is made for the expansion of the **RMV-17**

September 12, 2011
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parking facilities at the LN/MV Metrolink Station and should be clarified, as noted in comment #7 above. **RMV-17 cont.**

15. **Section 4.14 Transportation/Traffic Regulatory Framework – Local (page 4.14-17 through 4.14-22)** – a summary of Circulation Element policies are provided. Consistency should be established for LOS with traffic improvements outside of the City of Laguna Niguel providing for fair share payment to improvement regional facilities; see comments 4, 5, 9, 10 and 11 above. **RMV-18**

16. **Section 5.2 Significant Environmental Effects that Cannot Be Avoided if the Proposed Project is Implemented (page 5-1)** – See comment #1 above. **RMV-19**

17. **Section 6.2.1 Alternatives Considered to Reduce Significant Impacts (page 6-4)** – Alternatives are provided for modifying the development land use and unit types. It also determines that "…even if not new development were to occur with the Specific Plan area, the traffic impacts at this [Crown Valley Parkway/Marguerite Parkway intersection] the No Build scenario would still result in ..a LOS F…Since there is no scenario that would eliminate the significant traffic impacts of the proposed project; this Alternative was eliminated from further consideration in the EIR." However regional benefits for a Saddleback Connector or other similar project identified in the SOC MIS provide regional benefits for improvement traffic level of service in the region. Also improvements for ingress and egress to the LN/MV Metrolink Station will also mitigate traffic impacts from the Project, which should be evaluated and considered. **RMV-20**

We appreciate this opportunity to comment on the Laguna Niguel Gateway Draft PEIR. If you have any questions regarding the comments please contact Jeff Thompson at (949) 240-3363. **RMV-21**

Sincerely,

Sam J. Couch
Vice President, Planning & Entitlement

Buck-Shepard Associates, Inc. (BSA), September 14, 2011

BSA

Buck-Shepard Associates, Inc.
Industrial-Commercial Real Estate Services/ Property Management
CA DRE #00786207

September 14, 2011

Mr. Larry Longnecker, Senior Planner
Community Development Department
27781 La Paz Rd.
Laguna Niguel, CA 92677

RE: Comment on the Laguna Niguel Gateway Specific Plan PEIR

Dear Mr. Longnecker:

It was approximately 10 years ago when I last reviewed the Gateway plan. At that time public dollars were spent with a planning company that returned with suggestions like putting office buildings next to the railroad track. Now after spending more public dollars the proposal is to put residential and commercial together next to the railroad track and the main artery serving Laguna Niguel. The safety issues and impractical nature of this plan are immediately evident. It is why professional planning consultants would suggest it that is inconceivable. **BSA-1**

After review of the PEIR it seems to me that the Gateway area proposal is designed to benefit a few people, most of whom are not yet residents of Laguna Niguel, but furthermore fails to consider and weigh the current and future needs of the much greater number of current Laguna Niguel residents. It would certainly also load additional burden on the back of those residents with increased traffic congestion on Crown Valley Parkway and create a dangerous condition for children proposed to live within the Gateway area. **BSA-2**

My comments are as a property manager/owner within the Gateway and one with some experience in the economics of real estate and businesses. Just a few months shy of 40 years in the real estate business, I have been active in industrial/commercial and retail properties in the South Orange County area. My company, Buck-Shepard Associates, Inc. in involved in leasing, sales, property management, and development. Although the changes proposed are unlikely to impact me during my lifetime, there are some glaring deficiencies as to the wisdom of many proposals with the Gateway PEIR and I cannot let them go unsaid. **BSA-3**

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In today's economy redevelopment of the area with use of State or Federal funds is unlikely. More importantly the needs and services fulfilled by companies currently in the Gateway area are necessary to a healthy functioning community. This suggests leaving the current uses in place. Neither the concept of injecting residential uses nor removing existing vital uses would be in the best interest of Laguna Niguel residents. **BSA-3 cont.**

Please note the following sections of the PEIR:

Policy 3.1 Ensure that effective buffers between residential and nonresidential uses are established and maintained.

Policy 3.3 Reduce land use conflicts between residential and nonresidential uses. **BSA-4**

These policies are completely disregarded when suggesting that the active railroad line and residential uses be included in the mixed use zoning. There is a valid reason that over extended years of land use planning that industrial and service commercial uses have been situated adjacent to rail lines. Vibration, noise, diesel exhaust, and safety for children are just some of the incompatibilities relative to allowing residential next to rail lines. The possibility of additional children nearby the tracks makes it especially foolish. If you take a look at the American Industrial Real Estate map of industrial properties covering Southern California you will immediately notice industrial property following rail lines and being used as the "buffer" between residential and nonresidential. **BSA-5**

Approximately 10 years ago when I last visited the Gateway issue with the Planning Commission, their advisors were suggesting that office buildings would be the best use along the southern end of Forbes Rd. I shared with them that in my younger days I lived adjacent to the rail road tracks in nearby San Juan Capistrano. When using the telephone I regularly had to ask the other person to hold a minute while the train passed. The southern portion of Forbes Rd. is not in any way appropriate for residential uses. Wisely, the Planning Commission changed their direction and decided to leave an expanded list of uses within the Mixed Use area. If the Planning Commission or City Council would like to take a field trip and experience this I would be pleased to meet with them. **BSA-6**

Rather than expect business owners to react to a PEIR, it is my suggestion that decision makers go and interview business owners in the Gateway along with their customers, not just one or two but 50% or more of them. The PEIR document is lengthy and mobilizes very few people to become involved. Most people feel disconnected with government which I am certain will be evident by the low number of business owners that take part in the process. It will be a companion to the low number of Laguna Niguel residents that take part. **BSA-7**

2

Consider how the Gateway project might become a village. That imaginary village is bisected by Crown Valley Parkway and bounded by Cabot and the railroad. Visualize how children will fare with all the traffic and railroad. Now consider how those residential uses will create more pedestrian traffic across Crown Valley Parkway and how that will further impede traffic flow. Mothers with strollers and children in tow will be walking across Crown Valley Parkway to reach Costco for ice cream or for the evening meal. The increased impact to traffic flow will choke the precious time families have in Laguna Niguel. The result would be less time for parents to get their children to school, games, activities, and less time to work try to make ends meet. This would not be making Laguna Niguel a better place to live but add to the difficulties of life. It is my suggestion that any residential with the exception of hotels not be considered in the area of Forbes Rd. south of Crown Valley Parkway. It would be prudent to exclude residential from the balance of the Gateway area except for the hillside along Cabot Rd. Even on Cabot Rd. a hotel may be the most harmonious use considering the already impacted traffic issues. **BSA-8**

It is my understanding that this endeavor was fueled by the lack of redevelopment in the Gateway area and ideas are being gathered to see if there are alternatives that would benefit the Community. It is wise and useful to explore these ideas but it is important to understand all the reasons why things have not changed as some have envisioned. The reason this area has not seen much new development has several components. One of the primary reasons is that the area is economically viable with its current uses. The many small businesses that currently occupy the area are intrinsic to a complete community. Even so Laguna Niguel still has a shortage of industrial and service commercial space to service the City residents. The Gateway area is not blighted. Just take a look at labor rates in Laguna Niguel and surrounding South Orange County. Compare them with the balance of Orange County. Our rates are higher not because the employee gets more money but to cover the overhead of rent and doing business in So. Orange County. To further reduce the service commercial would raise business costs and add economic burden to the residents of Laguna Niguel when they have to go further to find the services and choose from a lesser number of industrial/service providers. **BSA-9**

The Developer Committee suggested a wide range of uses be permissible. This is the prudent decision since the free market will be the best at selecting uses and acting on the needs and demands of the community. The City by keeping an eye on traffic flow, supporting business friendly development/use regulations, and vision toward what the community as a whole requires will make Laguna Niguel a desirable place to live. We should collectively be striving to raise California's business environment index from 51st (even below Washington DC) so our children can enjoy a bright future without having to move to Texas. (read article http://chiefexecutive.net/best-worst-states-for-business)

3

One important suggestion for the southern Forbes Rd. area is to maintain as much street parking as is possible. Transportation demands may change in coming generations creating requirements of additional parking that today are unforeseen. It is important to note that the lots on south Forbes Rd. are not very deep and future development will be aided if street parking is conserved. Finally it is beneficial to the existing local small businesses that contribute greatly to the community. **BSA-10**

The changes you make today will take many years before the negative impacts rear their head. Restrictions by local governments do more to quash innovation that to propel it. I implore you to do what you can to make Laguna Niguel visually attractive and let the needs of the community residents demand the makeup of the land use with the Gateway area. **BSA-11**

The most viable alternative is 6.4.2 where development and use would continue under the existing regulations.

Your consideration of these comments is certainly appreciated. Please feel free to contact me if you would like to meet regarding any of my comments.

Sincerely,

Jeff Buck

4

The Kennedy Commission (KC), September 12, 2011

KC

THE Kennedy COMMISSION

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September 12, 2011

Larry Longenecker, Senior Planner
Community Development Department
City of Laguna Niguel
27781 La Paz Road
Laguna Niguel, CA 92677

RE: Comments on Laguna Niguel Gateway Specific Plan Draft Program Environmental Impact Report (July 2011)

Dear Mr. Longenecker,

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than $20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create strategic and effective housing and land-use policies that has led to new construction of homes affordable to lower income work-force families.

Thank you for the opportunity to review and comment on the Draft Program Environmental Impact Report (PEIR) for the Laguna Niguel Gateway Specific Plan Update. In our comment letter dated November 3, 2010 regarding the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Laguna Niguel Gateway Specific Plan, we provided recommendations to be included in the analysis of the PEIR. We have reviewed the draft PEIR and continue to be concerned that the draft PEIR does not adequately provide detailed analysis on the impacts of affordable homes in the Gateway Specific Plan. Reducing vehicle miles traveled (VMT) and greenhouse gas (gHg) emissions can decrease the significant impacts on traffic congestion, air quality and the overall environment. Locating affordable homes near transportation hubs, job centers and neighborhood amenities can allow local communities to address these environmental issues and goals. More importantly, the decreased impacts can provide substantial health benefits and improve the quality of life for residents in the City. KC-1

Analysis of the Impacts of Affordable Homes in the PEIR

Currently, the City is concurrently working on the Gateway Specific Plan Update and the 2008-2014 draft Housing Element, which has not been certified by the State Department of Housing and Community Development (HCD). The City's 2006-2014 Regional Housing Needs Assessment for the very low and low-income homes is 144 homes and the remaining RHNA need for very low and low-income is 121 homes.[1] Based on the City's housing analysis, most of the City, other than the Gateway Specific Plan area, is almost built-out and there are few opportunities for the development of new homes. The draft Housing Element and the PEIR

[1] Laguna Niguel Gateway Specific Plan Draft Program Environmental Impact Report, p. 4.11-5, July 2011.

Working for systemic change resulting in the production of housing for Orange County's extremely low income households.

Mr. Larry Longenecker
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identifies the Gateway Specific Plan as the "city's most significant opportunity for new affordable housing"[2] and can accommodate the City's remaining lower income RHNA needs.[3]

With high housing costs and significant lack of affordable homes, many workers and families, especially those who earn lower wages, struggle financially to live in the city they work in. Approximately 71% of lower income renter households in the City were overpaying or spending 30% or more on their household income on rent.[4] Rents ranged from $1,375 for a one-bedroom apartment to $1,946 for a three-bedroom apartment; however, the gap between market rent and affordable rent at the very low-income level is $468 a month, while the gap at the extremely low-income level is $901 per month.[5]

With lower wages, high housing costs and lack of affordable homes, it is clear that lower-income households have a difficult time without overpaying. The significant impacts of high housing costs and lack of affordable homes not only hurt workers and families but may also impact the city's economic competitiveness and attractiveness to major employers to provide jobs. Locating homes, specifically affordable homes, near transit, job centers and neighborhood services will decrease travel costs and allow individuals to save money and spend it elsewhere in the City.

In 2009, the average commute time to work for Orange County residents was approximately 26 minutes and approximately 78% of commuters drove alone.[6] Improving location accessibility and connectivity reduces the dependency for residents, especially for lower income households and workers, to drive their automobiles. This will lead to decreased environmental impacts, such as VMT and gHg emissions, which will contribute to the plan's overall purpose and intent to create a sustainable transit oriented neighborhood. The plan will also align with the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and help the City implement and comply with SB 375 goals of reducing VMT and greenhouse gas emissions. In addition, Orange County recently developed it's own subregional Sustainable Communities Strategy which include a strategy that support the retention and/or development of affordable homes.[7]

KC-1 cont.

To support the vision of the Gateway Specific Plan, objectives have been outlined such as: "match new housing opportunities with jobs in the Gateway area, enabling residents to live close to where they work" and; "provide opportunities for the development of uses that complement one another, such as locating retail, restaurants, hotels, and financial services near offices and residences."[8] Implementing these objectives in the proposed plan is essential because the

[2] City of Laguna Niguel 2008-2014 Draft Housing Element, p. 41, January 2011.
[3] Laguna Niguel Gateway Specific Plan Draft Program Environmental Impact Report, p. 4.11-5, July 2011.
[4] City of Laguna Niguel 2008-2014 Draft Housing Element, p. 8, January 2011.
[5] City of Laguna Niguel 2008-2014 Draft Housing Element, p. 19, January 2011.
[6] Orange County 2011 Community Indicators, Children & Families Commission of Orange County, p. 25, 2011.
[7] Orange County Sustainable Communities Strategy Prepared for OCTA/OCCOG, p.82, June 2011.
[8] Laguna Niguel Gateway Specific Plan Public Draft, p. 1-2, Sept. 2010

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environmental impacts of a development are less drastic when a person can afford to live and spend their money in the same community in which they work in. Also, the plan intends to "develop housing in the Gateway area for a variety of persons and households **who choose to live** in an active, urban environment."[9] The Commission believes the plan should develop housing in the Gateway area for those who not only choose to live there but also has the opportunity to live there through a variety of affordable housing options.

The proposed plan anticipates a development capacity of up to 2.4 million square feet of non-residential uses and approximately 350 motel/hotel rooms. The development capacity allows increased economic opportunities; however, these opportunities may produce low-wage service sector jobs that are not reflective on housing opportunities for all economic segments of the community.[10] Between 2008 to 2018, it is projected that six out of the top ten occupations with the most job openings (i.e. waiters/waitresses, retail salespersons, cashiers and others) in Orange County will provide hourly wages of less than $11.50 or $23,916 a year.[11] With low wages and high housing costs, many workers live in other cities and become dependant on their automobile to commute to and from work and other destinations. These trips may increase traffic congestion that not only adversely impacts the environment but also the quality of life for the community. **KC-1 cont.**

To ensure the impacts are identified and mitigated, the Commission would like the draft EIR to also address the City's jobs-housing "fit" and analyze in detail between the types of jobs and wages (specifically low wage jobs) that will be generated in the City in comparison to housing costs and opportunities that are available in the City.

Recommendations

The Commission believes the success of the Gateway plan to create an environmentally sustainable, economically competitive and opportunity rich community will be dependent on the City's leadership to thoroughly analyze and address the community's unmet needs. **KC-2**

The Commission recommends the draft EIR analysis to:

1) Not exclude affordable homes and employment issues from detailed analysis in the PEIR.
2) Conduct a detailed analysis on the amount of affordable homes in the Gateway Specific Plan and the impacts it has on VMT, gHg emissions and other traffic impacts (i.e. will **KC-3**

[9] Laguna Niguel Gateway Specific Plan Public Draft, p. 1-2, Sept. 2010
[10] Out of Reach 2010, National Low Income Housing Coalition, 2010.
[11] 2008-2018 Occupations with the Most Job Openings (Orange County), California Employment Development Department, March 2009.

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affordable homes allow commuters to live and work in the Gateway Plan decrease their reliance to drive their vehicles?).[12] KC-3 cont.

3) Conduct an analysis of how many jobs, what types of jobs and wages will be generated from the proposed plan. KC-4
4) Provide a detailed jobs-housing "fit" analysis. KC-5
5) Provide a detailed analysis of how many people live outside the City that commute into the City to work and how many residents live in the City but commute out of the City to work.[13] KC-6
6) Create specific and effective programs and policies that encourage and facilitate the development of affordable homes for lower income families in the proposed Multi-Family Residential Zone and Mixed Use Zone. KC-7
7) Continue with meaningful outreach and incorporate public comments in the Gateway Specific Plan planning process. KC-8

The Commission looks forward to hearing the City's response to our concerns and partnering with the City to achieve our mutually beneficially goals in creating more livable and economically competitive communities to all working families in the City. The Commission also welcomes the opportunity to continue our dialogue that will result in the production of new homes affordable to extremely low, very low and low-income working families. KC-9

Please keep us informed of any upcoming meetings and proposed developments in the Gateway Specific Plan and if you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar

Cesar Covarrubias
Executive Director

cc: Cathy Creswell, California Housing and Community Development Department
Pauline Chow, Public Law Center

[12] Comments of the Attorney General on Recirculated DEIR Santa Clarita Valley Area Plan, One Valley One Vision, State of California Department of Justice, p. 5, March 17, 2011.
[13] Comments of the Attorney General on Recirculated DEIR Santa Clarita Valley Area Plan, One Valley One Vision, State of California Department of Justice, p. 5, March 17, 2011.

10.3 RESPONSES TO COMMENTS ON THE DRAFT PEIR

10.3.1 State Departments

Native American Heritage Commission (NAHC), August 29, 2011

NAHC-1 This comment contains introductory and general information. No further response is required.

NAHC-2 This comment states that no Native American cultural resources were identified for the proposed project during a Sacred Lands Inventory search. The NAHC also provided a list of individuals and organizations that might have further knowledge of Native American cultural resources in the area and suggested these people be contacted for additional information. This list is identical to the one that was also provided by the NAHC in a July 15, 2010, Comment letter regarding the Notice of Preparation for the PEIR. As shown on page 4.4-5, Table 4.4-1 (NAHC Information Scoping) of the PEIR, the list of Native American individuals and organizations provided by the NAHC was utilized by Atkins archaeologists in order to conduct informal data gathering concerning the presence of Native American resources within the project area. In addition, mitigation measures MM4.4-1(a), MM4.4-1(b), MM4.4-2(a), and MM4.4-2(b) would ensure monitoring of construction activities by a qualified professional and require the scientific recovery and evaluation of any archaeological or paleontological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost. No further response is required.

NAHC-3 This comment provides information regarding the use of the term "Areas of Traditional Use." The comment has been noted, and no further response is required.

NAHC-4 This comment is a list of consultation list of tribes. The list of Native American individuals and organizations provided by the NAHC was utilized by Atkins archaeologists (see Response NAHC-2) and no further response is required.

Department of Toxic Substances Control (DTSC), September 1, 2011

DTSC-1 This comment contains introductory, general information and a summary of the proposed project. No further response is required.

DTSC-2 This comment refers back to comments provided by DTSC during the Notice of Preparation on October 28, 2010. It requests that all comments from the NOP are addressed in the Final PEIR. The following are the comments provided from the October 28, 2010, comment letter during the NOP process:

- Comment #1 stated that PEIR should evaluate whether conditions within the project area may post a threat to human health or the environment and provided

a list of databases of regulatory agencies. On pages 4.7-4 to 4.7-5, Section 4.7.1 (Environmental Setting, Existing Hazardous Material Sites) evaluates the potential threat to human health based on a review of regulatory agency databases. The NOP comment has been addressed in the PEIR and no further response is required.

- Comment #2 states that the PEIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed project area that maybe contaminated, and the government agency to provide appropriate regulatory oversight. On pages 4.7-16 to 4.7-20, Impact 4.7-2 discusses potential of the proposed project to 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. In addition, on pages 4.7-18 to 4.7-19, mitigation measures MM4.7-1 and MM4.7-2 would implement proper investigation and remediation efforts at future development sites to minimize the potential risk of contamination. The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #3 states that any environmental investigation, sampling, and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigation, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling result in which hazardous substance were found above regulatory standards should be clearly summarized in a table. All closure, certification, or remediation approval reports by regulatory agencies should be included in the PEIR. On pages 4.7-18 to 4.7-19, mitigation measure MM4.7-1 would ensure that the above listed measures are implemented. The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #4 states that if buildings, other structures, or asphalt- or concrete-paved surface areas are planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos-containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. On page 4.7-17, Impact 4.7-2 discusses the potential for these hazardous materials and identifies the environmental regulations and policies for precautions and remediation. The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #5 states that future project construction may require soil excavation or filing in certain areas. Sampling maybe required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restriction (LDRs) may be applicable to such soils. Also, if the project proposed to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. On pages 4.7-16 to 4.7-20, Impact 4.7-2 discusses potential of unknown contaminations. In addition, on pages 4.7-18 to 4.7-19, mitigation measures MM4.7-1 and MM4.7-2

would implement proper investigation and remediation efforts to minimize the potential risk of contamination. The NOP comment has been addressed in the PEIR and no further response is required.

- Comment #6 states that human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and proposed by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any release of hazardous materials that may pose a risk to human health or the environment. In Section 4.2 (Air Quality), on page 4.2-31, mitigation measures MM4.2-23 and MM4.2-24 implements health risk assessments to reduce the potential impacts to sensitive receptors from toxic air contaminants (TAC). The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #7 states that if the site was used for agricultural, livestock or related activities, on site soils and groundwater might contain pesticides, agricultural chemical, organic waste, or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. On pages 4.7-16 to 4.7-20, Impact 4.7-2 discusses potential of unknown contaminations. In addition, on pages 4.7-18 to 4.7-19, mitigation measures MM4.7-1 and MM4.7-2 would implement proper investigation and remediation efforts at to minimize the potential risk of contamination. The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #8 states that if it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). On pages 4.7-14 to 4.7-16, Impact 4.7-1 addresses the potential for the proposed project to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and identifies proper environmental regulations for storage, transport, and disposal of hazardous materials. In addition, Section 4.7.2 (Regulatory Framework) details the environmental policies and regulations regarding hazardous waste storage, transportation, and disposal. The NOP comment has been addressed in the PEIR and no further response is required.
- Comment #9 states that DTSC can provide cleanup oversight though an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement for private parties. Provides contact information and additional information source. On pages 4.7-18 to 4.7-19, mitigation measures MM4.7-1 and MM4.7-2 discuss the role of

regulatory agencies for cleanup oversight. The NOP comment has been addressed in the PEIR and no further response is required.

DTSC-3 This comment provides information regarding codes and regulation that regulates hazardous wastes management. On pages 4.7-14 to 4.7-16, Impact 4.7-1 addresses the potential for the proposed project to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and identifies proper environmental regulations for storage, transport, and disposal of hazardous materials. In addition, Section 4.7.2 (Regulatory Framework) details the environmental policies and regulations regarding hazardous waste storage, transportation, and disposal. This comment is noted, and no further response is required.

DTSC-4 This comment contains closing remarks and contact information of the commenter. No further response is required.

Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR), September 6, 2011

DOGGR-1 This comment contains introductory and general information. In addition the comment provides information that there are no oil, gas, or injection wells within the boundaries of the project. The comment has been noted, and no further response is required.

California Department of Transportation (Caltrans), September 8, 2011

Caltrans-1 This comment contains introductory, general information and a summary of the proposed project. No further response is required.

Caltrans-2 This comment notes that the report identified the need for long-term capacity increases at the I-5/Avery Parkway and I-5/Crown Valley interchanges and that the current designs would not be capable of being expanded to meet future needs. The comment also notes that the PEIR identifies appropriate findings in its mitigation measures section MM4.14-1. It should be noted that based on the City of Laguna Niguel traffic study methodology the project was not shown to have a significant project-specific or cumulative impact at either interchange. This comment is noted, and no further response is required.

Caltrans-3 The comment notes that according to California Streets and Highways Code Section 130 Caltrans and the City can enter into a contract to construct mitigation measures. However, since no mitigation measures were required or identified no contract would be required. This comment is noted, and no further response is required.

Caltrans-4 The comment requests that the City of Laguna Niguel work with Caltrans to negotiate the implementation of mitigation for the proposed project on a fair-share basis. The City of Laguna Niguel has previously worked closely with Caltrans, OCTA, and other local agencies in the past and will continue to do so in the future to address regional transportation issues in a cooperative format both to evaluate and embrace options and solutions for addressing mobility needs, as well as to identify and support reasonable and applicable funding sources to facilitate the development and operation of those mobility solutions. The City is always available to meet with Caltrans and other agencies to discuss options for improving regional transportation conditions. This comment is noted, and no further response is required.

10.3.2 Regional Agencies

Southern California Association of Governments (SCAG), August 16, 2011

SCAG-1 This comment contains introductory and general information. No further response is required.

SCAG-2 This comment provides a summary of the proposed project and provides the most recently adopted SCAG forecasts, which are 2008 RTP (May 2008) population, household, and employment forecasts. The comment states that the numbers provided should be the baseline for analysis. The PEIR utilizes the 2008 SCAG forecast data and is the summary provided in page 4.11-4, Table 4.11-2 (SCAG Population Forecast). No further response is required.

SCAG-3 This comment states that the proposed project is consistent with the Regional Transportation Plan Goals G1, G2, G3, G4, G5, and G6 as identified by the PEIR. The comment also states that Goals G3 and G7 are not applicable to the proposed project, since the project is not a transportation project; however, as identified on pages 4.9-10 and 4.9-11 in Table 4.9-2 (SCAG Regional Transportation Plan and Compass Growth Visioning Policies Consistency Analysis), the proposed project would not conflict with RTP Goals G3 and G7. This comment has been addressed and no further response is required.

SCAG-4 This comment states that the proposed project is consistent with the Compass Growth Visioning Principle 1, GV P1.1, GV P1.2, GV P1.3, and GV P1.4 as identified by the PEIR. No further response is required.

SCAG-5 This comment states that the proposed project is consistent with the Compass Growth Visioning Principle 2, GV P2.1, GV P2.2, GV P2.3, and GV P2.4 as identified by the PEIR. No further response is required.

SCAG-6 This comment states that the proposed project is consistent with the Compass Growth Visioning Principle 3, GV P3.1, and GV P3.3 as identified by the PEIR.

However, the comment also states GV P3.2, GV P3.4, and GV P3.5 were not discussed in the PEIR. In addition, SCAG staff is unable to determine consistency with GV P3.3. Contrary to the comment, the PEIR analyzed whether the proposed project would conflict with SCAG's Compass Growth Visioning Principle policies GV P3.2, GV P3.3, GV P3.4, and GV P3.5 on pages 4.9-13 through pages 4.9-14 in Table 4.9-2 (SCAG Regional Transportation Plan and Compass Growth Visioning Policies Consistency Analysis), and the proposed project was found to be consistent with these policies. As the proposed project would not conflict with of SCAG's Compass Growth Visioning Principles, this comment has been addressed and no further response is required.

SCAG-7 This comment states that the proposed project is consistent with the Compass Growth Visioning Principle 4, GV P4.1, GV P4.2, GV P4.3, and GV P4.4 as identified by the PEIR. This comment has been addressed and no further response is required.

SCAG-8 This comment provides a conclusion statement regarding the PEIR review. In addition, provides information regarding SCAG list of mitigation measures and information regarding CEQA for consideration and review. The comment also states that when a project is of statewide, regional, or area with wide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as the information becomes reasonably available. The comment has been noted, and no further response is required.

Transportation Corridor Agencies (TCA), September 7, 2011

TCA-1 This comment contains introductory statements. No further response is required.

TCA-2 This comment notes that the PEIR identifies a potential adverse unavoidable cumulative impact at the intersection of Greenfield Drive and the SR-73 ramps. The comment is noted, and no further response is required.

TCA-3 This comment requests that the TCA be sent copies of future traffic studies for future development projects and/or subsequent phases of development within the Gateway area. The City will notify TCA and provide copies of traffic studies for projects within the Gateway area with potential to generate a substantial volume of traffic along the SR-73 corridor and coordinate with the TCA to obtain their comments on the proposed development projects. No further response is required.

South Coast Air Quality Management District (SCAQMD), September 9, 2011

SCAQMD-1 This comment contains introductory statements. No further response is required.

SCAQMD-2 This comment expresses concern regarding the location of future sensitive receptors within 500 feet of the I-5 Freeway and the active rail line and the potential exposure

of future residential uses to toxic air contaminants (TAC) that could occur as a result of the proposed project. The comment recommends additional mitigation measures be incorporated into the Final PEIR to ensure that potential air quality impacts are reduced to the fullest extent practicable. Further details regarding the location of future sensitive receptors is provided below in Response to Comment SCAQMD-4, and the recommended mitigation measures are addressed below, in Response to Comment SCAQMD-5. This comment is noted, and no further response is required.

SCAQMD-3 This comment requests that a written response to all comments addressed are forwarded to AQMD staff prior to the adoption of Final PEIR. Pursuant to CEQA Guidelines Section 15088, all commenting agencies will receive response to comments 10 days prior to the public hearing considering certification of the PEIR and approval of the project. This comment has been noted, and no further response is required.

SCAQMD-4 This comment expresses the SCAQMD's concern over the effectiveness of the mitigation measures identified in the PEIR to reduce potential exposure to toxic air pollutants. The comment states the effectiveness of the identified mitigation measures has not been quantified; however, as the PEIR evaluates the potential impacts of adoption of the Gateway Specific Plan, and specific future development within the Laguna Niguel Gateway Specific Plan area is unknown, it is not currently possible to quantify the effectiveness of the identified mitigation measures. As described on in Section 4.2 (Air Quality), on page 4.2-29, a Health Risk Assessment (HRA) was performed for the proposed project using representative locations of existing development within the Specific Plan Area. The HRA utilized information provided by the City and Metrolink to determine estimated train trips. Truck traffic on the freeway adjacent to the project site was determined from the EMFAC data for 2009. Truck traffic was determined as a percentage of traffic based on the percentage of total emissions that was attributed to diesel. Based on the methodology established by the Office of Environmental Health Hazard Assessment (OEHHA) and the SCAQMD, the threshold established to determine the maximum individual cancer risk (MICR) was less than 10 in one million. Using this data, five of the representative locations were determined to have increased potential cancer risks. The Health Risk identifies the maximum potential cancer risks from DPM as 57.09 cases per million persons northwest of the Metrolink station. It should be noted that the 57.09 cases per million represents a worst case within the Specific Plan area. The range of cancer risk within the Specific Plan Area based on distance from mobile sources of DPM is 8.41 to the 57.09 cases per million, without the incorporation of site-specific design, project features or mitigation measures.

In order to ensure that potential risks associated with toxic air pollutants are identified for future projects, mitigation measure MM4.2-24 was identified in the PEIR. Mitigation MM4.2-24 would require that a HRA is performed prior to future development of sensitive land uses sited within the buffer zones of existing TAC

emitters. The site specific HRA would determine if a risk to human health would occur and devise mitigation to reduce the risk to the extent feasible. Further, mitigation measures MM4.2-21 and MM4.2-22 would be required to be incorporated for all potential sensitive receptor development within 500 feet of existing TAC emitters, including the I-5 and SR-73 Freeways and the active rail line. Due to the unknown nature of specific development, the effectiveness of future mitigation, and the potential that implementation of the identified mitigation measure would not reduce potential cancer risk, the PEIR determined that this impact was significant and unavoidable with implementation of the Specific Plan.

The comment also recommends reducing potential impacts by restricting the development of sensitive receptors within 500 feet of the I-5 Freeway, SR-73, and the existing railway to minimize the health risk impacts to future residents. The Gateway area is characterized by a series of roadways, railway, utilities, and drainage facilities, as well as steep slopes. Due to the physical constraints associated with the Gateway area, it would not be possible to fully realize the mixed-use transit oriented development potential with such development restrictions. In order to accommodate the request of the SCAQMD, the City would have to limit residential development to one Planning District, Planning District D, located north of Crown Valley Parkway and west of Forbes Road. All other Planning Districts located within the Gateway area would be within the 500-foot buffer recommended by the SCAQMD. The Gateway Specific Plan allows the City of Laguna Niguel to fulfill the goals of SB 375 through the development of a sustainable community strategy in that the Specific Plan is designed to integrate development patterns and the existing transportation network in a way that reduces greenhouse gas emissions while meeting housing needs and other regional planning objectives. Specifically, the goals of the Specific Plan are to transform the Gateway area into an attractive and desirable transit and pedestrian-oriented urban community; develop land uses that maximize transit ridership; and maximize the use of transit by residents and workers through the placement and density of land uses, and the creation of safe and attractive pedestrian and bike routes to the Metrolink station.

The intent of the proposed project is to bring mixed uses, including residential uses, to the transportation corridor. While the concern regarding developing residential and other sensitive uses within 500 feet of the freeways and railroads is valid, restricting development of future sensitive receptors to Planning District D only would render the goals and vision of the Gateway Specific Plan unattainable. With the implementation of the mitigation measures identified in the PEIR page 4.2-30 to 4.2-31, future projects would be required to conduct a HRA to determine any impact proposed by the development of the specific project. While actual reductions in TACs are unknown at this time, implementation of mitigation measures MM4.2-21, MM4.2-22, and MM4.2-24 would be required to be implemented to reduce potential exposure to TACs to the extent feasible. No further response is required.

SCAQMD-5 The comment states that, given that the proposed project has been determined to have significant construction-related air quality impacts, additional mitigation measures are recommended. Mitigation measures provided by AQMD have been incorporated under Impact 4.2-2 as MM4.2-10, MM4.2-11, MM4.2-12, MM4.2-13, and MM4.2-14 on page 4.2-25. The text addition of additional mitigation measures are listed below:

MM4.2-10 Project Applicant shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, as deemed necessary by the Public Works Director; and

MM4.2-11 Project Applicant shall provide dedicated turn lanes for movement of construction trucks and equipment on and off site, as deemed necessary by the Public Works Director; and

MM4.2-12 Project Applicant shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible; and

MM4.2-13 Project Applicant shall require the use of cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards.

Suggested mitigation measures concerning requiring construction equipment on site to meet the EPA-Certified Tier 2 emission standards were not incorporated. These standards are part of the California Air Resources Board (ARB) and SCAQMD measures to reduce criteria pollutant emissions (refer to pages 4.2-21 to 4.2-22 for the outline of these measures) and already are required for the project. It is anticipated that individual project contractors would comply with all California ARB and SCAQMD off-road construction equipment requirements, including the phasing in of appropriate emissions standards and submitting the appropriate BACT documentation to California ARB and SCAQMD prior to mobilization for individual projects. This comment has been addressed and no further response is required.

Orange County Transportation Authority (OCTA), September 14, 2011

OCTA-1 This comment contains introductory statements. No further response is required

OCTA-2 This comment relates to Metrolink's expanded weekday service schedule at the Laguna Niguel/Mission Viejo station. The expanded Metrolink service schedule was included as part of the future conditions analysis for the Specific Plan including up to 1,200 additional Metrolink parking spaces as noted on pages 14.14-9 and 14.4-10. The comment is noted, and no further response is required.

OCTA-3 The comment related to Metrolink's weekend service schedule at the Laguna Niguel/Mission Viejo station. The Specific Plan traffic study did not analyze weekend operating conditions. The comment is noted, and no further response is required.

OCTA-4 This comment notes that there are plans for additional parking in the future at the Metrolink station. The traffic analysis includes the future development of up 1,200 additional Metrolink parking spaces at or adjacent to the station as noted on page 14.4-10. No further response is required.

OCTA-5 This comment contains conclusion statements. No further response is required.

Orange County Public Works (OPCW), September 29, 2011

OCPW-1 This comment contains introductory statements. No further response is required

OCPW-2 This comment states that any work that would occur within the Orange County Flood Control District would be required to receive an encroachment permit from OCPW. This comment does not pertain to the adequacy of the Draft PEIR. This comment has been noted, and no further response is required.

OCPW-3 This comment describes the Oso Creek Channel that bisects the Gateway area and describes how the Oso Creek Class I Bikeway and the Oso Creek Regional Riding and Hiking Trail are located adjacent to or within the Oso Creek Channel Right-of-Way. The comment further describes the location of these bikeways and trails and details the typical physical properties of trails and Class I Bikeways. This comment does not pertain to the adequacy of the Draft PEIR. This comment has been noted, and no further response is required.

OCPW-4 The comment requests clarification between the Oso Creek Class I Bikeway and the Oso Creek Regional Riding and Hiking Trail. Both of the Class I Bikeway and the Riding and Hiking Trail are proposed features of the Specific Plan and the development of both of these countywide features was evaluated in Section 4.13. Further, Figure 4.13-2 (Proposed Specific Plan Area Trail System) clearly identifies both of these project features; the Class I Bikeway is depicted with green-hashed lines, while the Riding and Hiking Trail is depicted with blue-hashed lines. This comment does not pertain to the adequacy of the Draft PEIR. This comment has been noted, and no further response is required.

OCPW-5 This comment provides recommendations for future landscaping of the trail and bikeway proposed as part of the Gateway Specific Plan. This comment does not pertain to the adequacy of the Draft PEIR and no further response is required.

OCPW-6 This comment provides recommendations for future access points from future residential and commercial uses within the Specific Plan Area. This comment has been noted, and no further response is required.

OCPW-7 This comment requests that at-grade equestrian crossing be provided along Crown Valley Parkway. The comment states that horses would not be likely to use the proposed bridge along Crown Valley Parkway due to the confined space and lack of line-of-sight that would be typical of most bridges. The comment provides

recommendations to make any such bridge more equestrian friendly, as well as features to provide for a more equestrian friendly at-grade crossing, or for an under-crossing along Crown Valley Parkway. As stated in Chapter 3 (Project Description) on page 3-23, one of the objectives of the Gateway Specific Plan is to, "Promote and support the completion of multi-use trails, sidewalks, and pathways to provide connectivity within the Gateway area and to the City's trail system to maximize nonmotorized mobility." As such, it is the City's intent to provide for safe and functional multi-use riding and hiking trails that can accommodate pedestrian, bicycle riders and equestrians and as such, consideration would be made to horse crossing and placing horse-height buttons for the at-grade crossings along Crown Valley Parkway. This comment has been noted, and no further response is required.

OCPW-8 This comment requests horse-height buttons to assist in crossing Crown Valley Parkway. Refer to Response to Comment OCPW-7. This comment has been noted, and no further response is required.

OCPW-9 This comment requests a modification to Figure 2.5 of the Specific Plan. Refer to Response to Comment OCPW-4 regarding the identification of the Oso Creek Class I Bikeway and the Oso Creek Regional Riding and Hiking Trail. This comment does not pertain to the adequacy of the Draft PEIR. This comment has been noted, and no further response is required.

OCPW-10 This comment requests that the riding and hiking trail proposed as part of the Specific Plan extend to the intersection of Crown Valley Parkway and Forbes Road to allow for an at-grade equestrian crossing. Refer to Response to Comment OCPW-7. This comment has been noted, and no further response is required.

OCPW-11 This comment is regarding the characterization of the Class I Bikeway and the Riding and Hiking Trail proposed as part of implementation of the Specific Plan. This is not a comment on the adequacy of the EIR. The comment is noted, and no further response is required.

OCPW-12 This comment restates the concerns regarding equestrian riders crossing the proposed bridge at Crown Valley Parkway and the bridge over the Oso Creek Channel. Refer to Response to Comment OCPW-7. This is not a comment on the adequacy of the EIR. The comment is noted, and no further response is required.

OCPW-13 This comment requests revisions to graphics and figures to show the right-of-way boundaries of the Orange County Flood Control District (OCFCD) property. The City will coordinate with the OCFCD for all future development that would occur within and adjacent to OCFCD property, and ensure that specific development plans, including those for the Class I Bikeway and the Riding and Hiking Trail clearly identify the limits of the City's and the OCFCD property. This is not a comment on the adequacy of the EIR. The comment is noted, and no further response is required.

OCPW-14 This comment contains conclusion statements. No further response is required.

10.3.3 Local Agencies

City of Laguna Hills (LH), September 9, 2011

LH-1 This comment contains introductory statements. No further response is required.

LH-2 This comment notes that the intersection of Cabot Road and Rapid Falls Road was analyzed as requested. The comment is noted, and no further response is required.

LH-3 This comment notes concern by the City of Laguna Hills regarding the impact of the potential future connection of Camino Capistrano with Cabot Road. As noted in Table 4.14-13 the project is part of the City of Mission Viejo's plan and was not included in the Gateway analyses due to a current lack of funding. Since the project is within the City of Mission Viejo the City of Laguna Niguel does not control when or if the project would be built. The Gateway Specific Plan was developed to function with or without the connector in place. No further response is required.

City of Mission Viejo (MV), September 12, 2011

MV-1 This comment contains introductory statements and accurately describes that implementation of the Gateway Specific Plan would result in an approximately 30 percent reduction in traffic than the previously approved 1999 Specific Plan. No further response is required.

MV-2 This comment express concern over potential CEQA streamlining opportunities for Transit Priority Project (TPP) sites within the Gateway Area related to SCAGs 2012 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The comment states that the residential dwelling units accommodated in the Gateway Specific Plan do not appear to been incorporated into the Orange County and SCAG Integrated growth Forecasts for the RTP and SCS to enable Laguna Niguel to qualify for consideration as a TTP site. The comment recommends that the City of Laguna Niguel coordinate with SCAG. While residential growth forecasts in the 2012 RTP do not reflect dwelling units in the Gateway area, the RTP Land Use designation for the Gateway area in Laguna Niguel does reflect the anticipated residential growth. SCAGs 2012 RTP growth forecast for Orange County cities use the 2010 Orange County Projections (OCP) prepared by the Center for Demographic Research (CDR). The 2010 OCP, prepared in 2009 and early 2010, does not reflect any residential growth in the Gateway area, consistent with the current zoning for the Gateway area. In the subsequent preparation of SCAGs 2012 RTP, the vision for the Gateway Specific Plan Update was better defined, including the potential for 2,994 dwelling units in high-density residential and mixed-use development. In consultation with SCAG staff, the Gateway area is designated in the 2012 RTP for 'Mixed Urban' land uses (SCAG General Plan/Land Use Code 1600)

to accommodate residential development in the Gateway area. The 2012 RTP 'Mixed Urban' designation was established for the Gateway area specifically to facilitate CEQA streamlining opportunities for future Transit Priority development projects. This comment has been addressed, and no further response is required.

MV-3 This comment expresses the City of Mission Viejo's request that the widening of Crown Valley Parkway from Cabot Road to the I-5 Northbound Ramps be included as traffic mitigation for the Gateway Specific Plan. The eastbound and westbound widening of Crown Valley Parkway are improvement projects that are part of the plan and not mitigation for the plan. The eastbound portion of that widening has already been let as a separate project and the westbound portion of the Crown Valley Parkway widening will be completed as funding is available and future development projects demonstrate the need for additional roadway capacity. No further response is required.

MV-4 This comment notes that the City of Mission Viejo would like to have text removed from the Traffic Study prepared for the PEIR report and summary discussion included regarding the Avery Parkway and Marguerite Parkway intersection from OCTA's I-5/Avery Parkway Interchange study. The comments included in the Specific Plan and traffic study were based on comments from the engineers working on the project at that time as the OCTA draft report for the I-5/Avery interchange project was not available at the time the Specific Plan traffic study was prepared. A summary discussion will be included in the final Traffic Study prepared for the PEIR and the statement regarding "feasibility of acquiring right-of-way" will be modified. No further response is required.

MV-5 This comment expresses concern regarding the possible capacity issues at Aliso Niguel High School, located in the City of Aliso Viejo, and the potential increase in enrollment demand generating the need for additional portable classrooms. In addition, the City of Mission Viejo expresses concerns over the possible impact the proposed project could have on the capacity of Capistrano Valley High School. As discussed on pages 4.12-17 to 4.12-18, AB 2926, California Government Code Section 65995, SB 50 were enacted by the state of California to address payment of school fees. As stated on pages 4.12-20 through 4.12-21, the proposed project would be required to pay development fees as well as an interim school facilities fee in order to fund new school facilities, expansion of existing school facilities, and other upgrades to existing school facilities to accommodate the projected student population generated from future residential development. Further, the proposed project would not be serviced by Capistrano Valley High School since school service to the proposed project area is served by Aliso Niguel High School. The City of Laguna Niguel will continue coordination with the CSUVD as future development occurs within the Gateway area. No further response is required.

MV-6 The comment expresses the City of Mission Viejo's concern regarding the phrase used in the report discussing the future traffic operations along Crown Valley Parkway and that one option for addressing future delay was through "land use scale reductions." The comment was intended to identify that one option for addressing future capacity issues was to reduce the volume of vehicles generated by land uses in the area. The text will be revised to state "As no additional widening of Crown Valley Parkway is feasible, the delay would need to be addressed through either travel demand reductions or shifts in ridership to non-single-occupant auto modes along the corridor, reconfiguration of the side street through and turning lanes to eliminate the split-phase traffic signals, or both." No further response is required.

MV-7 This comment contains conclusion statements. No further response is required.

10.3.4 Individuals and Organizations

Rancho Mission Viejo (RMV), September 12, 2011

RMV-1 This comment contains introductory statements. No further response is required

RMV-2 This comment state that the Specific Plan Executive Summary document does not adequately address traffic mitigation impacts of the Specific Plan. The PEIR traffic study (refer to Appendix E) noted that the project would contribute to significant cumulative impacts at four intersections within the City of Mission Viejo and that proposed Updated Specific Plan would generate traffic at a lower rate than the currently approved Gateway Specific Plan. Options for addressing these cumulative impacts were discussed with the City of Mission Viejo and no geometric changes were identified. The City of Laguna Niguel will continue to work with the City of Mission Viejo on addressing regional traffic issues in the future. The Updated Gateway Specific Plan is consistent with other local and regional plans including the South County Road Improvement Program (SCRIP) and the South Orange County Major Investment Study (SOCMIS). No further response is required.

RMV-3 The comment states that eleven of the twenty-one intersections studied were identified as having deficient traffic operations and would require mitigation prior to the construction of the project. According to the traffic standards of the City of Laguna Niguel there are only 4 intersections that would have operating conditions falling in the ranges considered to have unacceptable operating conditions with the proposed Updated Specific Plan, as shown in Table 4.14-18. Those intersections are the 3 intersections of Crown Valley Parkway with Marguerite Parkway, Los Altos, and Medical Center and the intersection of Avery Parkway with Marguerite Parkway. At each of these locations the Gateway Specific Plan project would contribute a small amount of traffic towards cumulative impacts, which are generated mostly by regional growth including projects in Rancho Mission Viejo. Operating conditions at the Crown Valley Parkway intersections were discussed with the City of Mission Viejo and no physical improvements were identified to address the cumulative

impacts; however the cities will continue to work together to identify strategies to address transportation conditions in the Crown Valley Parkway corridor. Traffic operations at the Avery parkway and Marguerite Parkway intersection were recently studied as part of OCTA's I-5/Avery Parkway interchange and it was found that there are options to improve operations at that intersection, however the levels of service at the intersection would not be improved to acceptable LOS levels without acquiring additional right-of-way, which was not being considered at this time. No other regional impacts were identified as significant. Therefore, project-specific impacts have been mitigated to the extent possible at this time and the City will continue to work with the City of Mission Viejo, OCTA, and Caltrans to explore potential transportation options and the funding options to support those efforts. No further response is required.

RMV-4 The comment states that the conclusions in PEIR Table 2-1 should be modified to attempt to support the OCTA South Orange County Major Investment Study (SOC MIS) in that the project provides no direct funding for projects identified in the SOC MIS or the SCRIP. The project has no demonstrated direct or cumulative impact on locations where projects in those documents have been identified. Fair share funding for projects outside of the study area will be provided through regional sources and do not require direct project funding when no significant impact is identified. No further response is required.

RMV-5 See response to RMV-4. No further response is required.

RMV-6 This comment states that there is no reference in the Specific Plan to the OCTA SOC MIS approved in 2009. The PEIR included relevant SOC MIS projects as described on page 4.14-15 of Section 4.14 (Traffic/Transportation). Additionally, full details of committed improvements may be found in Section 7 of the Traffic Study included as Appendix E to the PEIR. This is not a comment on the adequacy of the EIR. The comment is noted, and no further response is required.

RMV-7 This comment states that the project policies should include a policy that the project should pay its fair share for development impacts. Transportation impact fair share contributions are listed in Circulation Element Policy 1.8. No further response is required.

RMV-8 The comment states that the Specific Plan should include transportation Level of Service (LOS) standards for areas outside of the City. As stated on pages 4.14-25 and 4.14-26 in Section 4.14 (Transportation and Traffic):

> Intersection operating conditions in the study area were analyzed using two methodologies. Per the City of Laguna Niguel, the "Intersection Capacity Utilization" (ICU) methodology was used to provide the primary analysis results for intersections within the City of Laguna Niguel as well as the City of Mission Viejo. However, per the City's and Caltrans' request, the Highway Capacity Manual (HCM) delay-based methodology for signalized intersections was also used to impacts to Caltrans facilities in order to meet Caltrans requirements. Both the ICU

> and HCM methodologies are applied to all the project study intersections. This recognizes that the proposed project would affect intersections under the jurisdiction of Mission Viejo and Caltrans, and the appropriate significance criteria are applied to each intersection.

The Specific Plan establishes policies for roadways and intersections within the City of Laguna Niguel, as is appropriate. The PEIR established significance thresholds for roadways and intersections based upon the established methodology utilized by the jurisdiction in which study area roadways are located. The City of Laguna Niguel has no authority to establish policies within jurisdictions outside of the City. No further response is required.

RMV -9 The comment requests additional information regarding how the Development Management Entitlement System (DEMS) trip generation levels were established. A further description of the DEMS values and calculations is provided beginning on page 80 in the Traffic Technical Study included in Appendix E of the Specific Plan. In general the trip capacities were established at a level that would restrict project trip generation so that there would be no project-specific or cumulative impacts along Crown Valley Parkway within the City of Laguna Niguel or at the I-5/Crown Valley Parkway interchange. The remaining cumulative impacts identified in the report would occur regardless of any development in the Gateway Specific Plan area. No further response is required.

RMV-10 The comment states that the planned parking additions at the Metrolink station should be incorporated into the project. The proposed 1,200 parking spaces at the Metrolink station are being proposed by OCTA and, while considered as an opportunity for the project and a potential for shared parking use, the development of those spaces is outside of the project's direct control. Therefore, the parking supply required for individual future development projects must be provided on a standalone basis until such time that the Metrolink parking is in place. No further response is required.

RMV-11 The comment states that integration of walkways, roadways, and mass transit with the Metrolink station should be provided. Figure 7.9 of the traffic technical study illustrates the multi-modal cross-section for Forbes Road south of Crown Valley Parkways and discussion in the report on page 4.14-9 through 4.14-15 discusses the existing and planned facilities for all travel modes. No further response is required.

RMV-12 The comment states that costs for regional improvements should be included in Table 6-1. The table provides costs for project improvements. The project was not found to have transportation impacts at regional locations, except at those locations where no physical improvements could be identified or that are not already under study by others. Therefore no additional cost items need to be included. No further response is required.

RMV-13 The comment states that the Foothill Transportation Corridor-South (FTC-S) was not included in the study and should be as it is part of the approved regional network. The reference to the FTC-S was inadvertently omitted from the report and will be added. The FTC-S was included in the analyses. The Saddleback Connector Ramp was not included in the study because currently no source of funding has been identified for the project and it is therefore considered to be highly speculative and that facility is not required to address any project specific impacts. Per CEQA the impacts of the project should be measured against the existing transportation network. Analysis was completed with and without the FTC-S facility and it was found to have no effect on the analysis conclusions. Since no project-specific impacts were identified in the analyses it was determined that analysis with the Connector in place was not necessary. No further response is required.

RMV-14 The comment states that mitigation should be identified and that regional fair share payments should be provided. See response to RMV-3. No other regional impacts were identified; therefore, no regional fair share payments are identified. No further response is required.

RMV-15 The comment states that the DEMS thresholds should be further discussed and the relationship between those and the SOC MIS and SCRIP provided. See response to RMV-9. The reduction of project impacts to reduce or eliminate significant project impacts directly supports the regional transportation initiatives. No further response is required.

RMV-16 The comment states that the reference to the SOC MIS is incorrect and should be changed, that the list of projects within the SOC MIS did not include all of the projects assumed in that study, and that the relevance of the project to the study of direct access to Saddleback College and the Metrolink station should be included. While OCTA refers to the study as both the SOC MIS and the SCMIS, the reference to the SOC MIS will be corrected to include the word "Orange" in the title to avoid confusion. The list of SOC MIS projects included in the report text was provided as a reference and was not intended to be exhaustive. The document also lists the other projects that the traffic forecast model was used for and should provide adequate reference to the consistency of the analysis with other areawide efforts. No plans to develop direct connections between the I-5 corridor, Saddleback College, and the Metrolink station have been adopted by any agency and therefore none are included in the project analysis.

RMV-17 The comment states that no reference to the expanded Metrolink service and station expansion is included in the report. References to both are included on pages 4.14-9 and 4.14-10. No further response is required.

RMV-18 The comment states that consistency should be established for LOS with traffic improvements outside of the City, for provision of fair share payment. See response to RMV-8. Policies related to fair share payments are included in Circulation

Element Policy 1.8. Since no project-specific regional impacts were identified there is no regional funding requirements necessary. No further response is required.

RMV-19 The comment refers to comment RMV-3. See response to RMV-3. No further response is required.

RMV-20 The comment states that the Saddleback Connector would provide regional benefit along with improvements to the LN/MV Metrolink station and that these should be evaluated and considered. As previously noted, the Saddleback Connector is considered to be highly speculative as there is currently no funding source identified for that facility and it is not required to address project-specific impacts. Improved access to the Metrolink station has been included as part of the proposed Crown Valley Parkway and Forbes Road South project enhancements. No further analyses are warranted, and no further response is required.

RMV-21 This comment contains conclusion statements. No further response is required.

Buck-Shepard Associates, Inc. (BSA), September 14, 2011

BSA-1 This comment contains anecdotal opinion and is not a comment on the adequacy of the Draft PEIR. The comment states that public safety would be compromised, but contains no substantial evidence to support the claim. No further response is required.

BSA-2 This comment expresses the commenter's opposition to the project. This comment does not address the Draft PEIR and does not pertain to CEQA. No further response is required.

BSA-3 This comment expresses the commenter's opposition to the land uses proposed for the project. This comment does not address the Draft PEIR and does not pertain to CEQA. This comment is noted, and no further response is required.

BSA-4 This comment expresses the commenter's opposition to the land uses proposed for the project. The comment expresses concern over residential land use designations near railroad tracks. Section 4.9.3 (Land Use, Project Impacts and Mitigation) addresses the land use impacts associated with the proposed project. The proposed project would be designed and implemented in a manner that would reduce potential land use conflicts. No further response is required.

BSA-5 This comment expresses the commenter's opposition to potential residential uses proposed near railroads. The comment expresses concern over land use allocations with air quality and noise impacts. Section 4.2.3 (Air Quality, Project Impacts and Mitigation) and Section 4.10.3 (Noise, Project Impacts and Mitigation) addresses the air quality and noise impacts associated with the proposed project. Mitigation measures have been identified to reduce potential impacts to the extent feasible. No further response is required.

BSA-6 This comment expresses the commenter's opposition to potential residential uses proposed near railroads. This comment does not address the Draft PEIR and does not pertain to CEQA. This comment is noted, and no further response is required.

BSA-7 This comment states that the public was not involved in the planning process for the Gateway Specific Plan and expresses the commenter's opposition to the Environmental CEQA process and requests that business owners and customers be interviewed instead. While this comment does not address the Draft PEIR and does not pertain to CEQA, it should be noted that throughout the planning process in development of the Gateway Specific Plan there were a minimum of seven public meetings held on the Specific Plan. These meetings were noticed and members of the public were provided the opportunity to provide input and comment on the Specific Plan. Therefore, contrary to the commenters claim, business owners located in the Specific Plan area were afforded ample opportunity to participate in the planning process. In addition, a minimum of two public hearings will be conducted (Planning Commission and City Council) at which members of the public will have an opportunity to comment on the project. This comment is noted, and no further response is required.

BSA-8 This comment expresses the commenter's opposition to land uses proposed for the project. The comment expresses concern over traffic issues and pedestrian conflict in association with the proposed project. Section 4.14.3 (Transportation/Traffic, Project Impacts and Mitigation) addresses the transportation/traffic impacts associated with the proposed project. Further, and as identified in Section 3.5 (Project Description, Streetscape and Open Space), a primary function of streets and linear open space in the Specific Plan area is to provide access to the Metrolink Station and throughout the area for all transportation modes: pedestrians, bicyclists, equestrians, buses and other motor vehicles. In particular, Forbes Road in combination with the development of an adjacent multi-use trail along Oso Creek will provide access for pedestrians, cyclists, and equestrians. The goal of the Specific Plan is to provide a network of usable public open spaces in the Gateway area that provide a focus for development and for community activity. The program includes arterial and freeway access improvements along with an emphasis on expansion of nonautomobile travel including transit, bicycle, and walking trips. This comment has been addressed in the Draft PEIR. This comment is noted, and no further response is required.

BSA-9 This comment contains anecdotal opinion and is not a comment on the adequacy of the Draft PEIR. The comment suggests that the current land uses to remain as is. This comment does not address the Draft PEIR and does not pertain to CEQA. No further response is required.

BSA-10 This comment suggests that the southern Forbes Road area should be maintained for street parking. The existing on-street parking along southern Forbes Road is proposed to remain in place until either current sites along that roadway segment

redevelop or until there is a demand in traffic volume that would require the proposed widening. The proposed widening is required, however, to address the projected future traffic demand generated by OCTA's expansion of the Laguna Niguel/Mission Viejo Metrolink station and the associated parking increase to 1,200 spaces and intensification of land development in the area. The overall width of the roadway corridor is limited by the property boundaries on the east side of the right-of-way, the service road right-of-way for Oso Creek, and the proposed extension of the Oso Creek Trail along the west side of Forbes Road. To provide adequate roadway capacity to accommodate projected demand and stay within the limited right-of-way the existing on-street parking will ultimately need to be removed and other off-street alternatives found for employee parking. This comment is noted, and no further response is required.

BSA-11 This comment expresses the commenter's opposition to the proposed project and provides a conclusion statement. Chapter 6, Section 6.4 (Analysis of Alternative to the Proposed Project) in the Draft PEIR addresses other alternatives considered for the proposed project. The Alternatives discussion provides other development scenarios different to the proposed project. This comment is noted, and no further response is required.

The Kennedy Commission (KC), September 12, 2011

KC-1 This comment contains introductory statements and provides background information regarding affordable homes. The comment also states that the PEIR does not adequately address affordable housing and jobs balance. Section 4.11.3 (Population/Housing, Project Impacts and Mitigation) addresses the population and housing impacts associated with the proposed project. However, affordable housing and jobs analysis is a policy issue and is not required by CEQA. The comment is noted, and no further response is required

KC-2 This comment requests that the proposed project does not exclude affordable homes and employment issues from detailed analysis in the PEIR. Matters regarding affordable housing are policy issues and the comment therefore does not pertain to CEQA. The comment is noted, and no further response is required.

KC-3 This comment requests detailed analysis on the amount of affordable homes in the Gateway Specific Plan and the impacts it has on VMT, GHG emissions, and other traffic impacts (i.e., affordable homes allow commuters to live and work in the Gateway Plan and decreases their reliance to drive their vehicles). Matters regarding affordable housing are policy issues and the analysis requested is not required by CEQA. This comment is noted, and no further response is required.

KC-4 This comment requests an analysis of how many jobs and what types of jobs and wages will be generated from the proposed plan. Page 4.11-10 of the PEIR states that full build-out of the Specific Plan area has the potential to create a total of

approximately 6,438 jobs. Total potential job calculation was based on an average of 3.3 jobs per 1,000 sf of nonresidential uses, excluding auto sales, and 0.8 employees per hotel room. The estimated number of new jobs was based on 868,827 sf of new nonresidential development and 317 new hotel rooms. Jobs generated by auto-sale uses were not included since there was no increase in acreage dedicated to auto-sales for the proposed project. Information regarding wages for the potential jobs created are not available and could not be determined. This comment is noted, and no further response is required.

KC-5 This comment requests a detailed jobs-housing "fit" analysis. Page 4.11-9 of the PEIR found the proposed project would allow for the development of up to 2,994 residential dwelling units in an area without any housing; therefore the proposed project would not result in the displacement of existing housing or people, and would not require the construction of replacement housing elsewhere. In addition, page 4.11-10 of the PEIR provides an estimate of the population increase in the City of Laguna Niguel; however, the project would not result in indirect population growth not previously analyzed in the City of Laguna General Plan or within SCAG's population projections. Displacement of housing and/or people and substantial population growth are CEQA-related issues. However, the requested analysis does not pertain to CEQA and no further response is required.

KC-6 This comment requests detailed analysis of how many people live outside the City that commute into the City to work and how many residents live in the City but commute out of the City to work. Section 4.14 (Transportation/Traffic) addresses traffic impacts associated with the proposed project. This comment is not relevant to CEQA analysis. No further response is required.

KC-7 This comment requests specific and effective programs and policies that encourage and facilitate the development of affordable homes for lower-income families in the proposed Multi-Family Residential Zone and Mixed Use Zone to be created. This comment does not pertain to CEQA and no further response is required.

KC-8 This comment requests continuation of meaningful outreach and incorporation of public comments in the Gateway Specific Plan planning process. A public scoping meeting and comment period were part of the CEQA process for the proposed project to afford public opportunity to comment. In addition, a minimum of two public hearings will be conducted (Planning Commission and City Council) at which members of the public will have an opportunity to comment on the project. This is a comment regarding the planning process and not a comment pertaining to CEQA. No further response is required.

KC-9 This comment is a conclusion statement. No further response is required.

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CHAPTER 11 Mitigation Monitoring and Reporting Program

11.1 INTRODUCTION

The Final Program Environmental Impact Report (PEIR) for Laguna Niguel Gateway Specific Plan identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, public services, recreation and transportation/traffic.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code Section 21081.6).

The Mitigation Monitoring and Report Program (MMRP) shall be used by the City of Laguna Niguel staff responsible for ensuring compliance with mitigation measures associated with the proposed project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification. It should be noted that the Community Development Department (CDD) is comprised of Planning, Building & Safety, and Code Enforcement; where CDD is indicated as the monitor or entity verifying compliance, it may be one or more of these offices.

The City, the City's contractor, and individual project applicants, as well as the applicant's contract shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
4.1 AESTHETICS						
MM4.1-1 For projects that may result in a potential shade/shadow impact on nearby light-sensitive uses, as determined by the Director of Community Development, the following mitigation measure shall be implemented: Prior to project approval by the decision-making authority, the Applicant shall be required to perform a shade and shadow analysis that demonstrates that the project will not result in significant impacts according to the following criteria. Shadowing impacts in the Specific Plan boundary are considered significant when shadows would be cast upon potentially sensitive uses during a substantial portion (typically greater than 50 percent) of the main daylight hours (9:00 AM to 3:00 PM during the fall, winter, and spring seasons, and 9:00 AM to 5:00 PM [daylight savings time] during the summer season). Light-sensitive uses are those that depend upon light for their operation (e.g., solar panels) or for which solar access is essential for their function (e.g., swimming pools). Light-sensitive uses also include public parks and routinely used outdoor spaces associated with residences and schools (e.g., yards and playgrounds).	Shade and shadow analysis	Review of Shade and Shadow analysis if determined necessary by the Director of Community Development	Prior to individual project approval	CDD		
MM4.1-2 Proposed new structures shall be designed to maximize the use of nonreflective façade treatments, such as matte paint or glass coatings. Prior to project approval by the decision-making authority, the Applicant shall indicate provision of these materials on the project plans.	Inclusion on project plans	Review and approve project plans for inclusion	Prior to individual project approval	CDD		
4.2 AIR QUALITY						
MM4.2-1 Name and phone number of the contractor's superintendent hired by the Applicant shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. S/he will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the Applicant's contact number regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with SCAQMD Rule No. 403.	Contract language and notes on grading and building plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD and Public Works Department		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.2-2 Wind barriers shall be installed along the perimeter of the site and/or around areas being graded.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
MM4.2-3 Project Applicant shall establish an on-site construction equipment staging area and construction worker parking, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public roadway.	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-4 Project Applicant shall control access to the public by limiting curb cuts/driveways to minimize project construction impacts upon roadway traffic operations;	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-5 Project Applicant shall properly maintain nonvehicular equipment engines to minimize the volume of exhaust emissions;	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-6 Project Applicant shall use electricity from power poles, rather than temporary diesel or gasoline powered generators, as feasible;	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-7 Project Applicant shall use on-site mobile equipment powered by alternative fuel sources (i.e., methanol, natural gas, propane, or butane) as feasible;	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-8 Project Applicant shall pave all construction roads as feasible; and	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.2-9 Project Applicant shall provide ridesharing or shuttle service for construction workers, as feasible.	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-10 Project Applicant shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, as deemed necessary by the Public Works Director; and	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-11 Project Applicant shall provide dedicated turn lanes for movement of construction trucks and equipment on and off site, as deemed necessary by the Public Works Director; and	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-12 Project Applicant shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible; and	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-13 Project Applicant shall require the use of cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards.	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		
MM4.2-14 Project Applicant shall ensure that all architectural coating (paint and primer) products applied during construction have a low to no VOC rating.	Contract language and notes on grading and building plans	Review and approve contract specifications and grading and building plans for inclusion	Plan check prior to issuance of grading and building permits	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.2-15 Electrical outlets shall be included in the building design of all loading docks to allow use by refrigerated delivery trucks. The Project Applicant shall require that no trucks idle for more than five minutes. Refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units.	Inclusion on building plans	Review building plans for inclusion	Plan check prior to issuance of building permits	CDD		
MM4.2-16 All multi-family residential and nonresidential facilities shall ensure that current transit schedules are available in common areas for the use of employees and residents.	Tenancy agreement or CC&Rs	Review tenancy agreement or CC&Rs for inclusion	Through lifetime of project	CDD		
MM4.2-17 All retail facilities in excess of 100 employees shall provide preferential vanpool/carpool employee parking.	Building plans	Review building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
MM4.2-18 Project Applicant shall promote trip reduction through commuter-choice programs, employer transportation management, guaranteed ride home programs, and commuter assistance and outreach type programs intended to reduce commuter vehicle miles traveled. Employers with more than 100 employees shall establish a trip reduction plan to include annual employee commute surveys, marketing of commute alternatives, ride matching assistance, and transit information at a minimum, and implement secure bicycle parking, showers and lockers for employees who bike to work. Further this measure would encourage building management companies and smaller businesses located in close proximity to each other to cooperate in establishing joint trip reduction plans.	Building plans	Review tenancy agreement or CC&Rs for inclusion	Through lifetime of project	CDD		
MM4.2-19 The Project Applicant shall ensure that all new development is equipped with outdoor electrical outlets to accommodate landscaping equipment.	Building plans	Review building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
MM4.2-20 Project Applicant shall ensure that maintenance requiring the reapplication of architectural coating (paint and primer) shall use products that have a low to no VOC rating.	Building plans	Review tenancy agreement or CC&Rs for inclusion	Through lifetime of project	CDD		
MM4.2-21 Development of uses that would contain sensitive receptors within 500 feet of the I-5 and/or the SR-73, and the railway shall incorporate tiered planting of vegetation, as deemed feasible and appropriate by the decision-making authority, adjacent to the TAC source in order to reduce toxic exposure. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency.	Building plans	Review building plans for inclusion	Plan check prior to issuance of a building permit	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.2-22 Mixed-use or residential development within 500 feet of the I-5 and/or the SR-73 and the existing railway shall implement sealed HVAC systems for all multi-family development. The sealed air system shall be designed so that all ambient air introduced into the interior living space would be filtered to remove DPM and other particulate matter at minimum of up to 75 percent of particulates of 0.3 micron or larger in size from the ambient air that is introduced to the system, and 90 percent of particulates of 1 micron or larger (NAFA 1999).	Building plans	Review building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
MM4.2-23 a. All new industrial and commercial development projects that have the potential to emit TACs shall be required to be located an adequate distance from existing and proposed development used by sensitive receptors, unless a project-specific evaluation of human health risks is conducted and the results of the evaluation determine that no significant impact would occur, to the satisfaction of the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency. The determination of development projects that have the potential for TAC emissions and adequate distances from sensitive receptors are identified in the California ARB's "Air Quality and Land Use Handbook—A Community Health Perspective (April 2005; California ARB Guidance). b. Development projects within the Laguna Niguel Gateway Specific Plan with the potential to emit TAC shall consult with the SCAQMD to identify TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.	Evaluation of human health risks	Review and approval of the evaluation of human health risks	Prior to project approval	CDD		
MM4.2-24 Prior to project approval by the City's decision-making authority, applicants for proposed new development with sensitive receptors shall conduct an evaluation of human health risks to identify and reduce any potential health risks from TAC sources within the California ARB buffer zones, to the extent deemed feasible and appropriate by the City's decision-making authority. Sensitive receptors include residential, schools, day care facilities, congregate care facilities, hospitals, or other places of long-term residency.	Evaluation of human health risks	Review and approval of the evaluation of human health risks	Prior to project approval.			

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.2-25 Locate potential odor sources predominantly downwind from existing sensitive receptors and potential sensitive receptors predominantly upwind from existing odor sources;	Building plans	Review of building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
MM4.2-26 Maintain an adequate buffer between potential odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on odor source); and	Building plans	Review of building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
MM4.2-27 Design odor emitting source facilities such that odor emitters are located as far from potential receptors as possible and stack heights are balanced to provide the maximum dispersion of odor between the stack and the nearest sensitive receptor.	Building plans	Review of building plans for inclusion	Plan check prior to issuance of a building permit	CDD		
4.3 BIOLOGICAL RESOURCES						
MM4.3-1 *Project-Level Biological Resource Surveys.* During the design phase and prior to project approval by the decision-making authority, for projects on undeveloped land, or developed land immediately adjacent to potential habitat within the Specific Plan area, including Oso Creek or undeveloped hillside areas, the project applicant will retain a qualified biologist as determined appropriate and as approved by the City, to conduct project-level biological resources surveys and prepare biological resources technical reports. Where future development projects have the potential to impacts special-status species and/or reduce or eliminate sensitive habitat, including but not limited to those special-status species and sensitive natural communities listed in Table 4.3-1 through Table 4.3-3, the project applicant shall conduct biological resources surveys of the project areas to characterize the extent and quality of habitat that would be impacted by project development. Surveys shall be conducted in accordance with current USFWS, CDFG, and CNPS survey protocols for the target species by qualified biologists. If no special-status species are determined to have the potential to occur, and the regulatory agencies agree with those findings, then no further mitigation will be required for special-status species. Similarly, if no sensitive habitats are determined to be present, and the regulatory agencies agree with those findings, then no further mitigation will be required. If the project-level surveys and reporting determine that special-status species could occur within the future project sites and/or could be adversely affected as a result of future project implementation, the appropriate presence/absence	Biological resource surveys and biological resources technical reports	Retain qualified biologist Review and approval of surveys and technical reports	Prior to project approval	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
and protocol-level surveys will be conducted. The project applicant will retain a qualified biologist to conduct rare plant surveys for future projects determined to have the potential to affect special-status plant species. Further, the project applicant will retain a qualified biologist to conduct protocol-level surveys for future projects determined to have the potential to affect special-status wildlife species. Surveys will follow protocols and guidelines approved by the USFWS, CDFG, and CNPS, and will be conducted by qualified biologists permitted by the USFWS and/or CDFG, where applicable.						
MM4.3-2 *Special-Status Species and Sensitive Habitat Mitigation.* If sensitive species or habitats are documented on a specific site the following process shall be followed. The applicant has two options: (1) the applicant can obtain suitable replacement habitat and dedicate that property to the conservation and protection of sensitive species in perpetuity, or (2) the applicant can satisfy the requirements of the federal ESA and CESA under the consultation and permitting provisions of these regulations. In both of these options, the applicant shall first consult with the appropriate resource agency (CDFG and/or USFWS) and establish a mitigation plan for the specific species or habitat. Appropriate mitigation shall be identified in a mitigation plan prepared by the applicant. Mitigation can include, but not be limited to avoidance of sensitive species or habitat, on-site retention of habitat or compensatory habitat replacement. In this mitigation plan the applicant shall demonstrate capacity for funding appropriate mitigation and the mitigation must be legally assured. Habitat acquisition and set-asides shall occur in areas with long-term conservation potential. Any mitigation proposed shall be approved by the City and appropriate resource agency prior to implementation.	Mitigation plan Consult with USFWS and/or CDFG	Review and approval of mitigation plan Consultation with appropriate resource agency	Prior to issuance of a grading permit	CDD, USFWS, and CDFG		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.3-3 *Avoidance of Nesting Raptors.* To prevent impacts to nesting raptors protected under the MBTA and CFG Code, the project applicant will implement the following for all future projects resulting in the removal or trimming of vegetation or other habitat that is suitable for nesting birds: If future project construction cannot avoid the raptor nesting season (January 15 through July 31), the project applicant will retain a qualified biologist as approved by the City to conduct a pre-construction survey for nesting raptors prior to clearing, grading and/or construction activities on the project site. The survey will be conducted within 72 hours prior to the start of construction. A copy of the pre-construction survey shall be submitted to the City of Laguna Niguel. If any nesting raptors are present within or immediately adjacent to the proposed project construction area, the following will be required, as approved by the USFWS and/or CDFG: a. The project applicant will retain a qualified biologist to flag and demarcate the location of all nesting raptors and monitor construction activities. Temporary avoidance of active raptor nests, including the enforcement of an avoidance buffer of 500 feet will be required until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. Documentation of the raptor surveys and any follow-up monitoring, as necessary, will be provided to USFWS and CDFG within 10 days of completing the final survey or monitoring event. b. In the unlikely event that a California fully protected species (e.g., white-tailed kite) is found to be nesting on the project site, all work in the area will stop and the project applicant will notify the CDFG and/or USFWS. No impacts will be permitted to occur to fully protected species.	Pre-construction survey Documentation of the nesting bird surveys and any follow-up monitoring Contract language and notes on grading plans and construction plans	Retain qualified biologist. Review and approve pre-construction survey Review and approve contract specifications and grading plans and construction plans for inclusion Review final survey	Prior to issuance of a grading permit Ongoing during construction	CDD, USFWS, and CDFG		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.3-4 *Avoidance of Nesting Birds.* To prevent impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFG Code), the project applicant will implement the following for all future projects resulting in the removal or trimming of vegetation or other habitat that is suitable for nesting birds: If construction of future projects on or within 250 feet of tree and shrub vegetation suitable for nesting birds cannot avoid the general nesting season (February 1 through August 31), the project applicant will retain a qualified biologist to conduct a pre-construction survey for nesting birds prior to clearing, grading and/or construction activities on the project site. The survey will be conducted within 72 hours prior to the start of construction. A copy of the pre-construction survey shall be submitted to the City of Laguna Niguel. If any nesting birds are present within or immediately adjacent to the proposed project construction area, the following will be required, as approved by the USFWS and/or CDFG: a. The project applicant will retain a qualified biologist to flag and demarcate the location of all nesting birds and monitor construction activities. Temporary avoidance of active bird nests, including the enforcement of an avoidance buffer of 25 to 250 feet, as determined by the qualified biological monitor, will be required until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive. Documentation of the nesting bird surveys and any follow-up monitoring, as necessary, will be provided to USFWS and CDFG within 10 days of completing the final survey or monitoring event.	Pre-construction survey Documentation of the nesting bird surveys and any follow-up monitoring Contract language and notes on grading plans and construction plans	Retain qualified biologist. Review and approve pre-construction survey Review and approve contract specifications and grading plans and construction plans for inclusion Review final survey	Prior to issuance of a grading permit	CDD, USFWS, and CDFG		
MM4.3-5 *Jurisdictional Wetland Delineations.* During the design phase and prior to the construction of future projects determined to affect potential jurisdictional resources associated with Oso Creek, the Galivan Basin, or their tributaries, the project applicant will retain a qualified biologist to conduct jurisdictional wetland delineations and prepare jurisdictional delineation reports. Wetland delineations will be conducted according to the methodologies and current regulatory guidance recommended by the USACE, RWQCB, and CDFG. The results of wetland delineations will be verified by the USACE during or prior to the permitting proposed below within mitigation measure MM4.3-6.	Jurisdictional wetland delineation reports	Retain qualified biologist. Review and approve jurisdictional wetland delineation reports	Prior to issuance of a grading permit	CDD and USACE		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.3-6 *Wetland Permits.* Prior to construction of any future project that would result in potential impacts to jurisdictional waters and wetlands identified through implementation of mitigation measure MM4.3-5, the project applicant will obtain the required permits from the USACE, RWQCB, and CDFG, as specified below: ■ An application for a Nationwide or Individual Permit, depending upon the extent of impacts, will be submitted by the project applicant to the USACE pursuant to Section 404 of the CWA. If required and prior to the issuance of a grading permit, the project applicant will obtain a Nationwide or Individual Permit from the USACE for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as waters of the U.S. subject to USACE jurisdiction. ■ A Request for Water Quality Certification will be submitted by the project applicant to the RWQCB pursuant to Section 401 of the CWA. If required and prior to the issuance of a grading permit, the project applicant will obtain a Water Quality Certification from the RWQCB for discharges into waters of the state subject to RWQCB jurisdiction. A Notification of Lake or Streambed Alteration will be submitted by the project applicant to the CDFG pursuant to CFG Code Section 1602. If required, a Streambed Alteration Agreement will be obtained from the CDFG for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as streambed and/or riparian subject to CDFG jurisdiction.	Permits from the USACE, RWQCB, and CDFG A Notification of Lake or Streambed Alteration	Confirm that necessary permits have been obtained	Prior to issuance of a grading permit	CDD, USACE, RWQCB, , and CDFG		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
4.4 CULTURAL RESOURCES						
MM4.4-1(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter previously undisturbed soils, the project applicant shall retain a City approved archaeologist to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for avoiding impacts on archaeological resources or reducing impacts to a less-than-significant level. The technical report or memorandum shall be submitted to the City of Laguna Niguel for approval. The project applicant shall be responsible for implementing methods for avoiding or reducing impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b).	Archeological memorandum or technical report Contract language and notes on grading plans	Review and approval of memorandum or technical report Review contract specifications and grading plans for inclusion	Prior to issuance or grading permit	CDD		
MM4.4-1(b) If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Laguna Niguel shall be notified. The project applicant shall retain a City approved archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through methods determined adequate by the archaeologist as approved by the Community Development Director.	Proof of retention of archaeological professional to assess significant of a find Contract language and notes on grading plans	Verify retention of qualified archaeological professional; Review contract specifications and grading plans for inclusion	Prior to issuance of a grading permit During earth disturbing activities	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.4-2(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain a professional paleontologist to determine if the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The results of the investigation shall be documented in a technical report or memorandum that identifies the paleontological sensitivity of the development area and includes recommendations and methods for avoiding or reducing impacts to a less-than-significant level for paleontological resources or unique geologic features. The technical report or memorandum shall be submitted to the City for approval. The project applicant shall be responsible for implementing methods for avoiding or reducing impacts on paleontological resources or unique geologic features identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain a paleontologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b).	Paleontological technical report or memorandum Contract language and notes on grading plans	Review and approval of memorandum or technical report Review contract specifications and grading plans for inclusion	Prior to issuance of a grading permit Ongoing during grading	CDD		
MM4.4-2(b) Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find and the City of Laguna Niguel shall be notified. The project applicant shall retain a City approved paleontologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through methods determined adequate by the paleontologist, and as approved by the Community Development Director. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Laguna Niguel staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable regulations, policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., monitoring and/or data recovery) shall be instituted.	Proof of retention of a paleontologist to assess significant of a find Contract language and notes on grading plans	Verify retention of qualified a paleontologist; Review contract specifications and grading plans for inclusion	Prior to issuance of a grading permit Ongoing during grading	CDD		

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
4.6 GREENHOUSE GAS EMISSIONS						
MM4.6-1 Each project constructed under the Specific Plan will be required to comply with specific efficiency and reduction goals as provided for in the 2010 Green Building Code (Title 24, Part 11), and as may be amended, including the following: ■ Project Applicant shall ensure that all residential and commercial developments increase electrical energy efficiency by 15 percent beyond 2008 standards. ■ Project Applicant shall ensure that all residential and commercial developments increase natural gas efficiency by 15 percent beyond 2008 standards. ■ Project Applicant shall ensure that all residential and commercial development reduce indoor water consumption beyond business-as-usual by a minimum of 20 percent. Project Applicants shall ensure that all construction projects divert 50 percent of all construction debris from landfills. In addition, for projects that require demolition the project shall re-use at least 50 percent of the salvageable materials in the existing buildings on-site. This can take the form of re-use of entire structures, re-use or repurposing of significant elements, such as beams or trusses, and recycling materials within the new project such as grinding paving and asphalt for use as base material at the project site.	Building and project design plans Contract language and notes on grading and building plans	Review contract specifications, grading, building, and design plans for inclusion	Prior to issuance of grading permit Ongoing during construction Ongoing during lifetime of project			

Table 11-1 Mitigation Monitoring and Reporting Program

Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
4.7 HAZARDS AND HAZARDOUS MATERIALS						
MM4.7-1 Prior to the issuance of grading permits on any project site, the site developer(s) shall: ■ Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA), which shall be submitted to the City for review. If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site. ■ If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, such as OCFA, County Division of Public Health Services, or County Division of Waste and Recycling, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project. ■ If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits. ■ Closure reports or other reports acceptable to the appropriate regulatory agencies, such as OCFA, County Division of Public Health Services, or County Division of Waste and Recycling, that document the successful completion of required remediation activities, if any, for contaminated soils shall be submitted and approved by the appropriate regulatory agencies prior to the issuance of grading permits for site development. No construction shall occur in the affected area until reports have been accepted by the City.	Environmental Site Assessment Closure report (if needed)	Confirm successful completion of remediation Accept closure reports	Plan check prior to issuance of any grading permit	CDD; OCFA, County Division of Public Health Services, or County Division of Waste and Recycling		

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MM4.7-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., OCFA). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.	Risk Management Plan Site and Health Safety Plan (if necessary)	Confirm implementation of Risk Management Plan and Site Health Safety Plan (if necessary)	Ongoing during construction	CDD; Fire		
MM4.7-3 To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the developer shall consult with the City of Laguna Niguel Public Works Department, and Orange County Fire Authority and Sheriff's Department, as deemed necessary by the Public Works Director, to disclose temporary lane or roadway closures and alternative travel routes. The developer shall be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls, as deemed appropriate by the Public Works Director, to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall designate proper detour routes and signage indicating alternative routes, to the satisfaction of the Public Works Director.	Contract language and notes on grading and construction plans	Review and approve contract specifications and grading and construction plans	Prior to issuance of any grading permit and during construction	Public Works, OCFA, and Sheriff's Department		

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4.8 HYDROLOGY/WATER QUALITY						
MM4.8-1 Prior to receiving a grading permit, the Project Applicant shall submit a Hydrology Study, to be reviewed and approved by the Community Development Department that documents: ■ Drainage patterns would not be altered such that there is a reduction in the time of concentration at the project site off-site outlet(s); OR, if new impervious surfaces would be created and/or time of concentration could be reduced by drainage characteristics modification, the Drainage Plan shall demonstrate through calculations, modeling, and BMPs that: > Stormwater runoff peak flows, flow volumes, and timing of peak flows for the 10- to 25-year storm event would not be different than existing conditions at the project site outlet, OR > The local storm drain system has adequate available capacity to convey stormwater runoff from the developed project site for up to the 25-year storm event at the project site outlet to the storm drain system discharge into Oso Creek (or Galivan Basin). ■ Existing stormwater drainage system capacity would be maintained throughout the project site and to the downstream outlet to Oso Creek (or Galivan Basin). ■ Adequate conveyance capacity during construction through the use of BMPs such as construction of storm drains during the dry season; bypass structures for sections being altered; detention devices; and, others as approved by the Community Development Department. > Specific project requirements, if necessary, to ensure that stormwater peak flow rates, flow volumes, and timing of peak flow rates do not result in storm drain system conveyance capacity constraints for the 10-year to 25-year storm events. Project requirements shall be incorporated into the grading permit and grading and drainage plans.	Hydrology Study Contract language and notes on grading permit and grading and drainage plans	Review and approve hydrology study Review contract specifications and grading permit and grading and drainage plans for inclusion	Prior to issuance of a grading permit	CDD		

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Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
4.10 NOISE						
MM4.10-1 Prior to issuance of grading or building permits, the project applicant shall document on the grading and building plans the following construction best management practices (BMPs), to be implemented by contractors to reduce construction noise levels: ■ Ensure that construction equipment is properly muffled according to industry standards and be in good working condition ■ Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible ■ Schedule high noise-producing activities between the hours of 8:00 AM and 5:00 PM to minimize disruption on sensitive uses, Monday through Saturday ■ Implement noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, where feasible ■ Use electric air compressors and similar power tools rather than diesel equipment, where feasible ■ Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 10 minutes ■ Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.	Contract language and notes on grading and building plans	Review contract specifications and grading and building plans for inclusion of best management practices	Prior to issuance of grading or building permits	CDD		
MM4.10-2 Prior to issuance of a grading permit, project applicants shall demonstrate/notate in the grading permit plans that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise sensitive sites as possible.	Contract language and notes on grading permit plans	Review contract specifications and grading permit plans for inclusion	Prior to issuance of a grading permit	CDD		

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Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.10-3 Prior to issuance of a grading permit, project applicants shall demonstrate/notate in the grading permit plans that heavily loaded trucks used during construction would be routed away from residential streets.	Contract language and notes on grading permit plans	Review contract specifications and grading permit plans for inclusion	Prior to issuance of a grading permit	CDD		
MM4.10-4 *Noise-reducing Pile Driving Techniques and Muffling Devices.* The Project Applicant shall require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration. These techniques include pre-drilling pile holes (if feasible, based on soils) to the maximum feasible depth, installing state-of-the-art intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible. Pile driving activities shall be scheduled between the hours of 8:00 AM and 4:00 PM on Mondays through Fridays only.	Contract language and notes on grading and construction plans	Review contract specifications and grading and construction plans for inclusion	Prior to issuance of grading and building permits	CDD		
MM4.10-5 Prior to installation, Project applicants shall demonstrate proper shielding for all new HVAC systems used by the proposed residential and mixed-use buildings to achieve a maximum noise level of approximately 50 dBA at 50 feet from the equipment.	Final project design plans	Review and approve Final project design plans	Prior to issuance of a building permit	CDD		
MM4.10-6 Prior to approval of a residential project by the City's decision-making authority, project applicants shall submit an acoustical study prepared by a certified acoustical engineer. Should the results of the acoustical study indicate that exterior (e.g., patios and balconies) and interior noise levels of residences would exceed the standards set forth in the Noise Ordinance of the City of Laguna Niguel Municipal Code Sections 6.6.5 through 6.6.6, the project applicant shall include design measures that may include acoustical paneling or walls to ensure that noise levels do not exceed City standards. Final project design shall incorporate special design measures in the construction of the residential units, if necessary.	Acoustical Study Final project design plans	Review and approve Final project design plans	Prior to project approval	CDD		

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Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.10-7 Each applicant for projects with residential units located within Planning Districts E or H shall provide a written statement to each residential unit and resident, notifying them of potential noise and vibration issues associated with the railroad tracks, including the following, with final form and content to be reviewed and approved by the Community Development Director and City Attorney: Notice of Disclosure Each owner's [or renter's] interest is subject to the fact that trains operate at different times of the day and night on the railway tracks immediately adjacent to a project site; and that by accepting the conveyance of an interest [or lease agreement] in that project, owner [or renter] accepts all impacts generated by the trains. Posting of Notice of Disclosure in Each Residential Unit Prior to offering the first residential unit for purchase, lease, or rent, the property owner or developer shall post a copy of the Notice of Disclosure in every unit in a conspicuous location. Also, a copy of the Notice of Disclosure shall be included in all materials distributed for the Project, including but not limited to: the prospectus, informational literature, and residential lease and rental agreements.	Notice of Disclosure	Review and approve Notice of Disclosure	Prior to issuance of occupancy permit	CDD and City attorney		

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Mitigation Measure	*Implementation Documentation*	*Monitoring Activity*	*Timing*	*Responsible Monitor*	*Compliance Verification Signature*	*Date*
MM4.10-8 Prior to the submittal of a building permit application for residential development within 150 feet of the BNSF Railway right-of-way, project applicants shall obtain a qualified vibration consultant to complete a site-specific vibration assessment subject to approval by the Department of Community Development. The vibration assessment shall measure the vibration levels at the project site's property line within 150 feet of the BNSF right-of-way. If vibration levels exceed the FTA 80 VdB criteria for "infrequent" vibration events impacting a residential use (i.e., fewer than 30 vibration events from the same source per day, which is typical of most commuter rail vibration sources), the vibration assessment shall recommend measures to reduce vibration levels to 72 VdB or less. Examples of such measures that have been successfully used, separately or in combination, to avoid vibration impacts to other residential projects located near rail transit vibration sources include: ■ Building Foundation Mats—the use of increased mass in the foundation of the building to increase the effective vibration reduction that occurs at the boundary between the soil and the building foundation structure. ■ Vibration Isolation—after provision of a break or gap in the structure between the first floor concrete slab and the top of the basement walls/columns, isolation would be achieved by placing rubber pads between the top of the basement walls/columns and the first floor structure. Recommended vibration reduction measures provided by the site-specific assessment shall be incorporated into the design and construction of the proposed infill development project and their effectiveness shall be verified by vibration monitoring measurements after construction. The applicant shall provide the Department of Building and Safety documentation demonstrating compliance with this measure for review and approval once construction has been completed, but prior to occupancy of the building(s).	Site specific vibration assessment Construction and design plans Documentation that vibration reduction measures have been incorporated into design and construction	Review and approve site specific vibration assessment Review construction and design plans for inclusion Review and approve documentation that vibration reduction measures have been incorporated into design and construction	Prior to submittal of a building permit application Prior to issuance of an occupancy permit	CDD		

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4.12 PUBLIC SERVICES						
MM4.12-1 Prior to approval of any subdivision or site development permit for projects within the Specific Plan area, the applicant shall submit plans to OCFA for review. Project conditions recommended by OCFA should be incorporated in the project conditions of approval, where deemed appropriate by the Community Development Department to ensure compliance with applicable fire codes and OCFA guidelines.	Contract language, notes on grading and construction plans, and project conditions of approval	Review contract specifications, grading and construction plans, and conditions of approval for inclusion	Prior to issuance of grading and building permits	CDD and Fire		
MM4.12-2 All traffic signals on public accessways should include the installation of optical preemption devices.	Specific Plan Implementation Plan	Review and approve Specific Plan Implementation Plan	Throughout life of project Following period review of traffic conditions	CDD and Public Works		
4.13 RECREATION						
MM4.13-1 Prior to issuance of grading or building permits for any project with residential rental units, the project applicant shall dedicate required parkland and/or pay a parkland in-lieu fee, in accordance with the amount-of-parkland and/or in-lieu fee provisions of LNMC Sections 9-1-500 through 9-1-512 and 9-1-521 through 9-1-530, as deemed appropriate by the decision-making authority for the project, and included as a project condition of approval.	Receipt of payment of in-lieu fee or dedication of parkland Project condition of approval	Confirm receipt of payment of in-lieu fee or dedication of parkland Inclusion on project condition of approval	Prior to issuance of grading or building permits			

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4.14 TRANSPORTATION/TRAFFIC						
MM4.14-1 Prior to project approval by the decision-making authority, the project applicant shall retain a qualified traffic engineer, as determined appropriate by the Community Development Director, to conduct a project-specific traffic impact analysis and prepare a technical traffic report, to include (but not be limited to) the following: ■ Identification of and analysis of existing conditions within the project study area; assessment of both inbound and outbound project trip distribution; assessment of design features including access to the site as well as on-site circulation and parking features; access for emergency purposes; cumulative analysis with other approved projects in the vicinity, and; a level of analysis required to properly assess anticipated impacts. ■ Measures to mitigate any identified project impacts according to the traffic LOS standards prescribed in the City's General Plan Circulation Element, or as otherwise deemed appropriate by the City Council in accordance with the Goals and Policies of the General Plan Circulation Element. ■ Sufficient data and analysis to demonstrate compliance with the Gateway Specific Plan Development Entitlement Management System (DEMS), to the satisfaction of the Community Development and Public Works Departments. ■ Analysis of an appropriate fair-share contribution to Gateway area infrastructure improvements, including street widening, medians, sidewalks, trails, parkways, etc., as detailed in the Gateway Specific Plan (Chapters 3 and 6) and as determined appropriate by the decision-making authority. ■ Analysis of site dedication necessary for right-of-way purposes, consistent with the Specific Plan Circulation Plan (Chapter 3) and as determined appropriate by the decision-making authority.	Technical traffic report	Review and approval of technical traffic report	Prior to issuance of a grading permit	CDD and Public Works		

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