

April 2016 | Initial Study

# AGORA ARTS DISTRICT DOWNTOWN

City of Laguna Niguel

*Prepared for:*

**City of Laguna Niguel**

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## Abbreviations and Acronyms

AAQS	ambient air quality standards
AB	Assembly Bill
AQMP	air quality management plan
BMP	best management practices
Cal/OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CMP	congestion management program
CO	carbon monoxide
CUSD	Capistrano Unified School District
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
GHG	greenhouse gases
GWP	global warming potential
JWA	John Wayne Airport
MNWD	Moulton Niguel Water District
MRZ	Mineral Resource Zone
NAHC	Native American Heritage Commission
NCCP/HCP	Natural Community Conservation Plan / Habitat Conservation Plan
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O <sub>3</sub>	ozone
OCEMD	Orange County Environmental Health Division
OCFA	Orange County Fire Authority
OCPL	Orange County Public Libraries
OCSD	Orange County Sheriff's Department
OSHA	US Occupational Safety & Health Administration
PM	particulate matter
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District

## Abbreviations and Acronyms

SO <sub>x</sub>	sulfur oxides
SoCAB	South Coast Air Basin
SOCWA	South Orange County Wastewater Authority
SWPPP	Storm Water Pollution Prevention Plan
WQMP	water quality management plan

# 1. Introduction

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As project applicant, the City of Laguna Niguel is seeking approval of a General Plan Amendment and Zone Change for the AGORA Arts District Downtown project (AGORA or proposed project) as proposed by LAB Holdings, LLC (LAB Holding). The proposed project is a mixed-use development consisting of 279,500 square feet of nonresidential uses and 200 multifamily for-rent units. The general vision is to create a “downtown” environment featuring specialty retail, restaurants, office, integrated residential, community-oriented event space and extensive walkable open space plazas and squares. The City of Laguna Niguel, as lead agency, is circulating this Initial Study (IS) for the proposed project for public review and comment. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended, to determine if approval of the discretionary actions requested and subsequent development would have a significant impact on the environment.

As defined by Section 15063 of the CEQA Guidelines, an Initial Study is prepared primarily to provide the lead agency with information to use as the basis for determining whether a negative declaration, mitigated negative declaration, or environmental impact report (EIR) would be appropriate for providing the necessary environmental documentation and clearance for the proposed project.

## 1.1 PROJECT LOCATION

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

Figure 1, *Regional Location*, provides a visual of the regional access to the City from various freeways. Interstate 5 (I-5) runs north to south east of Laguna Niguel, connecting the City to the majority of the southern California region. State Route 73 (San Joaquin Hills Transportation Corridor) runs along the northern boundary of the City limits and connects with I-5 in the northeastern portion of Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southern boundary of Laguna Niguel and connects the City to the Pacific coast.

The 22-acre project site (Assessor’s Parcel Number 656-242-18) is owned by the County of Orange and is leased to LAB Holding to develop the proposed project. The site is adjacent to the recently developed City Hall and renovated County library. The site is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west (e.g., Niguel Summit Condominiums, El Niguel, and Charter Terrace) (see Figures 2, *Local Vicinity*, and 3, *Aerial Photograph*).

## 1. Introduction

### 1.2 ENVIRONMENTAL SETTING

#### 1.2.1 Existing Land Use

The site encompasses the South County Justice Center (closed in 2008) in the eastern portion, the Orange County Library in the southern portion, a county maintenance yard in the northwest corner, and mostly undeveloped land in the center of the site. Hardscape and landscaping improvements include parking lots, lawn areas, shrubs, and a number of ornamental trees along the perimeters of the county maintenance yard, South County Justice Center, and Orange County Library. The topography of the site undulates and generally slopes downwards from west to east.

#### 1.2.2 Surrounding Land Use

Surrounding land uses directly adjacent to the project site include the recently developed City Hall to the south, Orange County Fire Authority (OCFA) Fire Station No. 5 to the north and Niguel Summit Condominiums, El Niguel, and Charter Terrace residential communities to the west. Directly across from Pacific Island Drive, Alicia Parkway, and Crown Valley Parkway are Pacific Island shopping center, Town Center, and Crown Valley Mall, respectively (see Figure 3, *Aerial Photograph*).

#### 1.2.3 General Plan and Zoning

##### General Plan

The City of Laguna Niguel General Plan (1992) land use designations for the site are Community Commercial (CC), Professional Office (PO), and Public/Institutional (PI).

The CC land use designation encourages development of larger planned commercial centers and shopping complexes with broad ranges of goods and services intended to serve the entire community. The PO designations provides for professional offices, corporate headquarters, research and development, and administrative offices. The PI designation allows a wide range of public, quasi-public, and special purpose private facilities that are aimed at providing a variety of governmental or social services to the community.

The proposed project would require a General Plan Amendment to add Residential Attached (RA) to the land use designations onsite to allow the proposed 200-unit multifamily residential. The RA designation applies to townhomes, apartments, and condominium projects.

##### Zoning

The project site is zoned Community Commercial District and Public/Institutional District. The CC District is intended for medium- and large-scale commercial areas near arterial highways and serving a greater trade area. Goods and services include retail, office, service, lodging, and entertainment uses. The PI District allows a wide range of public, semipublic and special-purposed private facilities.

The proposed commercial uses would be allowed in the existing CC zone; however, the project would require a zone change to include Multi-Family (RM) District to permit the proposed 200 multifamily units.

Figure 1 - Regional Location  
1. Introduction



Note: Unincorporated areas are shown in white.

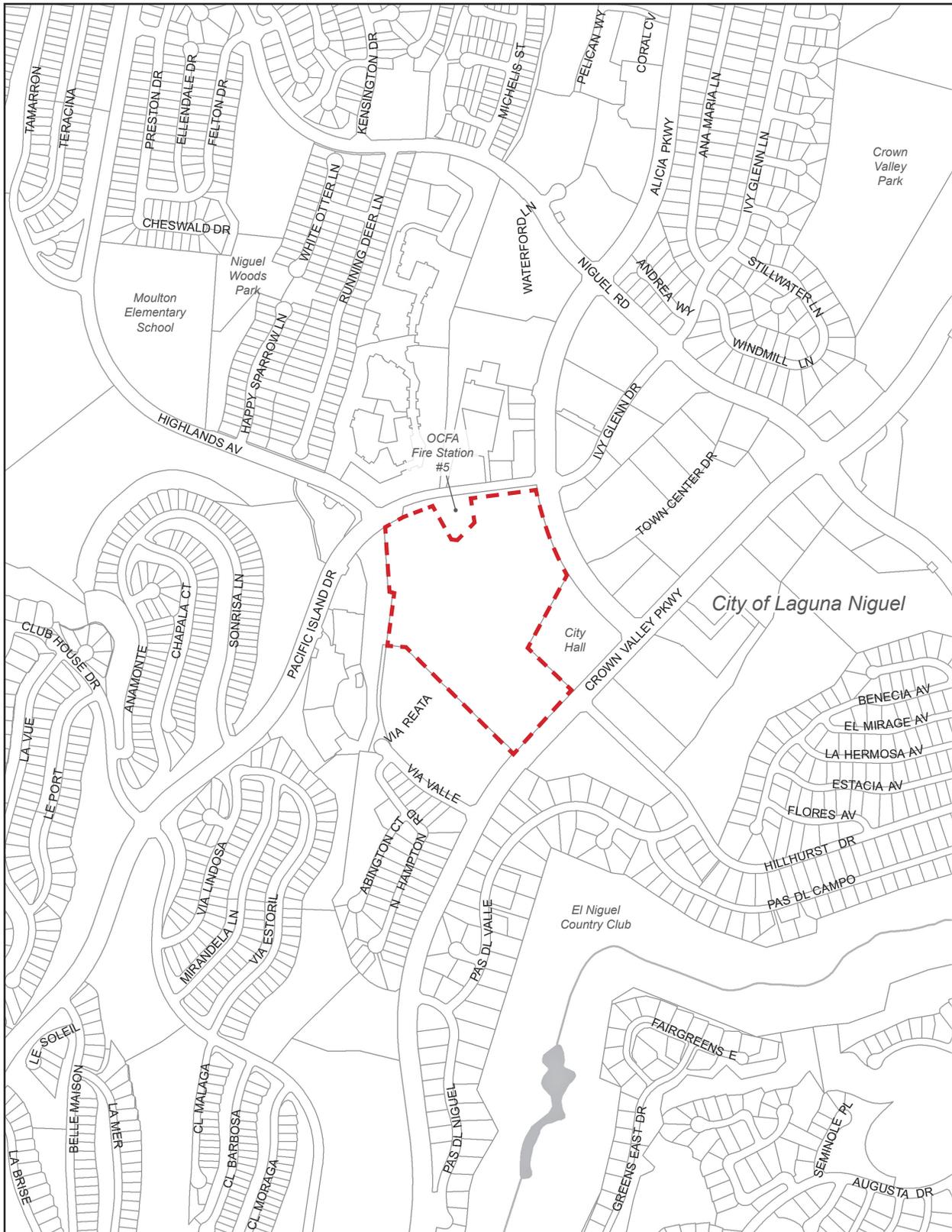


Source: ESRI, 2016

## 1. Introduction

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Figure 2 - Local Vicinity  
1. Introduction



--- Project Boundary

0 500  
Scale (Feet)

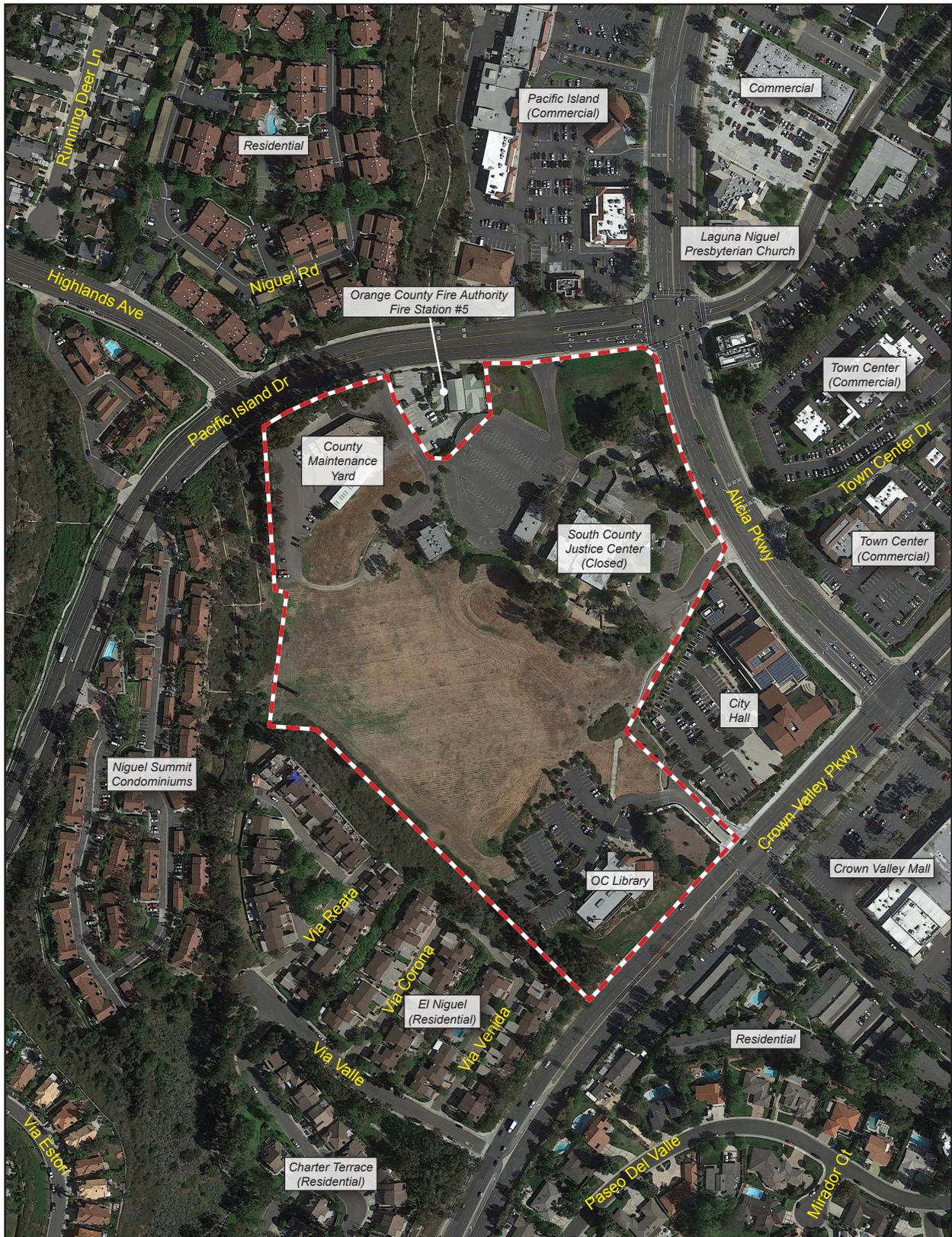


Source: ESRI, 2016

## 1. Introduction

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Figure 3 - Aerial Photograph  
1. Introduction



--- Project Boundary

0 350  
Scale (Feet)



Source: Google Earth Pro, 2016

## 1. Introduction

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## 1.3 PROJECT DESCRIPTION

The general vision of the AGORA project is to create a “downtown” environment that features specialty retail, restaurants, community-oriented event space, integrated residential homes, and extensive walkable open space plazas and squares.

### 1.3.1 Proposed Plan

As shown on Figures 4, *Proposed Site Plan*, and 5, *Conceptual Master Plan*, the proposed project would allow development of approximately 279,500 square feet of commercial uses and up to 200 multifamily residential units. The development program detailed below and summarized in Table 1 is organized based on the following four main development areas and includes general categories of uses to allow a broad range of future tenants:

- **Grand Plaza:** The Grand Plaza would be located in the center of the site in a rectangular shape approximately 216,500 square feet. It would consist of a retail/restaurant core with large central open space, patio and arcade dining areas, outdoor performance/event space areas, water gardens, and space for open markets. It would be mostly two stories, with some one- and two-story areas to provide dimension to the building.
- Potential uses include restaurants, food stalls, breweries, markets, retail shops, offices, kiosks, educational space, and performance/event space.
- **Commons:** Commons is anticipated to be approximately 23,000 square feet and two stories high. It would be located on the western end of the Grand Plaza and would provide an area for arts and education, including spaces for art supply stores, schools (e.g., arts, culinary, music, etc.), studios, creative offices, music stores, and coffeehouses.
- **Element Square:** Element Square would be identical in building orientation and square footage to Commons—23,000 square feet and two stories high. It would be dedicated to health and wellness, and provide space for spin/yoga studios, health food cafes, specialty food markets, and active lifestyle shops.
- Together, Commons and Element Square would be designed as a low density, quiet escape from the higher-intensity development and activity in the Grand Plaza.
- **Village Residential:** Village Residential would be located in the most northern portion of the site separated from the Grand Plaza, Commons, and Element Square by an Auto/Pedestrian Promenade lined with retail and parking. It would provide 17,000 square feet of retail and office space and 200 multifamily rental units. The residential units would be designed as two- and three-story residential clusters, each with a shared courtyard. At the center of Village Residential would be a parking structure accessible to residents, guests, and visitors of the AGORA downtown area.

# 1. Introduction

**Table 1 AGORA Development Program**

Development Area	Commercial Buildout (SF)/ Units	Allowed Uses
Grand Plaza	216,500 SF	- Restaurant; Food retail; Music venue; Brewery; Market; Retail shops; Offices; Co-working office; Educational; Kiosks
Commons	23,000 SF	- Café; Wine shop; Galleries/makers; Retail; Offices/Makers
Element Square	23,000 SF	- Restaurant; Food retail; Shops/Markets; Wellness center; Spin/Yoga studio; Health Offices
Residential Village	17,000 SF, 200 units	- Multifamily residential; Café; Service; Office
<b>Total</b>	<b>279,500 SF and 200 units</b>	

## Operations

General hours of operations would be from 10:00 A.M. to 9:00 P.M. seven days a week for all commercial uses. Some exceptions include coffee and breakfast cafés that may be open as early as 6:00 A.M., and bars that may be open until 12:00 A.M., and restaurants that may be open until 12:00 A.M. on weekends. Many service uses, such as salons and banks, would close earlier than 9:00 P.M.

Special events, including festivals, movie screenings, concerts, and farmer markets, would typically be held on the weekend. Small events held weekly can include yoga in the park with approximately 20 people; medium events held monthly can include movies in the park with approximately 100 people; and larger events held quarterly can include craft festivals.

Expected hours of deliveries would occur between 8:00 and 10:00 A.M., and hours of trash handling would occur between 8:00 and 11:00 A.M.

## Site Circulation and Parking

### *Parking*

Onsite surface parking lots would surround the four major areas of the AGORA project. A parking structure would be located at the center of Village Residential, shared by residents and visitors (see Figure 4, *Proposed Site Plan*). The parking structure would be hidden from public view by the two- and three-story residential buildings surrounding the structure.

### *Vehicular Circulation*

The site would be accessible via four entry ways. Primary vehicular access to the site would be from an existing signalized intersection at Crown Valley Parkway and Hillhurst Drive/Civic Center Plaza. Two secondary access points would be located off of Pacific Island Drive east and west of the OCFA fire station. Another secondary access point would be from an existing unsignalized intersection at Alicia Parkway and Town Center Drive.

Additionally, as previously mentioned, an Auto/Pedestrian Promenade would run between the Grand Plaza and Village Residential.

## 1. Introduction

### *Pedestrian Circulation*

Primary pedestrian access to the site would be similar to vehicular access from Crown Valley Parkway. As shown on Figure 4, *Proposed Site Plan*, this primary entrance would lead into an entryway to the southern end of the Grand Plaza.

Secondary pedestrian access to the site would be provided from Pacific Island Drive and Alicia Parkway. The Auto/Pedestrian Promenade between Village Residential and the Grand Plaza would provide a safe and pedestrian-oriented roadway.

### **Landscaping**

As shown on Figure 5, *Conceptual Master Plan*, the Grand Plaza, Commons, Element Square and Village Residential would be landscaped with drought-tolerant and native ornamental trees, shrubs, gardens, and lawns. In particular, the Grand Plaza would have a Grand Central Park in the center surrounded by outdoor dining areas, a performance stage, and water garden. Commons and Element Square, similar in orientation, would have water features in their central courtyard surrounded by ornamental shrubs, trees, and vegetation. The clusters of homes in Village Residential would also have decorative landscaping within each of the courtyards. Other water features, such as small wall mounted fountains and courtyard fountains would be scattered through the four development areas.

Additionally, the primary entrance from Crown Valley Parkway would have a landscaped median and be lined with ornamental trees leading into an entrance plaza roundabout with a water feature in the center. The Pedestrian Promenade would also be lined with ornamental trees.

### **Infrastructure**

#### *Water*

The project site is within the service area of the Moulton Niguel Water District (MNWD) for both potable water and recycled water. Potable water transmission mains are located in Alicia Parkway and Crown Valley Parkway. The project would connect to and extend water pipes into the project area to serve future onsite uses. Additionally, the project would also utilize recycled water by connecting to existing recycled water lines in Crown Valley Parkway.

#### *Wastewater*

MNWD also provides wastewater services to the project site. A main sewer line is located in Crown Valley Parkway. The project would be required to connect to the existing sewer line and extend pipes into the project area to serve future residential and nonresidential uses.

#### *Drainage*

The topography of the site varies with undulating slopes through the undeveloped portion of the site. Generally, the site slopes downwards from west to east. Drainage improvements (i.e., catch basins, gutters, pipes, etc.) would be implemented to connect with existing storm drains within adjacent roadways.

# 1. Introduction

## *Dry Utilities*

Public infrastructure and utility facilities including, but not limited to, electrical, telephone, cable television and natural gas would have to be upgraded and/or extended to the project site. All new dry utilities would be placed underground within the project area. Dry utility providers for the project would be the same as for the current City Hall and library building—Southern California Edison for electricity; Southern California Gas Company for natural gas; AT&T for telephone service; and Cox Communications for cable television and data transmission.

## 1.3.2 Project Phasing and Construction

### 1.3.2.1 DEMOLITION

Development of the proposed project would require demolishing the existing South County Justice Center and County maintenance yard (the library would remain onsite). Demolition activities are projected to occur over a period of two months.

### 1.3.2.2 CONSTRUCTION

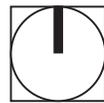
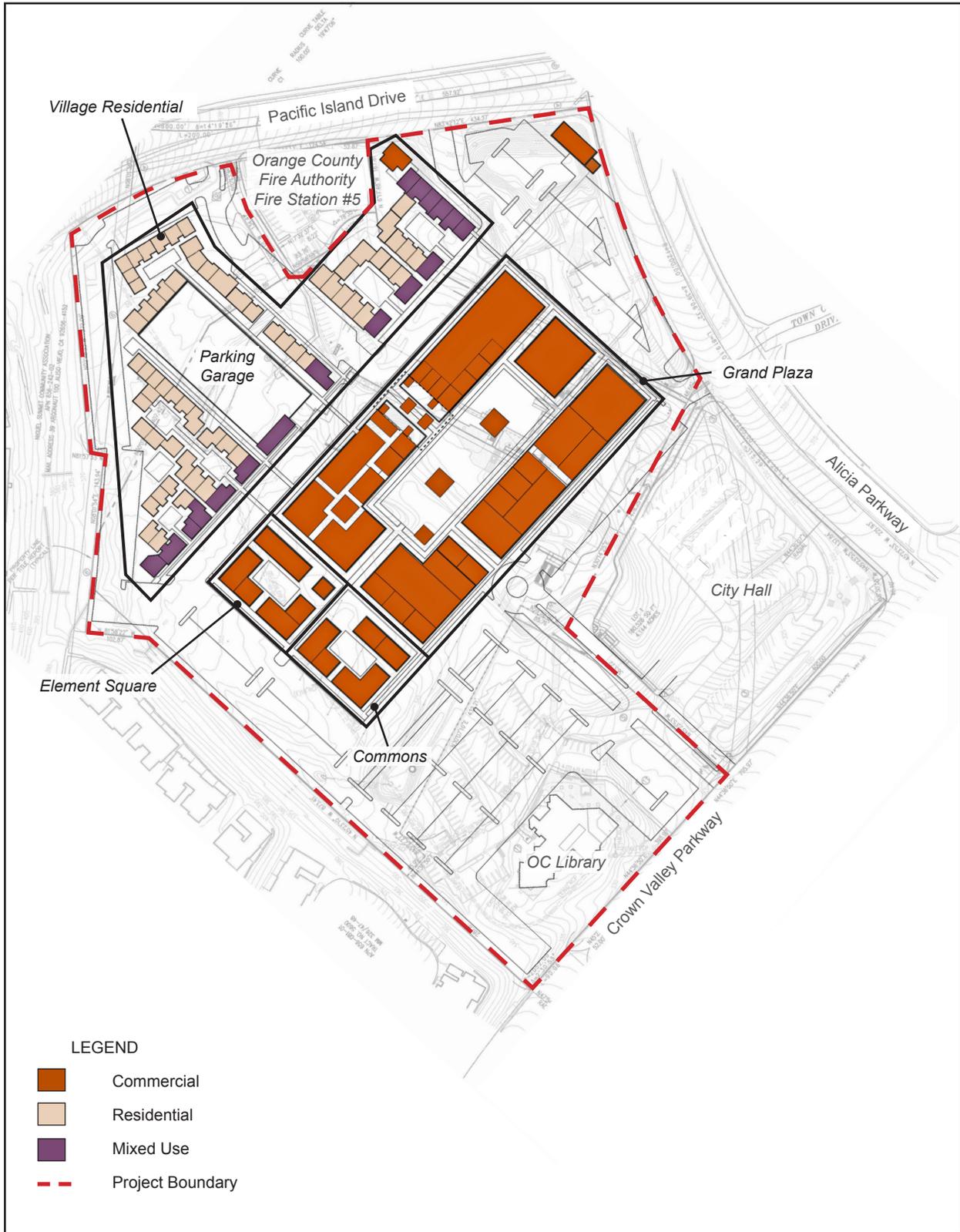
It is anticipated that the project would be built in one phase with construction activities estimated to span approximately 18 to 24 months. Construction activities include grading and excavation; construction of foundation and structure; installation of exterior and interior finishes; installation of mechanical, electrical, plumbing; installation of landscape and irrigation; and installation of furniture and equipment.

## 1.4 DISCRETIONARY APPROVALS REQUIRED

This Initial Study examines the environmental impacts of the proposed AGORA Arts District Downtown project. It is the intent of this Initial Study to enable the City, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed project, thereby enabling them to make informed decisions with respect to the requested entitlements. The following discretionary actions are required by the City of Laguna Niguel and responsible agencies:

Agency	Action
City of Laguna Niguel	<ul style="list-style-type: none"> <li>▪ Certification of the AGORA Arts District Downtown Environmental Impact Report</li> <li>▪ Adoption of Findings of Fact (and Statement of Overrides, if required)</li> <li>▪ Adoption of a Mitigation Monitoring and Reporting Program</li> <li>▪ Approval of City of Laguna Niguel General Plan Amendment No.15-01</li> <li>▪ Approval of City of Laguna Niguel Zone Change No. 15-01</li> </ul>
San Diego Regional Water Quality Control Board	<ul style="list-style-type: none"> <li>▪ Issuance of National Pollution Discharge Elimination System (NPDES) Permit</li> <li>▪ Issuance of Construction General Permit</li> </ul>
South Coast Air Quality Management District	<ul style="list-style-type: none"> <li>▪ Issuance of air quality permits for construction activities</li> </ul>

Figure 4 - Proposed Site Plan  
1. Introduction



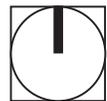
## 1. Introduction

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Figure 5 - Conceptual Master Plan  
1. Introduction



0 200  
Scale (Feet)



## 1. Introduction

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## 2. Environmental Checklist

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### 2.1 BACKGROUND

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1. **Project Title:** AGORA Arts District Downtown

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2. **Lead Agency Name and Address:**

City of Laguna Niguel  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677

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3. **Contact Person and Phone Number:**

John Morgan, Planning Manager  
(949) 362-4332  
jmorgan@cityoflagunaniguel.org

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4. **Project Location:** The 22-acre project site is adjacent to the recently developed Laguna Niguel City Hall and renovated Orange County Library (APN 656-242-18). The site is generally bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and multifamily residential communities to the west.

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5. **Project Sponsor's Name and Address:**

City of Laguna Niguel  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677

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6. **General Plan Designation:** Community Commercial, Professional Office, and Public/Institutional

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7. **Zoning:** Community Commercial District and Public/Institutional District

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8. **Description of Project:** The proposed project would allow development of approximately 279,500 square feet of commercial uses and up to 200 multifamily residential units.

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9. **Surrounding Land Uses and Setting:** Surrounding land uses directly adjacent to the project site include the OCFA Fire Station No. 5 to the north and Niguel Summit Condominiums, El Niguel, and Charter Terrace residential communities to the west. Directly across from Pacific Island Drive, Alicia Parkway, and Crown Valley Parkway are several commercial shopping centers, including Pacific Island shopping center, Town Center, and Crown Valley Mall, respectively.

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10. **Other Public Agencies Whose Approval Is Required:** San Diego Regional Water Quality Control Board, South Coast Air Quality Management District

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## 2. Environmental Checklist

### 2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

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

### 2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

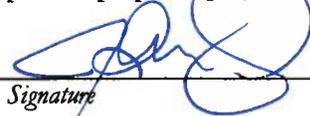
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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

  
Signature

4/4/10  
Date

John Morgan, Planning Manager  
Printed Name

City of Laguna Niguel  
For

## 2. Environmental Checklist

### 2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) **Earlier Analyses Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

## 2. Environmental Checklist

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
- the significance criteria or threshold, if any, used to evaluate each question; and
  - the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?				<b>X</b>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				<b>X</b>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<b>X</b>			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<b>X</b>			
<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. <b>Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				<b>X</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?				<b>X</b>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				<b>X</b>

## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<b>X</b>			
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<b>X</b>			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<b>X</b>			
d) Expose sensitive receptors to substantial pollutant concentrations?	<b>X</b>			
e) Create objectionable odors affecting a substantial number of people?			<b>X</b>	
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<b>X</b>			
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<b>X</b>			
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<b>X</b>			
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			<b>X</b>	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				<b>X</b>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<b>X</b>			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<b>X</b>			

## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?			<b>X</b>	
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? [Interim checklist question for AB 52 compliance.]	<b>X</b>			
<b>VI. GEOLOGY AND SOILS. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			<b>X</b>	
ii) Strong seismic ground shaking?			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?			<b>X</b>	
iv) Landslides?			<b>X</b>	
b) Result in substantial soil erosion or the loss of topsoil?			<b>X</b>	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<b>X</b>	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			<b>X</b>	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				<b>X</b>
<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<b>X</b>			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<b>X</b>			
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			<b>X</b>	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			<b>X</b>	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			<b>X</b>	

## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				<b>X</b>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			<b>X</b>	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			<b>X</b>	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				<b>X</b>
<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<b>X</b>			
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				<b>X</b>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site	<b>X</b>			
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<b>X</b>			
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<b>X</b>			
f) Otherwise substantially degrade water quality?	<b>X</b>			
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>X</b>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<b>X</b>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				<b>X</b>

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?				<b>X</b>
<b>X. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?				<b>X</b>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<b>X</b>			
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>
<b>XI. MINERAL RESOURCES. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				<b>X</b>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>
<b>XII. NOISE. Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<b>X</b>			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<b>X</b>			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<b>X</b>			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<b>X</b>			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			<b>X</b>	
<b>XIII. POPULATION AND HOUSING. Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<b>X</b>			
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<b>X</b>			
b) Police protection?	<b>X</b>			
c) Schools?	<b>X</b>			
d) Parks?	<b>X</b>			
e) Other public facilities?	<b>X</b>			
<b>XV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<b>X</b>			
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<b>X</b>			
<b>XVI. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<b>X</b>			
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<b>X</b>			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<b>X</b>			
e) Result in inadequate emergency access?			<b>X</b>	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<b>X</b>			

## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?			<b>X</b>	
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<b>X</b>			
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<b>X</b>			
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?	<b>X</b>			
e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<b>X</b>			
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<b>X</b>			
g) Comply with federal, state, and local statutes and regulations related to solid waste?			<b>X</b>	
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<b>X</b>			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<b>X</b>			
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<b>X</b>			

## 3. Environmental Analysis

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Section 2.4 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions in the checklist.

### 3.1 AESTHETICS

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

**No Impact.** Scenic vistas are panoramic views of features such as mountains, forests, the ocean, or urban skylines. The project site is in an urban area of Laguna Niguel and surrounded mostly by commercial and residential development. The AGORA project would include one-, two-, and three-story buildings in the Grand Plaza, Common, Element Square, and Village Residential. Existing views toward the Pacific Ocean are already obstructed by trees, buildings, and rooflines. No mountains, forests, or urban skylines can be seen from the project area either. Therefore, development of the project would not obstruct any existing scenic vistas in the project area. No impact would occur and this topic will not be addressed in the EIR.

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

**No Impact.** The project site is partially improved with the existing South County Justice Center, library, and county maintenance yard. The remaining area is undeveloped and vacant. There are no rock outcroppings or historic buildings onsite. There are some ornamental trees along the perimeter of the project site and scattered throughout the surface parking area, but these are not considered scenic resources. The trees are typical of landscaped ornamental trees in urban areas of southern California. Therefore, no important scenic resources are located onsite.

The courthouse building was built in 1968 less than 50 years ago; therefore, it is not considered a historic building. Additionally, the project site is not within a state scenic highway, nor is the project site visible from any officially designated scenic highways. State Routes 1 and 73 are eligible state scenic highways; however, the project site is not visible from these roadways (Caltrans 2011). Thus, the project would not damage scenic resources within a state scenic highway. This topic will not be addressed in the EIR.

#### c) Substantially degrade the existing visual character or quality of the site and its surroundings?

**Potentially Significant Impact.** Given that the project is primarily undeveloped and vacant, development of the AGORA project would substantially alter the existing visual character of the project area. The project would allow up to 279,500 square feet of commercial development and 200 multifamily units. Pre- and post-development visual simulations will be prepared to analyze the aesthetic impacts of the project. Mitigation measures will be provided as needed.

### 3. Environmental Analysis

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

**Potentially Significant Impact.** The proposed project would consist of four major development areas with up to 279,500 square feet of commercial use and 200 multifamily units. Lighting accompanying the proposed development (e.g., security lighting, building, and parking illumination) would increase existing sources of light and glare onsite. The EIR will analyze these potential impacts to the site's surrounding uses. Mitigation measures will be recommended to minimize light, glare, and shade/shadow impacts as necessary.

### 3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

**No Impact.** The project site is mapped as Urban and Built-Up Land on the Orange County Important Farmland 2010 map issued by the Division of Land Resource Protection (DLRP 2011). The site is in an urbanized area of the City and is partially developed with the South County Justice Center, county maintenance yard, county library, and related parking and landscaping. The project would not convert farmland to nonagricultural use, and no impact would occur.

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

**No Impact.** The project site and surrounding development are not zoned for agricultural purposes. The project site is zoned Community Commercial District and Public/Institutional District. Under Williamson Act contracts, private landowners voluntarily restrict their land to agricultural land and compatible open-space uses; in return, their land is taxed based on actual use rather than potential market value. There are no Williamson Act contracts in effect within the City of Laguna Niguel, and the project would not conflict with such a contract. No impact would occur.

### 3. Environmental Analysis

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

**No Impact.** Forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public Resources Code § 12220[g]). Timberland is defined as “land...which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (California Public Resources Code § 4526). The site is zoned Community Commercial District and Public/Institutional District, and does not permit forest land, timberland, or timberland production. No impact would occur.

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

**No Impact.** The site is developed with the county maintenance yard, South County Justice Center, and county library buildings. It is also directly adjacent to the Laguna Niguel City Hall and residential neighborhoods. There is no forest land onsite. The project would not convert forest land to nonforest use, and no impact would occur.

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

**No Impact.** There is no agricultural production on or adjacent to the project site. Project development would not indirectly result in conversion of farmland to nonagricultural use or forest land to nonforest use, and no impact would occur.

### 3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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

**Potentially Significant Impact.** The City of Laguna Niguel is in the South Coast Air Basin (SoCAB) and is subject to the air quality management plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). SCAQMD’s 2012 AQMP is based on regional growth forecasts for the Southern California Association of Governments region. Construction activities related to the proposed AGORA project would generate exhaust from construction equipment and vehicle trips, fugitive dust from demolition and ground-disturbing activities, and off-gas emissions from architectural coatings and paving. Compared to the existing county library and maintenance yard use (South County Justice Center is closed), implementation of the AGORA project would increase criteria air pollutants from construction and operation. The EIR will

### 3. Environmental Analysis

evaluate the proposed project for consistency with regional growth forecasts and any impacts the proposed project may have on the attainment of regional air quality objectives. Mitigation measures will be recommended as needed.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Potentially Significant Impact.** Construction and operation activities associated with development of the AGORA project would have the potential to generate fugitive dust, stationary-source emissions, and mobile-source emissions. Air pollutant emissions associated with the project could occur over the short term for site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project. An air quality analysis will be conducted to determine if the proposed project's short- and/or long-term emissions would exceed SCAQMD's regional significance thresholds. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Potentially Significant Impact.** The project site is in the SoCAB, and is designated under the California and National Ambient Air Quality Standards (AAQS) as nonattainment for ozone (O<sub>3</sub>), coarse inhalable particulate matter (PM<sub>10</sub>), fine inhalable particulate matter (PM<sub>2.5</sub>), nitrogen oxides (NO<sub>x</sub>) (California standard only), and lead (Los Angeles County only). Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to their nonattainment status in the SoCAB. As mentioned above, air pollutant emissions associated with the AGORA project could occur over the short term for site preparation and construction activities and during long-term operation of the completed project. Thus, an air quality analysis will be prepared to determine if the proposed project would result in a cumulatively considerable net increase in any criteria air pollutant. This topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

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

**Potentially Significant Impact.** An impact is potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are locations where uses or activities result in increased exposure of persons more sensitive to the unhealthful effects of emissions (such as children and the elderly). There are communities west of the project site, such as the Niguel Summit Condominiums, El Niguel, and Charter Terrace residential communities. The EIR will evaluate the potential for construction and operation activities of the proposed project to exceed SCAQMD's localized significance thresholds in accordance with SCAQMD's guidance methodology. Mitigation measures will be recommended as needed.

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#### e) Create objectionable odors affecting a substantial number of people?

**Less Than Significant Impact.** The proposed project would not emit objectionable odors that would affect a substantial number of people. The threshold for odor is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

Odors generated by the proposed mixed use project are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402. Likewise, existing facilities are required to be in compliance with SCAQMD Rule 402 to prevent nuisances on sensitive land uses. Therefore, impacts related to objectionable odors would be less than significant.

Emissions from construction equipment, such as diesel exhaust, and from volatile organic compounds from architectural coatings and paving activities, may generate odors; however, these odors would be temporary, intermittent in nature, and not expected to affect a substantial number of people. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with operation- and construction-generated odors would be less than significant, and no further analysis is required in the EIR.

## 3.4 BIOLOGICAL RESOURCES

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

**Potentially Significant Impact.** According to the “South County Facility EIR” prepared in 2008 for the project site, no listed or other special-status species were observed or are expected to occur onsite. The EIR also found that the site does not contain potentially suitable habitat for listed species. A site visit will be conducted to verify or update findings from the previous EIR. The development footprint of the proposed project will also be analyzed to identify whether it would substantially impact existing vegetation onsite.

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

**Potentially Significant Impact.** A previous jurisdictional delineation was prepared for the project site in 2008 and concluded that the project site has some “ephemeral” to “intermittent” waters that are jurisdictional under Section 1602 of the California Fish and Wildlife Code and Section 404 of the Clean Water Act. A site visit and update to the report will be prepared to confirm findings from the previous report. Potential impacts to jurisdictional features will be analyzed in the EIR.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Potentially Significant Impact.** See response to Section 3.4.b, above.

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

**No Impact.** According to the South County Facility EIR prepared in 2008 for the project site, there are no existing wildlife corridors or nursery sites in the project area. The site is in an urban area of Laguna Niguel and is mostly surrounded by residential and commercial uses. Therefore, development of the AGORA project would not interfere with an established wildlife corridor or impede the use of native wildlife nursery sites.

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

**Less Than Significant Impact.** Section 9-1-81 (Hillside Protection) of the City’s municipal code protects hillsides from incompatible development and preserves the natural terrain, quality environment, and aesthetic character while encouraging creative, innovative, and safe development. Sections 9-1-92.3(h) and 9-1-93.3(d) provide local regulations for tree preservation, requiring that the construction and design of new projects incorporate preservation measures to protect existing trees in place to the greatest extent possible. Development of the proposed project would be required to comply with these City regulations and therefore would not conflict with local policies. Impacts would be less than significant.

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

**No Impact.** The project site is within the boundaries of the Orange County Central and Coastal Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP). However, the City of Laguna Niguel is not a participant or permittee to this NCCP/HCP and development within the City is not subject to the requirements of the NCCP/HCP. Thus, the proposed project would not conflict with any provisions related to such plans and would result in no impact.

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## 3.5 CULTURAL RESOURCES

### a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

**No Impact.** Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

According to the City’s general plan, there are no historic resources within Laguna Niguel. Additionally, the site is partially developed with the South County Justice Center, county maintenance yard, and library. It is in an urbanized area of Laguna Niguel and is surrounded by commercial shopping plazas, restaurants, and residential neighborhoods. Therefore, no historic resources are located within the project area, and development of the AGORA project would not adversely impact historic resources. No impact would occur.

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

**Potentially Significant Impact.** The project site is in an urbanized area and is partially developed. Therefore, the possibility is low that undiscovered archaeological and unique paleontological resources or human remains may be found in the course of construction activities. Nevertheless, demolition and ground-disturbing grading activities could uncover previously undiscovered resources.

The cultural resources assessment prepared for the South Court Facility EIR in 2008 will be reviewed and updated with a literature review and records search related to potential site-specific archaeological and paleontological resources. Additionally, a Sacred Lands search request will be obtained from the Native American Heritage Commission (NAHC) as part of the tribal consultation process. Results of the updated cultural resources assessment and tribal consultation will be included in the EIR. If required, mitigation measures will be recommended.

### c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Potentially Significant Impact.** See response Section 3.5.b. The cultural resources assessment will include an updated records search pertaining to paleontology at the Natural History Museum of Los Angeles County

### 3. Environmental Analysis

and in published resources. The records search results and background context will be summarized in the EIR, and mitigation measures, if required, will be recommended.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less Than Significant Impact.** California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered within the project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would not occur. This topic will not be evaluated in the EIR, and no mitigation measures are required.

**e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? [Interim checklist question for AB 52 compliance.]**

**Potentially Significant Impact.** Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code § 21074). In order to determine whether any tribal cultural resources could be impacted by the proposed project, California Native American tribes that are traditionally and culturally affiliated with the project area will be contacted early in the CEQA process (Public Resources Code § 21080.3.1). The EIR will evaluate potential impacts of the proposed project on tribal cultural resources, and mitigation measures will be provided as needed.

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## 3.6 GEOLOGY AND SOILS

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

**Less Than Significant Impact.** Laguna Niguel is exposed to risk from multiple earthquake fault zones. Active faults near the project site include the Newport-Inglewood, San Joaquin Hills, Palos Verdes, and Elsinore (Glen Ivy) fault zones (CGS 2010). However, none of these faults are designated Alquist-Priolo fault zones and are more than three miles from the project site. The closest known fault to the site is the San Joaquin Hills Fault and is 3.7 miles northwest of the project site. Based on the distance, this fault would not cause adverse impacts from potential rupture. Impacts would be less than significant and will not be further analyzed in the EIR.

ii) **Strong seismic ground shaking?**

**Less Than Significant Impact.** Similar to other southern California cities, Laguna Niguel is susceptible to strong seismic ground shaking. The previous geotechnical investigation prepared for the South Court Facility in 2008 concluded that compliance with the Uniform Building Code (i.e., proper earthquake design and engineering) would reduce potential ground-shaking hazard impacts to less than significant.

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

**Less Than Significant Impact.** The California Division of Mines and Geology (CDMG) does not identify the project site as a liquefaction hazard zone (CDMG 2001). The previous geotechnical report prepared for the South Court Facility in 2008 concluded that liquefaction and seismically induced settlement potentials are very low. Therefore, impacts would be less than significant and will not be discussed in the EIR.

iv) **Landslides?**

**Less Than Significant Impact.** The CDMG does not identify the project site as a landslide hazard zone (CDMG 2001). Additionally, the previous geotechnical report concluded that landsliding is not considered a significant hazard in the project area (GDC 2005). Development in accordance with the proposed project would also be required to adhere to California Building Code regulations related to landslide hazards and grading requirements. Thus, landslide hazards are less than significant and will not be further analyzed in the EIR.

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

**Less Than Significant Impact.** Erosion is the movement of rock and soil from place to place, and is a natural process. Common agents of erosion include wind and flowing water. Erosion can also be increased greatly by earthmoving construction activities if erosion-control measures are not used. The project would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) per requirements of the General Construction Permit (Order No. 2009-0009-DWQ) issued by the State Water Resources Control Board. The SWPPP would specify best management practices (BMPs) for reducing or eliminating soil erosion from the site during project construction and operation. Erosion control measures implemented as part of BMPs can include the placement of sandbags around basins; use of proper grading techniques; appropriate sloping, shoring, and bracing of the construction site; and covering topsoil stockpiles. Thus, impacts would be less than significant and will not be further analyzed in the EIR.

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

**Less Than Significant Impact.** As stated above, landsliding and liquefaction are not considered significant hazards onsite. Additionally, according to the previous geotechnical report prepared in 2008, the site is underlain at shallow depth by bedrock and has no known history of subsidence due to subsurface fluid withdrawal; therefore, subsidence is also not considered a significant hazard (GDC 2005).

Lateral spreading and collapse can occur as an effect of liquefaction, seismic ground shaking, and expansive soils. According to the previous geotechnical study, the site soil has high to very high expansion potential. Site preparation and grading, including clearing and stripping, would require moisture conditioning (drying and blending), recompaction, and scarification of existing material to minimize impacts of expansive onsite soils. The design of slabs on grade shall be designed for highly expansive soils with ribbed slabs or post-tensions mat slabs, and compacted non-expansive granular material shall be placed prior to pouring concrete on exterior hardscape areas in accordance with Uniform Building Code (UBC) standards.

Compliance with UBC standards related to expansive soils would reduce project impacts to less than significant.

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

**Less Than Significant Impact.** See response to section 3.6(c), above.

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

**No Impact.** The project site has sewer connections maintained by the Moulton Niguel Water District. The project would connect to the existing sewer lines in Alicia Parkway, Pacific Island Drive, and Crown Valley Parkway to accommodate additional flows generated by the proposed development. The project would not use alternative wastewater disposal systems such as septic tanks, and no impact would occur.

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#### 3.7 GREENHOUSE GAS EMISSIONS

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

**Potentially Significant Impact.** Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas (GHG) emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. The State of California, through its governor and legislature, has established a comprehensive framework for the substantial reduction of GHG emissions over the next 40-plus years. This will occur primarily through the implementation of Assembly Bill 32 (AB 32, 2006) and Senate Bill 375 (SB 375, 2008), which address GHG emissions on a statewide, cumulative basis. The EIR will evaluate the potential for the project to generate a substantial increase in GHG emissions, and mitigation measures will be recommended as needed.

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

**Potentially Significant Impact.** The California Air Resources Board's Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target, established by AB 32, of 1990 emission levels by year 2020. The Southern California Association of Governments' 2012 Regional Transportation Plan/Sustainable Communities Strategy sets forth a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) in accordance with the region's per capita GHG reduction goals under SB 375. The Draft 2016 RTP/SCS is now out for public review and is expected to be approved by spring 2016. The EIR will evaluate the project's consistency with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Mitigation measures will be recommended as needed.

#### 3.8 HAZARDS AND HAZARDOUS MATERIALS

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

**Less Than Significant Impact.** Hazardous materials such as fuels, greases, paints, and cleaning materials would be used during project construction. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature. Additionally, the project applicant and construction contractor would be required to comply with existing federal, state, and local regulations of several agencies, including the Department of Toxic Substances Control (DTSC), the US Environmental Protection Agency (EPA), the Occupational Safety & Health Administration (OSHA),

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Caltrans, the Orange County Fire Authority (OCFA), and the Orange County Environmental Health Division (OCEMD).<sup>1</sup> Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment would not arise from the routine use, transport, or storage of hazardous materials during project construction, and no significant impacts would occur.

Operation of the AGORA project would involve use of some hazardous materials primarily for cleaning and maintenance purposes. Any commercial-grade chemicals used by future restaurants, markets, and retail stores shall be transported, used, and disposed of consistent with current local, state and federal laws and regulations of several agencies, including DTSC, EPA, OSHA, OCFA, and OCEMD. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment would not arise from the routine use, transport, or storage of hazardous materials during project operation, and impacts would be less than significant.

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

**Less Than Significant Impact.** The proposed project would require demolition of the existing South County Justice Center, county maintenance yard, and hardscape improvements prior to construction of the proposed project. Demolition activities could expose the public and, in particular, construction personnel, to hazardous substances such as asbestos or lead-based paints. Contaminated structures or soils could also expose workers to health or safety risks (e.g., mold and lead).

However, compliance with existing regulations would ensure that construction workers and the general public are not exposed to any risks related to hazardous materials during demolition and construction activities. For example, federal and state regulations include SCAQMD Rules and Regulations (pertaining to asbestos); Code of Federal Regulations; California Code of Regulations, Title 8 Part 61, Subpart M Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead); and the U.S. Department of Housing and Urban Development lead exposure guidelines. Cal/OSHA also has regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safe equipment, and prepared emergency action/prevention plans. If the project site is contaminated, the project applicant would be required to document and remediate with cleanup under the supervision of the DTSC before construction activities could begin. Furthermore, any old underground storage tanks that may be disturbed during construction activities would be managed under the guidance of Orange County Department of Environmental Health regulations, and if groundwater contamination is identified,

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<sup>1</sup> The Environmental Health Division is the Certified Unified Program Agency for the County of Orange, including the City of Laguna Niguel; the Certified Unified Program coordinates and makes consistent enforcement of several federal and state regulations governing hazardous materials.

### 3. Environmental Analysis

remediation activities would be required by the San Diego Regional Water Quality Control Board. Thus, compliance with existing federal, state, and county regulations would ensure that exposure of workers and the general public to hazardous materials during construction activities would be less than significant. This topic will not be further analyzed in the EIR.

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

**Less Than Significant Impact.** Schools within one-quarter mile of the project site include the Laguna Niguel Kinder Care, immediately north of the OCFA fire station across Pacific Island Drive, and Ocean View School, approximately 0.2 mile east of the project site.

The proposed AGORA project would not include industrial land uses that could emit toxic air contaminants in concentrations that could be hazardous to persons at schools within one-quarter mile of the site. As stated above in Sections 3.8.a and 3.8.b, the proposed development of residential and commercial uses would use relatively small amounts of hazardous materials and would be required to comply with state and local hazardous materials regulations. Therefore, impacts would be less than significant and will not be analyzed in the EIR.

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

**No Impact.** California Government Code Section 65962.5 specifies lists of the following types of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated. According to the Department of Toxic Substances Control EnviroStor database, the project area is not located on a site listed on the Cortese list per Government Code Section 65962.5 (SWRCB 2016). Therefore, no impact would occur. This topic will not be further analyzed in the EIR.

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

**No Impact.** The City of Laguna Niguel, including the project site, is not within an airport land use plan or within two miles of a public airport. The closest public airport is the John Wayne Airport (JWA) in Santa Ana, approximately 13.6 miles northwest of the site (AirNav 2015). Therefore, no impact would occur.

**f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**Less Than Significant Impact.** The closest private airstrips are the GSA Laguna Niguel Helistop Heliport and the Mission Hospital Helistop Heliport approximately 2.6 miles north and 3.9 miles northwest of the

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site, respectively (AirNav 2015). Except during take-off and landing, helicopters over congested areas are required to maintain a minimum altitude of 1,000 feet above the highest obstacle (Code of Federal Regulations, Title 14, § 91.119). Project development would not expose residents or workers on the project site to safety hazards generated by sporadic helicopters operating to or from these heliports, which are more than two miles away. Thus, impacts would be less than significant, and this topic will not be analyzed in the EIR.

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

**Less Than Significant Impact.** The City's police and fire departments, the OCSD, and the OCFA are responsible for coordinating all emergency management activity in the City and implementing the County's Emergency Operations Plan (EOP). The County's EOP addresses how the County should respond to extraordinary events or disasters (e.g., aviation accidents, civil unrest and disobedience/riot, dam and reservoir failure, disease, earthquake, flood, etc.), from preparedness phase through recovery.

Construction activities associated with the proposed project, including staging and stockpiling, would occur within the project boundaries and would not occur on any major arterials or highways that may be used during potential emergency situations. The proposed project would also be required to provide adequate access for emergency vehicles per the California Fire Code. Any short-term temporary impacts on adjacent roadways (i.e., Pacific Island Drive, Crown Valley Parkway, and Alicia Parkway) would be temporary and limited to the construction period. Thus, the proposed project would not impair implementation or physically interfere with the City's ability to implement the EOP.

Additionally, storage of construction materials and construction equipment—such as construction office trailers, cranes, storage containers, and trailers detached from vehicles—is prohibited on City property, including City streets, without a permit. Project construction and operation would comply with City requirements regarding storage on City property, including City streets. Construction material and equipment would be staged or stored onsite and would not interfere with emergency access to or evacuation from surrounding properties. Impacts would be less than significant.

**h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**No Impact.** According to the California Department of Forestry and Fire Protection's fire hazard map for the City of Laguna Niguel, the project site is not within a Very High Fire Hazard Severity Zone (CAL FIRE 2011). Adjacent areas to the project site are also urbanized; therefore, there are no wildlands adjacent to the site that may expose people or structures to wildland fire hazards. No impact would occur.

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## 3.9 HYDROLOGY AND WATER QUALITY

### a) Violate any water quality standards or waste discharge requirements?

**Potentially Significant Impact.** Two permits, each issued pursuant to National Pollutant Discharge Elimination System (NPDES) regulations issued by the EPA, contain water pollution control requirements applicable to the project. The General Construction Permit issued by the State Water Resources Control Board requires the project applicant to prepare and implement a SWPPP. The SWPPP would specify BMPs to be used during construction of the project to minimize or avoid water pollution. A water quality management plan (WQMP) is also required under the Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges, issued by the San Diego Regional Water Quality Control Board in 2009. The WQMP would specify BMPs to be used in project design and project operation. Potential impacts to water quality will be evaluated in the EIR, and mitigation measures will be identified as necessary.

### b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**No Impact.** According to the South County Facility EIR prepared for the project site in 2008, there are no major groundwater basins in the project area delineated by the California Department of Water Resources. Southern Orange County is almost 100 percent dependent on imported water, and groundwater resources are not significantly utilized as potable or agricultural supply (MWD0C 2016). Therefore, development of the proposed project would not substantially deplete groundwater supplies or adversely impact groundwater recharge onsite.

### c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.

**Potentially Significant Impact.** Project implementation could change the drainage pattern onsite. At project completion, the entire site would be covered with buildings, landscaped areas, and hardscape improvements; no bare soil would be left vulnerable to erosion or siltation on- or off-site. During project construction, the project would implement BMPs for reducing or avoiding soil erosion in compliance with the General Construction Permit. These conclusions will be substantiated in the hydrology and drainage studies prepared for the project, and findings will be incorporated into the EIR.

### d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**Potentially Significant Impact.** Hydrology and drainage studies will be prepared to analyze pre- and post-development changes to the rate and amount of surface runoff onsite. Findings will be integrated into the EIR, and mitigation measures will be provided as necessary.

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- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

**Potentially Significant Impact.** Project impacts on existing and planned storm drainage systems will be analyzed in the project drainage and hydrology studies and will be addressed in the EIR. BMPs to be incorporated in the project will also be discussed in the EIR.

- f) **Otherwise substantially degrade water quality?**

**Potentially Significant Impact.** See response to Section 3.9.a, above.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** According to the Federal Emergency Management Agency, the project site is not within a 100-year flood hazard area (FEMA 2009). No impact would occur.

- h) **Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** See response to Section 3.9.g, above.

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**No Impact.** The project site is not in the inundation areas of any dams and is not in an area designated on a flood insurance rate map as being protected from 100-year floods by levees. No impact would occur.

- j) **Inundation by seiche, tsunami, or mudflow?**

**No Impact.**

**Seiche:** A seiche is a surface wave created when an inland water body is shaken, usually by an earthquake. There are no inland bodies of water near the project site that could pose a seiche hazard to the site.

**Tsunami:** A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes. The project site is approximately 2.3 miles inland from the Pacific Ocean and outside of the tsunami inundation area mapped by the California Geological Survey (CGS 2009).

**Mudflow:** A mudflow is a landslide composed of saturated rock debris and soil with the consistency of wet cement. As previously stated, the project site is not identified as a landslide hazard zone, and the previous geotechnical report for the South County Facility EIR concluded that landsliding is not considered a significant hazard in the project area (GDC 2005). Development in accordance with the proposed project would also be required to adhere to California Building Code regulations related to landslide (and mudflow) hazards and grading requirements. Thus, no impact would occur.

Overall, no hazards would occur due to seiches, tsunamis, or mudflows.

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#### 3.10 LAND USE AND PLANNING

**a) Physically divide an established community?**

**No Impact.** The proposed AGORA project would not physically divide an established community. The closest established communities are the adjacent condominium neighborhoods west of the site. As shown on Figure 3, *Aerial Photograph*, these neighborhoods are physically separated from the project site by a downhill slope covered with vegetation and large trees. The remaining sides of the project boundary are bounded by Pacific Island Drive, Alicia Parkway, and Crown Valley Parkway. Other neighboring uses are restaurant and retail shopping plazas to the north and east. Overall, the proposed project would not divide any established communities, and no impact would occur.

**b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

**Potentially Significant Impact.** The current general plan designations of the project site are Community Commercial, Professional Office, and Public/Institutional, and current zoning are Community Commercial District and Public/Institutional District. The proposed project would include residential use, which is not a permitted use under either the current general plan or zoning code designations. Therefore, a general plan amendment and zone change are proposed as part of the project to allow up to 200 residential units. The EIR will address potential land use impacts, and mitigation measures will be recommended as needed.

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** See response to Section 3.4.f in *Biological Resources*, above.

#### 3.11 MINERAL RESOURCES

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

**No Impact.** The project site is mapped as Mineral Resource Zone 1 (MRZ-1) by the California Geological Survey, indicating that adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (CDMG 1994). The project site is not available as a mining site because it is already partially developed with the South County Justice Center building, library, and maintenance yard. Therefore, project development would not cause the loss of availability of mineral resources valuable to the region and the state, and no impact would occur.

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

**No Impact.** According to the Laguna Niguel General Plan, there are no mineral resources within the City. The City of San Juan Capistrano to the south and east contains some sand and gravel operations along

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Trabuco Creek (Laguna Niguel 1992). However, development in Laguna Niguel and the project site would not impact those operations. Thus, the project would not cause a loss of availability of mineral recovery sites, and no impact would occur.

#### 3.12 NOISE

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Potentially Significant Impact.** Development of the proposed project would have the potential to increase noise levels in the vicinity of the site due to vehicle trips generated by the project as well as from onsite operational activities, such as outdoor use of the common area amenities (e.g., outdoor concerts and shows), and stationary sources, including mechanical systems. The EIR will evaluate the existing noise environment and the potential for project-generated noise to substantially increase existing noise levels at surrounding land uses, particularly towards residents of the Niguel Summit Condominiums that are located at the top of a slope over the project's northwestern boundary. The EIR will assess project-related noise with respect to applicable noise standards, and mitigation measures will be recommended if necessary.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Potentially Significant Impact.** Groundborne vibration or noise would be associated with construction activities in the four major areas of the AGORA project and associated hardscape and landscape improvements. These temporary increased levels of vibration could impact vibration-sensitive land uses surrounding the project site. This topic will be evaluated in the EIR, and mitigation measures will be recommended as needed.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Impact.** The development and operation of the proposed project would result in new sources of noise at the project site compared to existing conditions, primarily from project-related traffic. The EIR will evaluate the potential for noise generated by the project to substantially increase existing noise levels at adjacent land uses. Mitigation measures will be recommended as needed.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Potentially Significant Impact.** Construction activities associated with the proposed project would result in a temporary increase in noise levels at the project site and at adjacent land uses. Impacts associated with these temporary noise increases during construction activities will be analyzed further in the EIR. Mitigation measures will be recommended as needed.

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

**No Impact.** See response to Section 3.8.e, above.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**Less Than Significant Impact.** See response to Section 3.8.f, above.

### 3.13 POPULATION AND HOUSING

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

**Potentially Significant Impact.** The proposed project would introduce 200 residential units in the Village Residential area of the AGORA project. This would increase population in the project area. The EIR will address the potential population and housing growth-related impacts associated with implementation of the proposed project. Mitigation measures will be recommended as needed.

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

**No Impact.** There is no existing housing onsite; thus, the project would not displace housing. No impact would occur.

- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** There are no residents onsite. Thus, no residents would be displaced, and no impact would occur.

### 3.14 PUBLIC SERVICES

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

- a) **Fire protection?**

**Potentially Significant Impact.** The City partners with the OCFA for fire and emergency medical services. Three OCFA fire stations are within the City limits, and OCFA Station No. 5 at 23600 Pacific Island Drive is

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closest to the site, abutting its northern boundary. Development of the proposed project may increase calls for fire services. Therefore, OCFA will be consulted to determine the adequacy of existing resources and potential project impacts on fire services. This will be further analyzed in the EIR.

#### b) Police protection?

**Potentially Significant Impact.** The City of Laguna Niguel contracts police services from the Orange County Sheriff's Department. The sheriff's station is at City Hall at 30111 Crown Valley Parkway, directly adjacent to the project site. Development of residential and nonresidential uses onsite could generate an increase in calls for police services. Orange County Sheriff's Department will be consulted to determine existing police resources in the City and potential project-generated impacts to services. This topic will be discussed in the EIR.

#### c) Schools?

**Potentially Significant Impact.** The Capistrano Unified School District (CUSD) provides school services to residents of Laguna Niguel. Future students would attend Moulton Elementary School (K-5) at 29851 Highlands Avenue, Niguel Hills Middle School (6-8) at 29070 Paseo Escuela, and Dana Hills High School (9-12) at 33333 Golden Lantern in Dana Point. Development of the residential portion of the AGORA project would increase the population in the project area and CUSD student attendance. CUSD will be consulted to determine whether existing school capacities at Moulton Elementary School, Niguel Hills Middle School, and Dana Hills High School would be able to accommodate the increased student population. This topic will be further analyzed in the EIR.

#### d) Parks?

**Potentially Significant Impact.** Park services are provided by the City's Parks and Recreation Department. Nearby parks to the project site include La Hermosa Park, Crown Valley Community Park, and Niguel Woods Park, approximately 0.8, 0.7, and 0.5 mile away, respectively. Development of the proposed project would introduce more residents into the project area and may increase demand for parks and recreation services in the surrounding community. The Laguna Niguel Parks and Recreation Department will be consulted respecting existing park facilities in the community and project impacts on demands for park facilities and services. This topic will be discussed in the EIR.

#### e) Other public facilities?

**Potentially Significant Impact.** The City is a member of the Orange County Public Libraries (OCPL) system, which is a network of community libraries throughout the county. The Laguna Niguel Library is on the project site, at 30341 Crown Valley Parkway. Development of the proposed project would encroach into the existing library parking lot, but the library building and services would not be impacted. The project would also introduce new residents into the project area, thus increasing demands for library services. OCPL will be consulted respecting existing library resources in the community and estimated project impacts on library resources and services. This topic will be addressed in the EIR, and mitigation measures will be recommended as needed.

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### 3.15 RECREATION

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

**Potentially Significant Impact.** See response to Section 3.14.d, above.

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

**Potentially Significant Impact.** The project would include common space recreational amenities open to the public. As described above and shown on Figure 4, *Proposed Site Plan*, the Grand Plaza would have a large central open space area, patio and arcade dining areas, outdoor performance areas, water gardens, and space for open markets. The Commons would be in the southern portion of the site and would provide an area for arts and education. The Element Square would include spas and gyms, and Village Residential would include community gardens, recreational facilities, and event space. Potential impacts associated with development of the onsite recreational amenities will be addressed in the respective topical sections of the EIR.

Additionally, the EIR will analyze the proposed project's compliance with the City of Laguna Niguel's park acreage standards and whether it would require the expansion or construction of parks and recreational facilities. This topic will be analyzed in the EIR, and mitigation measures will be identified as necessary.

### 3.16 TRANSPORTATION/TRAFFIC

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Potentially Significant Impact.** Development of the project would result in an increase in vehicle trips, which may conflict with local plans, policies, or ordinances. Project construction would also temporarily increase vehicle trips on nearby roadways. A traffic impact analysis will be prepared to assess existing traffic conditions, forecast project-generated traffic volumes and distribution, and forecast traffic conditions in the project buildout year with and without the project. Impacts related to compliance with plans and policies that establish measures of effective performance of the circulation system would be potentially significant, and this issue will be discussed in more detail in the EIR.

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- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**Potentially Significant Impact.** The congestion management program (CMP) in effect in Orange County was issued by the Orange County Transportation Authority in November 2013. All freeways and tollways and selected arterial roadways in the county are part of the CMP Highway System. The nearest freeways to the project site are SR-73 and I-5. The nearest CMP roadways are Pacific Coast Highway and Crown Valley Parkway, and the nearest CMP intersection is Crown Valley Parkway and Moulton Parkway (OCTA 2013). Project traffic impacts to these roadway segments and intersections will be assessed in the traffic impact analysis and discussed in the EIR; mitigation measures will be recommended as needed.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** The project site is approximately 13.6 miles southeast of JWA in Santa Ana. Given its distance, the proposed project would have no impact on air traffic patterns at JWA.

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

**Potentially Significant Impact.** The project does not propose changes to the City's circulation system, such as the redesign or closure of streets, and would not add incompatible uses such as farm equipment to area roadways. Design features of the project circulation plan, including access lanes and internal roadways, will be discussed in the EIR regarding potential hazards such as sharp curves or dangerous intersections. Mitigation measures will be recommended as needed.

- e) Result in inadequate emergency access?**

**Less Than Significant Impact.** The proposed project would not result in substantial changes to the project area's circulation patterns and would not change the circulation system of emergency access routes.

Development of the AGORA project would be required to incorporate all applicable design and safety requirements from the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards, such as those outlined in Section 11-3-1 of the City's Municipal Code, which incorporates by reference the 2013 California Fire Code. The City would be responsible for reviewing project compliance with related codes and standards prior to issuance of building permits.

Additionally, during the building plan check and development review process, the City would coordinate with OCFA and Orange County Sheriff's Department to ensure that the necessary fire prevention and emergency response features are incorporated into the proposed project, and that adequate circulation and access (e.g., adequate turning radii for fire trucks) is provided in the traffic and circulation components of the proposed project. Thus, impacts are less than significant and will not be further analyzed in the EIR.

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- f) **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

**Potentially Significant Impact.** Public transportation from the Orange County Transportation Authority is readily available along Alicia Parkway and Crown Valley Parkway. It is anticipated that the proposed project would benefit from the accessibility of existing public transportation and availability of pedestrian and bicycle facilities. The EIR will evaluate available networks and capacity to serve the project. The EIR will also analyze how project amenities will tie into the existing network.

#### 3.17 UTILITIES AND SERVICE SYSTEMS

- a) **Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?**

**Less Than Significant Impact.** Per federal regulations for point source and nonpoint source discharges to surface waters of the United States, the City of Laguna Niguel requires all new developments to obtain a National Pollutant Discharge Elimination Systems (NPDES) permit administered from the RWQCB. Each NPDES permit contains limits on allowable pollutant emissions in wastewater discharge and, when necessary, requirements for BMPs and a Stormwater Pollution Prevention Program. Therefore, development of the AGORA project would be required to comply with NPDES program requirements. Impacts to wastewater treatment requirements would therefore be less than significant under the proposed project and will not be further analyzed in the EIR.

- b) **Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Potentially Significant Impact.** The Moulton Niguel Water District (MNWD) provides water and wastewater services to the City, including the project site. Wastewater collected by MNWD is sent to the South Orange County Wastewater Authority (SOCWA) plants for treatment and disposal. Increased development may necessitate expanded water and wastewater collection and treatment facilities and would result in a potentially significant impact. MNWD and SOCWA will be consulted to determine whether project impacts would result in adverse impacts on the existing water and wastewater treatment facilities. The impact will be further analyzed in the EIR and mitigation measures will be provided as needed.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Potentially Significant Impact.** Because part of the project site is vacant and undeveloped, the project would develop drainage facilities that connect the site to existing storm drains along Pacific Island Drive, Alicia Parkway, and Crown Valley Parkway. Existing stormwater drainage facilities may also be impacted by the proposed development. Therefore, the impact will be further analyzed in the EIR, and mitigation measures will be provided as needed.

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**d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Potentially Significant Impact.** MNWD supplies water to the City of Laguna Niguel, including the project site. A water supply assessment will be prepared by MNWD to determine whether sufficient water supplies are available to serve the proposed residential and nonresidential uses. This impact will be discussed in the EIR, and mitigation measures will be recommended as needed.

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

**Potentially Significant Impact.** As previously stated, wastewater treatment would be provided for the proposed project by SOCWA. SOCWA will be consulted regarding existing wastewater treatment capacity available in its service area and potential project impacts on treatment capacity. This topic will be discussed in the EIR, and mitigation measures will be recommended as needed.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**Potentially Significant Impact.** The City is under contract with CR&R Environmental Services (Solag Disposal) for solid waste hauling and disposal. Solid waste from the proposed project that is not recycled would be disposed of at landfills operated by OC Waste and Recycling, primarily at the Prima Deshecha Sanitary Landfill and Frank R. Bowerman Sanitary Landfill. OC Waste and Recycling will be consulted regarding existing landfill capacity in the region and project impacts on landfill capacity. Solid waste disposal capacity will be discussed in the EIR, and mitigation measures will be recommended as needed.

**g) Comply with federal, state, and local statutes and regulations related to solid waste?**

**Less Than Significant Impact.** The Resource Conservation and Recovery Act of 1976 (United States Code Title 42, §§ 6901 et seq.) governs the creation, storage, transport, and disposal of hazardous wastes and operators of hazardous waste disposal sites.

AB 939, the Integrated Waste Management Act of 1989 (California Public Resources Code §§ 40000 et seq.) requires all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. Cities must divert at least 50 percent of their solid waste generation into recycling. Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Actual disposal amounts at or below target amounts comply with AB 939. Target solid waste disposal amounts for the City of Laguna Niguel are 6.6 pounds per person per day (ppd) for residents and 29.8 ppd for employees. Actual disposal rates for Laguna Niguel in 2014, the latest year for which data are available, are 3.2 ppd for residences and 13.2 ppd for businesses, which are below target rates (CalRecycle 2014).

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (California Public Resources Code §§ 42900 et seq.) required the California Integrated Waste Management Board to develop a model

### 3. Environmental Analysis

ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. Space for recyclable material storage is required by Section 9-1-45.19 of the City of Laguna Niguel Municipal Code, in conformance with AB 1327.

The project would be required to comply with laws and regulations governing solid waste disposal, and impacts would be less than significant.

#### 3.18 MANDATORY FINDINGS OF SIGNIFICANCE

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

**Potentially Significant Impact.** Development of the AGORA project has the potential to impact habitat of a fish or wildlife species or rare, endangered species of plant or animal, or plant or animal communities. As previously stated, a site visit and jurisdictional delineation will be conducted to determine potential biological resources impacts. Additionally, project ground-disturbing activities could damage previously undiscovered archaeological and/or paleontological resources. Thus, impacts to biological and cultural resources are potentially significant and will be analyzed in the EIR. Mitigation measures will be recommended as needed.

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

**Potentially Significant Impact.** Potentially significant impacts identified in this Initial Study include aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Impacts to aesthetics and hazards and hazardous materials are site specific and generally do not contribute to cumulative impacts. Cumulative impacts to the remaining resources for which potentially significant impacts are identified in this section will be addressed in the EIR. Mitigation measures will be recommended as needed.

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

**Potentially Significant Impact.** All of the potentially significant impacts identified in this section could have direct or indirect substantial adverse impacts on human beings. These impacts will be addressed in the EIR, and mitigation measures will be recommended as needed.

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