

Appendix B NOP and Scoping Meeting Comments

Appendices

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NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



November 14, 2019

John Morgan
Laguna Niguel, City of
30111 Crown Valley Parkway
Orange, CA 92677

CITY OF LAGUNA NIGUEL
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COMMUNITY DEVELOPMENT

RE: SCH# 2019110083, City Center Mixed-Use Project, Orange County

Dear Mr. Morgan:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 26, 2019

Mr. John Morgan
City of Laguna Niguel
30111 Crown Valley Parkway
Orange, CA 92677
jmorgan@cityoflagunaniguel.org

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the City Center Mixed-Use Project, Laguna Niguel, CA (SCH# 2019110083)

Dear Mr. Morgan:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the City Center Mixed-Use Project Draft Environmental Impact Report (EIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program.

The project will develop approximately 206,500 square feet of commercial and/or civic space and 275 multifamily residential units. Residential amenities include "extensive walkable open spaces." Currently, the site includes a closed County of Orange (County) building, a library, a maintenance yard, and undeveloped open space. The project area is located within the City of Laguna Niguel (City), bounded by Pacific Island Drive to the north, Alicia Parkway to the east, Crown Valley Parkway to the south, and residential communities to the west.

The Department offers the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. Regarding the "walkable open spaces" briefly referenced in the NOP, the Department recommends that the EIR analyze how changes in land use would be implemented. The analysis should include specific maintenance standards for the open space to avoid, minimize, or mitigate the new potential changes in extent, severity, and duration of adjacent land use as well as habitat maintenance of the property (e.g., edge effects). Edge effects are defined as anthropogenic disturbances beyond urban boundaries into habitat and have negative impacts on sensitive biological resources in southern California. To avoid or minimize project-related edge effects on open-space habitat, the Department recommends the project include a biological buffer, protective barriers (e.g. fencing), public notification (signage), and a project design that prevents open space fragmentation. We also recommend that all structures are placed as far away from the riparian corridor as possible.

2. The Department requests that the EIR fully describes and identifies the location, acreage, and composition of defensible space within the proposed project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with Orange County Fire (or other applicable agency) regulations/requirements. The City, through its planning processes, should be ensuring that defensible space is provided and accounted for within proposed development areas, and not transferred to adjacent open space. The Department requests that the final EIR be amended to include a discussion of the following elements:
 - a. if fuel modification zones are being proposed as mitigation to offset impacts associated with the project; and,
 - b. if open space is also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

General Comments

3. An unnamed tributary and associated riparian habitat appear to bound the project on the west and south sides. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the EIR and must compensate for the loss of function and value of a wildlife corridor.
 - a) The project area is adjacent to or supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the EIR. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

- b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA.²
4. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
5. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR.

² A notification package may be obtained by accessing the Department's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.

- a) The document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
- b) A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

6. The document should provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The EIR should include the following information.
 - a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008³). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
 - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at

³ Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2008. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

7. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the EIR.
 - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
 - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR.
 - c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation for the Project-related Biological Impacts

8. The EIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

9. For proposed preservation and/or restoration, the EIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
10. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
11. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
12. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences approximately one mile to the north at Laguna Niguel Lake, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, with regard to ISHBs, we recommend the EIR include the following:
 - a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the EIR;

- b. an analysis of the likelihood of the spread of ISHBs as a result of the invasive species' proximity to above referenced activities;
- c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and
- d. a mitigation measure or measure(s) within the EIR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:
 - i. education of on-site workers regarding ISHB and its spread;
 - ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
 - iii. equipment disinfection;
 - iv. pruning infected limbs in infested areas where project activities may occur;
 - v. avoidance and minimization of transport of potential host tree materials;
 - vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
 - vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
 - viii. solarization of cut logs; and/or
 - ix. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:
<http://eskalenlab.ucr.edu/pshb.html>.

The Department appreciates the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Turner at (858) 467-2717) or via email at jennifer.turner@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Christine Medak at FWS (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Acting Director
5796 Corporate Avenue
Cypress, California 90630



Gavin Newsom
Governor

November 27, 2019

Mr. John Morgan
Development Services Manager
City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, California 92677
jmorgan@cityoflagunaniguel.org

NOTICE OF PREPARATION, CITY CENTER MIXED-USE PROJECT,
LAGUNA NIGUEL (SCH #2019110083)

Dear Mr. Morgan:

The Department of Toxic Substances Control (DTSC) received your Notice of Preparation for preparing a Draft Environmental Impact Report (DEIR) for the City Center Mixed-Use Project, located south of Pacific Land Drive and west of Alicia Parkway (Assessor's Parcel Number 656-242-18) in Laguna Niguel.

The project proposes to develop a 25-acre land to commercial and civic uses and multifamily residential units.

DTSC has the following comments for the DEIR

- 1) The DEIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances and cause any air emissions during the project operation. Although the site appears to be located in an area that is currently used for civic and residential uses, DTSC is uncertain whether the site was historically used for agricultural purpose. If the site was formerly used for agricultural purposes, investigation to determine whether onsite soils contain herbicide and pesticide residues and other agricultural related chemicals may be needed.

Mr. John Morgan
November 27, 2019
Page 2

- 2) If the investigation is needed, the investigation and/or remediation (e.g., excavation) shall be conducted under a workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup.
- 3) If buildings or other structures, asphalt or concrete-paved surface areas are to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals such as lead-based paints or products, mercury, and asbestos containing materials. If other hazardous chemicals are identified, proper precautions should be taken during demolition activities and in accordance with applicable ordinances, regulations and laws.

DTSC appreciates the opportunity to review the Notice of Preparation. Should you need any assistance in environmental investigation, please submit a request for Lead Agency Oversight Application which can be found at:
<https://dtsc.ca.gov/brownfields/voluntary-agreements-quick-reference-guide/>

Should you have any questions regarding this letter, please contact me at (714) 484-5392 or by email at ChiaRin.Yen@dtsc.ca.gov.

Sincerely,



Chia Rin Yen
Environmental Scientist
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program

mv/cy/yg

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

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Ms. Yolanda M. Garza (via e-mail)
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program
Yolanda.Garza@dtsc.ca.gov



City of Mission Viejo

Memorandum

Date: December 2, 2019

To: John Morgan, Development Services Manager (City of Laguna Niguel)

From: Philip Nitollama, Transportation Engineer (City of Mission Viejo)

Subject: City Center Mixed-Use Project – Notice of Preparation of an Environmental Impact Report Comments

In review of the Notice of Preparation of an Environmental Impact Report (PEIR) for the City Center Mixed-Use Project in the City of Laguna Niguel, the following transportation concerns were identified:

- 1) The scope of analysis for the traffic impact study component of the EIR shall include the following three intersection locations:
 - a. Interstate 5 Freeway Southbound Ramps and Crown Valley Parkway
 - b. Interstate 5 Freeway Northbound Ramps and Crown Valley Parkway
 - c. Crown Valley Parkway and Kaleidoscope

- 2) The traffic impact study shall analyze the near term and long-range buildout conditions for these three intersection locations. That level of service analysis shall include both delay (HCM methodology) and volume-to-capacity (V/C) ratio evaluations. Additionally, a queuing analysis shall be incorporated as part of the study due to the closely spaced intersections at this freeway interchange.

Dina El Chammas

Subject: RE: EIR for City Center Mixed-Use Project

From: John Morgan <JMorgan@cityoflagunaniguel.org>

Sent: Tuesday, December 3, 2019 4:42 PM

To: JoAnn Hadfield <jhadfield@placeworks.com>

Cc: Dina El Chammas <delchammas@placeworks.com>

Subject: FW: EIR for City Center Mixed-Use Project

NOP comment from Juaneno Band of Mission Indians

From: Joyce Perry [<mailto:kaamalam@gmail.com>]

Sent: Tuesday, December 03, 2019 2:23 PM

To: John Morgan

Subject: EIR for City Center Mixed-Use Project

On behalf of the Juaneno Band of Mission Indians, Acjachemen Nation, We are responding to your letter regarding the Notice of Preparation and Scoping Meeting for the City Center Mixed-Use Project Environmental Impact Report. Once the EIR has been prepared, we will be interested in its results and will provide comments at that time. Please continue to keep us informed on this project.

Húu'uni 'óomaqati yáamaqati.

Teach peace

Joyce Stanfield Perry

Payomkawichum Kaamalam - President

Juaneño Band of Mission Indians, Acjachemen Nation

Tribal Manager, Cultural Resource Director



AFFILIATED AGENCIES

Orange County
Transit District

Local Transportation
Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

December 4, 2019

Mr. John Morgan
Development Services Manager
City of Laguna Niguel
Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

Subject: Notice of Preparation of Environmental Impact Report (EIR) and Public Scoping Meeting for the City Center Mixed-Use Project.

Dear Mr. Morgan:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation of Environmental Impact Report (EIR) and of Public Scoping Meeting for the City Center Mixed-Use Project (Project). The following comments are provided for your consideration:

- Figure-3 incorrectly identifies Pacific Island Drive as "Pacific Land Drive."
- Please note that Crown Valley Parkway is part of the Congestion Management Program Highway System and should be analyzed as such for any potential traffic impacts.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Phu", is written over a light blue horizontal line.

Dan Phu
Manager, Environmental Programs

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

www.dot.ca.govMaking Conservation
a California Way of Life.

December 4, 2019

John Morgan
City of Laguna Niguel
301111 Crown Valley Parkway
Laguna Niguel, CA 92677

File: IGR/CEQA
SCH#: 2019110083
12-ORA-2019-01259
I-5, PM 11.97
SR 73, PM 11.942
SR 1, PM 5.358

Dear Mr. Morgan,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the proposed City Center Mixed-Use project in the City of Laguna Niguel. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The proposed project proposes a Mixed-Use project which includes specialty retail, restaurants, office, a new County library, community-oriented event/programmable space, integrated residential apartment homes, and extensive walkable open spaces, paseos, and plazas. Regional access to the project site is provided by State Route 73 (SR 73), State Route 1 (SR 1), and Interstate 5 (I-5). Caltrans is a commenting agency for this project and upon review, we have the following comments:

Traffic Operations

1. In the next environmental document, please include a Traffic Impact Study (TIS) that analyzes short-term and long-term impacts to the State Highway System (SHS) including on-ramps, off-ramps, and freeway mainline specifically for I-5, SR 73, and SR 1.
2. The Traffic Impact Study should include but not be limited to analysis of potential environmental impacts to traffic at the intersections of SR 73 at the SR 73 southbound offramp intersection at Greenfield Drive, the SR 73 northbound on-ramp intersection at Greenfield Drive, the SR 73 southbound off-ramp intersection at Moulton Parkway, and SR 1 and Crown Valley Parkway.

3. Please also include potentially significant adverse impacts and its associated mitigated measures. Any impact to the SHS should not be deemed "Significant and Unavoidable" without consultation with Caltrans to mitigate these impacts in the early development stages of the environmental document.

Active Transportation

4. Please include a discussion on impacts to existing and proposed Active Transportation facilities as well as a discussion on possible connections to these facilities. There are several existing bicycle facilities in the project vicinity, namely Class II facilities on Crown Valley Parkway, Alicia Parkway, and Pacific Island Drive.
5. Providing safe connections to Active Transportation facilities such as sidewalks and bicycle lanes encourages people to utilize walking and bicycling as forms of transportation. The use of Active Transportation also decreases congestion, improves air quality, and increases regional connectivity.
6. Mixed-use development offers an opportunity to encourage multi-modal travel and a reduction in Vehicle Miles Traveled (VMT). Short local car trips can potentially be replaced with walking, bicycling, and transit trips. Caltrans encourages the design of Complete Streets that include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities.
7. As part of state goals to increase active transportation and given the network of Class II bike lanes on streets adjacent to the project site, Caltrans recommends the inclusion of secure and functional short- and long-term bike parking. Short-term bike parking at public/commercial locations should be placed in visible areas that are close to main entrances and should be installed at least 24" away from walls and other objects (e.g. trash cans, plants, etc.).

Long-term bike storage for residential units should be provided indoors and on the ground floor. Both short- and long-term bike parking should be designed to accommodate different types of bikes (e.g. cargo bike, bike with trailer).

8. For additional guidance on providing functional bike parking, see the attached "Essentials of Bike Parking" guidance created by the Association

of Pedestrian and Bicycle Professionals:
<https://www.aapbp.org/Publications>

Freight

9. Please consider overnight parking and well-lit parking lots to accommodate truckers rather than empty lots or side streets. Ensure adequate truck parking is onsite for trucks or that there are nearby areas for trucks to stage and park while they are waiting for pick-ups/drop offs.

10. In order to reduce conflicts with traffic and bicycles, please consider directing deliveries to loading docks away from curbside. Please also consider redesigning outdated loading docks to accommodate new freight truck design. Utility alley space could be utilized if available, to take trucks off street curbs.

Encroachment Permits

11. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov

Sincerely,



SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

SENT VIA USPS AND E-MAIL:

December 6, 2019

jmorgan@cityoflagunaniguel.org

John Morgan, Development Services Manager
City of Laguna Niguel, Community Development Department
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

**Notice of Preparation of an Environmental Impact Report for
City Center Mixed-Use Project**

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. South Coast AQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send South Coast AQMD a copy of the EIR upon its completion and public release. Note that copies of the EIR that are submitted to the State Clearinghouse are not forwarded to South Coast AQMD. Please forward a copy of the EIR directly to South Coast AQMD at the address shown in the letterhead. **In addition, please send with the EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files¹. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, South Coast AQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

South Coast AQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. South Coast AQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from South Coast AQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on South Coast AQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). South Coast AQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

South Coast AQMD has also developed both regional and localized significance thresholds. South Coast AQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to South Coast AQMD's CEQA regional pollutant emissions significance thresholds to determine air quality

¹ Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

impacts. South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, South Coast AQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by South Coast AQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance² on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

² In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- South Coast AQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- South Coast AQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- California Air Pollution Control Officers Association (CAPCOA)'s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits

In the event that the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a responsible agency for the Proposed Project. For more information on permits, please visit South Coast AQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

Data Sources

South Coast AQMD rules and relevant air quality reports and data are available by calling South Coast AQMD's Public Information Center at (909) 396-2001. Much of the information available through the Public Information Center is also available at South Coast AQMD's webpage at: <http://www.aqmd.gov>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that project air quality impacts are accurately evaluated and any significant impacts are mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
ORC191205-02
Control Number

Dina El Chammas

Subject: RE: Laguna Niguel City Center

From: Del Bene, Paul [<mailto:DelBeneP@bv.com>]

Sent: Friday, November 08, 2019 9:26 AM

To: John Morgan

Subject: Laguna Niguel City Center

Hello John,

I am a long-time resident of the great City of Laguna Niguel. I'm very impressed with the developers plans for the new center. I may not be able to attend the meeting on the 13th so I'd like to make a few comments.

I think ingress and egress should be carefully studied and designed for good traffic flow. It may already be designed that way but I can't tell by the rendering. My suggestions are to make a dedicated right turn lane on Pacific Island, the driveway just past the fire station, and configure a bike lane too. Existing is the dotted lane only. I think the development needs to move cars over to the right which would allow through traffic to continue to Alicia and Glenn smoothly.

The right turn from Alicia into the center should also have these dedicated lanes. Currently there are the through traffic right lane and the bike lane. This will be busy center, cars entering need to be able to move to the right to help avoid rear end crashes.

Stacking the left turn from Alicia into the center may need to be increased but it doesn't appear there's enough room. I sure hope another traffic intersection signal is not needed. However, I strongly believe that the new center and Town Center need to be linked for safe pedestrian access. I guess people can use the cross walk at CVP or Pacific Island.

A dedicated right turn lane at Civic Center from CVP is a must. A major arterial at those speeds!!!! the increased traffic must be moved off CVP and into their own lane for safety and traffic flow. The developer will pay for it.

I wonder if the city should create a bus / trolley stop in front of the library, with a bus cut-out. Don't let the bus sit in the bike lane, which also slows traffic.

I'm not a fan of demolishing the library unless the developer is paying for all demo and rebuild.

I'm not too concerned about the mix of commercial tenants. The market will dictate who leases. However, a grocery is DOA in my opinion. Albertson's, Smart and Final, Von's, all the drug stores selling convenience items, Costco, WalMart, and the super busy Whole Foods is too much competition. But the store will do their market study and make their decision.

I'm not concerned about overall aesthetics. The developer is experienced and the city does a good job with use of water wise plants.

Thank you for listening.

Paul Del Bene

177 Chandon

Paul Del Bene

Site Acquisition Specialist, Land Services & Acquisition NationalTeam

Black & Veatch, 5 Peters Canyon Road, Suite 300, Irvine, CA 92606

D +1 949-471-3906 **O** +1 949-471-3906 **M** +1 949-245-9878

E DelBeneP@BV.com

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Subject: RE: EIR Laguna Niguel city center plans

From: Carol Maillet [<mailto:weinerdogs1@gmail.com>]

Sent: Saturday, November 09, 2019 1:18 PM

To: John Morgan

Subject: EIR Laguna Niguel city center plans

I am unable to attend the meeting Nov 13 as I already have another meeting to attend. As a resident of nearby Marina Hills I want to voice some of my concerns.

CONGESTION: (1) According to the plan as shown on the website, there are 2 residential complexes on the site. One is a very large project which will draw many, many autos. Not only the autos of the owners/tenants of the complex, but their guests as well. This residential complex is at the corner of Pacific Island Drive and Alica Parkway. It looks like a dense high-rise on the drawing. It will draw not only the autos of the owners/tenants of the complex, but their guests as well. There are very few parking spots shown. How many visitor spaces are being designated per unit, and where? How is this problem going to be handled? I cannot assume the building titled "garage" is for the visitors, as it is not adjacent to the residential units thereby being inconvenient. (NOTE: PACIFIC ISLAND DRIVE IS INCORRECTLY NOTATED ON THE MAP AS PACIFIC LAND DRIVE WHICH IS VERY UNPROFESSIONAL OF WHOEVER WAS RESPONSIBLE FOR THE LAYOUT).

(2) The intersection Alicia Parkway and Crown Valley Parkway will be negatively impacted by the increase in traffic.

(3) The intersection of Crown Valley Parkway and Niguel Road will be negatively impacted as it is already very, very busy. More traffic at this intersection will be unbearable.

(4) How many parking spaces have you eliminated at the library? It looks like at least half. If there is no where to park, we will take our library

business to Dana Point library or Aliso Viejo library. A guaranteed parking spot will be more important than closeness of the library.

POLLUTION: The intersection of Crown Valley Parkway and Niguel Road already has a problem. In warm weather, when you descend Niguel Road down to Crown Valley from the direction of the coast, the fumes probably coming from the 3 gas stations at the bottom and the number of vehicles at the bottom, are toxic. I find that windows have to be shut and the a/c turned on at that time to be able to tolerate the smell until you cross over the intersection. Now the increase in traffic with this large new project the pollution problem will increase. Will you be doing a pollution study over a course of months to determine the problem at this site?

EXTENDED CONGESTION: (1) Crown Valley is a major street with heavy traffic from the freeway all the way through Laguna Niguel and even extending into Mission Viejo. This has increased exponentially since the construction of the large apartments built at the freeway and extending to Cabot Road. As the build-out is still far from complete, we can only suppose that the traffic will double when it is complete.

(2) Not only has the traffic increased, it has impacted the lines at the gas station at Costco. What used to be a convenient location for local residents to get gas has become a mess of long lines with a long wait. At certain days and hours the lines now extend all the way from the entrance on Crown Valley to the pumps. Only the increase in traffic could have created this nightmare. Now, you are proposing to add more congestion? The traffic to enter the gas station will start backing up on Crown Valley. Or patrons will have no choice to take their business elsewhere.

I and other Laguna Niguel residents are at the mercy of the city planners. I do hope you take our worries seriously. Many of us have enjoyed this quiet community and will look elsewhere when it no longer has the same ambiance. When it becomes gridlock, it will drive away

many of us homeowners that have been here a long time. If we wanted to live in a high impact, high rise, urban environment we would have moved there, not here.

Carol Maillet

11 Amarante

Laguna Niguel

weinerdogs1@gmail.com

Dina El Chammas

Subject: RE: LN center scope meeting

-----Original Message-----

From: Cassandra Ondryas [mailto:mamacassa@icloud.com]

Sent: Tuesday, November 12, 2019 5:54 PM

To: John Morgan

Subject: LN center scope meeting

I will not be able to attend the 11/13 meeting but would like to include and submit my concerns.

1. Intersections of Pacific Island and Alicia, Crown Valley and Alicia, are extremely dangerous. This project boasts about a walking concept and neighborhoods within walking distance do not have a safe avenue to walk to this project. How will this area be changed in order to provide pedestrian safety.

2. Safety in parking structures-What type of safety measures will be taken to provide a safe environment inside the parking structures? Crime in this type of structures is of concern.

Thank you in advance,
Cassandra Ondryas
23654 Lexington Ct.,
Laguna Niguel

Sent from my iPad
Cassandra Ondryas
mamacassa@me.com
949 290-9828

Dina El Chammas

Subject: RE: City Center Mixed-Use Project - comments on the scope of the EIR

From: Charlie Maerzke [<mailto:cmaerzke@gmail.com>]

Sent: Tuesday, November 12, 2019 11:05 AM

To: John Morgan; Jonathan Orduna

Subject: City Center Mixed-Use Project - comments on the scope of the EIR

City Center Mixed-Use Project

<https://www.cityoflagunaniguel.org/1213/Laguna-Niguel-City-Center-Project>

To:

John Morgan

Development Services Manager, City of Laguna Niguel,

Ph: 949-362-4332

Regarding: Comments on the scope of the EIR for the City Center Mixed-Use Project

Please address the following within the scope of the Environmental Impact Study for the City Center Mixed-Use Project.

- 1) Hazardous Materials. The current maintenance facility site contains hazardous materials stored both in ground and above ground. Please include a full review and recommendation regarding Hazardous Materials in the EIS.
- 2) Pedestrian Access. The current City Center Mixed-Use Project site plan does not provide easy access for pedestrians arriving at the site from Crown Valley, Pacific Island Drive and Alicia Parkway. Pedestrians should not be relegated to sharing walkways with vehicle lanes. Please provide details about Pedestrian walkways and sidewalks along with details about how Pedestrians will safely access the site. Please address this issue.
- 3) Smoke from restaurants impacting neighborhoods above the City Center Mixed-Use Project . Smoke emanating from chimneys associated with food preparation contains high levels of carcinogens. The neighborhoods directly above, and surrounding the City Center Mixed-Use Project , will be impacted by the smoke coming from restaurant cooking activities. Please address this issue.
- 4) Apartment Dwellers vs Home Owners. The City Center Mixed-Use Project proposes 275 multifamily residential units consisting of two apartment buildings, one 200-unit apartment building and one 75-unit townhome apartment building. According to several national studies, apartment dwellers are more likely to cause increased use of police, ambulance, fire and other city services vs similar sized units that are individually owned such as condos or townhomes. Please address this issue and provide comment about the project's choice of apartments vs individually owned condo/townhome units and the impact the decision to construct rental units vs individually owned units will have on city services.
- 5) Impact on Water and Sewer utilization. There are more than six apartment complex projects that are either pending or have recently been completed within the City of Laguna Niguel. Combined these projects approach 4,000 apartment units. The impact on our limited water supply and the added burden on our sewage system is

enormous. Please address this issue as it relates to the wisdom of adding 275 dwellings to at City Center Mixed-Use Project which is in a community that is impacted by water restriction regulations.

6) School Aged Children. Adding 275 dwellings, in addition to the 4000+ dwellings pending, or recently completed, for the City of Laguna Niguel, will create a burden on an already stressed school system. Please address this issue.

7) Dust, Noise and miscellaneous pollution created by the Construction process. The process of removing existing buildings, grading the land and building new structures will cause dust, noise and other pollutants to be released into the air. Residents surrounding the City Center Mixed-Use Project stand to be impacted directly by these pollutants. Please address this issue.

8) Please add my contact information to the mailing list to receive updates regarding the City Center Mixed-Use Project. My phone, home address and email address are listed below.

Thank you,
Charlie Maerzke
30212 Sonrisa Ln
Laguna Niguel, CA 93677
949-231-9940
cmaerzke@gmail.com

Dina El Chammas

From: John Morgan <JMorgan@cityoflagunaniguel.org>
Sent: Tuesday, December 3, 2019 4:58 PM
To: JoAnn Hadfield
Cc: Dina El Chammas
Subject: FW: City Center Project - Hillhurst Dr. Traffic Flow

NOP comment received.

-----Original Message-----

From: Joseph Dreifus [mailto:dreifusjoseph@msn.com]
Sent: Tuesday, December 03, 2019 2:49 PM
To: John Morgan
Subject: City Center Project - Hillhurst Dr. Traffic Flow

Dear John Morgan,

Please consider the increase of traffic flows on Hillhurst Dr. as a result of the City Center Project.

Traffic will likely increase and as the street flows up and down the hill, cars get going fast so I hope you will consider low speed bumps to mitigate speed. Also in exiting the carports and parking area here at the Hillhurst Condominiums the curb side parking should be very limited on our side because the view of traffic is often blocked by, cars trucks and motor homes parked at curb side, making exit hazardous.

Thanks for your assistance!

Regards,

Joseph Dreifus
23732 Hillhurst Drive Apt. 61
Laguna Niguel, CA
Cell - 562.301.2399

Kiarash Kalantar
28951 Aloma Avenue,
Laguna Niguel, CA 92677

12/04/2019

Re: Environmental impact study for the Laguna Niguel City Center project

John Morgan

Development Services Manager
Community Development Department (Laguna Niguel)
30111 Crown Valley Parkway,
Laguna Niguel, CA 92677

Dear John Morgan

Regarding to LNCC (Laguna Niguel City Center) environmental impact study, a large scale project with 25 acre lot and over 190000 SF, which can and should become a more active and integral part of the Laguna Niguel development process and a landmark in the future of city (if its design is properly evaluated and monitored well enough), there are some comments, recommendation and complimentary concept , categories in three sections as follow:

1- Any rezoning approval or construction permits issues under the condition of obtaining LEED Certification for all phases of Laguna Niguel City Center project.

I primarily concern about ecologic environmental impacts of the project. LNCC (Laguna Niguel City Center) could play a big role in the future of our city with diverse socio- economic interactions and also ecologic environmental impacts, so a comprehensive site assessment is a critical step that most of the citizens want to complete before the design process of this project. This assessment should evaluate the full range of physical, biological and cultural opportunities on site. It should include anything from transit networks to interesting, cultural or economical site landmarks.

The assessment should clarify obvious results for citizens and other Stakeholders to have a clear and accurate understanding of project environmental impacts.

In order to this aim, achieving “LEED Certification” is recommended. The LEED program is sponsored by the United States Green Building Council (USGBC) such assesses land development, building design and construction in terms of energy efficiency, water usage, air quality, and choice of building materials as well as environmental factors such as Sustainable Sites, Water Efficiency, Energy and Atmosphere and responsible land use.

LEED provides certification for all types of development projects. Certification also covers all phases of development from planning to construction. By achieving LEED Certification (Specifically ND Certification for this phase) that is recognized internationally, It provides Laguna Niguel Citizens assurance that LNCC was created using strategies that improve performance in the following areas: energy savings, water efficiency, reduction of CO2 emissions, improved indoor environmental quality, and stewardship of resources. And this is what Laguna Niguel deserves to have.

2- Provide “Citizens’ / Stakeholders’ project requirements” which contains legitimate public requirements and social untreated of Laguna Niguel and verify the project by commissioning process.

As UNESCO creative cities agenda context, it's time to define collaborative projects in order to fully capitalize on creative assets of city and use this as a basis for building sustainable, inclusive and balanced development in economic, cultural, environmental and social terms.

On the other hand, in recent times, cities around the world are also trying to adopt its own infrastructures and physical capacity with demands of new generation businesses and activities . In fact, the race is on to be compatible with new needs of future due to the impact of information and communication technology on form and nature of life style, economy and other interactions. Also, early integration of the large scale project design with public interests and urban improvements is the responsibility of the city. local government has an important role to play to take action now, to shape the future of city development, to create opportunities for all.

According to these responsibility and because the supply of land is fixed in the short run (Specially in Laguna Niguel with the severity of unbuilt-land shortage), to ensure the prosperous of project in such scale and perform project adaptability with public interests and requirements. both the concept and planning of project has to have legitimate and significant answers to question such as:

- ✓ How does this project elevate the quality of development in Laguna Niguel?
- ✓ Does it enhance the connectivity of our communities and create a friendlier more functional and healthier City for our citizens?
- ✓ Dose the city quick adaptation or resilience capability, increase by this project? (Specially in critical condition)
- ✓ Does it adapt with the future needs of young citizens (or next generation of parents and families) how have a new definition of shopping, recreation, leisure and even socialization?
- ✓ How does it help the agglomeration economy of city instead of competition with other existing business centers if city?

It make sense, development in LNCC may not achieve all these requirements but as much as these requirements are not answered we should expect citizen be rather apprehensive and express their hesitation to accept this project.

Providing a statement as “Citizens’ project requirements” which contains major legitimate citizens’ expectations of LNCC and using Building Commissioning approach as a practical method which help the LNCC project meets defined stakeholders (specifically citizens) requirements and criteria.

The Commissioning Process is the quality-oriented process, begins at project inception (during the Pre-Design Phase) and continues for the life of the facility. The process focuses upon verifying and documenting that all of the commissioned systems and assemblies are planned, designed, installed, tested to meet the “Stakeholders’ Project Requirements”. By releasing Commissioning Progress Report (a written document that details activities completed as part of the Commissioning Process and significant findings from those activities, and is continuously updated during the course of a project.) citizens and other stakeholders ensure the project progress is on the right track and public demands are provided.

3- Add the “Green Energy & Recycling” permanent exhibition center to the “Laguna Niguel City Centre” enhance the culture of healthier lifestyle and cleaner environment and exhibits unique urban character to Laguna Niguel.

However this mixed-use project, combining residential and commercial uses, provide benefits such as a balance that enlivens a transit area day and night or diverse group of people can highlight a variety of styles and activities, but despite the publicity given to this project, as “Laguna Niguel City Center”, This project has no specific character or advantage to advocate the assets of “Laguna Niguel City”, so that, it could be located in any place and at any city, the land-uses and arrangements are so common and regular.

It neither have any strong and obvious connection with social and/or cultural factors and characteristics of Laguna Niguel city nor promote or motivate strangeness and opportunity of city in social, cultural or economical criteria.

By allocating part of the project lot to the special and unique function and activity, not only we can enhance the investment profitability but also we can use this development as an advantage for branding Laguna Niguel and support the reputation of our city. In addition, by this approach we can change the treat of “competition of LNCC with other business centers of city” to opportunity of promote and support the other business centers by attracting new fields of businesses and increasing the demand of complimentary businesses or services.

Base on the culture, nature and principles of Laguna Niguel, by building the “Green Energy & Recycling” permanent exhibition center, including indoor and outdoor showrooms, workshops, amphitheater,, gallery and research labs, with the following missions:

- Facilitate the familiarity with the meaning, generating and converting energy, specially green & clean energies for elementary, middle school students and families.
- Encourage people to use green energy and encourage the community to recycling.
- Providing a practical and scientific facilities for high school students to experiment and gaining experience in the field of green energy and recycling in workshops and labs.
- Converting of green energy & recycling ideas into wealth for society.
- Helping entrepreneurs for commercializing the scientific and technological achievements.

In medium or long- term we could expect to achieve the visions such as:

- Making the city as a main hub of green energy & recycling has the power to attract a diverse group of people and companies on a regular basis and provide a variety of socio-economic interaction, programming or amenities and become a destination within the city from all around the country.
- Attracting creative companies, startups and pioneers of green energy & recycling field to the city exhibits unique urban character to Laguna Niguel.
- Increasing job opportunity for educated citizens and promoting complimentary and facility businesses.
- improve the quality of life for residents. using green energy and recycling contribute to a healthier lifestyle and cleaner environment while decreasing our carbon footprint and wasted materials.

If you find this helpful, I will be glad to contribute in my city development process as a volunteer. So please feel free to call me or email me if you have any questions or need for further details.

Sincerely,

Kiarash Kalantar

Ph.D, Urban Planning

Cellphone: +1 (720) 999 2991 / E-mail: skiarashk@gmail.com

COMMENT CARD

City Center Mixed-Use Project Scoping Meeting – November 13, 2019

Please provide your comments regarding the City Center Mixed-Use Project EIR (please print):

The last city plan I saw was the original one that was so beautiful. This newly proposed plan is not a town center. It is an apartment housing project with a parking structure. The traffic + congestion will be horrible. There is very little recreational area + no open space for community enjoyment.

Name: BEATRICE DARGAVEL

Address: 24312 BELLERIVE

Please do one of the following:

- 1) Return this card to John Morgan, Planning Manager, at the end of the Scoping Meeting
- 2) Email your comments to jmorgan@cityoflagunaniguel.org
- 3) Mail this comment card to:

City of Laguna Niguel
Attn: John Morgan, Planning Manager
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

B-36

CITY OF LAGUNA NIGUEL
RECEIVED

NOV 16 2019

COMMUNITY DEVELOPMENT

COMMENT CARD

City Center Mixed-Use Project Scoping Meeting – November 13, 2019

Please provide your comments regarding the City Center Mixed-Use Project EIR (please print):

HAVING 275 APARTMENTS would potentially INCREASE TRAFFIC by Adding
275+ Automobiles (REALISTICALLY 500+ if multi family)
Additional Increase in population is not what Laguna Niguel
needs. The reason I moved here 19yrs. Ago was because
L.N. was A small community, Concerned whether Apts. ARE Low
Income
The modern style of the buildings is not conducive to the
current Aesthetics of this beautiful city.

Name: Janet Jacob jjzzz3@cox.net

Address: 4 Dorchester Green

Please do one of the following:

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Attn: John Morgan, Planning Manager
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

Thank You for the meeting,

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Attn: John Morgan, Planning Manager
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

Thank You For the meeting,

Dina El Chammas

To: John Morgan; JoAnn Hadfield
Subject: RE: city center

From: Peter Burdon [<mailto:peter.e.burdon@gmail.com>]
Sent: Thursday, November 14, 2019 1:25 PM
To: John Morgan
Subject: city center

john
to put in writing as follow up to last nights meeting im opposed to the proposed design.

very concerned on number of residential units impact on water, sewage, noise, traffic.

but major concern is on parking garage sitting right outside my rear patio. six hundred cars and 3-4 stories high, who would ever want that?
also center and roof top air conditioners creating all day long noise.

this city center is not a good idea.

ive enclosed photos from my bedroom balcony and from rear patio

regards
peter burdon
30266 via reata



11.14.2019



11.14.2019



11.14.2019



11.14.2019



11.14.2019