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DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 30, 2022

Governor’s Office of Planning & Research

Christopher Macon
City Manager
City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637
CMacon@cityoflagunawoods.org

Aug 30 2022

STATE CLEARINGHOUSE

Subject: City of Laguna Woods General Plan and Zoning Code Update (Project), Notice of Preparation (NOP), SCH #2022080022

Dear Mr. Macon:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a draft programmatic environmental impact report (PEIR) from the City of Laguna Woods (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California’s **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Laguna Woods (City)

Objective: The objective of the Project is to prepare an update to parts of the City's General Plan and Zoning Code.

Key project components are outlined below:

Overlay Zoning Districts: creating new overlay districts to increase housing density.

Rezoning: rezoning of 17 properties to allow housing development in addition to the uses already allowed under existing zoning.

Change in General Plan Land Use Designation: rezoning 12 properties to better correlate existing uses with land use designations and zoning.

Circulation and Noise: updating the City's General Plan Circulation Element and Noise Element to ensure internal consistency with the City's General Plan Housing Element, including background and existing condition information, identification of priority issues, goals and policy objectives, and other changes intended to modernize the documents.

Location: The Project encompasses the City of Laguna Woods, which is located in the southern portion of Orange County. Given that the City's General Plan addresses policy issues throughout the City, the Project area includes all lands within the City's boundaries. The City is surrounded by Laguna Hills on the north and east, Aliso Viejo on the south, Laguna Beach on the southwest, the Crystal Cove State Park on the west, and Irvine on the northwest.

Biological Setting: CDFW acknowledges that the properties/sites identified in the Project documents are located within urbanized and developed areas; however, a few are located on the western and southern boundaries of the City, adjacent to areas containing biological resources. Specifically, the western portion of the City is adjacent to the Central Coastal Reserve and portions of the southern boundary are adjacent to Aliso Creek. Both the Central Coastal Reserve and Aliso Creek contain biological resources of regional significance, including conserved lands, sensitive species, and high-value upland and riparian habitats.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, wildlife, and natural habitats, we recommend the following information be included in the PEIR:

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- 1) **NCCP Compliance:** CDFW administers the Natural Community Conservation Planning (NCCP) program. The County of Orange participates in the NCCP program through its role as a Permitted Jurisdiction and Participating Landowner under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). Although the City of Laguna Woods is not a Participating Landowner under the NCCP/HCP, based on the close proximity to the boundaries to the Central and Coastal NCCP, CDFW recommends that the City follow the guidelines set forth in the NCCP/HCP during the implementation of this Project in order to adequately avoid and minimize potential impacts to biological resources. CDFW requests that Project design be in alignment with the NCCP.
- 2) **Land Use Designations and Housing:** While CDFW recognizes that the shift in land use designations to provide additional housing sites is planned to have minimal impact on biological resources, CDFW recommends maximizing open space when planning future housing projects. For instance, housing developments should remain compact and near to developed areas in order to preserve existing open space.
- 3) **Biological Impacts:** To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources for related subsequent housing projects, with specific measures to offset such impacts, the following should be addressed in the draft PEIR:
 - a) a discussion of potential adverse impacts from lighting, noise, human activity, sensitive species, recreational uses, and potential impacts to Aliso Creek. The latter subject should address: Project-related changes to 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 the stream; and post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such impacts should be included;
 - b) discussion 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., existing preserve lands or lands designated as within the County of Orange Central and Coastal Subregion NCCP/HCP);
 - 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 wildlife conflicts and mitigation measures to reduce these conflicts should be included in the environmental document; and,
 - d) CDFW also recommends that a habitat gain/loss table be included, if applicable, which calculates the expected net habitat losses and gains of each type of habitat area lost, restored, enhanced, and created.
- 4) **Cumulative Effects Analysis:** 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. The draft PEIR should

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evaluate the full scope of potential actions as part of the cumulative impact analysis and discussion of related actions.

- 5) Lake and Streambed Alteration Notification:** The Project area covers the entire City of Laguna Woods which includes Aliso Creek. Based on the NOP, it is unclear if impacts to Aliso Creek may occur from individual development projects associated with the PEIR. CDFW 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 CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW as a Responsible Agency under CEQA may consider the City's PEIR for the Project. To minimize additional requirements by CDFW 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.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)


CONCLUSION

CDFW appreciates the opportunity to comment on the NOP assist the City of Laguna Woods in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Troeller, Environmental Scientist at Alex.Troeller@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

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Jennifer Turner signing for

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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