

APPENDIX A

NOP COMMENT LETTERS

This page intentionally left blank



PUBLIC NOTICE/NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT

Project: Laguna Woods General Plan and Zoning Code Update

Lead Agency: City of Laguna Woods

Project Applicant: City of Laguna Woods

The City of Laguna Woods (City) is preparing a Program Environmental Impact Report (EIR) addressing potential environmental impacts associated with a proposed update to its General Plan and Zoning Code (proposed project). The purpose of this notice is to: (1) serve as a Notice of Preparation (NOP) of an EIR pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15082; (2) advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project; and, (3) provide notice of the public scoping meeting.

PROJECT DESCRIPTION: The proposed project would:

- Create the following four new overlay zoning districts that allow housing development:
 - Residential High Density Overlay – would allow 30 to 50 dwelling units per acre
 - Residential Medium Density Overlay – would allow 20 to 30 dwelling units per acre
 - Residential Medium-Low Density Overlay – would allow 15 to 20 dwelling units per acre
 - Residential Low Density Overlay – would allow 8 to 10 dwelling units per acre
 Creation of the new overlay zoning districts also includes the creation of development standards for each.
- Rezone 17 properties (a total of 18 parcels) to allow housing development in addition to the uses already allowed under the existing zoning on those properties. This action would accommodate the City’s 6th Cycle Regional Housing Needs Assessment (RHNA) housing needs allocation. The City plans to apply one of the four new overlay zoning districts to each parcel; no change in General Plan land use designation is proposed. See summary table below.
- Change the General Plan land use designation and rezone 12 properties (a total of 14 parcels) to better correlate existing uses with land use designations and zoning. See summary table below.
- Update the City’s General Plan Circulation Element and Noise Element to ensure internal consistency with the City’s General Plan Housing Element, update background and existing condition information, update the identification of priority issues, update goals and policy objectives, and make other changes intended to modernize the documents while also promoting clarity and ease of use.

Site [Existing Use / Assessor’s Parcel Number (APN) / Address]	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning District	Proposed Overlay Zoning District or Zoning District
Town Centre Vacant Lot 616-012-29 N/A (East of 24331 El Toro Road)	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
Pacific Hills Calvary Chapel Parking Lot 621-131-38 24481 Moulton Parkway	Commercial	(No Change)	Professional & Administrative Office	Residential High Density Overlay
Rossmoor Electric 621-131-21 24351 Moulton Parkway	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
Saddleback Golf Cars 621-131-26 23252 Via Campo Verde	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
Laguna Woods Self Storage 616-012-19 24151 Moulton Parkway	Commercial	(No Change)	Community Commercial	Residential High Density Overlay

Site [Existing Use / Assessor's Parcel Number (APN) / Address]	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning District	Proposed Overlay Zoning District or Zoning District
Animal Hospital 616-012-03 24271 El Toro Road	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
PS Business Park (excludes Jack-in-the-Box) 616-021-30 23582 Moulton Parkway	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
Smart Parke 621-211-09 24334 El Toro Road	Commercial	(No Change)	Community Commercial	Residential High Density Overlay
McCormick & Son Mortuary 621-091-016 25002 Moulton Parkway	Commercial	(No Change)	Community Commercial	Residential Medium-Low Density Overlay
Lutheran Church of the Cross 616-041-01 24231 El Toro Road	Community Facilities	(No Change)	Community Facilities-Private	Residential Medium-Low Density Overlay
Geneva Presbyterian Church 616-191-05 & 616-191-06 24301 El Toro Road	Community Facilities	(No Change)	Community Facilities-Private	Residential Medium-Low Density Overlay
Saint Nicholas Catholic Church 621-121-11 24252 El Toro Road	Community Facilities	(No Change)	Community Facilities-Private	Residential Medium-Low Density Overlay
Temple Judea 621-121-18 24512 Moulton Parkway	Community Facilities	(No Change)	Community Facilities-Private	Residential Low Density Overlay
Laguna Country United Methodist Church 621-121-23 24442 Moulton Parkway	Community Facilities	(No Change)	Community Facilities-Private	Residential Medium Density Overlay
Medical Building in Town Centre 616-012-24 24331 El Toro Road	Commercial	(No Change)	Professional & Administrative Office	Residential High Density Overlay
Willow Tree Center East 621-121-30 24260 El Toro Road	Commercial	(No Change)	Community Commercial	Residential Low Density Overlay
Helm Center 621-091-15 24902 Moulton Parkway	Commercial	(No Change)	Professional & Administrative Office	Residential Medium-Low Density Overlay
City of Laguna Woods - City Hall 621-121-29 24264 El Toro Road	Commercial	Community Facilities	Community Commercial	Community Facilities-Public/Institutional
City of Laguna Woods - Santa Vittoria Open Space 616-351-06 N/A (West of San Remo & Santa Vittoria)	Residential Community	Open Space	Residential Community	Open Space-Passive
Golden Rain Foundation - Garden Center #1 616-021-18 23742 Moulton Parkway	High Density Residential	Open Space	Residential Multifamily	Open Space-Recreation
El Toro Water District - Rossmoor No. 1 Dam 616-021-33 23600 Moulton Parkway	Open Space	Community Facilities	Open Space-Recreation	Community Facilities-Public/Institutional
El Toro Water District - R-1 & R-2 Reservoirs 616-012-02 24141 Moulton Parkway	Commercial	Community Facilities	Community Commercial	Community Facilities-Public/Institutional
El Toro Water District - Oso Lift Station	Open Space	Community Facilities	Open Space-Passive	Community Facilities-Public/Institutional

Site [Existing Use / Assessor's Parcel Number (APN) / Address]	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning District	Proposed Overlay Zoning District or Zoning District
622-071-21 N/A (Intersection of El Toro Road & Aliso Creek Road)				
El Toro Water District - Pump Station P-4 & Reservoir R-4 621-201-06 & 621-201-07 N/A (off Calle Sonora Oeste, behind buildings)	Residential Community	Community Facilities	Residential Community	Community Facilities-Public/Institutional
El Toro Water District - Pump Station P-3 & Reservoir R-3 622-061-11 N/A (North of Avenida Sosiega & Bahia Blanca West)	Residential Community	Community Facilities	Residential Community	Community Facilities-Public/Institutional
El Toro Water District - Gate 11 Lift Station 616-351-04 N/A (San Remo & Santa Vittoria)	Residential Community	Community Facilities	Residential Community	Community Facilities-Public/Institutional
El Toro Water District - Recycled Water Treatment Plant 616-021-03 23542 Moulton Parkway	Open Space	Community Facilities	Open Space-Recreation	Community Facilities-Public/Institutional
El Toro Water District - Northline Sewage Lift Station 616-021-05 & 616-021-35 23201 Ridge Route Drive	Open Space	Community Facilities	Open Space-Recreation	Community Facilities-Public/Institutional
El Toro Water District - Aliso Creek Lift Station 621-101-18 24091 Avenida Sevilla	Residential Community	Community Facilities	Residential Community	Community Facilities-Public/Institutional

Discretionary Actions. Required discretionary actions associated with the proposed project include the following: certification of the EIR; approval of updates to the General Plan Land Use Element; approval of updates to the General Plan Noise Element; and, approval of updates to the Zoning Code.

PROPOSED PROJECT LOCATION: The City of Laguna Woods is located in the southern portion of Orange County within Southern California. 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 map below and table provided immediately prior to this paragraph show the locations of all affected properties.

POTENTIAL ENVIRONMENTAL IMPACTS: The EIR will examine potential environmental impacts of the proposed project in relation to the following Environmental Analysis categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems, and Wildfire. These categories reflect the probable environmental effects of the proposed project and are subject to change based on the analysis conducted as part of the EIR.

The EIR will also identify appropriate and feasible mitigation measures, if necessary, for each of the environmental impacts listed above. Although the proposed project is not anticipated to result in impacts related to Agriculture and Forestry Resources, Biological Resources, Geology and Soils, Hydrology and Water Quality, and Mineral Resources, these topics will be briefly discussed in the EIR. An Initial Study has not been prepared for the proposed project and is not required pursuant to CEQA Guidelines Section 15063.

PROJECT SCOPING PROCESS: Circulation of this Notice of Preparation (NOP) starts a 30-day public review and comment period on the scope of the EIR that begins on **August 1, 2022**, and ends on **August 30, 2022**, at 5:00 p.m. All interested parties, including the public, responsible agencies, and trustee agencies, are invited to provide comments and input on

the scope and content of the environmental analysis to be addressed in the EIR. Responsible and trustee agencies should provide comments and input related to the agencies' respective areas of statutory responsibility. Comments received during the scoping period will be considered during the preparation of the EIR. Public agencies and interested parties will have an additional opportunity to comment on the proposed project during the 45-day public review period to be held after the publication and circulation of the EIR.

Address Comments To

City of Laguna Woods
Attn: General Plan and Zoning Code Update
24264 El Toro Road
Laguna Woods, CA 92637

or via e-mail to:

cityhall@cityoflagunawoods.org
(please reference "General Plan and Zoning Code Update")

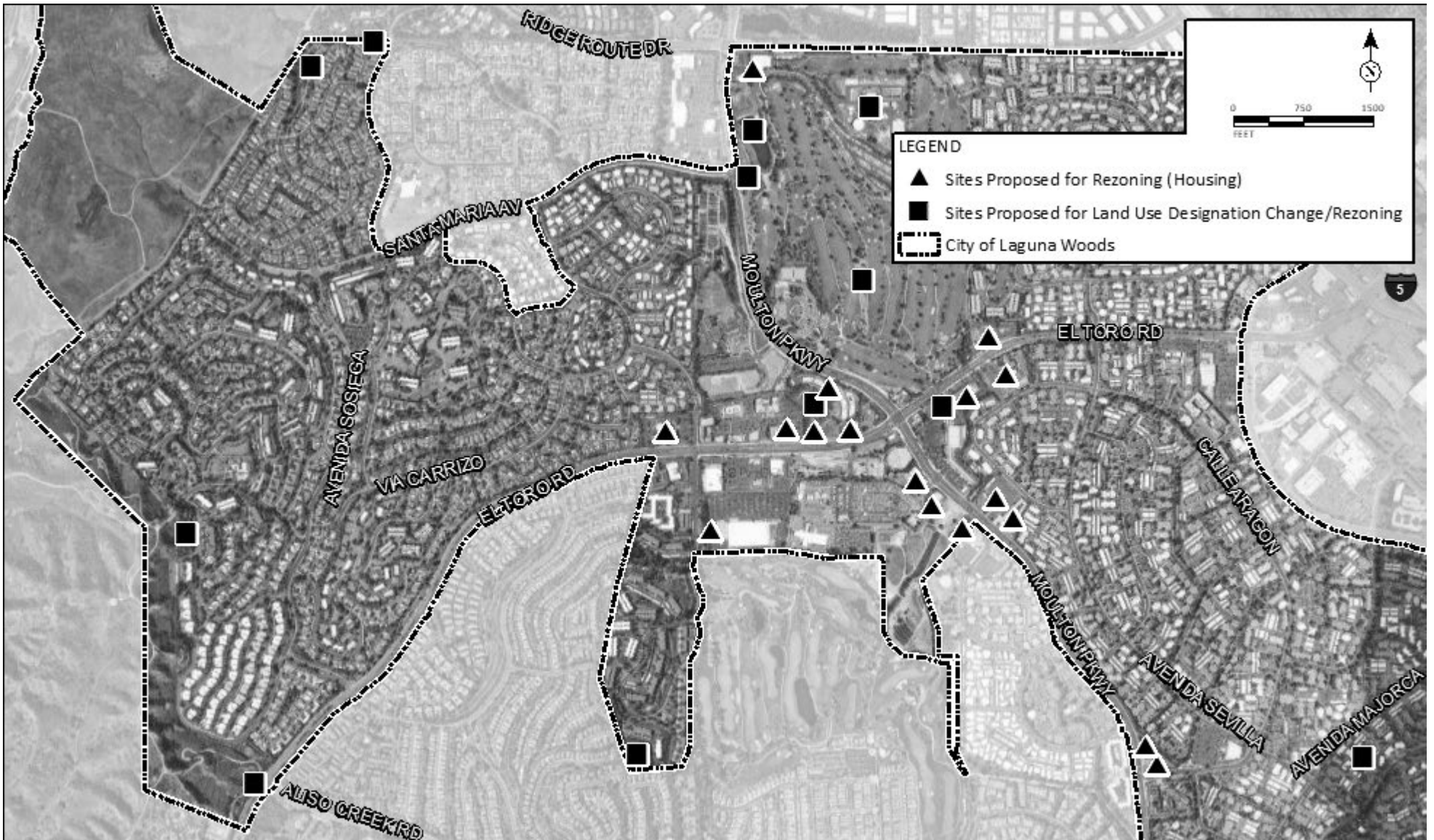
SCOPING MEETING: The City will conduct a public scoping meeting in order to present the proposed project and the EIR process and provide direction to the public on comments. The City encourages and invites all interested parties to participate in the following public scoping meeting in order to learn more about the project, ask questions, and submit comments.

Date/Time: Tuesday, August 16, 2022 at 2 p.m.

Location: Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Participation will also be possible via telephone or computer. Instructions for participating remotely will be posted 72 hours prior to the public scoping meeting at Laguna Woods City Hall (address above) and www.cityoflagunawoods.org.

For more information, please contact Rebecca M. Pennington, Development Programs Analyst, City of Laguna Woods, at (949) 639-0561 or rpennington@cityoflagunawoods.org.

Map of Affected Properties





AFFILIATED AGENCIES

*Orange County
Transit District*

*Local Transportation
Authority*

*Service Authority for
Freeway Emergencies*

*Consolidated Transportation
Service Agency*

*Congestion Management
Agency*

August 29, 2022

Ms. Rebecca M. Pennington
Development Programs Analyst
City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

Subject: Notice of Preparation of a Draft Program Environmental Impact Report for the Laguna Woods General Plan and Zoning Code Update

Dear Ms. Pennington:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation for the Laguna Woods General Plan and Zoning Code Update (Project) and keeping OCTA apprised of the Project. Please continue to coordinate with OCTA to maintain consistency between the Circulation Element and the Orange County Master Plan of Arterial Highways.

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) 328-6000

FAX (657) 328-6522

TTY 711

www.dot.ca.gov/caltrans-near-me/district12*Making Conservation
a California Way of Life.*

August 30, 2022

Mr. Christopher Macon
City Manager
City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

File: IGR/CEQA
SCH#: 2022080022
12-ORA-2022-02039
SR 133, PM R4.534-R6.548
I-5, PM 17.821-19.386
SR 73, PM 14.819-16.282

Dear Mr. Macon,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the Laguna Woods General Plan and Zoning Code Update. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

The project proposes a variety of actions which would accommodate the City's 6th Cycle Regional Housing Needs Assessment (RHNA) housing needs allocation. In addition, the project would update the City's General Plan Circulation Element and Noise Element to ensure internal consistency with the City's General Plan Housing Element. Regional access to the project area is provided by State Route 133 (SR 133), Interstate 5 (I-5), and State Route 73 (SR 73). Caltrans is a responsible agency for this project and upon review, we have the following comments:

Transportation Planning

1. Caltrans recognizes our responsibility to assist communities of color and underserved communities by removing barriers to provide a more equitable transportation system for all.

The Department firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, and more accessible and more connected transportation system.

Please consider including a discussion on equity in General Plan Element updates.

2. Caltrans supports projects which provide a diversity of housing choices and destinations accessible by Active Transportation (i.e. bicycle and pedestrian) and transit users. Consider providing a discussion about the City's multimodal mobility strategies relating to transit bus and rail services as well as active transportation for local and regional connectivity. Improving multimodal

"Provide a safe and reliable transportation network that serves all people and respects the environment"

connections to housing will encourage future residents, visitors, and workers in the city to utilize all modes of transportation.

3. Increased density can have traffic impacts. Consider opportunities to encourage multimodal transportation and mode shifts through the planning and implementation of high-quality Complete Streets that are safe and accessible for people of all ages and abilities. Encouraging the use of transit in the proposed plan may lead to reduction in congestion
4. Consider discussion about wayfinding signage to transit stops within the project vicinity and local roadways.
5. Any pedestrian facility enhancements from future housing development projects that are within Caltrans' Right of Way will need to comply with Caltrans Design Information Bulletin (DIB) 82-06. The aforementioned DIB can be found here: <https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib82-06-ally.pdf>
6. According to Government Code 65302, "upon the next revision of the Housing Element on or after January 1, 2020, the Safety Element shall be reviewed and updated as necessary to identify residential developments in any hazard areas identified in the Safety Element that do not have at least two emergency evacuation routes."

Safety elements are also now required to include more information about wildfire risks in the community and how to improve wildfire safety. As well as identifying new information related to flood hazards and climate adaptation and resiliency strategies applicable to the city.

For further information regarding required background information and policy program guidance for Safety Element updates, please see <https://leginfo.legislature.ca.gov>.

7. Safety is one of Caltrans' strategic goals. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners.

We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

8. Please consider including a discussion on incorporating designated areas/parking for freight delivery, package, and transportation network company's pickup and drop-off.

9. Please consider including a discussion on potential impacts to the circulation element from freight traveling into, from and/or through the City, as a result of the General Plan updates.

Traffic Impact Study

10. New developments resulting from the City's Housing Element update should provide a Vehicle Miles Traveled (VMT) based Traffic Impact Study (TIS). Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.
11. The TIS may also need to identify the future project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

Encroachment Permit

12. 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



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



August 30, 2022

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

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 to 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.

Christopher Macon, City Manager
City of Laguna Woods
August 30, 2022
Page 2 of 5

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:

Christopher Macon, City Manager
City of Laguna Woods
August 30, 2022
Page 3 of 5

- 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

Christopher Macon, City Manager
City of Laguna Woods
August 30, 2022
Page 4 of 5

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.

Christopher Macon, City Manager
City of Laguna Woods
August 30, 2022
Page 5 of 5

Sincerely,

DocuSigned by:

C3D449ECB7C14DE...

Jennifer Turner signing for

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

Office of Planning and Research

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

Tamar Gharibian

From: Ryan Bensley
Sent: Tuesday, August 16, 2022 3:28 PM
To: Kerrie Collison
Cc: Ashley Davis; Scott Vurbeff; Tamar Gharibian
Subject: FW: EIR
Attachments: 08162022 PrepDEIRLagunaWds.pdf

For your reference as part of the tribal consultation process.

Ryan Bensley, AICP | Associate/Environmental Planner
LSA | 20 Executive Park, Suite 200
Irvine, CA 92614

949-553-0666 Tel
714-926-9283 Mobile
[Website](#)

From: Chris Macon <CMacon@cityoflagunawoods.org>
Sent: Tuesday, August 16, 2022 3:12 PM
To: Ashley Davis <Ashley.Davis@lsa.net>; Ryan Bensley <Ryan.Bensley@lsa.net>
Cc: Rebecca Pennington <RPennington@cityoflagunawoods.org>
Subject: FW: EIR

FYI

Christopher Macon
City Manager
City of Laguna Woods
(949) 639-0525

From: Raslich, Nicole (TRBL) <nraslich@aguacaliente.net>
Sent: Tuesday, August 16, 2022 3:08 PM
To: City Hall - City of Laguna Woods <CityHall@cityoflagunawoods.org>
Subject: EIR

Hello,

We appreciate your effort and thank you for your inquiry.

A records check of the Tribal Historic preservation office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Best,

Nicole A. Raslich, M.A.

Archaeological Technician
Tribal Historic Preservation Office
Agua Caliente Band of Cahuilla Indians
D: +1 (760) 883-1134
C: +1 (760) 985-3615
nraslich@aguacaliente.net





August 15, 2022

Rebecca M. Pennington, Development Programs Analyst
City of Laguna Woods
24264 El Toro Road
Laguna Woods, California 92637
Phone: (949) 639-0561
E-mail: cityhall@cityoflagunawoods.org

RE: SCAG Comments on the Notice of Preparation of a Program Environmental Impact Report for the Laguna Woods General Plan and Zoning Code Update [SCAG NO. IGR10684]

Dear Rebecca Pennington,

Thank you for submitting the Notice of Preparation of a Program Environmental Impact Report for the Laguna Woods General Plan and Zoning Code Update (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.¹

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG’s feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Program Environmental Impact Report for the Laguna Woods General Plan and Zoning Code Update in Orange County. The proposed project includes the creation of four new overlay zoning districts, rezoning of 17 properties, changing the General Plan land use designation for 12 properties, and updates to the City’s General Plan Circulation Element and Noise Element to ensure consistency with the Housing Element and accommodate housing development as required by RHNA.

When available, please email environmental documentation to IGR@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Annaleigh Ekman, Associate Regional Planner, at (213) 630-1427 or IGR@scag.ca.gov. Thank you.

Sincerely,

Frank Wen, Ph.D.
Manager, Planning Strategy Department

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

REGIONAL COUNCIL OFFICERS

President
**Jan C. Harnik, Riverside County
Transportation Commission**

First Vice President
Carmen Ramirez, County of Ventura

Second Vice President
Art Brown, Buena Park

Immediate Past President
Clint Lorimore, Eastvale

COMMITTEE CHAIRS

Executive/Administration
**Jan C. Harnik, Riverside County
Transportation Commission**

Community, Economic &
Human Development
Frank Yokoyama, Cerritos

Energy & Environment
Deborah Robertson, Rialto

Transportation
Ray Marquez, Chino Hills

**COMMENTS ON THE NOTICE OF PREPARATION OF A
PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE
LAGUNA WOODS GENERAL PLAN AND ZONING CODE UPDATE [SCAG NO. IGR10684]**

CONSISTENCY WITH CONNECT SOCIAL

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with Connect SoCal.

CONNECT SOCIAL GOALS

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS	
Goal	Analysis
Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect

SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Laguna Woods Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	16,303	16,668	16,669	16,532
Households	6,333,458	6,902,821	7,170,110	7,633,451	11,415	11,439	11,418	11,513
Employment	8,695,427	9,303,627	9,566,384	10,048,822	5,762	6,415	6,642	6,809

MITIGATION MEASURES

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

REGIONAL HOUSING NEEDS ALLOCATION

On March 4, 2021 SCAG’s Regional Council adopted the [6th cycle Final Regional Housing Needs Assessment \(RHNA\) Allocation Plan](#) which covers the planning period October 2021 through October 2029. The 6th cycle Final RHNA allocation for the applicable jurisdiction is below.

SCAG 6 th Cycle Final RHNA Allocation for City of Laguna Woods	
Income Category	RHNA Allocation (Units)
Very low income	127
Low income	136
Moderate income	192
Above moderate income	542
Total RHNA Allocation	997

Sixth cycle housing elements were due to the California Department of Housing and Community Development (HCD) by October 15, 2021. SCAG encourages jurisdictions to adopt a housing element in compliance with State housing law as determined by review from HCD. Jurisdictions that do not have an adopted compliant housing element may be ineligible for certain State funding and grant opportunities and may be at risk for legal action from stakeholders or HCD.

SCAG staff would like to call your attention to SCAG’s [HELPR 2.0](#), a web-mapping tool developed by SCAG to help local jurisdictions and stakeholders understand local land use, site opportunities, and environmental sensitivities for aligning housing planning with the state Department of Housing and Community Development’s (HCD) [6th cycle housing element requirements](#).



NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED

August 4, 2022

AUG 08 2022

Christopher Macon
City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

City Clerk
City of Laguna Woods

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022080022, Laguna Woods General Plan and Zoning Code Update Project, Orange County

Dear Mr. Macon:

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 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, subs. (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_CalEPA.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 (https://ohp.parks.ca.gov/?page_id=30331) 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, subs. (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

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



Board of Education

Amanda Morrell, President · Barbara Schulman, Vice President ·
Dr. Edward Wong, Clerk · Suzie R. Swartz, Member · Greg Kunath, Member

Crystal Turner, Ed.D.
Superintendent

August 8, 2022

RECEIVED

AUG 12 2022

City Clerk
City of Laguna Woods

City of Laguna Woods
Attn: General Plan and Zoning Code Update
24264 El Toro Road
Laguna Woods, California 92637

Via Email: cityhall@cityoflagunawoods.org

Subject: General Plan and Zoning Code Update

Thank you for allowing Saddleback Valley Unified School District (SVUSD or District) to review and comment on the Notice of Preparation for City's General Plan and Zoning Code Update Program EIR.

The City is proposing to update its zoning code by 1) creating four new overlay zones to allow residential development; 2) rezone 17 properties with one of the four new overlay zones to allow residential development in addition to existing land uses allowed; 3) rezone 12 properties to better correlate to existing land uses; and 4) update the circulation and noise elements of the City's General Plan to ensure consistency with the City's Housing Element. The rezoning is intended to accommodate the City's 6th Cycle Regional Housing Needs Assessment (RHNA) housing allocation (997 dwelling units).

A portion of the city of Laguna Woods is in the SVUSD, and some properties slated for rezoning are in the attendance area of the District. SVUSD requests that the Draft EIR evaluate the potential impact of the project on District schools by identifying the location of the properties and calculating the number of dwelling units that may be developed as well as the number of students generated, by grade level and school. The District requests an evaluation of potential impacts on school capacity and possible overcrowding.

The District welcomes the City's proposed update of the circulation and noise elements and requests that the updates and the Draft EIR focus on possible impacts to student safety and well-being.

Please continue to notify us of all actions on the General Plan and Zoning Code Update and other resulting development projects and give us an opportunity to review future environmental documents. We look forward to working cooperatively with the City to create the best environment for our students and staff. Please contact the undersigned if you have any questions.

Sincerely,

Doug Monfils
Director of Facilities, Construction & Maintenance