

May 26, 2022

**VIA E-MAIL AND
OVERNIGHT DELIVERY**

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Re: The Cove at El Niguel Draft Environmental Impact Report

Dear Ms. Gregg:

Thank you for the opportunity to comment on the draft environmental impact report (“EIR”) for the proposed Cove at El Niguel project (“Project”). This office represents the Niguel Summit Community Association (“Niguel Summit”), which is located directly adjacent to the Project site to the north and west, and consists of 1,432 residences (1,263 single family homes and 169 apartments).

The Project proposes 22 multifamily residential units (condominiums) on a 4.2 acre vacant parcel (“Site”). As correctly noted in the EIR’s Project Description, the Site was originally graded and developed in 1979 as a 10-building townhome project with 41 condominiums. On March 19, 1998, a large landslide destroyed part of the former 41-unit condominium development on the Site, as well as nine (9) single-family homes located above the Site, where the Niguel Summit homes are located. This landslide is known as the Via Estoril Landslide (the “Landslide”).

As described herein, the analysis in the EIR is legally deficient and factually flawed in many respects, leading to a number of conclusions that are not supported by substantial evidence or are otherwise flawed. However, Niguel Summit’s biggest concern – shared by its thousands of residents – is safety. Simply put, allowing the Project to be developed on the site of the former Landslide, specifically including digging into and otherwise modifying aspects of the original Landslide repair to allow the development, instead of ensuring any development completely avoids the Landslide and previous repair, unnecessarily risks triggering further land movement that would both destroy Niguel Summit homes located above the Project, as well as homes built as part of the Project, in addition to creating significant health and safety risks on the current and future residents of both Niguel Summit and the Project. The EIR glosses over past geotechnical reports highlighting this issue, *and* the fact the ***Federal Emergency Management Association (“FEMA”) determined that the Project Site should remain open space in perpetuity.***

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In the event development of the Project Site is permitted despite the significant issues presented that are unique to this Site – and notwithstanding the fact that the EIR does not comply with California Environmental Quality Act (“CEQA”) – at a minimum, Niguel Summit requests that the City include, as a mandatory condition on any approval of the Project, a requirement that the developer indemnify all homeowners within Niguel Summit, as well as its Board of Directors, in perpetuity for any future damage that may be caused by any earth movement on the Project Site, or any earth movement caused, arising out of or in any way connected to development or operation of the Project. If the development of the Project is as safe as the applicant contends, the applicant should readily accept this condition.

I. The Entire EIR’s Analysis Relies on an Inaccurate Project Description

The EIR’s analysis of many of the Project’s impacts is flawed because the EIR’s Project Description starts with an incorrect premise – that the Project is a permitted use under the Project Site’s existing General Plan land use designation and zoning. However, the purported residential zoning is the result of unlawful “conditional” zoning that the City attempted to adopt, where the Site’s open space land use designation and zoning would automatically “revert back” to residential. This conditional zoning was adopted apparently as an attempt to circumvent state and federal requirements to ensure the Site remains open space in perpetuity, and instead allow development at some point in the future, perhaps when the memory of the Landslide’s devastation had faded.

Specifically, in 2002, the City approved a General Plan Amendment (“GPA”) and Zone Change that re-designed the Project Site as open space pursuant to requirements imposed on the City by both FEMA and the Governor’s Office of Emergency Services (“OES”) as part of their approval of Hazard Mitigation Assistance Grant Program (“HMGP”) funds for the affected property owners, including those whose homes were destroyed on the Site. The City was also required to acquire a conservation easement over the Project Site to ensure that, following the Landslide, it was never developed again, but apparently the City did not do so. (EIR, p. 2-2.) However, as stated in the EIR, Resolution 2002-703, which granted approval of the GPA and Zone Change included a “sunset provision,” which stated:

“GPA 02-03 shall become void and of no force and effect, and the subject properties shall revert to their former land use designations, if the HMGP funding is materially reduced, deobligated, or otherwise required to be returned. Additionally, should the “sunset provision” take effect and the subject properties revert to their former land use designations and zoning districts, any new development project proposed on the subject properties shall require that the Planning Commission approve a Site Development Permit or other applicable discretionary actions, including compliance with the California Environmental Quality Act and the preparation of other technical studies such as geotechnical reports.” (EIR, p. 2-2.)

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The EIR contends that this “sunset” provision was triggered because the HMGP funds were never received, but does not indicate why those funds were not issued. (*Id.*)

By way of background, OES/FEMA initially approved \$5.5 million in HMGP funds as Project 1203-1001-101 “to be used as the Federal share toward purchase of 30 properties in the City of Laguna Niguel (the subgrantee) to mitigate landslide risk.” (*See, Exhibit 1, FEMA Appeals Database for “Niguel Summit/Crown Cove Acquisitions.”*) However, the original developer of the Project Site then entered into settlement agreement(s) with the owners of demolished condominiums and damaged/demolished neighboring homes, thereby fully compensating those property owners. (*Id.*) As a result, the grant funds were de-obligated and never delivered – over the City’s objection – because FEMA determined that this funding would constitute double recovery for the property owners affected by the Landslide. (*Id.*) As explained by FEMA:

In this case, the properties included in the application were already subject to acquisition by a third party pursuant to legal settlements, so the provision of Stafford Act assistance to the property owners would duplicate amounts available for the same purpose from another source. In this situation, funds were requested for an activity (acquiring property from homeowners) that had already been funded through an alternative mechanism - the agreement by a third party to acquire the properties.

To be clear, *the HMGP funds were not de-obligated because the OES or FEMA determined that the Project Site was safe to develop*, but instead because the former property owners were already made whole financially. No part of FEMA’s determination indicates that the Project Site should no longer be permanently preserved as open space, as would have occurred if the HMGP funds were issued – instead, OES and FEMA assumed that part of the settlement was doing exactly that. (*Id.*)

In addition to conflicting expert public agencies’ determinations regarding safety, there is no legal support for the type of conditional or “sunsetting” zoning the City attempted to engage in, which instead violates California law. (*See, Scrutton v. County of Sacramento* (1969) 275 Cal.App.2d 412; *Richter v. Bd. of Supervisors* (1968) 259 Cal.App.2d 99; Government Code §§ 65000 *et seq.*; 65852; *see also*, California Municipal Code Handbook (CEB 2021), §10.125 [*“the city cannot provide that the land will automatically revert to its former zoning should the landowner fail to perform the condition. A change in zoning can only occur by a formal act of the legislative body in accordance with statutory procedures; it may not be triggered by the action (or inaction) of a private party.”* (emph. added)].) Thus, the reversion language in Resolution 2002-703 upon the action (or inaction) of FEMA was not effective, and in order to approve the Project, the City Council *must* approve both a GPA and Zone Change.

The GPA and Zone Change required to allow the development and operation of the Project are both legislative approvals that the EIR incorrectly assumes will not be required, infecting its

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analysis of every impact category. Thus, the entire EIR should be revised accordingly, and recirculated for public review. (See, CEQA Guidelines § 15088.5.)¹

II. The EIR’s Land Use and Planning Analysis is Fundamentally Flawed

For all the reasons set forth above, Section 4.10 (Land Use and Planning) of the EIR incorrectly concludes the Project is consistent with the Site’s existing General Plan land use and zoning designations. (EIR, p. 4-10.6.) The EIR must be revised to correctly reflect that the Project is inconsistent with the Site’s open space land use designation and zoning, and then analyze the Project’s potential impacts on land use and planning based on the revised correct initial premise. The analysis in Table 4.10-1 is not supported by substantial evidence for this same reason.

The EIR describes the Housing Accountability Act (Government Code sections 65589.5, *et. seq.*) (“HAA”) but the EIR must be revised to correctly indicate that the HAA does not apply to the Project here, because the Project requires a GPA and Zone Change. (See, EIR, p. 4.10-2.) The same is true for SB 330, and any denial or reduction of the density of the Project would not run afoul of any provision of SB 330 because again, the Project Site is not currently designated or zoned residential, but instead open space. (*Id.*, EIR, p. 4.10-3.)

III. The EIR Does Not Adequately Analyze or Mitigate the Project’s Impacts on Geology and Soils, and Instead the Project Would Have Potentially Detrimental Impacts on Human Health and Safety

The EIR’s analysis of the Project’s impacts on geology and soils (Section 4.6) is flawed for a number of reasons set forth herein, but the most critical issue is that the Project ***must not be permitted to cut into and partially remove the toe and keyway of the protective buttress that is in place as part of the Landslide repair.*** This unnecessarily risks a future catastrophic landslide event and, at a minimum, the City should require the Project to be redesigned so that the footprint is smaller and such a cut into the previous Landslide repair would not be required, nor would the 15.5 foot mechanically stabilized earth (“MSE”) walls currently proposed to be constructed in the existing buttress.

Further, whenever a buttress is modified by grading, geotechnical standards of practice require that the partial buttress removal, which could potentially impact the stability of the landslide, be replaced by an equivalent system to replace the value of the removed buttress fill. Here, that would require construction of a row of soldier piles above the planned MSE walls – the proposed MSE walls ***do not*** satisfy this requirement.

Section 4.6 of the EIR lists three “project design features” (PDF GEO-1 through PDF GEO-3) and three “standard conditions of approval” (SCA GEO-1 through SCA GEO-3) that are

¹ The CEQA Guidelines are found in Title 14 of the California Code of Regulations.

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apparently intended to mitigate the Project's impacts relating geology and soils. (EIR, pp. 4.6-19 to -21.) These design features and standard conditions of approval should be re-characterized as formal mitigation measures and adopted as part of the Project's Mitigation, Monitoring and Reporting Program ("MMRP"). (See, *Lotus v. Department of Transportation, et al.* (2004) 223 Cal.App.4th 645.) This will ensure these critical geological measures are implemented and enforced, as these are likely the most important mitigation measures in the entire EIR, given the history of the previous development on the Project Site and neighboring homes being wiped out by the Landslide. Indeed, the PDFs in particular are drafted exactly like mitigation measures – e.g., PDF GEO-3's requirement to prepare a final geotechnical report prior to the issuance of a grading permit – and there is no reason they should not be enforced as such.

Further, as currently drafted, the EIR short circuits CEQA's requirement to fully analyze impacts relating to geology and soil and impose mitigation accordingly, which in and of itself violates CEQA, because imposing the PDFs and SCAs on the front end stops the EIR from analyzing the Project's full potential impacts without any mitigation--the critical first step of all CEQA analysis. (See, *Lotus, supra.*) Thus, as a result of the lack of analysis in the first instance, the EIR's ultimate conclusions regarding the Project's impacts relating to geology and soils are not supported by substantial evidence.

This office suspects that the PDFs and SCAs were not characterized as mitigation in an ill-advised attempt to avoid arguments that a number of these measures constitute unlawful deferral of mitigation. Deficiencies within these measures include (but are not necessarily limited to) the following:

- PDF GEO-2: the statement that the retaining walls “must be designed in accordance with the recommendations included in the Geotechnical Reports” is not nearly descriptive enough such that the applicant can be forced to comply, nor are there any performance measures to ensure compliance.
- PDF GEO-3: requiring the preparation of a final geotechnical report following the City's approval of the Project constitutes unlawful deferral of mitigation. This measure also does not describe any performance measures that must be included in that report in any meaningful detail, nor does it indicate what would occur if that geotechnical report contained any negative information about the Project Site's suitability for the Project or any other issues. This instead appears to require the applicant to prepare a “rubber stamp” grading plan without meaningful guidance or consequences, should there be findings adverse to the applicant/developer.
- SCA GEO-3: this measure improperly concludes that potential adverse impacts of geologic and seismic hazards can be mitigated by following existing building code requirements and recommendations in a geological study. This conclusion improperly lacks sufficient analysis, and it is a violation of CEQA to conclude that

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compliance with existing regulations – without *first* analyzing the actual impacts without those regulations – would render impacts less than significant. (*See, e.g., Louts, supra; East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301-303; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1381.)

Moving to the EIR’s actual analysis of the Project’s potential impacts on geology and soils, the EIR relies on a geotechnical review conducted by American Geotechnical, Inc. (“AGI”), who had been retained by the applicant.² AGI performed an initial analysis in 2021 (Appendix F-4), and responded to the City’s technical review sheet and other questions from the City (Appendices F-3 and F-1, respectively).

Appendix F-4 includes Table 3 - Results of Slope Stability Analyses on page 26, which disclosed the following:

1. There are six computer runs with the plot and output files included. Of those six runs, the first two (Section DR-DR’, circular Gross-Static and Seismic) show the “percentage of trial surfaces with *non-valid solutions*” to be 19 and 59, respectively.
2. The final two tabulated computer runs (Section DR-DR’, lower block Gross-Static and Seismic) show the “percentage of trial surfaces with *non-valid solutions*” to be 58 and 97.6.

The significance of the percentages of non-valid solutions is that the Manual for the GSTABL7 software program, and the developer of the program Dr. Garry Gregory, note that there should be no more than five to ten percent non-valid solutions to have a meaningful assessment of the factor of safety. It appears that this condition was not addressed by AGI, nor picked up by the City’s geotechnical reviewers when the initial AGI report (Appendix F) was reviewed, as set forth in Appendix F-1. Thus, AGI must re-run their stability analysis, as the factors of safety shown in Table 3 do not represent what the static and seismic safety factors will be when the MSE wall excavations are made in the toe of the buttress, and they do not represent the current block-slide safety factors for the stabilized landslide mass itself. After this new analysis is run, Section 4.6 of the EIR must be significantly revised and recirculated.

These stability calculations are also based on values (strength parameters) that can be discretionary and these values can substantially impact the veracity of the calculations. It is common practice for cities or their reviewing consultants to request additional data regarding

² AGI is the same firm that designed the Landslide repair, which was intended to remain as open space. Their involvement in this Project is somewhat a conflict of interest, given than they are unlikely to opine anything involving their previous work is unsafe.

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selected strength parameters by compiling a list of strength parameters utilized for other projects in the area in similar materials. AGI's tables should be revised to include strength parameters utilized in the buttress design and, most importantly, the values of the Landslide plane and the fill utilized for the buttress design, as well as that of other development projects in the area. Following those revisions, the EIR itself should be revised and recirculated.

Next, as mentioned above, the EIR ***completely fails to analyze whether or not it is feasible to construct a residential development without cutting into the buttress***, whether in Section 4.6 (Geology or Soils), Section 6 (Alternatives), or elsewhere. However, AGI's report (Appendix F-1) states that it is feasible to construct a project "beyond the limits of the past landslide grading," yet their recommendation includes making multiple cuts at least 15.5 feet high into the existing buttress to construct new retaining walls, which appears to be contradictory to that assertion. The EIR should actually analyze avoiding cutting into the existing buttress, and discuss why AGI concluded it could be done but then did not analyze that further.

Further, the 15.5 foot MSE wall is designed to be flexible and as a result, it will not retain the buttress from continual movement. The wall is not anchored to bedrock, but instead "floats" within the expansive soils that are creeping toward the proposed development. Regardless of any Factor of Safety computer generated models, over time, the easterly creeping gravity buttress will adversely impact any structures placed in front of it. ***AGI recognizes there will likely be damage to the appurtenant structures.*** (See, Appendix F, pp. 51-52.) It is just a matter of time before homes will also be damaged. Indeed, the EIR acknowledges that downhill creep of the Landslide has occurred and will continue, despite remediation. (EIR, p. 4.6-15.) Readings conducted by Niguel Summit's geotechnical engineers indicate that the total slope displacement since 2014 is 2.1 inches. It bears noting that AGI has actually identified two landslides in the area: an upper-shallow landslide that failed, and lower-deeper larger landslide. Borehole inclinometer data indicates that both landslides have moved since the 1998 failure.

Finally, AGI previously noted that the existing buttress or any other portion of the Landslide repair should not be disturbed by future development, but appears to have changed that conclusion for the benefit of the applicant. This should be disclosed and explained in the EIR. Additionally, Niguel Summit requests that an entirely independent third party geotechnical consultant, not the City's geotechnical reviewer, be retained to evaluate the applicant's geotechnical report to provide an independent opinion of the impact of the proposed buttress modification on the stability of the upslope landslide repair and affected properties.

IV. The EIR Does Not Adequately Analyze or Mitigate for the Project's Impacts on Wildfire Risks

In addition to being constructed on top of the Landslide, the proposed Project would be constructed in the Very High Fire Hazard Severity Zone ("VHFHSZ"), as acknowledged by the

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EIR. (*E.g.*, EIR, p. 4.14-5.) This is yet another reason that the Site is simply the wrong location for the Project – nearby (and even adjacent) areas also in the City are not part of the VHFHSZ.

The increased wildfire risks to Niguel Summit and other surrounding areas that would result from the proposed Project is hardly theoretical, as demonstrated by the recent Coastal Fire in the City, which destroyed at least twenty homes in the area. (*See, Exhibit 2.*) In light of the Coastal Fire, the EIR’s statement that “wildfires are a rare event in the City” is not accurate, and this statement should be revised. (EIR, p. 4.14-15.) Further, all of the analysis in Section 4.14 (Wildfire) should be revised in light of this recent event and the ever more frequent wildfire events in California generally, and the region specifically.

Section 4.14 also lists three “project design features” that are apparently intended to mitigate impacts relating to wildfires, PDF FIRE-1 through PDF FIRE-3. (EIR, pp. 4.14-11 to -12.) These three design features should instead be re-characterized as formal mitigation measures and adopted as part of the Project’s MMRP. (*See, Lotus v. Department of Transportation, et al.* (2004) 223 Cal.App.4th 645.) This will ensure these critical fire safety measures are implemented and enforced.

Further, as currently drafted, the EIR short circuits CEQA’s requirement to fully analyze wildfire impacts and impose mitigation accordingly, which in and of itself violates CEQA. (*See, Lotus, supra.*) Thus, as a result of the lack of analysis in the first instance, the EIR’s ultimate conclusions regarding the Project’s impacts relating to wildfire risks are not supported by substantial evidence.

The EIR does not discuss fire evacuation routes in any meaningful detail, nor the Project’s impacts on the ability for the thousands of Niguel Summit residents (or any other neighboring residents) to evacuate in the event of another wildfire. Instead, the EIR relies solely on conditional approval by OCFA of the tentative tract map, without actually analyzing the issue, in violation of CEQA. (EIR, p. 4.14-12.) Case law is clear that an EIR cannot rely solely on an outside agency or an existing standard to conclude impacts are less than significant, but instead must undertake its own independent analysis of each potential impact, reach a conclusion, and impose mitigation accordingly. (*See, e.g., King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 887; *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301-303; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1381.)

Further, courts have made clear that CEQA documents **must** discuss and analyze impacts to fire evacuation routes and estimated evacuation times in detail, which again, are not even described in the EIR let alone analyzed at the appropriate level of detail required to comply with CEQA. (*Newtown Preservation Society, et al. v. County of El Dorado, et al.* (2021) 65 Cal.App.5th 771; *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 1.)

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Clearly, significant revisions to Section 4.14 of the EIR are required in order to comply with CEQA. Thus, the City should recirculate Section 4.14 of the EIR, in addition to the other sections discussed in this comment letter. (*See*, CEQA Guidelines § 15088.5.)

V. The EIR Does Not Adequately Analyze or Mitigate the Project's Impacts Relating to Hazards

In similar fashion to Section 4.14 (Wildfire), Section 4.8 of the EIR (Hazards and Hazardous Materials) of the EIR lists two Project design features that are intended to mitigate fire hazard risks as a result of the Project's location in the VHFHSZ – PDF HAZ-1 and PDF HAZ-2. (EIR, p. 4.8-6, 4.8-9 to -10.) These two design features should instead be re-characterized as formal mitigation measures and adopted as part of the Project's MMRP. (*See, Lotus v. Department of Transportation, et al.* (2004) 223 Cal.App.4th 645.) As currently drafted, the EIR short circuits CEQA's requirement to fully analyze wildfire impacts and impose mitigation accordingly, which in and of itself violates CEQA. Further, as a result of the lack of analysis in the first instance, the EIR's conclusion that the Project's impacts relating to exposing people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires would be less than significant is not supported by substantial evidence.

The same deficiency exists with respect to PDF GEO-1 through PDF GEO-3, as discussed above, and relied upon in the EIR to conclude any impacts resulting from a potential for a landslide impairing emergency response activities are less than significant. (EIR, p. 4.8-9.) At a minimum, these Project design features must be re-characterized as mitigation measures and enforced accordingly. The EIR also misleadingly states that the remediated slope will be maintained as open space, ***when in fact portions of the remediated slope/Landslide will be impacted and modified as part of the construction of the Project.*** This section of the EIR also does not discuss the Project Site's wildfire hazards and the resulting impacts on both emergency response and ability to evacuate during an emergency, whether another landslide or wildfire. Thus, the EIR's conclusion that the Project's impacts on emergency response times and evacuation during an emergency will be less than significant is not supported by substantial evidence. (*See, id.*, pp. 4.8-8 to -9.)

Finally, Section 4.8 of the EIR contains a bare conclusion that the Project would not result in any cumulatively considerable impacts related to hazards or hazardous materials. (EIR, p. 4.8-10.) This conclusion – unsupported by any meaningful analysis – blatantly ignores the landslide/geotechnical and wildfire risks the Project will cause its neighbors (and future residents) by making an already dangerous area more dangerous. Simply put, the EIR does not adequately explain why developing the Project is safe in its uniquely unsafe location, nor does it adequately mitigate the true impacts relating thereto.

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VI. The EIR Fails to Analyze a Reasonable Range of Alternatives

As an initial matter, the summary Table 6-1 of the Project’s impacts is not accurate, for all of the reasons set forth herein regarding each impact category. (EIR, pp. 6-2 to 6-9.) With respect to the alternatives to the Project “analyzed” in Section 6 of the EIR, the EIR clearly did not analyze a reasonable range of alternatives in compliance with the requirements of Section 151126.6 of the CEQA Guidelines.

First, the EIR did not meaningfully analyze an alternative location, which is particularly appropriate here, where the chosen location (the Site) is uniquely unsafe because it requires construction on the Landslide and the ghosts of destroyed homes, as well as in the VHFHSZ, in close proximity to the location of the recent Coastal Fire. (EIR, pp. 6-9 to 6-10.) If ever there was an appropriate situation to analyze an alternative location in detail pursuant to CEQA Guidelines section 15126.6(f)(2), this was it. Instead, the EIR does not even comply with the bare minimum CEQA requirements where it concludes, without any analysis or explanation, that there is no alternative two-acre site within the entire City whereon 22 condominium buildings could be constructed.

This conclusion is difficult to believe and, indeed, even a cursory review of the City’s own documents prove that it is clearly wrong. The City’s draft Housing Element for the 2021 to 2029 housing cycle indicates that the City has a number of vacant sites suitable for a total of 293 residential units, and identifies those locations by accessor parcel number and location. (City of Laguna Nigel Draft Housing Element, p. B-4, Table B-3.)³ *Notably, the Project Site is not on the City’s inventory of vacant sites available for housing*, indicating that even the City’s own planning documents do not believe it is suitable for residential development. The EIR fails to even disclose the fact that the Project Site is not identified in the Housing Element’s housing inventory, let alone discuss or analyze the issue. Further, the City contains a number of underutilized sites, which could accommodate 1,825 additional residential units. (*Id.*, p. B-5, Table B-4.) Clearly, the EIR’s alternatives analysis should be revised to include discussion of an alternative/offsite location in more detail – a number of which have already been identified by the City – and then recirculated.

The other two alternatives that were “considered” but not analyzed in detail were the “GPA to a Single-Family Land Use” and “GPA to a Non-Residential Land Use” alternatives. The EIR’s brief discussion of these alternatives is fatally flawed because it assumes that the Project Site is zoned Multi-family (RM), when it is actually zoned open space. (EIR, p. 6-10.) Thus, the EIR’s legal analysis regarding SB 330 and the HAA is incorrect, and neither would apply if the Project was modified to propose ten single family dwelling units or a non-residential use. This portion of the EIR must revised and recirculated accordingly.

³ The City’s draft Housing Element is available here:
https://www.cityoflagunaniguel.org/DocumentCenter/View/20495/Laguna-Niguel-2021-Housing-Element_2021-05-16_draft

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The remaining alternatives that were actually analyzed in detail do not represent a reasonable range of alternatives that “foster informed decisionmaking and public participation.” (CEA Guidelines § 15126.6.) Instead, the alternatives barely differ from the proposed Project, and consistent of the same Project with 41 units, 38 units, or 16 units, instead of 22. Further, none of these alternatives discuss avoiding any impacts to the Landslide area. The entire Section 6 of the EIR must be revised to include detailed analysis of meaningfully different alternatives that would actually avoid or substantially lessen the Project’s impacts on critical impact categories, such geological and soils, land use, wildfire and hazards, and then recirculate the same.

VII. The EIR Does Not Adequately Analyze or Mitigate the Project’s Impacts Relating to Hazards Hydrology and Water Quality

In Section 4.9 (Hydrology and Water Quality), the EIR again described Project design features that are disguised mitigation measures, which for all the reasons stated above, is improper. (EIR, p. 4.9-7 to -8.) In particular, PDF HYD-1 states the following:

Existing storm drains installed on the site as part of prior remediation activities will be re-routed and connected to the proposed Project’s storm drains and connected to the existing 36-inch storm drain in Crown Valley Parkway for off -site discharge. Specific locations are indicated in Figure 4.9.A of the Utility Plan.

This “Project design feature” is much too uncertain, and constitutes an unlawful deferral of mitigation, which is perhaps why the EIR attempts to avoid characterizing this as a mitigation measure. The EIR must explain how modifying the drains installed in remediated slope/Landslide area can be done safely, and PDF HYD-1 does not contain any performance standards that would ensure it can or would be done safely. Instead, this PDF demonstrates that, yet again, the Project intends to disturb prior remediation work without adequate analysis regarding the potential catastrophic impacts of that work.

The EIR also improperly relies on all three of the PDFs to conclude that impacts from the Project’s changes to drainage patterns and runoff would be less than significant. (EIR, pp. 4.9-11 to -14.) This analysis is critical, as changes to drainage and runoff could severely impact slope stability, yet this is not analyzed or even recognized by the EIR. The EIR must be revised to analyze these impacts *without regard to the PDFs*, and specifically discuss risks from changes from drainage/runoff to the stability of the remediated slope/Landslide, and then impose formal mitigation measures to ensure all such impacts would be less than significant, if it is even possible to fully mitigate. (See, *Lotus v. Department of Transportation, et al.* (2004) 223 Cal.App.4th 645.)

The activation of older or repaired landslides is most often caused by either a rise in groundwater or removal of material at the toe of the landslide (which the Project proposes to do). A case in point is the Bluebird Canyon Landslide in Laguna Beach. The landslide occurred twice, once in 1978 and again in 2005, despite the best advice of the professionals involved. The 2005

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event is almost universally attributed to heavy rainfall in the months preceding the new landslide. Here, AGI has included a discussion of groundwater levels as evidenced by piezometer reading, but a complete examination of the subdrain system constructed during the Landslide repair and its current condition and effectiveness should be conducted, as well as a discussion of the potential damage to the subdrain system caused by ongoing Landslide movements. Stability calculations should be conducted by the consultant to evaluate the repaired Landslide and project stability in the case that groundwater levels rise in five-foot increments, to determine the potential for catastrophic failure of the Landslide repair. Once this study is conducted, both Sections 4.6 and 4.9 of the EIR should be revised accordingly, and recirculated.

VIII. The EIR's Energy Analysis is Incomplete

Section 4.5 (Energy) of the EIR does not analyze the potential for the Project to incorporate sources of renewable energy, such as solar panels on roofs, among many other opportunities. (EIR, 4.5-12 to -13.) In order to comply with CEQA, the EIR must be revised to include this analysis and impose mitigation measures relating to the same. (*See, League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th 63.)

IX. The EIR Does Not Adequately Analyze or Mitigate for the Project's Greenhouse Gas Emissions

The EIR makes no effort to explain why the City's threshold for Greenhouse Gas ("GHG") impacts is 3,000 MTCO₂e per year or otherwise provide any information that allows a reader to determine why emissions less than 3,000 are not significant, and instead, this appears to be an arbitrary threshold not supported by substantial evidence. (EIR, p. 4.7-5.) Further, impacts from GHG emissions are generally understood to be a cumulative impact, yet the EIR's discussion of cumulative impacts is entirely conclusory, and lacks any analysis supporting that ultimate conclusion that there "is no evidence" of any significant cumulative impacts from the Project's addition to GHG emissions. (*Id.*, p. 4.7-6.) The EIR should be revised to include such analysis.

X. The EIR Does Not Adequately Analyze or Mitigate the Project's Air Quality Impacts

The EIR concludes that the Project will not conflict with or obstruct implementation of the applicable air quality plan, at least in part, because the Project is consistent with the General Plan. This is not accurate, because the Project's true land use designation is open space. The EIR should be revised to reflect that fact, and then analyze and mitigate potential impacts accordingly.

Additionally, it is unclear whether, for the purposes of analyzing the Project's construction phase air quality emissions, the EIR assumed that all of the construction equipment would or could be operated simultaneously. Section 4.2 of the EIR must be revised to include this analysis.

Amber Gregg, Contract Planner
May 26, 2022
Page 13

XI. The EIR Does Not Adequately Analyze or Mitigate the Project's Noise Impacts

Similar to the EIR's analysis of the Project's air quality impacts, it is unclear whether, for the purposes of analyzing the Project's construction phase noise impacts, the EIR assumed that all of the construction equipment would or could be operated simultaneously. (EIR, pp. 4.11-17 to -18.) Section 4.11 of the EIR must be revised to include this analysis.

The EIR's analysis of operational noise impacts only includes mobile noise source (traffic), and no other potential sources of operational noise, including air conditioners, resident noise, and the like. (EIR, p. 4.11-19.) Other potential sources of noise during operations must be identified and analyzed, and mitigation imposed.

XII. The EIR Does Not Adequately Analyze or Mitigate the Project's Impacts on Biological Resources

As a general matter, the biological resources section of the EIR lacks substantive analysis and generally concludes that impacts to an over 4-acre undeveloped area will not be significant. While surveys were apparently conducted, the EIR does not provide sufficient – or any – information about the results of those surveys, and instead appears to rely solely on literature to reach its bare impact conclusions, which ultimately do not appear to be supported by substantial evidence. The EIR also fails as an informational document in this regard. (*See*, CEQA Guidelines § 15121.)

MM BIO-1 appears to unlawfully defer mitigation by not providing clear performance standards to ensure future compliance, and must be revised in order to comply with CEQA.

XIII. The EIR's Transportation Analysis is Incomplete

Section 4.12 of the EIR does not include a trip estimate for weekends, and should be revised to include that information and resulting analysis.

Amber Gregg, Contract Planner
May 26, 2022
Page 14

Thank you for the opportunity to comment on the EIR. Unfortunately, this document does not comply with CEQA, and instead consists of largely conclusory statements with thin analysis for a Project that poses unique risks relating to property damage and public health and safety. Thus, the EIR's conclusions are not supported by substantial evidence, and it also fails in its role as an informational document that would allow the public to be made aware of the full extent of the Project's potential impacts. The EIR also fails to properly mitigate those impacts, some of which it fails to fully disclose, making proper mitigation impossible.

Sincerely,

RUTAN & TUCKER, LLP



A. Patrick Muñoz

APM

cc: Christine Wilz, General Manager, Niguel Summit Community Association

Exhibit 1

An official website of the United States government
[Here's how you know](#)



FEMA

After You Apply

Laguna Niguel, Niguel Summit/Crown Cove Acquisitions

Appeal Brief

Appeal Letter

Appeal Analysis

Appeal Brief

Applicant
California Governor's Office of Emergency Services
Appeal Type
2nd
Project Number
101
Date Signed
2008-05-19T00:00:00

1st Appeal

- Issue

o Originally approved HMGP funding was for purchase of 30 properties to mitigate landslide risk in the location of a steep slope. However, it was found that homeowners were compensated by legal settlements with the developer of the project site, where the slope had been stabilized. The California Office of Emergency Services (OES) stated that the project no longer met a "public purpose" nor met HMGP priorities, because of the non-public settlements associated with compensation and the slope stabilization. When FEMA Region IX de-obligated

the funds, the City of Laguna Niguel appealed. Region IX denied the appeal.

- Reason for Denial

- o Region IX based the 1st appeal on the determination that the project no longer met the HMGP priorities and eligibility criteria for the previously funded project.

- Reference(s)

- o 44 CFR 206.434 Eligibility; 44 CFR 206.440 Appeals

2nd Appeal

- Issue

- o The subgrantee claimed that the issues raised by FEMA had been addressed and approved by OES, that there was a valid public purpose for the project, the scope of work (SOW) had been unchanged since the time of the approved application, all necessary environmental exceptions were obtained, land use restrictions and ordinances had been established, and that an eligible private non-profit owner had been established.

- FEMA Findings

- o FEMA HQ denied the 2nd appeal, upholding Region IX's decision to deny the 1st appeal.

- o The rationale for the 2nd appeal denial was that the project did not comply with applicable statutory and regulatory requirements. The project violated the provision in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) regarding the duplication of benefits (DOB), because a private third party agreed in settlements with the property owners to repurchase the properties included in the application SOW. Therefore, the HMGP assistance would have duplicated funding from another source for the same purpose, that of acquiring the properties.

- o Reference(s): 44 CFR 206.440 Appeals; 44 CFR 206.434 Eligibility; Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Section 312, Duplication of Benefits

Appeal Letter

MAY 19 2008

FEMA

500 C Street, SW

Washington, DC 20472

Frank McCarton

Governor's Authorized Representative

Governor's Office of Emergency Services

3650 Schriever Avenue

Mather, California 95655

Dear Mr. McCarton:

I am replying to the July 2003 submittal of information for the second appeal by the City of Laguna Niguel. As an initial action, on March 7, 2000, the California Governor's Office of Emergency Services (OES) requested that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) de-obligate approved project funding for the Hazard Mitigation Grant Program (HMGP) Project 1203-1001-101, City of Laguna Niguel, Niguel Summit/Crown Cove Land Acquisition project. This funding was a subgrant of approximately \$5.5 million to be used as the Federal share toward purchase of 30 properties in the City of Laguna Niguel (the subgrantee) to mitigate landslide risk. At that time, OES stated the project no longer met a "public purpose" because homeowners had been compensated by legal settlements with the developer, and the slope had been stabilized.

As requested, the FEMA Region IX Office de-obligated the funds on March 14, 2000. In a letter dated May 12, 2000, the City of Laguna Niguel appealed the de-obligation action to FEMA Region IX. On August 21, 2000, FEMA denied this first-level appeal, based on the determination that the project no longer met the priorities and eligibility criteria for Project 1203-1001-101. On August 29, 2000, OES informed the city of the denial. OES also informed the city it could file a second and final appeal within 60 days, in accordance with appeal procedures cited in the Code of Federal Regulations (CFR) Title 44 -Emergency Management and Assistance, specifically 44 CFR 206.440(c). On February 12, 2001, the city sent a letter directly to FEMA Headquarters, requesting a second and final administrative appeal. Subsequently, additional coordination among the city, OES, and FEMA Region IX resulted in a request dated November 13, 2002, to re-obligate funds for the project. The request was denied by FEMA Region IX. As a result, the City of Laguna Niguel submitted, through OES, an additional "second appeal" request to FEMA Headquarters on May 29, 2003. The supplementary supporting material was sent on July 18, 2003.

After extensive review, I am denying the appeal, and the funds shall not be re-obligated for this project. The appeal is denied because the project does not comply with applicable statutory and regulatory requirements. Specifically, the project violates a provision in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) regarding the duplication of benefits.

The Laguna Niguel landslide occurred on March 18, 1998. Lawsuits against the original property developer, a third party to the subgrant relationship between the city and the State, were settled throughout 1998. According to documentation submitted as part of the appeal, the City of Laguna Niguel stated the developer had reached, or was likely to reach, settlements with the home and condominium owners, and the properties would be part of a larger landslide mitigation project. Ultimately, all properties included in the project application scope of work were the subjects of settlements in which the developer agreed to repurchase the properties from the home and condominium owners.

In this case, the properties included in the application were already subject to acquisition by a third party pursuant to legal settlements, so the provision of Stafford Act assistance to the property owners would duplicate amounts available for the same purpose from another source. In this situation, funds were requested for an activity (acquiring property from homeowners) that had already been funded through an alternative mechanism - the agreement by a third party to acquire the properties. FEMA has no discretion to disregard the statutory prohibition against duplicating benefits. Therefore, HMGP funds cannot be authorized to fund compensation available from other sources or fulfill obligations arising from independent legal responsibilities.

FEMA has determined the project, as submitted, remains ineligible for funding. The primary basis for this determination is Section 312 of the Stafford Act (42 USC 5155), which prohibits the duplication of benefits reasonably available or received. Specifically, any program providing financial assistance to persons or other entities shall ensure those entities will not receive such assistance, if they receive or have assistance available to them from any other program, insurance, or any other source. In this particular case, the third party, which agreed to repurchase the properties from homeowners as a result of litigation, is considered to be such a source.

Accordingly, the second appeal is denied. If OES or you have any questions regarding this matter, please contact Sally Ziolkowski, Director, Mitigation Division of FEMA Region IX, by telephone at (510) 627-7103.

Sincerely,

David I. Maurstad
Assistant Administrator
Mitigation Directorate

DM:cr

cc: Rebecca Wagoner, CA State Hazard Mitigation Officer, OES
Nancy Ward, Regional Administrator, FEMA Region IX
Sally Ziolkowski, Director, Mitigation Division, FEMA Region IX

Appeal Analysis

California OES requested FEMA Region IX in March 2000 to de-obligate \$5.5 million on the basis that a HMGP acquisition project was no longer eligible, because it no longer had a public purpose and nor met HMGP priorities. Region IX concurred with OES's request to de-obligate. When the subapplicant appealed and OES recommended denial, Region IX denied on August 21, 2000, based on the determination that the project no longer met the priorities and eligibility criteria for Project 1203-1001-101. By letter of February 12, 2001, the city requested a second and final administrative appeal.

Subsequently, additional coordination between the city, OES, and FEMA Region IX resulted in a request dated November 13, 2002, to re-obligate funds for the project. The request was denied by FEMA Region IX. The City of Laguna Niguel then submitted, through OES, an additional "second appeal" request to FEMA Headquarters on May 29, 2003. The supplementary supporting material was sent on July 18, 2003.

The second appeal was denied by letter of May 19, 2008, from FEMA HQ, stating that the project did not comply with applicable statutory and regulatory requirements, violating a provision in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) regarding the duplication of benefits.

The Laguna Niguel landslide occurred on March 18, 1998. Lawsuits against the original property developer, a third party to the subgrant relationship between the city and the State, were settled throughout 1998. According to documentation submitted as part of the appeal, the City of Laguna Niguel stated the developer had reached, or was likely to reach, settlements with the home and condominium owners, and the properties would be part of a larger landslide mitigation project. Ultimately, all properties included in the project application scope of work were the subjects of settlements in which the developer agreed to repurchase the properties from the home and condominium owners.

In this case, the properties included in the application were already subject to acquisition by a third party pursuant to legal settlements, so the provision of Stafford Act assistance to the property owners would duplicate amounts available for the same purpose from another source. Funds were requested for an activity (acquiring property from homeowners) that had already been funded through an alternative mechanism - the agreement by a third party to acquire the properties.

Last updated August 19, 2014

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Exhibit 2

Coastal Fire

Current Updates

05-18-22 at 5:00 PM - Press Release - All Coastal Fire Mandatory Evacuation Zones Lifted

- 100% containment
- 200 acres
- 12 homes damaged and 20 homes destroyed
- No reported injuries or loss of life to any residents or their pets
- Two injured firefighters are recovering and doing well

Portions of Aliso and Wood Canyons Wilderness Park have reopened following the Coastal Fire. The following areas of the park remain temporarily closed: Meadows Trail, Sheep Run Trail and Aliso Creek Trail East south of the creek crossing. No public access south of Wood Canyon trailhead. Please see map for detailed closure information. Highlighted trails are closed.

05-18-22 at 3:00 PM – The final remaining mandatory evacuation zone on Coronado Pointe has been lifted. There are no longer any evacuation zones in place for the Coastal Fire.

- 100% containment
- 200 acres

- 12 homes damaged and 20 homes destroyed
- No reported injuries or loss of life to any residents or their pets
- Two injured firefighters are recovering and doing well

Residents directly impacted by the Coastal Fire continue to be encouraged to contact City staff members for assistance and resources by emailing lnfire@cityoflagunaniguel.org or by calling (949) 362-4300.

05-17-22 at 9:00 AM - With great effort from Orange County Fire Authority firefighters, in partnership with other Orange County fire departments and out of county resources, including CAL FIRE, the Coastal Fire is now 100% contained.

- 200 acres
- 12 homes damaged and 20 homes destroyed
- No reported injuries or loss of life to any residents or their pets
- Two injured firefighters are recovering and doing well

The updated evacuation map can be viewed [HERE](#).

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing lnfire@cityoflagunaniguel.org or by calling (949) 362-4300.

The Laguna Niguel Regional Park and portions of Aliso and Wood Canyons Wilderness Park have reopened. However, portions of the Aliso Summit Trail immediately bordering the evacuation zone remain closed at this time.

A Timeline of Events is Shown Below

Resources for Residents

- If you are a victim of the Coastal Fire, please know that City Staff are ready to assist you. Please email lnfire@cityoflagunaniguel.org or call (949) 362-4300.
- **Animal Evacuation Assistance** call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

Please be Mindful of Scams and Contractor Fraud

Unfortunately, emergencies that affect a community, such as the Coastal Fire, can present an opportunity for professional con artists to reach out to those that have been directly impacted. Please know that the City has not hired any contractors to work directly with those residents impacted by the fire, nor has the City asked contractors to reach out on behalf of the City.

- To verify a contractor's license number, please visit www.cslb.ca.gov or call 800-321-CSLB (2752).
- To view an 'After a Disaster' Brochure, please [CLICK HERE](#).

Evacuations

There are no longer any evacuation zones in place for the Coastal Fire.

Timeline of Events

05-16-22 at 5:00 PM – The Coastal Fire is now at 90% containment and the fire remains at 200 acres. Orange County Fire Authority firefighters continue to strengthen control lines around the Coastal Fire.

30 homes on Coronado Pointe remain under mandatory evacuation.

The updated evacuation map can be viewed [HERE](#).

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing Infire@cityoflagunaniguel.org or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

05-15-22 at 6:20 PM - The Coastal Fire is now 80% contained and the total acres burned remains at 200.

30 homes on Coronado Pointe remain under mandatory evacuation.

The updated evacuation map can be viewed [HERE](#).

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing Infire@cityoflagunaniguel.org or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

Please note, portions of the Aliso Summit Trail immediately bordering the evacuation zone remain closed at this time. Additionally, the [Laguna Niguel Regional Park](#) remains closed.

05-15-22 at 2:30 PM - The City's partners in public safety, the Orange County Sheriff's Department (OCSD) and the Orange County Fire Authority (OCFA), have been working around the clock to further contain the blaze, which has resulted in great progress.

30 homes on Coronado Pointe remain under mandatory evacuation, and the Coastal Fire remains at 60% containment and 200 acres burned.

The updated evacuation map can be viewed [HERE](#).

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing Infire@cityoflagunaniguel.org or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

Please note, portions of the Aliso Summit Trail immediately bordering the evacuation zone remain closed at this time. Additionally, the **Laguna Niguel Regional Park** remains closed.

05-15-22 at 9:30 AM - Firefighters continue their focused effort on increasing containment at the Coastal Fire while working in difficult terrain with temperatures decreasing and light winds picking up in the afternoon.

The Coastal Fire remains at 60% containment and 200 acres burned.

The evacuation map can be viewed **HERE**.

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing **lnfire@cityoflagunaniguel.org** or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

05-14-22 at 6:30 PM - The Coastal Fire is now 60% contained and the total acres burned remains at 200.

The updated evacuation map can be found at **bit.ly/3NeVObA**. Four residential streets in the impacted area remain under mandatory evacuation until further progress can be made. The streets that remain under mandatory evacuation include:

- Coronado Pointe
- Vista Court
- Via La Rosas
- Vista Montemar (Residences at 71, 72, 74, 76, 78, 80)

Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing **lnfire@cityoflagunaniguel.org** or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

05-14-22 at 2:00 PM - PRESS RELEASE - Aggressive Efforts to Combat Coastal Fire Result in Further Reduction to Mandatory Evacuation Zone

The City's partners in public safety, the Orange County Sheriff's Department (OCSD) and the Orange County Fire Authority (OCFA), have been working around the clock to further contain the blaze. These efforts have led to a reduction from 900 homes to 71 homes in the mandatory evacuation zone.

The updated evacuation map can be found at **bit.ly/3NeVObA**. Four residential streets in the impacted area remain under mandatory evacuation until further progress can be made. The streets that remain under mandatory evacuation include:

- Coronado Pointe
- Vista Court

- Vista Montemar (Residences at 71, 72, 74, 76, 78, 80)

The Care and Reception Center at Crown Valley Community Center is no longer open. Residents directly impacted by the Coastal Fire are encouraged to contact a City staff member for assistance and resources by emailing lnfire@cityoflagunaniguel.org or by calling (949) 362-4300. For Animal Evacuation Assistance, please call Mission Viejo Animal Services at (949) 470-3045 - Ext 0.

05-14-22 at 10:30 AM - The emphasis for today is for firefighters to continue to utilize drones with heat seeking capabilities to seek out hot spots within the fire's perimeter. Hazards throughout the area continue to be mitigated to render the area safe for residents to return to their homes where possible.

The Coastal Fire is currently at:

200 acres

40% containment

11 homes damaged and 20 destroyed

456 firefighters on scene

769 homes lifted from evacuation

If you were impacted by the Coastal Fire, please know that City Staff are ready to assist you. Please email lnfire@cityoflagunaniguel.org.

For questions, please call (949) 362-4300 or email lnfire@cityoflagunaniguel.org.

The **evacuation map** can be found [HERE](#).

To view Community Updates from Mayor Elaine Gennawey, please [CLICK HERE](#) and [HERE](#).

05-13-22 at 6:15 PM - The firefighters have put in a great deal of effort into going through debris, checking for hot spots, and mitigating hazards. The Coastal Fire is currently at:

- 200 acres
- 40% containment
- 20 homes destroyed
- 11 homes damaged

The updated evacuation map can be found [HERE](#). Seven residential streets in the impacted area remain under mandatory evacuation until further progress can be made. The streets that remain under mandatory evacuation include:

- Coronado Pointe
- Vista Court
- La Vue
- La Fleur

- Le Port
- Via La Rosas
- Vista Montemar (Residences at 71, 72, 74, 76, 78, 80)

If you were impacted the Coastal Fire, please know that City Staff are ready to assist you. Please email Infire@cityoflagunaniguel.org.

05-13-22 at 3:00 PM - PRESS RELEASE - Coastal Fire Mandatory Evacuation Zone Significantly Reduced

The City's partners in public safety, the Orange County Sheriff's Department (OCSD) and the Orange County Fire Authority (OCFA), have been successful with further containment leading to a reduction from 900 homes to 131 homes in the mandatory evacuation zone.

The updated evacuation map can be found [HERE](#). Seven residential streets in the impacted area remain under mandatory evacuation until further progress can be made. The streets that remain under mandatory evacuation include:

- Coronado Pointe
- Vista Court
- La Vue
- La Fleur
- Le Port
- Via La Rosas
- Vista Montemar (Residences at 71, 72, 74, 76, 78, 80)

05-13-22 at 11:50 AM - The containment of the fire has increased to 25% and the acreage remains at 200. There are now 563 personnel assigned to the incident.

Orange County Fire Authority firefighters are continuing to mitigate hazards that remain in the active fire area. The safety of the community is paramount so the Orange County Sheriff's Department, CA will continue to heavily monitor the area. Utility Crews are also in the area working to restore services.

All evacuation areas can be found here and are updated in real time: <http://ocsheriff.gov/coastalfire>. Check back frequently for updates to the evacuation areas.

For questions, please call the County Hotline Number at (714) 628-7085.

If you were impacted by the Coastal Fire, please know that City Staff are ready to assist you. Please email Infire@cityoflagunaniguel.org.

05-13-22 at 8:30 AM - There are no scheduled press conferences for the #CoastalFire. Any updates will continue to be published on social media and the City's website. The Coastal Fire is currently at:

- 15% containment
- 20 homes destroyed
- 11 homes damaged
- 550 firefighters on scene
- 2 firefighters injured, and have been released from the hospital

05-12-22 at 6:00 PM - The Coastal Fire is currently at:

- 200 acres
- 15% containment
- 20 homes destroyed
- 11 homes damaged
- 550 firefighters on scene
- 2 firefighters injured, and have been released from the hospital

Evacuations for neighborhoods impacted by the Coastal Fire will remain in place overnight as crews continue to work to render the area safe.

05-12-22 at 12:00 PM - PRESS RELEASE - Laguna Niguel Proclaims Existence of Local Emergency in Response to the Coastal Fire

The next news conference is scheduled today 5:00 pm. To watch the news conference please click here: <https://www.facebook.com/OCFireAuthority>.

Please note, while the Crown Valley Community Center remains open as a temporary shelter to all evacuees, all programs, classes, and rentals are cancelled through Sunday, May 15, 2022.

All programs at the Laguna Niguel Aquatics Center are cancelled through Sunday, May 15, 2022, and the Laguna Niguel Skate Park is currently closed through Friday, May 13, 2022.

The Laguna Niguel Regional Park, Aliso and Wood Canyons Wilderness Park, and the Aliso Summit Trail remained closed at this time until further notice.

The Sea Country Senior and Community Center continues to operate as normal at this time.

05-12-22 at 7:30 AM - The Orange County Fire Authority, Orange County Sheriff's Department, and the City of Laguna Niguel will be holding a joint news conference today at 8:30 am. To watch the news conference please click here: <https://www.facebook.com/OCFireAuthority>.

05-11-22 at 11:00 PM - The Coastal Fire is now at approximately 195 acres. Over 60 different types of resources are battling the flames. Due to decreased winds, the spread of the fire has significantly slowed down.

05-11-22 at Approximately 2:45 PM - A vegetation fire began in the Aliso and Wood Canyons Wilderness Park. Unfortunately, strong winds shifted the wildfire, now known as the Coastal Fire, toward the Coronado Pointe neighborhood in the City of Laguna Niguel. Fueled by thick brush, strong wind, and steep topography, the fire prompted a mandatory evacuation of 900 homes. Over 60 different types of resources from throughout the region were utilized to battle the flames.

Emergency Notifications

AlertOC

AlertOC is a free web based subscription service that provides real-time information to affected communities in emergency situations.

Register for AlertOC by visiting: AlertOC.org

Nixle

Register for Nixle by texting: [92677](tel:92677) to 888-777

Follow the City's Facebook Page: [@CityOfLagunaNiguel](https://www.facebook.com/CityOfLagunaNiguel)

Evacuation Terminology

Evacuation Order

Mandatory evacuation order with hard road closures. Evacuated individuals will not be allowed to enter the area until the Evacuation Order is lifted.

Evacuation Warning

Voluntary evacuation to give you advance warning in a slow moving event. This is to allow individuals time to evacuate an area.

Shelter-in-Place

You are directed to stay in your residence, school, workplace or other building because it has been determined that staying where you are is safer than evacuating.

Know Your Neighborhood Zone!

The City's evacuation zone map includes all-hazard evacuation zones throughout the entire City, which are easily broken down by neighborhood location. The City has designated 9 evacuation zones.

Residents are encouraged to **review the map** and become familiar with their neighborhood zone.

Laguna Niguel

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