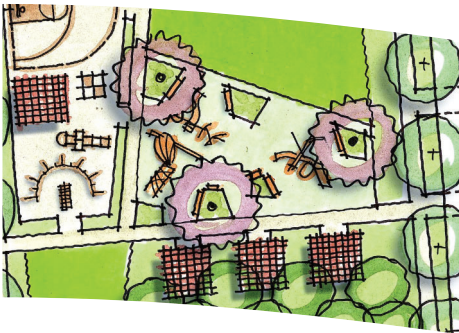


Nakase Nursery/Toll Brothers Project

Final Environmental Impact Report

SCH No. 2018071035

Volume I



City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

December 2019

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FINAL ENVIRONMENTAL IMPACT REPORT

NAKASE NURSERY/TOLL BROTHERS PROJECT

CITY OF LAKE FOREST

SCH #2018071035

December 2019

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1.0 INTRODUCTION

This document comprises the Final Environmental Impact Report (EIR) for the proposed Nakase Nursery/Toll Brothers Project (Project). It is composed of a revised version of the Draft EIR (with ~~striketrough~~ and underline showing changes from the original text), Technical Appendices, comments received during the public review period, and responses to those comments. The revised version of the Draft EIR and technical appendices are bound separately.

In compliance with Section 15201 of the *State CEQA Guidelines*, the City of Lake Forest (City) has provided opportunities for public participation in the environmental process. The City distributed an Initial Study (IS) and Notice of Preparation (NOP) on July 16, 2018, to the California State Clearinghouse, responsible agencies, and interested parties for a 30-day public review period. The City also made the IS and NOP available on the City's website to inform agencies and the public about the proposed Project and to solicit input on the scope of the Draft EIR. The IS and NOP described the Project and identified potential environmental impacts associated with Project development and operation. In addition, the City held a public scoping meeting at Lake Forest City Hall on Wednesday, July 25, 2018, to present the proposed Project and to solicit input from interested parties regarding environmental issues that should be addressed in the Draft EIR. Appendix A of the Draft EIR contains a copy of the IS/NOP and comments received. Section 2.2.2 of the Draft EIR identifies areas of concern raised in response to the NOP or at the scoping meeting.

The California Environmental Quality Act (CEQA) requires a Draft EIR to have a review period lasting at least 45 days for projects that have been submitted to the California State Clearinghouse for review (*State CEQA Guidelines*, Section 150105(a)). As required by the *State CEQA Guidelines* Section 15087, the City provided a public Notice of Availability (NOA) of the Draft EIR for the Nakase Nursery/Toll Brothers Project at the same time it filed a Notice of Completion (NOC) with the State Clearinghouse. The Draft EIR was circulated for public review for a period of 45 days, from August 20, 2019, to October 3, 2019.

The City of Lake Forest used several media to solicit comments on the Draft EIR. The City placed the NOA in the Orange County Register on August 20, 2019. The NOA was mailed to the last known name and address of agencies, organizations, and individuals who previously requested such notice in writing. The City submitted the Draft EIR to the State Clearinghouse for distribution to, and review by, State agencies. The City made copies of the Draft EIR available at two public libraries: the El Toro Branch Library and the Foothill Ranch Branch Library. In addition, the City posted the Draft EIR and all technical appendices on the City website.

Fifty-nine (59) comment letters were received during the public review period or immediately thereafter. In addition, 44 comment letters were received well after the close of the comment period. Comments were received from State, regional, and local agencies, organizations, and members of the public. The comments are included and responded to in this Final EIR. Comments that address environmental issues are responded to thoroughly. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*.

Section 15088 of the *State CEQA Guidelines*, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:
 1. Revise the text in the body of the EIR; or
 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Response to Comments document clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document. A revised version of the Draft EIR has been prepared to make minor corrections and clarifications to the Draft EIR as a result of comments received during the public review period. Therefore, as stated above, this Final EIR includes a revised version of the Draft EIR (with ~~striketrough~~ and underline showing changes from the original text), Technical Appendices, comments received during the public review period, and responses to those comments.

1.1 INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies that commented on the Draft EIR prior to the close of the public comment period or immediately thereafter. The comments received have been organized in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed or coded with a number as shown in the table below.

Table 1.A: Comments Received During the Public Comment Period

Comment Code	Signatory	Date
State		
S-1	Office of the State Clearinghouse	10/04/2019
S-2	California Department of Conservation Division of Land Resource Protection	09/13/2019
S-3	California Department of Transportation	10/03/2019
S-4	California Department of Fish and Wildlife South Coast Region	10/03/2019
S-5	California Water Boards – Santa Ana Regional Water Quality Control Board	10/01/2019
Local		
L-1	Orange County Fire Authority	09/09/2019
L-2	Irvine Ranch Water District	09/23/2019
L-3	Saddleback Valley Unified School District	09/23/2019
L-4	City of Irvine Community Development	10/01/2019
L-5	Orange County Public Works	10/03/2019
L-6	City of Laguna Beach / Holder Law Group	10/03/2019
L-7	Orange County Transportation Authority	10/04/2019
Regional		
R-1	South Coast Air Quality Management District	10/03/2019
Organizations		
O-1	Autumnwood HOA	09/26/2019
Individuals		
P-1	Charles Larson	09/05/2019
P-2	Connie Clabaugh	09/06/2019
P-3	Andrea Alexander	09/25/2019
P-4	Bob Holtzclaw	09/25/2019
P-5	Ginger Shulman	09/25/2019
P-6	Noma Bates	09/25/2019
P-7	Norm Abbod	09/25/2019
P-8	Carol Toney	09/30/2019
P-9	Christopher Stacklin	09/30/2019
P-10	Lori King	09/30/2019
P-11	Marypatricia & Walker Birrell	10/01/2019
P-12	Fallon Meteer	10/01/2019
P-13	Bernadette Kanaly	10/01/2019
P-14	Jim Richert	10/01/2019
P-15	Noelle Hill	10/01/2019
P-16	Michael Sallus	10/01/2019
P-17	Josh Abner Vizcay	10/01/2019
P-18	Jeanine Lee	10/02/2019
P-19	Laura Bokesch	10/02/2019
P-20	Gabe Medeiros	10/02/2019
P-21	Lauren Medeiros	10/02/2019
P-22	Alexander Sangeorge	10/02/2019
P-23	Wendy Cheung	10/02/2019
P-24	Andrew O'Connor	10/02/2019
P-25	Wendy Cheung / Wendy Lee	10/03/2019
P-26	Nikki Cheung	10/03/2019
P-27	Nancy (Xiaonan) Wang	10/03/2019
P-28	Mark Cheung	10/03/2019
P-29	Nicholas Lee	10/02/2019
P-30	Martin Henderson	10/03/2019

Table 1.A: Comments Received During the Public Comment Period

Comment Code	Signatory	Date
P-31	Mary Wang	10/03/2019
P-32	James Gardner	10/03/2019
P-33	Marilyn Lypka	09/30/2019
P-34	Taylor Steinhilber	09/30/2019
P-35	Mary Albergo	09/30/2019
P-36	Dina Bantle	09/30/2019
P-37	Cherie Anderson	09/30/2019
P-38	Melissa Calvano	09/30/2019
P-39	Sankar Devasundaram	09/30/2019
P-40	Elizabeth Flynn	09/30/2019
P-41	Susan Olson	09/29/2019
P-42	Sima Soltani	07/24/2019
P-43	Sima Soltani	09/27/2019
P-44	Carrie Lynn McNutt	10/01/2019
P-45	Suray Hanada	09/29/2019

In addition to the comments listed above, the following comments were received after the close of the public comment period. These comments were not indexed or coded, but are included in the Final EIR and have been responded to “thematically.”

Signatory	Date
Eric Olson – Crean Lutheran High School	10/17/2019
Clinton A. Lien, Sr.	10/17/2019
Residents Against Rezoning Nakase	11/06/2019
Ginny Leone, Essex Realty Management, Inc.	11/08/2019
Steve Nakase – Nakase Brothers Wholesale Nursery	11/11/2019
Jerry Verplancke	11/12/2019
Brodie & Bonnie Schmidt	11/13/2019
Kevin and Randall Hooper	11/13/2019
Michael Robbins	Unknown
Lily Dastur	Unknown
Rayhaneh Eshghi	Unknown
Paul McKinney – The PM Group	Unknown
Jessie Tsou	Unknown
Candy Larsen	Unknown
Florence Liang	Unknown
Margo Crummack	Unknown
Kevin Hooper	Unknown
Randall Hooper	Unknown
James Shyu	Unknown
Pung Cheng	Unknown
Julee Grovert	Unknown
Louise Chung	Unknown
Jay Lara	Unknown
PK Wang	Unknown
Tao	Unknown
Stina Walander-Sarkin	Unknown

Signatory	Date
Michelle Jiang	Unknown
Tian Zhao	Unknown
Sunny Wu	Unknown
Vanessa Jackson	Unknown
Melissa Jackson	Unknown
Tuan Dao	Unknown
Andy Manalo	Unknown
Kim Winburn	Unknown
Justin Harsowe	Unknown
Jamie Goald	Unknown
Yushu Feng	Unknown
Mike Leavitt	Unknown
Sherry Gao	Unknown
Don Loessberg	11/06/2019
Sergio Garcia	10/17/2019
Ritchie Park	10/17/2019
Caressa DeQuardo	10/23/2019
Megan Detrick	10/23/2019
Travis Blankenship	10/23/2019

1.2 FORMAT OF RESPONSES TO COMMENTS

Responses to each of the indexed/coded comment letters are provided on the following pages. The comment index numbers are provided in the upper right corner of each comment letter, and individual comments within each letter are numbered along the right-hand margin of each letter. The City's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margins. As noted in some of the responses, a proposed Final EIR, with text revisions, has been prepared to provide corrections and clarifications to the Draft EIR. The proposed Final EIR is bound separately.

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2.0 RESPONSES TO COMMENTS

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2.1 STATE AGENCIES

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Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

October 4, 2019

Marie Luna
Lake Forest, City of
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Nakase Property Area Plan
SCH#: 2018071035

Dear Marie Luna:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 10/3/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2018071035/2> . Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

OFFICE OF THE STATE CLEARINGHOUSE

Letter Code: S-1

Date: October 4, 2019

Response to Comment S-1-1

The comment states that the State Clearinghouse submitted the Draft Environmental Impact Report (EIR) to selected State agencies for review and that the review period closed on October 3, 2019.

The comment provides directions for what to do in the event the comment package provided by the State Clearinghouse to the City of Lake Forest is not in order. The City of Lake Forest found no issues with the comment package as provided.

Response to Comment S-1-2

The comment cites Section 21104(c) of the California Public Resource Code and directs the City of Lake Forest to check the California Environmental Quality Act (CEQA) database for submitted comments on the Draft EIR. The City of Lake Forest has confirmed receipt of all comments submitted to the State Clearinghouse and has responded to each of the comment letters from State agencies individually. Refer to Response to Comment Letters S-2 through S-5.

Response to Comment S-1-3

The comment acknowledges that the City of Lake Forest complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. No additional response is required.



September 13, 2019

VIA EMAIL: MLUNA@LAKEFORESTCA.GOV

Marie Luna, Senior Planner
 City of Lake Forest
 Community Development Department
 Lake Forest, CA 92630

Dear Ms. Luna:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
 THE PROPOSED NAKASE PROPERTY AREA PLAN, SCH# 2018071035**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Nakase Property Area Plan. The Division monitors farmland conversion on a statewide basis and administers the Williamson Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

S-2-1

Project Description

The Nakase Property Area Plan would facilitate the development of the 122-acre proposed project site as a master-planned community. Implementation of the Area Plan would include development of residential uses, an elementary school site, and over 28 acres of parks, open space, and habitat restoration area. The Area Plan would establish guidelines for the future development of the planned community, which would consist of single-family residential units (contained in five distinct neighborhoods), affordable apartment units for senior citizens, an elementary school site, parks and open space, an internal circulation system, and a multipurpose water quality basin. The proposed project would entitle development of up to 675 two- and three-story, single-family residential units on approximately 61.4 acres of the site.

S-2-2

The 122-acre proposed project site is located at 20261 Lake Forest Drive, Lake Forest, CA 92630 (Assessor's Parcel Number [APN] 612-221-01) and is currently operating as Nakase Brothers Wholesale Nursery, an agricultural wholesale plant nursery. The project site is designated as Unique Farmland as defined by the Department of Conservation's Farmland Mapping and Monitoring Program.¹

¹ Department of Conservation, Farmland Mapping and Monitoring Program, California Important Farmland Finder, 2019, <https://maps.conservation.ca.gov/DLRP/CIFF/>

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included in the Draft Environmental Impact Report (DEIR). A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

S-2-3

Agricultural conservation easements on land of at least equal quality and size can mitigate the project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

Conclusion

The Department recommends the following discussion under the Agricultural Resources section of the DEIR:

S-2-4

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land.
- Proposed mitigation measures for all potentially impacted agricultural lands.

S-2-5

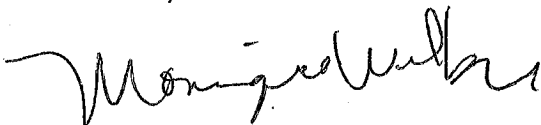
S-2-6

S-2-7

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Nakase Property Area Plan. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

S-2-8

Sincerely,



Monique Wilber
Conservation Program Support Supervisor

² Public Resources Code section 21002.

CALIFORNIA DEPARTMENT OF CONSERVATION DIVISION OF LAND RESOURCE PROTECTION

Letter Code: S-2

Date: September 13, 2019

Response to Comment S-2-1

This comment is introductory and states that the California Department of Conservation (DOC) Division of Land Resources Protection Division has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the Nakase Property Area Plan project. The commenter describe the DOC's role in monitoring the conversion of farmland in California and its role in administering the Williamson Act and other agricultural land conservation programs in the State.

As a point of clarification, on July 16, 2018, an NOP for the proposed Project was distributed by the City of Lake Forest (City) via the State Clearinghouse (SCH). The NOP was circulated to the agencies and individuals listed in Appendix A of the Draft EIR, including the DOC, and was posted at the Orange County Clerk's Office for a period of 30 days, during which time written comments were solicited pertaining to environmental issues/topics that this EIR should evaluate. On August 20, 2019, the Notice of Availability (NOA) of a Draft EIR was distributed by the City via the SCH.

Response to Comment S-2-2

This comment summarizes the Project Description as reviewed by the DOC. The commenter indicates that the Project site is designated as Unique Farmland as defined by the DOC's Farmland Mapping and Monitoring Program (FMMP).

Consistent with the comment from the DOC, page 4.2-3 of Section 4.2, Agriculture and Forestry, of the Draft EIR indicates that the Project site is designated as Unique Farmland. This comment does not contain any substantive comments or questions about the Draft EIR, and no additional response is required.

Response to Comment S-2-3

The commenter states that the conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. The comment notes that feasible alternatives or mitigation measures should be considered, per the California Environmental Quality Act (CEQA), before a lead agency approves a project that permanently impacts agricultural resources. The comment specifically notes that agricultural conservation easements on land of at least equal quality and size can mitigate the project impacts in accordance with *State CEQA Guidelines* Section 15370.

Section 4.2, Agriculture and Forestry, of the Draft EIR describes the agricultural resource trends in Orange County (County) and the City. The trend indicates that much of the agricultural land within these two jurisdictions has been depleted due to intense urbanization. As described in Section 4.2.4, Methodology, of the Draft EIR, potential Project impacts to agricultural resources were evaluated on a qualitative and quantitative basis. Quantitative impacts were assessed by completing the Land Evaluation and Site Assessment (LESA) model as well as using geographic information system (GIS) tools to calculate the exact acreage of Important Farmlands that would be impacted by

development of the proposed Project. Qualitative impacts were assessed by evaluating the Project's potential for impacting agricultural activities within the City and County. Based on the analysis in Section 4.2 of the Draft EIR, it was determined that implementation of the proposed Project would result in a significant impact from the conversion of 119.2 acres (ac) of Unique Farmland to a non-agricultural use. Section 4.2.9 of the Draft EIR includes a discussion of mitigation measures that were evaluated by the City. It was determined that insufficient land of at least equal quality and size is available (in the City or County) to mitigate for the loss of Unique Farmland on the Project site. Therefore, impacts pertaining to the conversion of Important Farmland to a non-agricultural use from implementation of the proposed project would be significant and unavoidable.

Response to Comment S-2-4

The commenter recommends that the type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed Project be included under the Agricultural Resources section of the Draft EIR.

Section 4.2.2.3 of the Draft EIR describes the Project site. Specifically, the Project site is currently operating as a retail nursery with all products grown and/or sold in pots. In-ground cultivation is not occurring on site. According to the DOC FMMP, a majority of the Project site (119.2 ac of the 122 ac Project site) is considered Unique Farmland.

Response to Comment S-2-5

The commenter recommends impacts on any current and future agricultural operations in the vicinity be discussed under the Agricultural Resources section of the Draft EIR.

Section 4.2.2.1 and 4.2.2.2 describe the existing agricultural resources inventory of the County and the City, respectively. These sections also describe the past and future trends of agricultural resources in these jurisdictions. The analysis presented under Threshold 4.2.5 describes potential indirect impacts of adjacent agricultural uses if the proposed Project is implemented. The analysis indicates that the changes to current and future agricultural operations would be limited to those occurring on the Project site and that implementation of the Project would not result in the loss of other agricultural operations in the Project vicinity.

Response to Comment S-2-6

The commenter recommends a discussion of incremental impacts leading to cumulative impacts on agricultural land be provided under the Agricultural Resources section of the Draft EIR.

Section 4.2.7, Cumulative Impacts, of the Agriculture and Forestry section of the Draft EIR provides a cumulative analysis on the loss of agricultural resources associated with implementation of the Project. The conversion of Unique Farmland on the Project site in association with the loss of other Important Farmland in the City has been considered. The Lake Forest Opportunities Study Program EIR indicated that the City's Important Farmland is anticipated to be depleted due to the forecasted growth in the City. The cumulative analysis concluded that implementation of the proposed Project would result in a cumulatively considerable impact and that the cumulative impact of the proposed Project on Unique Farmland would be significant and unavoidable.

Response to Comment S-2-7

The commenter recommends a discussion of proposed mitigation measures for all potentially impacted agricultural lands be provided under the Agricultural Resources section of the Draft EIR.

Section 4.2.9 of the Draft EIR provides a discussion of mitigation measures that were considered but found to not be feasible. Both the City and County do not have a program where in-lieu fees can be paid to apply towards agricultural conservations. The preservation of equivalent quality agricultural land on a 1:1 ratio was also considered for mitigation; however, the City and County do not have adequate equivalent agricultural land for a 1:1 preservation ratio. Based on the infeasibility of these mitigation measures as well as the infeasibility of implementing the Project on an alternative site, the Project's impact to agricultural resources would be significant and unavoidable.

Response to Comment S-2-8

This comment concludes the comment letter and does not contain any substantive comments or questions on the Draft EIR. The DOC has asked to be notified of future hearing dates and to receive any future staff reports related to the proposed Project. No further response is necessary.

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DEPARTMENT OF TRANSPORTATION

DISTRICT 12
 1750 EAST FOURTH STREET, SUITE 100
 SANTA ANA, CA 92705
 PHONE (657) 328-6267
 FAX (657) 328-6510
 TTY 711
www.dot.ca.gov



Making Conservation
 a California Way of Life.

October 3, 2019

Marie Luna
 City of Lake Forest
 25550 Commercentre Drive
 Lake Forest, CA 92630

File: IGR/CEQA
 SCH#: 2018071035
 12-ORA-2018-01201
 SR 241, PM 22.661
 I-5, PM 19.217

Dear Ms. Luna,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the proposed Nakase Nursery/Toll Brothers Project in the City of Lake Forest. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

S-3-1

The proposed project consists of up to 675 two- and three-story single-family residential units, 101 affordable apartment units for senior citizens in a two to three story building, an elementary school site accommodating up to 1,000 students, parks and open space, an internal circulation system and a multipurpose water quality basin. State Route (SR) 241 is located approximately 0.07 miles northeast of the project site and Interstate 5 (I-5) is located approximately 3.8 miles southwest of the project site. Caltrans is a commenting agency on this project and upon review, we have the following comments:

S-3-2

Transportation Planning:

1. Caltrans appreciates the project's efforts to incorporate bicycle, pedestrian, and trail facilities into project development. These facilities will encourage residents to utilize Active Transportation and as a result, increase regional connectivity, improve air quality, and reduce congestion. Should further guidance on bicycle and pedestrian facilities be needed, please consider referring to Caltrans' "Complete Streets Element Toolbox" document.
2. Consider adding wayfinding signage to guide residents to the Serrano Creek Trail. This will encourage residents to utilize the trail.

S-3-3

S-3-4

3. Please also consider adding a connection to the Serrano Creek Trail at the point near the intersection of S Street and M Street. This will ensure that bicyclists and pedestrians will have a safe and direct connection to the trail, thus encouraging them to utilize the trail. Otherwise, the next closest connections to the Serrano Creek Trail are located near Rancho Parkway and Neighborhood 5, which are on opposite ends of the project site.

S-3-5

4. Bicycle parking that is well-placed, easy to find, and secure enables people to feel comfortable locking up their bicycle at a destination and encourages the use of active transportation. We recommend the provision of ample and secure bicycle parking, particularly at Central Park, Neighborhood Park, and at the proposed elementary school.

S-3-6

Environmental:

5. Please add a discussion of proposed ADA facilities offered from the project.

S-3-7

6. On Table 4-A: Summary of related projects section of the Draft EIR document, please update the list of projects since most of the projects are stated to be reported from early to mid-2018.

S-3-8

Hydraulics:

7. All existing Caltrans drainage facilities should be protected during construction and existing flow patterns shall be maintained.

S-3-9

8. Final construction plans need to be reviewed and approved by the Hydraulics Branch during the Encroachment Permit Process.

S-3-10

Encroachment Permits:

9. 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:

S-3-11

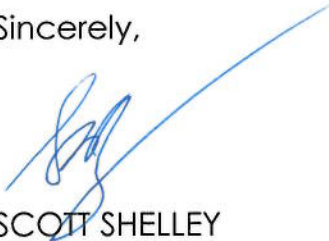
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

City of Lake Forest
October 3, 2019
Page 3

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

S-3-12

Sincerely,



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

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

Letter Code: S-3

Date: October 3, 2019

Response to Comment S-3-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment S-3-2

This comment summarizes the Project description and lists the freeways in the vicinity of the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-3-3

The comment states that the California Department of Transportation (Caltrans) appreciates the incorporation of bicycle, pedestrian, and trail facilities into the proposed Project and mentions that the Caltrans “Complete Streets Element Toolbox” is an available guidance document for design of bicycle and pedestrian facilities. As stated in the comment, the proposed Project includes pedestrian and bicycle connections within the community. In addition, the Open Space & Habitat & Restoration Area would include an on-site trail to provide pedestrian and bike connections between the Project site and the regional trail system. The design of the bicycle, pedestrian, and trail facilities would comply with City of Lake Forest (City) design standards.

Response to Comment S-3-4

This comment suggests that wayfinding signage be considered to guide residents to the Serrano Creek Trail. As stated in Section 3.4.5 in Chapter 3.0, Project Description, of the Draft EIR, the on-site signage would also include directional (wayfinding) signage and signage associated with the parks and Serrano Creek trail.

Response to Comment S-3-5

This comment suggests that a connection to the Serrano Creek Trail at the intersection of S Street and M Street be added to the proposed Project. As shown in Figure 3.8 in Chapter 3.0, Project Description, access to the Community Trail (which connects to the Serrano Creek Trail) would be provided at the intersection of S Street and M Street. The proposed Project does not include any changes or improvements to Serrano Creek. Providing access to the Serrano Creek Trail at the intersection of S Street and M Street would require a bridge structure across Serrano Creek. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-3-6

This comment recommends that the proposed Project include ample and secure bicycle parking, particularly at the school and parks. Adequate bicycle parking will be provided throughout the Project site. Bicycle parking at the proposed on-site parks would be provided consistent with City Municipal Code requirements. Bicycle parking at the school would be provided consistent with the requirements of the Saddleback Valley Unified School District (SVUSD).

Response to Comment S-3-7

This comment requests that a discussion of proposed Americans with Disabilities Act (ADA) facilities be included. All facilities included in the proposed Project will be designed to meet the accessibility requirements of the California Building Code (CBC) and the ADA.

Response to Comment S-3-8

The comment requests that the related project list (Table 4.A in the Draft EIR) be updated because most of the cumulative projects are stated to be reported from early to mid-2018.

For the purposes of the Draft EIR, a list of related past, present, and probable future projects was used in the evaluation of potential cumulative impacts. All closely related proposed, recently approved, under construction, and reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project were evaluated in the Draft EIR (CEQA Guidelines Section 15355[b]). An analysis of the cumulative impacts associated with these related projects and the proposed Project was provided in the cumulative impacts discussion under each individual impact category in Chapter 4.0.

As described in Chapter 4.0 of the Draft EIR, the list was developed in coordination with the City of Lake Forest and City of Irvine. As shown in Table 4.A, the projects include various land uses, such as residential, commercial, office, and mixed-use. The locations of the related projects are shown on Figure 4.0.1. Although some projects on the list were completed between the time the Notice of Preparation (NOP) was issued and the Draft EIR was made available for public review, they remain on the list because they are part of the cumulative analysis for the Draft EIR. It is noted that some of the related projects may not be completed by 2025 (the proposed Project's anticipated build-out year), may never be built, or may be approved and built at reduced densities. However, to provide a conservative forecast, the future baseline forecast assumed that all of the related projects will be fully built out by 2025.

In *Gray v. County of Madera* (2008) and *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984), the Court noted that because new projects are continually being fed into the environmental review process, lead agencies may set a reasonable cutoff date for new projects that will be included in the analysis. Based on this and the preceding information, the City has determined the list of cumulative Projects used in the Draft EIR represents all closely related past, present, and probable future projects producing related impacts, and that it provides for a full and robust cumulative analysis in the Draft EIR (*State CEQA Guidelines* Section 15355[b]).

Response to Comment S-3-9

This comment states that all existing Caltrans drainage facilities should be protected during construction, and existing flow patterns should be maintained. The proposed Project would not impact Caltrans drainage facilities because the Project site is not within Caltrans right-of-way and there are no Caltrans drainage facilities located on the Project site. As such, the proposed Project would not require Caltrans drainage facilities' protection in-place. In addition, the proposed Project would not alter flow patterns within Caltrans's jurisdiction.

Response to Comment S-3-10

This comment states that final construction plans need to be reviewed and approved by the Hydraulics Branch during the Encroachment Permit Process. The proposed Project would not encroach into Caltrans right-of-way. Therefore, an encroachment permit and Caltrans review of the construction plans are not required.

Response to Comment S-3-11

This comment states that any work within Caltrans right-of-way would require an encroachment permit. The proposed Project would not encroach into Caltrans right-of-way. Therefore, an encroachment permit from Caltrans is not required.

Response to Comment S-3-12

This comment concludes the letter and provides contact information for Caltrans staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.



October 3, 2019

Ms. Marie Luna
 City of Lake Forest
 Community Development Department
 25550 Commerce Center Drive, Suite 100
 Lake Forest, CA 92630

Subject: Comments on the Draft Environmental Impact Report for the Nakase Nursery/Toll Brothers Project, Lake Forest, CA (SCH# 2018071035)

Dear Ms. Luna:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft Environmental Impact Report (DEIR) for the Nakase Nursery/Toll Brothers project, dated August 2019. The Department provided comments on the Notice of Preparation (NOP) for the project in a letter dated August 14, 2018. The following statements and comments have been prepared pursuant to the Department’s authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 et seq.) and Fish and Game Code (FGC) section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Lake Forest (City) is a Participating Jurisdiction under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP).

S-4-1

The project proposes to develop Nakase Brothers Wholesale Nurseries, a 122-acre commercial plant nursery, into a master community that includes up to 675 single-family residential units, an elementary school, a public park, and designated “open space/habitat restoration”. Nakase Brothers Wholesale Nurseries is located at 20621 Lake Forest Drive, with Bake Parkway to the north, Rancho Parkway to the east, and Serrano Creek along its southern boundary. The project site is also within the NCCP/HCP planning area, with the boundary of the NCCP/HCP Reserve System approximately one mile to the northeast. The project area contains 0.28 acres of disturbed maritime succulent scrub, as well as two drainages that are described in the DEIR as a water quality treatment ditch and drainage three. The two drainages are described within the context of the San Diego Creek Special Area Management Plan (SAMP).

S-4-2

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

1. Based on a preliminary assessment¹the Department disagrees with classifying the ephemeral drainage bisecting the project area from northeast to southwest as a “water quality treatment ditch”, particularly as it flows into Serrano Creek, a tributary to San

S-4-3

¹ Based on <https://www.historicaerials.com> (1946) and USGS 7.5-minute “El Toro” quadrangle map (1949).

Diego Creek. The Department requests further discussion of this classification and how this conclusion was reached given that this drainage is connected to larger tributaries within the watershed.

S-4-3

Additionally, the Biological Resources section of the DEIR states that, “[t]he water quality treatment ditch is regularly maintained in order to remain free of vegetation and sediment for maximum capacity, on-site retention, and treatment of flows” (page 4.4-9). The DEIR also classifies 1.84 acres of this drainage as jurisdictional per FGC section 1600 *et seq.* (Table 4.4.B; page 4.4-13). The DEIR should identify any existing permits authorizing the ongoing activities in this drainage, and how the drainages and/or existing agreements may be impacted by project activities. Regarding temporary and permanent riparian impacts for all channels within the project area: the adequacy of mitigation under FGC section 1600 *et seq.* will be evaluated by the Department on these and additional factors at the time the project applicant formally submits a streambed notification package to the Department’s Lake and Streambed Alteration Program.

S-4-4

S-4-5

2. The section of the DEIR discussing the San Diego Creek SAMP states that the United States Army Corps of Engineers (ACOE) and the Department adopted a SAMP for the San Diego Creek Watershed: “[f]or the San Diego Creek Watershed SAMP, CDFW established a Watershed Streambed Alteration Agreement (WSAA) process that will augment Streambed Alteration Agreement (California Fish and Game Code Section 1600) processing procedures within the San Diego Creek Watershed in Orange County, California)” (page 4.4-18). While the Department did draft a SAMP with ACOE in the above-mentioned watershed, the San Diego Creek SAMP was never adopted by the Department, nor did the Department finalize a WSAA for this region. No pre-approved templates, expedited Standard SAAs, nor expedited Master SAAs are available from the Department through the above-referenced plan. The EIR should amend section 4.4 Biological Resources to reflect that neither the SAMP nor a WSAA was adopted by the Department. Additionally, the EIR should include a thorough discussion of how the Department not participating in the San Diego Creek SAMP does or does not change levels of significance of the direct, indirect, and cumulative impacts for the riparian areas that occur within the boundaries of the SAMP. Mitigation measure 4.4.9 should also be amended to reflect the Department not being involved with the San Diego Creek SAMP.

S-4-6

S-4-7

3. The project area appears to provide an opportunity to expand the riparian corridor along Serrano Creek that could be incorporated into the project design. Given the limited riparian mitigation opportunities in Orange County, the Department encourages the City to consider returning Serrano Creek to a more natural configuration as part of project activities. The expansion of the corridor could potentially form a mitigation bank or provide single-user mitigation. More information on the Department’s formal banking process, including templates, fee schedules, and timelines, can be found on the website at <https://www.wildlife.ca.gov/Conservation/Planning/Banking>.

S-4-8

If the restoration of Serrano Creek is currently infeasible, consideration should be given that development associated with the project be located such that it does not preclude future restoration of Serrano Creek to nearer its historic condition.

4. The Department requests clarification regarding whether the fuel modification zones are included within the project boundary. We consider all fuel modification zones to be part of project impacts, and as such they should be included in the calculation of the project's impacts to habitats and species. In the EIR, all fuel modification zones should be assessed as part of the project area and an assessment of biological resources and potential impacts should be discussed.

S-4-9


5. The Department acknowledges that section 3.4.2 Landscaping describes planting of ornamental species that are, "California friendly and drought-tolerant" (page 3.25). The Department encourages the City to specifically include native plants in the landscaped areas adjacent to riparian areas. Use of native plants in landscaping not only minimizes the spread of invasive plant species, which are detrimental to adjacent riparian areas, but also provides additional benefits such as the attraction of native pollinators and further reduced water consumption. The Department requests that the EIR include the plant palette to be used for project landscaping.

S-4-10

The Department appreciates the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. We request that a written response to our comments be provided in the EIR, as required per CEQA Guidelines section 15088(d). If you have any questions or comments regarding this letter, please contact Jennifer Turner of the Department at jennifer.turner@wildlife.ca.gov or (858) 467-2717.

S-4-11

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW) SOUTH COAST REGION

Letter Code: S-4

Date: October 3, 2019

Response to Comment S-4-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment S-4-2

This comment is introductory and summarizes the habitat and drainages located on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-4-3

The comment states that CDFW disagrees with the classification of the ephemeral drainage bisecting the Project site as a “water quality treatment ditch” and requests further discussion of this classification. The water quality treatment ditch is an ephemeral drainage feature that was constructed in the uplands to both convey and treat storm water flows prior to discharging into Serrano Creek. This feature is considered a water of the State that is subject to CDFW jurisdiction pursuant to Section 1600 of the California Fish and Game Code regardless of its naming convention. A Section 1600 Streambed Alteration Agreement notification package has been submitted to the CDFW for proposed impacts to this feature. Please also refer to Response to Comment S-5-3.

Response to Comment S-4-4

The comment states that the Draft EIR should identify any existing permits authorizing ongoing activities in the ephemeral drainage bisecting the Project site as a “water quality treatment ditch” in Section 4.4, Biological Resources, of the Draft EIR. The water quality treatment ditch is part of the Nakase Nursery’s existing National Pollutant Discharge Elimination System (NPDES) permit. Existing permits associated with the nursery operations are not connected to the proposed Project evaluated in this Draft EIR.

Response to Comment S-4-5

This comment states that adequacy of mitigation for temporary and permanent riparian impacts for all channels on the Project site will be evaluated by the CDFW at the time the Applicant/Developer submits an application for a Streambed Alteration Agreement. The City of Lake Forest (City) and the Project Applicant are aware that the CDFW will review the mitigation to CDFW jurisdiction during the permitting process, and that additional requirements may be stipulated at that time. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment S-4-6

The comment states that while the CDFW did draft a San Diego Creek Watershed Special Area Management Plan (SAMP) with the United States Army Corps of Engineers (ACOE), the SAMP was never adopted by the CDFW nor did the CDFW finalize a Watershed Streambed Alteration Agreement (WSAA) for the region. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-4-7

The comment states that the Draft EIR should contain a thorough discussion of how the CDFW's non-participation in the San Diego Creek SAMP does or does not change levels of significance of the direct, indirect, and cumulative impacts for the riparian areas that occur within the boundaries of the SAMP. The comment also suggests that Mitigation Measure 4.4.9 be revised to reflect that the CDFW did not adopt the San Diego Creek Watershed SAMP. The status of the CDFW's participation in the San Diego Creek SAMP is not related to the proposed Project, and it does not change the level of significance under the California Environmental Quality Act (CEQA) as it pertains to the Nakase Project's impacts to riparian areas that occur within the boundaries of the SAMP.

Response to Comment S-4-8

This comment suggests that the Project area provides an opportunity to expand the riparian corridor along Serrano Creek, and that the City should consider returning Serrano Creek to a more natural configuration as part of the Project and establishing it as a mitigation bank. The restoration of Serrano Creek and establishment of a mitigation bank is beyond the scope of the proposed Project and is not required mitigation for impacts pursuant to CEQA. As described in Section 4.4, Biological Resources, the proposed Project would not directly impact Serrano Creek. As required by Mitigation Measure 4.4.4 in Section 4.4, Biological Resources, construction fencing would be installed to prevent encroachment into Serrano Creek and the associated riparian habitat during construction. As described in Section 3.3.5 of the Draft EIR, within the Open Space & Habitat & Restoration Area, the Project Applicant intends to create a minimum of 4.19 acres of riparian vegetation contiguous with the existing riparian canopy associated with Serrano Creek. This area would be irrigated only until plants are established, thereby creating a naturally self-sustaining native riparian habitat community.

Response to Comment S-4-9

This comment requests clarification regarding whether the fuel modification zones are included within the Project boundary. The fuel modification zones are within the Project site and were considered in the analysis of impacts to biological resources in the Draft EIR. Refer to Figure 4.4.3, Threshold 4.19.3, and Figure 4.19.3 of the Draft EIR.

Response to Comment S-4-10

This comment suggests that native plants be included in the landscaping adjacent to riparian areas. As described in Section 3.3.5 of the Draft EIR, within the Open Space & Habitat & Restoration Area, which is adjacent to Serrano Creek, the Project Applicant/Developer intends to create a minimum of

4.19 acres of riparian vegetation contiguous with the existing riparian canopy associated with Serrano Creek. This area would contain native riparian species and would create a naturally self-sustaining native riparian habitat community. The project plant palette is in accordance with the proposed Area Plan (refer to Chapter 8.4 of the Area Plan).

Response to Comment S-4-11

This comment concludes the letter and provides contact information for CDFW staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Santa Ana Regional Water Quality Control Board

October 1, 2019

Ms. Marie Luna
Community Development Department,
Planning Division
City of Lake Forest
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630

Email: mluna@lakeforestca.gov

**DRAFT ENVIRONMENTAL IMPACT REPORT, NAKASE NURSERY/TOLL
BROTHERS PROJECT, SOUTH OF THE INTERSECTION OF RANCHO PARKWAY
AND BAKE PARKWAY, CITY OF LAKE FOREST, SCH # 2018071035**

Dear Ms. Luna:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed "Nakase Nursery/Toll Brothers Project" (Project) in the Serrano Creek watershed in the City of Lake Forest. The 124.6-acre project is bounded on three sides by Bake Parkway, Rancho Parkway and Serrano Creek. The fourth (southwest) side is bounded by a tract of commercial property adjacent to Dimension Drive.

Project Description

The Project proposes the approval of the "Nakase Property Area Plan" which would facilitate the development of the 122-acre Project site as a master-planned community. The Project site is currently operated as a wholesale nursery. The Project would change the zoning of the site from "Agriculture" to "Planned Community." The Area Plan would establish guidelines for the future development of the planned community, which would consist of up to 675 single-family residential units (contained in 5 distinct neighborhoods), 101 affordable housing units for senior citizens, an elementary school, parks and open space, and an internal traffic circulation system.

S-5-1

The Project would have the following impacts on waters of the United States that are subject to the jurisdiction of the Regional Water Board:

1. The Project would permanently eliminate 0.92 acres of an intermittent stream channel that is currently the main drainage feature for the site. The channel would be replaced by an underground concrete pipe.
2. The Project would permanently eliminate 0.07 acres of an ephemeral drainage at the southwestern perimeter of the site.
3. The Project would temporarily impact 0.01 acres of Serrano Creek which borders the site to the southeast.

S-5-2

The Project proposes to mitigate these impacts through a minimum 1:1 mitigation within a 4.19-acre riparian vegetation zone adjacent to the existing riparian canopy of Serrano Creek. The riparian vegetation zone currently consists of an area of upland within the Nakase site boundary.

Comments on the DEIR

1. Page 4.4-2, Existing Environmental Setting: *"A water quality treatment ditch designed to infiltrate flows from nursery operations prior to leaving the Project site bisects the site and is routinely maintained free of vegetation."*

The term "water quality ditch" to describe the interior drainage channel that bisects the site is inappropriate. The ditch is generally coincident with a pre-existing ephemeral wash. This natural drainage feature is marked on the USGS's 1949 "El Toro" topographic quadrangle map (scale 1:24000) with a dashed blue line extending through the orchard that predated Nakase nursery. After passing through the orchard, the drainage joins Serrano Creek downstream at the current junction of Serrano Creek and County RCP/channel F19S02.

S-5-3

This same ditch is referred to later in the hydrology and water quality section as *"an on-site natural and partly paved drainage system"* (page 4.10-2) and appears to coincide with one of the "three distinct canyons" mentioned on page 4.7-2 in Section 4.7 (Geology and Soils).

2. Page 4.4-2; Existing Environmental Setting:

- a. Beneficial Uses: The water quality control plan for the Santa Ana River Basin (Basin Plan) has established the following beneficial uses for Serrano Creek on an intermittent basis: warmwater aquatic habitat (WARM), wildlife habitat (WILD), primary and secondary contact recreation (REC-1 and REC-2), and groundwater recharge (GWR). These beneficial uses apply to tributaries of Serrano Creek, including the Nakase property's interior drainage channel, unless a use attainability analysis has been performed. Replacement of the interior drainage channel with an underground concrete pipe will eliminate these uses.

S-5-4

- b. Groundwater Recharge: Based on the site's monthly inflow and outflow data as reported by Nakase Nursery, some of the site's incoming flow is probably from urban runoff, but additional contributions from springs are possible.

S-5-5



According to these data, this inflow volume is greater than that of the dry weather runoff leaving the nursery and a significant fraction of the flow entering the property infiltrates into the ground within the interior drainage channel. Based on a complete dataset collected over the past six years (2013-18), net infiltration has averaged about 10.6 million gallons per year (33 acre-feet/year).

S-5-5

3. Page 4.4-28: Threshold 4.4.3 relates to substantial adverse effects on federally protected wetlands as defined by Section 404 of the Clean Water Act. The text states that the interior drainage channel ("water quality ditch") will be entirely removed, but that it does not support riparian vegetation "*or provide habitat to plant or wildlife species beyond what adjacent uplands provide.*" This statement appears to exclude benthic macroinvertebrates (BMI) that almost certainly are found in the interior drainage channel. Regional Water Board staff has been conducting a bioassessment program in the Santa Ana River Basin since 2006 and has yet to find a stream that does not contain BMIs. Even intermittent and ephemeral streams are expected to support BMI communities (e.g. see Mazor et al.; 2019: *Assessing the biological condition of dry ephemeral and intermittent streams*. SCCWRP Technical Report No. 1089). The interior drainage channel receives perennial flow from upstream areas, although, as described above, this flow typically infiltrates before exiting the Nakase property. The Basin Plan protects aquatic biological communities including BMIs through, in part, a narrative water quality objective regarding biological degradation (see page 4-6 of the Basin Plan).

S-5-6

4. The DEIR proposes 4.19 acres of riparian habitat along Serrano Creek as Mitigation Measure 4.4.8, to address impacts under Threshold 4.4.3 (substantial adverse effect on federally protected wetlands): "*The proposed Project would remove a 0.99 ac (4,078 linear feet) portion of the existing 1.28 ac (4,971 linear feet) of RWQCB jurisdiction.*"

S-5-7

- a. The proposed mitigation does not address the loss of soft-bottom streambed habitat currently present in the interior drainage channel nor does it address the lost GWR and WARM beneficial uses. Regional Water Board staff suggest the Project propose additional mitigation to account for the elimination of these beneficial uses.
- b. The Project maps indicate that about 40 homes with lots that back up to the project perimeter along Serrano Creek will be built. The DEIR needs to assess whether fire codes/ fuelwood management requirements to protect these homes will affect riparian vegetation along Serrano Creek, both the currently existing black willow forest community and the riparian vegetation to be established in the adjacent proposed mitigation strip. Figure 4.19.3 "Fuel Modification Plan" designates the entire [riparian mitigation] zone bordering Serrano Creek as a "Special Maintenance Area (SMA) – Wet Zone with maintenance requirements to reduce the chances of ignition from wildfires. Requirements specified in the SMA include irrigation, plant type, ground cover, removal of dead/dying specimens and branches, and limited use of native grasses. These restrictions diminish the value of the proposed

S-5-8

- mitigation for this Project; additional mitigation should be proposed to adequately compensate for the 0.99 acres of aquatic resources subject to Regional Water Board jurisdiction that will be removed by the Project. ↑
S-5-8
5. Page 4.10-21: SARWQCB Groundwater Dewatering Permit: Correct the text to read that Order No. R8-2007-0041 was amended by Order No. R8-2009-0045. (Note that Order No. R8-2007-0041 will be replaced in December 2019 by draft Order No. R8-2019-0061, which is currently under review by U.S EPA staff). S-5-9
6. CWA Section 401 Water Quality Certification: The Regional Water Board cannot issue a final CWA §401 certification for the project until we have reviewed the final EIR. A denial without prejudice will be issued if the final EIR is not received before the end of the 60-day review period for the CWA §401 certification. However, Regional Water Board staff will prepare a draft certification in the interim. As noted above, issuance of the CWA §401 certification will likely require additional mitigation measures beyond those identified in the DEIR. S-5-10
7. Appendix I: Preliminary Hydrology Analyses Report, Page i:
- a. Please include a standard Table of Contents with using generally accepted numbering formats with the correct page numbers. If the hundreds of pages of computer printout are supposed to be part of Sections 2, 3, and 4 then they need to be numbered accordingly. Otherwise these printouts should be in an appendix and the key results should be discussed in the text. Please include a list of tables and list of figures so readers can easily find the exhibits discussed in the text. In addition, Exhibits (figures) need to be labeled consecutively and the page number where they can be found needs to be listed. S-5-11
- b. Please provide a reference for the computer program (Advanced Engineering Software) in the text along with some discussion of the appropriateness of the Rational Method for this Project. S-5-12
- c. Please list the assumptions and limitations of this computer program with respect to the Nakase Project, including the size of the drainage area that can be reliably modeled by the Rational Method (the computer program printout refers to the Rational Method). Some of this information is provided at the beginning of each computer printout but this information needs to be presented and explained clearly in the text. S-5-13
- d. Please provide the volume of the proposed underground detention basin. S-5-14
8. Appendix I: Preliminary Hydrology Analysis Report, Page 5 – A figure needs to be included that shows the locations of the nodes used in the computer program and referenced on this page (e.g. add the key nodes to Exhibit 5 or Exhibit 6 and place this figure in the text before the hundreds of pages of computer printouts). S-5-15
9. Appendix I: Preliminary Hydrology Analysis Report, Page 11 – Is the conclusion based on the assumption that the underground detention basin will have 100 percent capacity prior to all storm events? What safety margin is needed to account for lower initial capacity due to sediment accumulation that cannot be removed in time for the next storm event? S-5-16

10. As noted in our comment letter on the Notice of Preparation (dated August 15, 2018) increased peak flows due to urban development have already destabilized Serrano Creek downstream of the Nakase Project and necessitated costly restoration projects funded in part by the State of California. It is essential, therefore, that the proposed underground detention basin be adequately sized to meet the requirements for new developments specified in Section XII of the Areawide Urban Stormwater Runoff Permit for Orange County (Order No. R8-2009-0030). A large margin of safety may be needed to address the likelihood that the underground detention basin will be at less than 100 percent capacity during the multi-day storm events that characterize the most damaging storms in this region.

S-5-17

11. Appendix I: Preliminary/Conceptual Draft Water Quality Management Plan (WQMP), Section V, page 32 - The final WQMP should emphasize that sediment and debris removal must occur as soon as possible after each qualifying storm event in order to ensure 100 percent capacity prior to the next storm event.

S-5-18

If you have any questions, please contact Doug Shibberu of my staff at doug.shibberu@waterboards.ca.gov

S-5-19

Sincerely,



Terri S. Reeder, PG, CEG, CHG
Senior Engineering Geologist
Supervisor, Coastal Waters Planning and CEQA Section

cc: Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles -
Stephanie.J.Hall@usace.army.mil

Jonathan Snyder, Division Chief, Los Angeles and Orange
counties, U.S. Fish and Wildlife Service, Carlsbad office -
Jonathan_D_Snyder@fws.gov

State Clearinghouse, Sacramento -
State.clearinghouse@opr.ca.gov

Jennifer Turner, California Department of Fish and Wildlife,
Carlsbad office Jennifer.Turner@wildlife.ca.gov

CALIFORNIA WATER BOARDS – SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

Letter Code: S-5

Date: October 1, 2019

Response to Comment S-5-1

This comment is introductory and summarizes the project description contained in the Draft Environmental Impact Report (EIR). The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment S-5-2

This comment is introductory and summarizes the proposed Project's impacts to waters of the United States that are subject to the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB) that were disclosed in the Draft EIR.

Since circulation of the Draft EIR, the Project Applicant has revised the proposed Project to avoid temporary impacts to Serrano Creek. Table 4.4.C has been revised in the Final EIR to reflect this change. The change is not "significant new information" because it does not identify a new avoidable significant effect, does not show a substantial increase in the severity of an environmental impact, does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed, and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment S-5-3

The comment states that Section 4.4, Biological Resources, of the Draft EIR inappropriately refers to the interior drainage channel as a water quality ditch. The comment also states that the same ditch is referred to in Section 4.10, Hydrology and Water Quality, as an on-site natural and partly paved drainage system. The ditch is an ephemeral drainage feature that was constructed in the uplands to both convey and treat storm water flows prior to discharging into Serrano Creek. This ditch is considered a water of the State that is subject to RWQCB jurisdiction pursuant to Water Code Section 13260. While this ditch is a tributary to Serrano Creek, which is subject to State jurisdiction, it does not meet the federal definition of a tributary because it does not exhibit an ordinary high water mark (OHWM) upstream of the existing reinforced concrete pipe (RCP) north/northeast of Rancho Parkway. The pre-existing drainage in reference is no longer extant due to the urbanized condition of the upstream watershed that has diverted all flows underground. Flows were diverted decades ago below Bake Parkway via an underground pipe during the construction of Bake Parkway and its surrounds.

As requested in the comment, "water quality ditch" has been revised to "an on-site earthen and partly paved drainage system" or an "existing on-site drainage system" in Section 4.4, Biological Resources, of the Final EIR. The change is not "significant new information" because it does not identify a new avoidable significant effect, does not show a substantial increase in the severity of an

environmental impact, does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed, and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment S-5-4

The comment states that the water quality control plan for the Santa Ana River Basin (Basin Plan) has established the following beneficial uses for Serrano Creek on an intermittent basis: warmwater aquatic habitat (WARM), wildlife habitat (WILD), primary and secondary contact recreation (REC-1 and REC-2), and groundwater recharge (GWR) and that the replacement of the interior drainage channel with an underground concrete pipe would eliminate these uses from the interior drainage channel on the Nakase Project site. To account for the loss of beneficial uses, including WARM, and WILD, the proposed Project will create/establish an additional 4.19 acres of riparian vegetation that will be contiguous with, and contribute to, the existing riparian canopy associated with Serrano Creek within the conservation lands. Of this total, approximately 1.72 acres and 2,572 linear feet of soft-bottom streambed will be established on site as part of the riparian habitat, which will consist of greater quality than that of the continually maintained existing interior drainages. REC-1 and REC-2 beneficial uses are not currently present, as the existing interior drainages are located within the private nursery, and are not accessible to the public and/are not readily visible from public rights-of-way. In addition, based on the subsurface exploration conducted by the Project geologist, the soil types and structure are not conducive to infiltration. Based on those findings, the Basin Plan's identification of Serrano Creek for groundwater recharge (GWR) should not be considered a beneficial use for the subject property.

Response to Comment S-5-5

The comment states that based on the site's monthly inflow and outflow data as reported by Nakase Nursery, some of the site's incoming flow is probably from urban runoff, but additional contributions from springs are possible. USGS topographic maps covering the site periodically from 1949 through 1997 were reviewed. The early maps from 1949 up to 1970 showed the three blue-line streams extending through the Nakase property. There were no springs depicted on these maps at the site or in the drainages upstream of the Nakase property. From 1970 on, the blue line streams are no longer shown on the maps. It is assumed that this is due to the grading that was performed at the site to level out the ground for agricultural purposes. During the initial site investigations by NMG Geotechnical, Inc., there was no evidence that springs contribute water to the Nakase property. The groundwater was measured during NMG's subsurface exploration at depths ranging from 20 to 40 feet below the current ground surface in late 2016 through 2018. The water coming into the site from the storm drain pipe beneath Rancho Parkway is likely entirely made up of urban runoff. It should not be surprising that the outflow is higher since the Nakase Nursery irrigates the site every day and the runoff is directed towards the open drainage ditch extending through the site.

Response to Comment S-5-6

The comment states that the Draft EIR did not address potential impacts related to benthic macroinvertebrates (BMI) that may be found in the on-site earthen and partly paved drainage system (refer to Response to Comment S-5-3 above). Project mitigation would provide a greater quality habitat for BMIs and terrestrial riparian species than the existing nursery operations. Section 4.4 (refer to pages 4.4-28 through 4.4-30) and 4.10 (refer to pages 4.10-3, 4.10-5, and 4.10-36 through 4.10-38) of the Draft EIR addresses impacts to biological resources and benthic community effects. With adherence to Mitigation Measures 4.4.7 and 4.4.8, and Regulatory Compliance Measure (RCM) WQ-1, RCM WQ-2, RCM WQ-3, and RCM WQ-5, impacts on BMIs and biological resources would be reduced below a level of significance.

Response to Comment S-5-7

The comment states that the proposed mitigation does not address the loss of soft-bottom streambed habitat currently present in the on-site earthen and partly paved drainage system (refer to Response to Comment S-5-3 above) nor does it address groundwater recharge (GWR) and warm freshwater habitat (WARM) beneficial uses. The RWQCB suggests additional mitigation to account for the elimination of these beneficial uses. To mitigate for impacts to waters of the State, the Project will conserve and protect the on-site portion of Serrano Creek in perpetuity through a conservation easement or a similar legal instrument as described in Mitigation Measures 4.4.4, 4.4.5, and 4.4.7. To account for the loss of beneficial uses and soft-bottom streambed, the Project will create/establish an additional 4.19 acres of riparian vegetation that will be contiguous with, and contribute to, the existing riparian canopy associated with Serrano Creek within the conservation lands. Of this total, approximately 1.72 acres and 2,572 linear feet of soft-bottom streambed will be established on site as part of the riparian habitat. Refer to Mitigation Measures 4.4.7 and 4.4.8 of the Draft EIR.

Response to Comment S-5-8

The comment states that restrictions associated with Fuel Modification Plan requirements diminish the value of the proposed mitigation for the Project and that additional mitigation should be proposed to adequately compensate for the 0.99 acre of aquatic resources subject to the jurisdiction of the RWQCB. Please refer to Response to Comment S-4-7. Additionally, all runoff originating from the proposed lots will be treated by bioswales prior to entering Serrano Creek and/or the proposed mitigation site.

Response to Comment S-5-9

This comment requests revisions to Section 4.10, Hydrology and Water Quality, to correct the reference to the amendment to the Santa Ana RWQCB Groundwater Dewatering Permit and to reference the new permit (Order No. R8-2019-0061), which is anticipated to replace the current Groundwater Dewatering Permit in December 2019. As requested by the commenter, the references to the Groundwater Dewatering Permit have been revised throughout the section to read "Order No. R8-2007-0041, as amended by R8-2009-0045," which was inadvertently cited as "Order No. R8-2007-0041, as amended by R8-2007-0041)."

In addition, the following reference to the new permit has been added as a footnote to the first mention of the Groundwater Dewatering Permit on page 4.10-17:

“Order No R8-2007-0041 is anticipated to be replaced in December 2019 by Order No. R8-2019-0061, which is currently under review by the United States Environmental Protection Agency.”

Measure RCM WQ-5 in the Draft EIR states that “If groundwater dewatering is required during excavation activities, the Applicant shall obtain coverage under one of two orders, or any subsequent orders, that apply to groundwater discharges to surface waters within the Newport Bay/San Diego Creek Watershed depending on the nature of the groundwater.” Because Order No. R8-2019-0061 is considered a “subsequent order”, the project would comply with the requirements of Order No. R8-2019-0061 in the event it is adopted prior to commencement of the excavation activities.

These changes are not “significant new information” because they do not identify a new avoidable significant effect, do not show a substantial increase in the severity of an environmental impact, do not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed, and the revisions do not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revisions are minor changes to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment S-5-10

This comment states that the Santa Ana RWQCB cannot issue a final Clean Water Act Section 401 Water Quality Certification without reviewing the Final EIR. The comment states that the 401 Water Quality Certification will likely require additional mitigation measures beyond those identified in the Draft EIR. Comment is noted. As required by the Santa Ana RWQCB, the Final EIR will be submitted to the Santa Ana RWQCB along with the application for a 401 Water Quality Certification. The City of Lake Forest (City) and the Project Applicant are aware that additional requirements may be stipulated by the Santa Ana RWQCB as part of the 401 Water Quality Certification. As detailed in Mitigation Measure 4.4.8 in Section 4.4, Biological Resources, of the Draft EIR, the Project Applicant will implement/comply with mitigation measures required by the resource agencies regarding impacts on their jurisdiction. As such, the Project Applicant will comply with any additional requirements stipulated by the Santa Ana RWQCB in the 401 Water Quality Certification.

Response to Comment S-5-11

The comment requests that some formatting changes be made to the Preliminary Hydrology Analysis. The changes have been made to the revised Preliminary Hydrology Analysis report; the changes are reflected in the revised Preliminary Hydrology Analysis report included in Appendix P to this Final EIR.

Response to Comment S-5-12

The comment requests a reference for the computer program (Advanced Engineering Software) in the text along with some discussion of the appropriateness of the Rational Methods for this Project. The changes have been made to the revised Preliminary Hydrology Analysis report; the changes are reflected in the revised Preliminary Hydrology Analysis report included in Appendix P to this Final EIR.

Response to Comment S-5-13

The comment requests the assumption and limitations of this computer program (Advanced Engineering Software) with respect to the Nakase Project. The Rational Method is used for projects up to 640 acres. The changes have been made to the revised Preliminary Hydrology Analysis report; the changes are reflected in the revised Preliminary Hydrology Analysis report included in Appendix P to this Final EIR.

Response to Comment S-5-14

The comment requests the volume of the proposed underground detention basin. The volume is 14.2 acre feet. Refer to Appendix to the Preliminary Hydrology Analysis (Page 15 of 23 for the minimum size required of 12.1 acre feet).

Response to Comment S-5-15

The comment states that a figure needs to be included that shows the locations of the nodes used in the computer program and referenced on this page (e.g. add the key nodes to Exhibit 5 or Exhibit 6 and place this figure in the text before the hundreds of pages of computer print outs).

Please refer to Exhibit 7 in the Preliminary Hydrology Analysis report as referenced on Pages 4 and 5 (Appendix I of the Draft EIR).

Response to Comment S-5-16

The comment asks if it is assumed that that the underground detention basin will have 100 percent capacity prior to all storm events and what safety margin is needed to account for lower initial capacity due to sediment accumulation that cannot be removed in time for the next storm event.

The underground detention basin is designed to meet City standards and sized to accommodate a 100-year storm. The modeling software has a factor of safety built into it. In addition, the proposed underground detention basin is approximately 2.1 acre feet larger than the anticipated 100-year volume. The underground detention basin is designed to meet City standards and sized to accommodate a 100-year storm. The water that is being contained in the underground detention basin is clean water that has already been filtered through sediment and water quality treatment processes in the upstream systems. There should be minimal to no sediments within the water going to the underground basin. An additional sediment trap manhole will be designed in the system to capture any remnant sediments prior to the underground detention basin as part of the final engineering process.

In addition, there are no established protocols for assigning an “appropriate” safety factor to such a system. Again, the system has approximately 2 acre feet more in storage than required to accommodate the anticipated 100-year event. The water coming from off site is “clean” water as it is coming from a developed watershed not an undeveloped tract of land. The Project proposes a sediment trap upstream of the underground detention structure to catch any sediment that may be present. A significant decrease in the capacity of the underground detention structure between storm events, due to sediment accumulation, is unfounded.

Response to Comment S-5-17

The comment states that the proposed underground detention basin must be adequately sized to meet the requirements for new developments specified in Section XII of the Areawide Urban Stormwater Runoff Permit for Orange City (Order No. R8-2009-0030). The detention basin has been sized to accommodate project runoff. See Response to Comment S-5-16.

Response to Comment S-5-18

The comment states that the final WQMP should emphasize that sediment and debris removal must occur as soon as possible after each qualifying storm event in order to ensure 100 percent capacity prior to the next storm event. The changes will be made prior to finalization of the Preliminary Hydrology Analysis report. The changes have been made to the revised Preliminary Hydrology Analysis report; the changes are reflected in the revised Preliminary Hydrology Analysis report included in Appendix P to this Final EIR.

Response to Comment S-5-19

This comment concludes the letter and provides contact information for RWQCB staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

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2.2 LOCAL AGENCIES

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ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

September 9, 2019

City of Lake Forest
Attn: Marie Luna, Senior Planner
Community Development Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

REF: Notice of Availability of Draft EIR: Nakase Nursery/Toll Brothers

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and fire code hazardous material inspections and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and schools sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions

L-1-1

The following are our comments:

As of August 16, 2019:

- OCFA serves 24 Cities and the County unincorporated areas
- OCFA has 79 fire stations
- OCFA provides services to a population of 1.9 million residents

L-1-2

Page 4.14-2:

- Coordinating the inspection of all commercial buildings, investigating all fires, and hazardous materials regulations
- **Should state:** Coordinating the inspection of all commercial buildings, investigating all fires, and **fire code hazardous materials inspections**
- Conducting new construction inspections, fire safety inspections, and State Fire Marshal-required inspections (including high-rise, jail, board-and-care, and day care inspections), and enforcing applicable fire codes and ordinances;
- **This is the responsibility of the County of Orange Environmental Health Care Agency NOT OCFA**

L-1-3

L-1-4

Page 4.14-3:

- Fire Station Nos. 19, 42, and 54 are the three OCFA Stations within Lake Forest. Located at 19811 Pauling Avenue, 0.57 mile (mi) east of the Project site, Fire Station No. 54 personnel would be the first to the

L-1-5

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Garden Grove • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods
Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana
Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

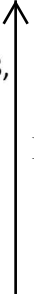
Addressee Name

Date

Page 2

Project site in the event of an emergency and would therefore be designated as the "first-in" station. Station No. 54 is staffed by three captains, three engineers, and three firefighters. In 2018, the three stations in Lake Forest responded to 5,176 calls.²

- **Should state:** Fire Station Nos. 19, 42, and 54 are the three OCFA Stations within Lake Forest. Located at 19811 Pauling Avenue, 0.57 mile (mi) east of the Project site, Fire Station No. 54 personnel would be the first to the Project site in the event of an emergency and would therefore be designated as the "first-in" station. Station No. 54 is staffed by three captains, three engineers, and **six** firefighters. In 2018, **OCFA responded to 5,176 calls** in Lake Forest. ~~responded to 5,176 calls.~~



L-1-5

- This project would require a secured fire protection agreement to specify a developer's pro-rata, fair-share funding for capital improvements necessary to establish and maintain adequate fire protection facilities, equipment, and personnel.

L-1-6

- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the CBC, CFC and related codes.

L-1-7

- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.

L-1-8

- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.

L-1-9

- Fire department access shall be provided all around the development
 - Development may require additional exit/access point

L-1-10

- If the project scope includes or requires the installation of traffic signals on public access ways, these improvements shall include the installation of optical preemption devices.

L-1-11

- Attic spaces shall be fully sprinklered.

L-1-12

- Any building or parking structure over 75' will invoke "High Rise" building construction type.

L-1-13

- Amenity decks shall comply with "Assembly" occupancy provisions for access and exiting.

L-1-14

- It is unlawful to occupy any portions of this apartment building until City building department and OCFA have conducted final inspection and sign off

L-1-15

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6199 if you have any questions.

L-1-16

Sincerely,

Tamera Rivers
Management Analyst
Strategic Services Section
tamyivers@ocfa.org
714-573-6199

ORANGE COUNTY FIRE AUTHORITY

Letter Code: L-1

Date: September 9, 2019

Response to Comment L-1-1

This comment is introductory and provides an overview of services provided by the Orange County Fire Authority (OCFA). Services include structural fire protection, emergency medical and rescue services, education and fire code hazardous material inspections, and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-1-2

The comment states that OCFA serves 24 cities and unincorporated areas in Orange County, has 79 fire stations, and provides services to 1.9 million residents. On page 4.14-1, the Draft EIR erroneously stated that OCFA serves 23 cities and unincorporated areas in Orange County, has 78 fire stations, and provides services to 1.8 million residents. The Final EIR has been updated to incorporate the correct service information. The change is not “significant new information” because it does not identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-1-3

The comment provides corrections to the Draft EIR as follows:

Text in Draft EIR: Coordinating the inspection of all commercial buildings, investigating all fires, and hazardous materials regulations

Revised Text from OCFA: Coordinating the inspection of all commercial buildings, investigating all fires, and fire code hazardous materials inspections

Page 4.14-2 of the Final EIR has been updated to include the information requested by OCFA. The change is not “significant new information” because it does not identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-1-4

The comment clarifies that the County of Orange Environmental Health Care Agency, not OCFA, is responsible for conducting new construction inspections, fire safety inspections, and State Fire Marshal-required inspections (including high-rise, jail, board-and-care, and day care inspections), and enforcing applicable fire codes and ordinances. Page 4.14-2 of the Final EIR has been updated at the commenter's request to identify the agency responsible for conducting inspections. The change is not "significant new information" because it does not identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-1-5

The comment clarifies that OCFA has six (instead of three) firefighters at Station No. 54 and that OCFA responded to 5,176 calls in Lake Forest in 2018 (which may have included stations outside the City). Page 4.14-3 of the Final EIR has been updated to include the correct information at the commenter's request. The change is not "significant new information" because it does not identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-1-6

The comment states that the proposed Project would require a secured fire protection agreement to specify the developer's pro-rata, fair-share funding for capital improvements necessary to establish and maintain adequate fire protection facilities equipment and personnel.

This information is consistent with information stated on page 4.14-14 of the Draft EIR. In addition, Mitigation Measure 4.14.1 requires the developer to enter into the secured fire protection agreement prior to issuance of any building permits for the proposed Project.

Response to Comment L-1-7

The comment states that the proposed Project is subject to review by the City of Lake Forest and OCFA for various construction document plan checks for the applicable fire life safety codes and regulations, and that the proposed Project would be subject to the current editions of the California Building Codes, California Fire Codes, and related codes. This information is consistent with information stated in the Draft EIR.

Response to Comment L-1-8

The comment states that structures of this size and occupancy are required to have automatic fire sprinkler systems. As stated on page 4.14-13 of the Draft EIR, the proposed Project is designed to comply with adopted fire protection standards as required by the City's Municipal Code (Regulatory Compliance Measure [RCM] PS-1). At a minimum, the proposed Project would incorporate fire hydrants, attic sprinkler protection, a fire department access road, radiant heat zone, and ember mitigation zones as part of its fire protection plan. Consistent with the Municipal Code and California Fire Code, additional requirements may be placed on the proposed Project during plan check.

Response to Comment L-1-9

The comment states that a water supply system to supply fire hydrants and automatic fire sprinklers systems is required. Refer to Response to Comment L-1-8.

Response to Comment L-1-10

The comment states that the proposed Project may require an additional exit/access point. Refer to Response to Comment L-1-8.

Response to Comment L-1-11

The comment states that if the proposed Project includes the installation of traffic signals on public access ways, these improvements shall include installation of optical preemption devices. The proposed Project does not include the installation of any traffic signals. The traffic signals at the main entrances to the Project site (Rancho/ "B" Street and Rancho South/"A" Street) already have optical preemptions devices installed.

Response to Comment L-1-12

The comment states that attic spaces must be equipped with sprinklers. Refer to Response to Comment L-1-8.

Response to Comment L-1-13

The comment states that any building over 75 feet will be considered a "high rise". Refer to Response to Comment L-1-8.

Response to Comment L-1-14

The comment states that the amenity decks need to comply with "assembly" occupancy provisions for access and exiting. Refer to Response to Comment L-1-8.

Response to Comment L-1-15

The comment states that it is unlawful to occupy any portions of the apartment buildings until the City of Lake Forest building department and OCFA have conducted final inspections and signed off. The Project Developer will be required to obtain Certificates of Occupancy before any structures are occupied on the Project site. Refer to Response to Comment L-1-8.

Response to Comment L-1-16

The comment states that all standard conditions with regard to development, including water supply, built-in fire protection systems, road grades and width, access, building materials, and the like will be applied to the proposed Project at the time of plan submittal. Refer to Response to Comment L-1-8.

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SEP 25 2019

CITY OF LAKE FOREST
COMMUNITY DEVELOPMENT



September 23, 2019

Marie Luna, Senior Planner
City of Lake Forest
Community Development Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Re: Draft EIR Nakase Nursery/Toll Brothers Project

Dear Ms. Luna:

Irvine Ranch Water District (IRWD) has received and reviewed the Draft Environmental Impact Report (EIR) for the proposed Nakase Nursery/Toll Brothers Project in the City of Lake Forest. IRWD offers the following comments.

L-2-1

IRWD is correctly identified as the domestic water, recycled water, and wastewater service provider for the proposed project. While the specified project location was identified as a future development in the 2010 Lake Forest Sub-Area Master Plan (SAMP), the proposed land use in the draft EIR is different from what was originally analyzed. IRWD is aware that the project proponent (Toll Brothers) has initiated the SAMP Addendum work for this project, and Toll Brothers should continue to coordinate with Eric Akiyoshi at (949) 453-5552 to finalize the potential impacts to IRWD’s potable, recycled, and sewer systems from this proposed project.

L-2-2

Section 4.18.2.1 Existing Environmental Setting Wastewater indicates that IRWD operates four treatment plants. This is incorrect. The Draft EIR should be corrected to indicate that IRWD operates two wastewater treatment plants: Michelson Water Recycling Plant and Los Alisos Water Recycling Plant. Section 4.18.2.2 Water Supply indicates that IRWD’s drinking water is a blend of groundwater from the Orange County Groundwater Basin, which is correct. But, the Draft EIR should be corrected to indicate that the remaining portion of IRWD’s drinking water comes from the Colorado River and the State Water Project, which is imported from Metropolitan Water District of Southern California (MWD) not from Metropolitan Water District of Orange County (MWDOC).

L-2-3

L-2-4

The Draft EIR correctly indicates that IRWD reviewed the City's water supply assessment (WSA) request, submitted September 18, 2018, for the proposed project and noted that the development includes up to 776 dwelling units and an elementary school. During the review of the 2018 assessment, IRWD referred back to the January 24, 2005 WSA it completed for the City of Lake Forest's Opportunities Study. As requested by the City, IRWD's 2005 assessment covered a total of 5,844 dwelling units, which included the proposed project maximum of 5,394 residential units plus an additional 450 single family units for the Nakase site overlay. Water Code Section 10910 (the "Assessment Law") requires a WSA for project approval for projects subject to CEQA and meeting the definition of "project." The term "project" is defined to include residential development of more than 500 dwelling units. Because 450 of the proposed 776 units were previously included in IRWD's baseline demands, the remaining balance (326 units) is less than the 500 dwelling units' requirement needed for a new or additional water supply assessment. As the Draft EIR correctly indicates, IRWD determined that a WSA is not required for the proposed project. If you have any additional questions on WSAs, please contact Kellie Welch at (949) 453-5604.

L-2-5

IRWD appreciates the opportunity to review and comment on the Draft EIR. If you have any questions or require additional information, please contact either the undersigned at (949) 453-5325 or Jo Ann Corey, Environmental Compliance Specialist at (949) 453-5326.

L-2-6

Sincerely,



Fiona M. Sanchez
Director of Water Resources

cc: Eric Akiyoshi, IRWD
Kelly Lew, IRWD
Jo Ann Corey, IRWD

IRVINE RANCH WATER DISTRICT (IRWD)

Letter Code: L-2

Date: September 23, 2019

Response to Comment L-2-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-2-2

This comment states that the Draft EIR correctly identifies IRWD as the domestic water, recycled water, and wastewater service provider for the proposed Project. The comment also acknowledges that although the proposed Project is different than that analyzed in the 2010 Lake Forest Sub-Area Master Plan (SAMP), the Project Applicant has initiated a SAMP Addendum. As suggested in the comment, the Project Applicant will continue to coordinate with IRWD on impacts to their facilities, which includes the relocation of IRWD lines on the southern edge of the Project site (as identified in Section 4.18, Utilities and Service Systems). This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-2-3

This comment states that the Draft EIR incorrectly states that IRWD operates four treatment plants and should be corrected to state that the IRWD operates two treatment plants: Michelson Water Recycling Plant (MWRP) and the Los Alisos Water Recycling Plant. Section 4.18.2.1 of the Draft EIR correctly states that the IRWD owns and operates the MWRP and the Los Alisos Water Recycling Plant. However, the text in Section 4.18.2.1, Wastewater, in the Draft EIR incorrectly stated that IRWD operates four treatment plants and, as suggested in the comment, the text in the Final EIR has been revised. The change is not “significant new information” because it does not identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-2-4

This comment states that the Draft EIR correctly states that the IRWD’s drinking water is a blend of groundwater from the Orange County Groundwater Basin. The comment also states that the Draft EIR should be corrected to indicate that the remaining portion of IRWD’s drinking water comes from the State Water Project, which is imported from the Metropolitan Water District of Southern California (MWD), not from the Metropolitan Water District of Orange County. The text in Section 4.18.2.2, Water Supply, has been updated to state that surface water is imported by MWD as suggested in the comment. The change is not “significant new information” because it does not

identify a new, avoidable significant effect; does not show a substantial increase in the severity of an environmental impact; does not identify a feasible project alternative or mitigation measure considerably different from others previously analyzed; and the revision does not involve a change to mitigation measures that were proposed in the Draft EIR. In addition, the proposed revision is a minor change to the EIR that merely clarifies, amplifies, or makes insignificant modifications to the document. As such, recirculation of the document is not required (*State CEQA Guidelines*, Section 15088.5).

Response to Comment L-2-5

This comment states that the Draft EIR correctly states that the IRWD reviewed the City's Water Supply Assessment (WSA) request and determined that a WSA is not required for the proposed Project. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-2-6

This comment concludes the letter and provides contact information for IRWD staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.



September 23, 2019

Marie Luna
Senior Planner
City of Lake Forest
Community Development Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Comments on Draft Environmental Impact Report for the Proposed Nakase
Nursery/Toll Brothers Project

Dear Ms. Luna:

Saddleback Valley Unified School District is a Responsible Agency for the new elementary school proposed in Nakase Nursery/Toll Brothers project (Proposed Project). The District would be responsible for carrying out and approving the acquisition of the school site, its development, and its operation. We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed project and respectfully submit the comments herein.

L-3-1

Proposed Project

The Applicant (Toll Brothers) proposes development of a master-planned community on 122 acres south of the intersection of Bake Parkway and Rancho Parkway, within District boundaries. The proposed community would include up to 675 single- and multifamily residential units; up to 101 senior affordable apartment units; a public elementary school site accommodating up to 1,000 students; parks, open space, and habitat restoration area; an internal circulation system; and a multipurpose water quality basin. In lieu of paying school fees, the Applicant intends to dedicate 11.5 acres in the northwest portion of the community to the District for development of the proposed school ("proposed school site").

L-3-2

Project School Impacts

The proposed project would generate 282 primary and secondary students, including 135 elementary, 45 intermediate, and 102 high school students (DEIR Table 4.14C). According to current enrollments and capacities of nearby District schools (DEIR Table 4.14A), it is projected the District will have sufficient seating for the project's intermediate and high school students. However, without construction of new elementary school facilities—whether those of the proposed school or at an existing campus(es)—the District may not have adequate facilities to accommodate the project's elementary school students (DEIR Table 4.14D).

L-3-3

In its letter response to the City’s Notice of Preparation for the project’s DEIR, July 25, 2018, the District requested the DEIR include the following:

- » School siting investigations, pursuant to Section 14010 of the California Code of Regulations (CCR), Title 5, for the proposed school site and potential joint use areas, and
- » A scenario that assumes the proposed school is not developed (and/or its development is delayed).

L-3-4

ADEQUACY OF SCHOOL SITE

Prior to the District’s consideration of the acquisition, development, and operation of the proposed school site, the EIR must determine the suitability of the property for school use and the action’s effects on the environment.

L-3-5

California School Siting Criteria

The EIR adequately analyzes health and safety hazards related to public school development at the proposed school site. Although the impacts are less than significant after compliance with existing regulations and proposed mitigation, two school siting issues remain to be fully closed out:

L-3-6

- » **Powerline Setback Exemption.** Overhead transmission lines carrying 66 kV adjoin the proposed school site along Bake Parkway. Section 14010(c) of CCR Title 5 states that a distance setback of 100 feet is required for overhead powerlines with 50 kV to 130 kV lines. The California Department of Education (CDE) Power Line Setback Exemption Guidance, May 2006, provides that a 25-foot setback is required for undergrounded transmission lines with 60 kV to 133kV; the CDE May 2006 Guidance also provides for a setback exemption if safety is not compromised and if an electromagnetic field (EMF) field management plan is prepared.

L-3-7

An EMF study and field management plan (DEIR Appendix H) were prepared for the proposed school site and concluded that the existing EMF levels at the site are within the average values for California public schools; therefore, potential health risks related to EMF exposure are less than significant. Additionally, the project’s proposal to underground the power lines further attenuates EMF levels, and the setback distance would be reduced from 100 feet to 25 feet. If the District acquires the property and if final design of the school encroaches within the 25-foot setback, the District may submit an exemption request to allow unrestricted use of the setback area.

- » **Site Approval and Clearance by CDE and DTSC.** A Phase I Environmental Site Assessment and Limited Phase II Subsurface Investigation Report were prepared for the entire 122-acre property. No recognized environmental concerns (REC) were identified on the proposed school site. However, similar to the rest of the property, the property was in agricultural production as early as the late 1930s. EIR Threshold 4.9.3 accurately states that the potential acquisition of the proposed school site for development and operation as a public school would require compliance with Education Code Sections 17213.1, 17213.2, and 17268, and would require oversight by the Department of Toxic Substances Control (DTSC) to ensure potential soil hazards are remediated to California school standards. Compliance with DTSC requirements

L-3-8

and receipt of a “No Further Action,” per DEIR Mitigation Measure 4.9.3, would reduce impacts from soil hazards at the proposed school site to less than significant.

L-3-8

Proposed School Construction and Operational Impacts

To the extent that details are known, construction and operational impacts caused by the proposed elementary school were analyzed throughout the DEIR, and our comments focus on potential traffic and parking impacts.

L-3-9

Traffic. The proposed school would house up to 1,000 elementary students, including 135 students from the proposed development. The remaining students would be from the surrounding communities.

» **TRAF-1:** School TAZ 2 Project Peak Hour Trip Distributions identifies the proposed trip distribution anticipated for the proposed school. Do the trip distribution patterns and percentages take into consideration potential trips from communities of the existing impacted schools and projected future developments? If not, please explain the rationale for the current proposed patterns and distributions and/or update the distribution and traffic impact analysis accordingly.

L-3-10

» **TRAF-2:** For students who do not live in the proposed planned community and who may walk or bike to school, please identify the safe routes that are proposed for access to the proposed school site? What off-site improvements, if any, will be implemented to ensure the proposed routes to the proposed school are safe?

L-3-11

» **TRAF-3:** Will the sidewalk on the south side of Rancho Parkway, adjacent to the proposed school site, be constructed by the Applicant as a part of the proposed project?

L-3-12

Parking. CDE’s Guide to School Site Analysis and Development, 2000 Edition, recommends that 2.25 parking spaces be provided for each elementary teaching station to accommodate school employees and visitors. Assuming the proposed 1,000-seat school would be developed with 40 classrooms, the campus would require 90 off-street parking spaces. Due to the site’s narrow, L-shaped configuration, it may be difficult to accommodate all 90 off-street spaces. Consequently, “BB” Street may need to accommodate parking demands for normal school operations, as well as during special events and programs, such as the morning of the first day of school, back-to-school night, and open house.

L-3-13

» **PARK-1:** DEIR Threshold 4.16.3 (page 4.16-23) states that BB Street adjacent to the school would accommodate student loading activities and on-street parking. Assuming both sides of BB Street would be available for parking outside the morning and afternoon bell periods, please confirm:

L-3-14

- The number of parked vehicles BB Street would be able to accommodate.

- Whether the on-street spaces would be sufficient to accommodate special events and programs at the 1,000-seat school. If not, please identify how overflow parking can be accommodated for special events and programs.

L-3-15

NO DEVELOPMENT OF SCHOOL SITE

The DEIR adequately analyzes health and safety impacts under CCR Title 5, but does not fully address the District's second request, which was to consider the impacts if this school is not developed or its completion is delayed. To summarize the approach taken in the DEIR:

- » DEIR Section 3.3.3, "Elementary School," states that if the proposed school were not built, then "medium residential and neighborhood park uses would be permitted on the school site."
- » DEIR Threshold 4.14.1(iii) discusses the possibility that the proposed school is not built and states that none of the existing elementary schools that could serve the project's 135 elementary students would have adequate capacity. The analysis concludes that payment of developer fees—as provided by California Government Code Section 65995—would mitigate the project's school impacts.
- » DEIR Alternative 3, "No School Alternative," considers development of the Nakase Property Area Plan without the proposed school site.

L-3-16

Though District representatives have met with the Applicant, District decisionmakers have not approved acquisition and development of the proposed school site. The District has yet to determine if developing and operating this school is financially feasible. This is the reason the District requested that the City address a scenario where a school at this site is not completed or is delayed and students from the development would attend existing schools. The DEIR fails to provide a complete analysis. The summaries above show the DEIR analysis is limited to a change in land use from school to residential and neighborhood park.

Under the "no-school" scenario there are potential traffic, roadway safety hazards (such as safe-routes-to-school via bicycling and walking) air quality, noise, and parking impacts at the receiving schools that have not been addressed. Also, because there is not enough capacity at the receiving elementary schools, the District will be required to construct additional facilities to accommodate student growth, and these indirect impacts have not been addressed.

L-3-17

The DEIR's traffic, VMT, air quality, GHG, noise, and other topics all assume this neighborhood school is in place. The District respectfully requests that the DEIR be revised to address the potential that the District is unable to complete the school. The DEIR should address direct and indirect impacts at receiving schools and consider traffic/VMT, air quality, GHG, noise and other topics under a no-school scenario.

Conclusion

We appreciate the opportunity to comment on the Proposed Nakase Nursery/Toll Brothers Project DEIR and to continue working with the City of Lake Forest on this important project. Please feel free to contact the undersigned if you have questions or need clarification concerning our comments.

L-3-18

Sincerely,

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT



Stella Escario-Doiron

Chief of Facilities, Maintenance, Operations, Construction and Transportation

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT (SVUSD)

Letter Code: L-3

Date: September 23, 2019

Response to Comment L-3-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-3-2

This comment correctly states the key elements of the proposed Project, as described in Chapter 3.0, Project Description, of the Draft EIR, including an 11.5-acre public elementary school site in the northwest portion of the Project site. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-3-3

This comment correctly summarizes the conclusion under Threshold 4.14.1(iii) in Section 4.14, Public Services, of the Draft EIR that the SVUSD may not have adequate facilities to accommodate the proposed Project's elementary school students if new elementary school facilities are not constructed. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-3-4

This comment notes that the SVUSD requested that the Draft EIR include State-required school siting investigations and an evaluation of a scenario in which no school is built on the Project site when it provided a response to the City's Notice of Preparation (NOP) regarding the EIR on July 25, 2018.

As discussed in Section 4.9, Hazards and Hazardous Materials, of the Draft EIR, technical studies to fulfill school siting requirements were completed at the request of the SVUSD, including an Electromagnetic Field Study, a Health Risk Assessment, a Geologic and Environmental Hazards Assessment Report (GEHA), and a Water Pipeline and Tank Safety Hazard Assessment. These studies are included in Appendix H of the Draft EIR. The GEHA evaluates potential environmental hazards per the State's school siting standards, Title 5 of the California Code of Regulations (CCR), Section 14010, and additional codes and regulations applicable to school facilities that are found in the Education, Government, and Public Resources Codes. These include potential hazards associated with the site's proximity to Bake Parkway, a gas station on the other side of Rancho Parkway, and State Route 241 (SR-241).

At the request of the SVUSD, the Public Services section in the Draft EIR also evaluates a potential scenario in which an elementary school is not built on the Project site. Specifically, Table 4.14.D:

School Seat Shortage/Surplus, discloses a scenario in which the on-site elementary school is not built. In addition, Alternative 3 evaluated a No School development scenario.

Response to Comment L-3-5

This comment suggests that the EIR for the proposed Project should determine the suitability of the Project site for school use and the proposed school's effects on the environment. This would allow the SVUSD to consider the acquisition, development, and operation of the proposed school site on the Project site.

Section 3.3.3, Elementary School, in Chapter 3.0, Project Description, of the Draft EIR notes that the City Council would first have to approve the proposed Project in order for the SVUSD to move forward with building the proposed elementary school on the Project site. Although City Council approval is an important requirement, Section 3.3.3 of the Draft EIR clarifies that a proposed elementary school on the Project site would also be subject to SVUSD environmental review and approval and would need to be approved by the California Department of Education (CDE).

The City of Lake Forest (City) included an evaluation of the potential environmental impacts associated with constructing and operating an elementary school on the Project site in the Draft EIR, as requested by the SVUSD. As noted in Response to Comment L-3-4 above, several technical studies to fulfill school siting requirements were completed in support of the Draft EIR (refer to Appendix H of the Draft EIR), as requested by the SVUSD in its comment letter on the NOP for the Nakase Project (dated July 25, 2018). Should the SVUSD elect to move forward with building a school at the designated elementary school location on the Project site, it may choose to use the Nakase EIR for analysis related to the construction and operation of the new school under the California Environmental Quality Act (CEQA).

Response to Comment L-3-6

This comment notes that the Draft EIR adequately analyzes the potential health and safety hazards related to the development of a public school on the Project site. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-3-7

This comment notes that the CDE Power Line Setback Exemption Guidance allows for exemptions to the required CDE power line setbacks for public school sites in certain circumstances. This comment suggests that the SVUSD may submit an exemption request to allow unrestricted use of the setback area if the SVUSD acquires the proposed school site and the final school design encroaches within the 25-foot setback area.

As noted above in the Response to Comment L-3-5, should the SVUSD decide to acquire and build an elementary school on the proposed school site, it may choose to use the Draft EIR for analysis regarding construction and operation of the new school. The SVUSD would be responsible for submitting an exemption request to the CDE if it determines that the final school design must encroach within the CDE power line setback area.

Response to Comment L-3-8

This comment accurately reiterates the conclusion under Threshold 4.9.3 in Section 4.9, Hazards and Hazardous Materials, of the Draft EIR that the proposed Project's impacts related to hazardous emissions or hazardous materials within 0.25 mile of a school would be less than significant with implementation of Mitigation Measure 4.9.3. Mitigation Measure 4.9.3 requires oversight from the Department of Toxic Substances Control (DTSC) to ensure that potential soil hazards are remediated to California school standards. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-3-9

This comment notes that the construction and operational impacts caused by the proposed elementary school were analyzed throughout the Draft EIR, and the SVUSD's comments focus on potential traffic and parking impacts. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-3-10

This comment notes that 865 of the 1,000 students at the proposed elementary school would be generated by off-site residential areas. The comment questions how the anticipated trip distribution patterns and percentages associated with the proposed school in the Draft EIR's traffic analysis were developed, specifically whether they take into account projected future development and existing impacted schools.

The traffic impact analysis utilizes the Lake Forest Traffic Analysis Model (LFTAM) data to determine the boundaries of the study area for traffic purposes. The study area includes those intersections most likely to be used by vehicles traveling to and from the Project site (including the school site) and takes into account the trip generation of the Project. Figure 4.16.1 in the Draft EIR illustrates the geographic location of the traffic study area intersections.

Within the City of Lake Forest, a comprehensive database of existing and planned land uses (i.e., future development) and population and housing statistics for each LFTAM zone is maintained. Outside of the City of Lake Forest, LFTAM derives area-wide traffic patterns from its parent model, the Orange County Transportation Analysis Model (OCTAM), which is used to produce trip tables that drive LFTAM. Therefore, the traffic analysis did take into account projected future development.

Trips associated with existing impacted schools would be part of baseline conditions as these schools were operational at the time traffic counts were collected and trips associated with their operation are included in existing traffic counts. Table 4.16.E identifies the existing level of service (LOS) for the study intersections.

Therefore, the trip distribution patterns and percentages used in the traffic analysis for the proposed Project did take into account projected future development and does consider trips from communities of existing schools.

Response to Comment L-3-11

This comment states that some of the students who would attend the proposed school would not live on the Project site. The comment further states that some of those students may choose to walk or bike to the proposed school on the Project site. The comment requests that safe pedestrian and bicycle access routes to the proposed school site be identified and that any off-site access improvements required to ensure pedestrian and bicycle safety be disclosed.

Figure 3.11, Bicycle Lanes and Trail Facilities, and Figure 3.12, Pedestrian Facilities, in Chapter 3.0, Project Description, of the Draft EIR show the locations of the proposed on-site bicycle lanes and trail facilities, and pedestrian facilities included in the proposed Project, respectively. The proposed Project does not include any off-site pedestrian or bicycle improvements and is not legally required to do so because the proposed Project would not result in any potentially significant impacts related to pedestrian and bicycle safety. If the SVUSD decides to acquire and build an elementary school on the proposed school site, it would be responsible for determining the school's boundaries and where students will come from beyond the Project site. If and when that occurs, if the SVUSD decides that additional off-site pedestrian and bicycle access improvements should be implemented to improve student safety and that those improvements require additional analysis under CEQA, the SVUSD may choose to prepare supplemental environmental analysis.

Response to Comment L-3-12

This comment asks if the proposed sidewalk on the south side of Rancho Parkway, adjacent to the proposed school site, would be constructed by the Project Applicant/Developer as a part of the proposed Project. All of the public improvements outlined in the Area Plan, including the on-site pedestrian improvements shown on Figure 3.12, Pedestrian Facilities, in Chapter 3.0, Project Description, of the Draft EIR would be funded and constructed by the Project Applicant/Developer.

Response to Comment L-3-13

This comment notes that the proposed school would require 90 off-street parking spaces to accommodate school employees and visitors based on CDE school siting guidelines. This comment also claims that it may be difficult to include 90 off-street parking spaces at the proposed school site and that "BB" Street may need to include on-street parking to meet the parking demands of normal school operations as well as special events and programs.

Table 7.3, Estimated Elementary School Parking Summary, in Section 7.8 of the proposed Area Plan indicates that the preliminary school site plan provides for approximately 100–120 on-site parking spaces and approximately 80–100 on-street parking spaces, for a total of approximately 180–220 spaces. As described under Threshold 4.16.3 in Section 4.16, Transportation/Traffic, of the Draft EIR, the Area Plan would allow on-street parking along "BB" Street adjacent to the proposed school to accommodate student drop-offs and pick-ups. Although the Draft EIR includes a discussion of the

proposed Project's compliance with City parking requirements, parking is not considered an environmental impact under CEQA.

Response to Comment L-3-14

This comment requests confirmation of the number of parked vehicles that "BB" Street would be able to accommodate, assuming that on-street parking would be permitted along both sides of the street during the morning drop-off and afternoon pick-up periods. The estimate of 80–100 on-street parking spaces provided above in Response to Comment L-3-13 reflects the estimated number of parking spaces that could be accommodated if parking is permitted on both sides of "BB" Street.

Response to Comment L-3-15

This comment requests confirmation that the on-street parking on "BB" Street would be sufficient to accommodate special events and programs at the proposed school. This comment also requests that potential overflow parking for special events and programs be identified if the on-street parking along "BB" Street would not meet the potential demand for parking during special events and programs.

The SVUSD has not provided any information regarding the anticipated parking demand associated with special events and programs at the proposed school. Although the City suspects that the proposed school parking lots and the on-street parking on "BB" Street would not provide sufficient parking to meet demand in those special circumstances, it is unable to determine how much overflow parking would be required. It is possible that the athletic fields at the proposed school site could be designed to serve as potential overflow parking for special events and programs. Should the SVUSD elect to move forward with building a school at the designated elementary school location on the Project site, it would be responsible for designing and using the school campus in a way that meets all of its operational requirements, including the need to provide overflow parking for special events and programs.

Response to Comment L-3-16

This comment claims that the City did not fully address the SVUSD's request to consider the potential environmental impacts that could occur if a school is not built on the Project site or its completion is delayed. The comment correctly acknowledges that Chapter 3.0, Project Description, of the Draft EIR describes the land uses that would be permitted on the proposed school site (medium residential and neighborhood park uses) if a school is not built. The comment also notes that Threshold 4.14(iii) in Section 4.14, Public Services, of the Draft EIR evaluates the potential impacts on local school facilities in a scenario in which an elementary school is not built on the Project site. Finally, this comment acknowledges that Alternative 3, the "No School Alternative", in Chapter 5.0, Alternatives, of the Draft EIR considers development of the Area Plan without a proposed school site. The commenter's summary of the analysis contained in the Draft EIR appears to be accurate and is noted for the record. No further response is required.

Response to Comment L-3-17

This comment claims that the Draft EIR failed to provide a complete analysis of the potential traffic, safety, air quality, noise, and parking impacts at the schools that could receive students generated

by the proposed Project. The comment also asserts that the Draft EIR did not address the potential indirect environmental impacts that could result from the SVUSD's construction of new schools and/or the expansion of existing schools to accommodate student growth associated with the proposed Project. This comment states that the Draft EIR's environmental analysis assumes that the proposed elementary school would be constructed and operating on the Project site, and requests that the Draft EIR be revised to address the potential that the SVUSD is unable to complete the school.

Inasmuch as the SVUSD did not provide any specific guidance to the City of Lake Forest in its comment letter dated July 25, 2018, regarding which schools would likely receive students from the proposed Project in the event a school is not built on the project site, the school capacity analysis reflects the SVUSD's district-wide capacity for elementary, intermediate, and high schools. In the absence of formal direction from the SVUSD, it would be highly speculative to assume the specific number of new students generated by the proposed Project or future related projects that would enroll at each of the SVUSD campuses. Without any specific enrollment projections from SVUSD regarding the Project-related enrollment increases that would be experienced at each of the SVUSD campuses, it was not possible to evaluate the potential traffic, noise, air quality, and safety impacts that could occur at any of the schools that could receive additional enrollment within the Draft EIR. Therefore, in accordance with *State CEQA Guidelines* Section 15145, the City has noted its conclusion with respect to school impacts and terminated the discussion rather than engaging in speculative evaluation.

Under California law, the payment of school facility impact fees pursuant to Government Code Section 65995 reduces any potential impacts of new residential development on school services. As described in Section 4.14, Public Services, of the Draft EIR, the proposed Project would dedicate land for the proposed elementary school site or pay school impact fees as required by Regulatory Compliance Measure (RCM) PS-2; therefore, the proposed Project would have less than significant impacts to school services and facilities, and no mitigation is required. The SVUSD would be responsible for determining how and where any school facility impact fees collected from the Project Applicant/Developer would be spent to upgrade or expand classroom space.

The SVUSD has the authority to revise its pupil attendance boundaries in a manner that would reduce school overcrowding without constructing any new physical classrooms. Such an attendance boundary change is not considered a "project" that is subject to CEQA (*City of South Gate vs. Los Angeles Unified School District*).

Each SVUSD campus is permitted to receive a certain number of students, based on the number of classrooms and related support facilities that are available at that site. Pursuant to *State CEQA Guidelines* Section 15314, school districts are exempt from the provisions of CEQA when constructing "minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption." Therefore, CEQA provides California school districts, like the SVUSD, with substantial flexibility to shift students from over-capacity campuses to others with available classroom space without completing additional environmental analysis. Theoretically, the SVUSD may be able to expand any of its existing or future

school campuses, subject to the requirements of *State CEQA Guidelines* Section 15314, the CDE, and the Division of the State Architect (DSA).

Ultimately, as noted above, the SVUSD, rather than the City of Lake Forest, would be responsible for determining the best approach for providing the community with sufficient education facilities in light of any future increases in student enrollment resulting from the proposed Project or any other residential development within its boundaries. Depending on how the SVUSD decides to satisfy the need for additional classrooms, additional CEQA compliance may or may not be required. It will be up to the SVUSD to make that determination and complete any additional analysis, if warranted. It is not the City's role to complete additional environmental review for future SVUSD school facility projects.

Response to Comment L-3-18

This comment concludes the letter and expresses the SVUSD's appreciation for the opportunity to review the Draft EIR. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.



October 1, 2019

Ms. Marie Luna
City of Lake Forest
Community Development Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Notice of Availability for an Environmental Impact Report for the proposed Nakase Property Area Plan located at 20261 Lake Forest Drive in the City of Lake Forest.

Dear Ms. Luna:

Thank you for the opportunity to review the Environmental Impact Report (EIR) for the proposed Nakase Property Area Plan in the City of Lake Forest. The Nakase Property Area Plan would facilitate the development of a 122-acre master planned community consisting of 675, two and three-story, single family residential homes, 101 senior affordable housing units, and a K-6 elementary school. Access to the proposed project site would be provided along Bake Parkway and Rancho Parkway.

L-4-1

Staff completed its review and is providing the enclosed comments. If you have any questions, please contact me at 949-724-6364 or by email at jequina@cityofirvine.org.

Sincerely,

Justin Equina
Associate Planner

Enclosure: Staff Comments

ec: Kerwin Lau, Manager of Planning Services
Marika Poynter, Principal Planner
Lisa Thai, Supervising Transportation Analyst

**Enclosure
City of Irvine Comments**

General Comments

1. Confirm the ICU and forecast volumes for the Bake/Jeronimo intersection.

The Bake/Jeronimo intersection is a shared LFTM/NITM improvement. In the traffic analysis, under the 2040 "No Project" scenario, it shows an LOS C for the AM peak. The City of Irvine's ITAM shows an LOS E for long-range and buildout.

L-4-2

Page 109 and Page 136

2. Confirm the three improvements identified on page 109 (8.1 Scenario #2) and page 109 (the second paragraph) are funded through LFTM.

L-4-3

Page 134

3. Confirm the study area intersection improvements were evaluated under Scenario 1 in Section 9.2.3, Year 2040 Conditions.

L-4-4

Page 135

4. Clarify the direction of the defacto right-turn for the Bake/Trabuco intersection.

L-4-5

CITY OF IRVINE COMMUNITY DEVELOPMENT

Letter Code: L-4

Date: October 1, 2019

Response to Comment L-4-1

This comment is introductory and briefly summarizes the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-4-2

The comment requests that the City of Lake Forest confirm the intersection capacity utilization (ICU) and forecast volumes for the intersection of Bake Parkway and Jeronimo Road. The comment further states that the Bake Parkway/Jeronimo Road intersection is a shared Lake Forest Traffic Mitigation/Irvine Transportation Analysis Model (LFTM/ITAM) improvement, and that while the Draft EIR shows level of service (LOS) C in the a.m. peak hour at this intersection, the City of Irvine's ITAM shows an LOS E for long-range and build out.

The 2040 "No Project" scenario includes completion of the LFTM improvements since the LFTM program sunsets in 2030. All LFTM improvements are currently funded and being implemented. It is anticipated that all LFTM improvements will be completed within the program guidelines.

The City of Irvine did not respond to the City's request for information on their ITAM assumptions, so Lake Forest could not fully analyze Irvine's LOS for this intersection. However, the City of Irvine's ITAM does include the current Lake Forest General Plan designation/buildout of 1.8 million square feet of business park for the Nakase site. The additional trips associated with the current General Plan designation/buildout (approximately 14,000 trips per day) would result in significantly higher AM and PM peak traffic volumes on Bake Parkway and at the intersection of Bake Parkway/Jeronimo Road compared to the proposed Project. Therefore, ITAM would show a significantly higher LOS (level E in the AM peak as noted in the City of Irvine's comment) than the LOS C in the Draft EIR which includes the trip generation for the proposed Project as well as the most current land use and other related data.

Response to Comment L-4-3

The comment requests that the three improvements identified on Pages 109 and 136 (8.1 Scenario #2) in the *Nakase Property Traffic Impact Analysis* (Appendix L of the Draft EIR) be funded through LFTM.

All three improvements at the following locations as identified on the noted pages noted by the commenter are funded by the LFTM Program: Alton Parkway/Irvine Boulevard (in the City of Irvine), Bake Parkway/Rockfield Boulevard (in the City of Lake Forest), and Lake Forest Drive & I-5 SB Ramps/Avenida de la Carlota (in the City of Laguna Hills).

Response to Comment L-4-4

The comment requests confirmation that study area intersection improvements were evaluated under Scenario 1 in Section 9.2.3, Year 2040 Conditions. It should be noted that section references are to the *Nakase Property Traffic Impact Analysis* (Appendix L of the Draft EIR).

For Year 2040 conditions, study area intersections are evaluated for two development scenarios: current approved business park (Scenario 1), and the proposed Project residential/school uses (Scenario 2).

Response to Comment L-4-5

The comment requests clarification regarding the direction of the defacto right turn for the Bake Parkway/Trabuco Road intersection

The defacto right-turn lane is in the westbound direction at the noted intersection, as shown in the ICU Tables in Appendix 8.1-27 of the *Nakase Property Traffic Impact Analysis* (Appendix L of the Draft EIR).



October 3, 2019

NCL-18-045a

Marie Luna, Senior Planner
 City of Lake Forest
 25550 Commercentre Drive, Suite 100
 Lake Forest, CA 92630

Subject: Notice of Availability of Draft EIR for the Nakase Nursery/Toll Brothers Project

Dear Ms. Luna:

Thank you for the opportunity to comment on the Notice of Availability of an Draft Environmental Impact Report for the Nakase Nursery/Toll Brothers Project. The County of Orange offers the following comments for your consideration.

L-5-1

OC Roads/Traffic

- The Traffic Impact Analysis presents addition of a 2nd northbound left turn lane North Irvine Transportation Mitigation/Lake Forest Traffic Mitigation (NITM/LFTM), converting the southbound defacto right turn lane to a 4th through lane (NITM), and addition of a 3rd westbound through lane (NITM) as mitigation improvements for Bake Parkway and Jeronimo Road. This is not consistent with what is presented in the Draft EIR, which discusses the addition of a 2nd northbound left as the only mitigation improvement needed for this intersection, nor is it consistent with the recent memo (attached), which includes discussion of an additional 2nd westbound left. The County’s understanding is that the City of Lake Forest has identified a 2nd westbound left as a potential future improvement at this location. Please address /clarify.

L-5-2

L-5-3

If you have any questions regarding, please contact Jamie Reyes at (714) 647-3903 or Cindy Salazar at (714) 667-8870 in OC Development Services.

L-5-4

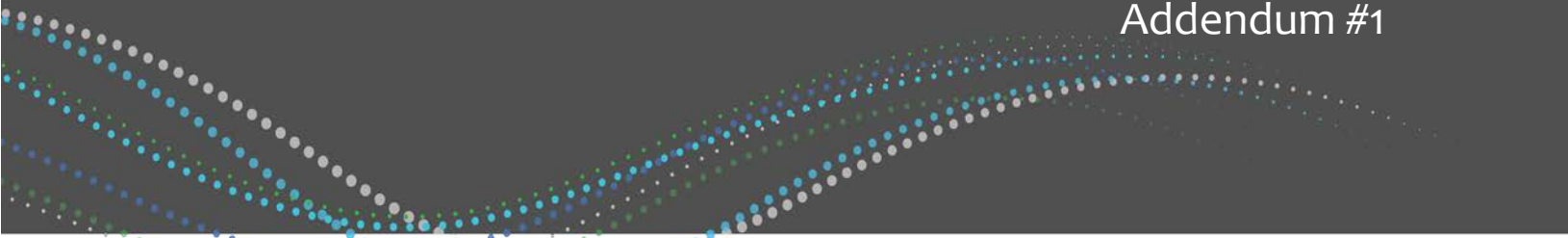
Sincerely,

Richard Vuong, Manager, Planning Division
 OC Public Works Service Area/OC Development Services
 601 North Ross Street
 Santa Ana, California 92701
Richard.Vuong@ocpw.ocgov.com

cc: Jamie Reyes, OC Roads/Traffic

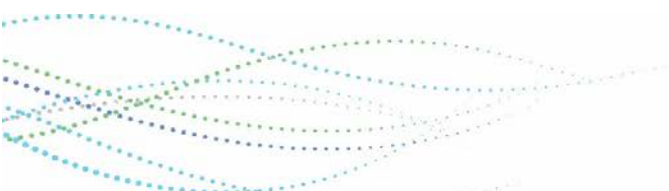
Enclosure: Santiago Canyon MPAH Amendment – Supplementary Post 2035 ICU Calculations – Bake Parkway/Jeronimo Road, September 17, 2019

Master Plan of Arterial Highways
Reclassification Study
Addendum #1



September 2019

Submitted to:



TECHNICAL MEMORANDUM

To:	Jamie Reyes County of Orange, OC Public Works 300 N Flower St Santa Ana, CA 92703	From:	Chris Devlin Iteris, Inc. 1700 Carnegie Avenue, Suite 100 Santa Ana, CA 92705
Date:	September 17, 2019		
RE:	Santiago Canyon MPAH Amendment – Supplementary Post 2035 ICU Calculations – Bake Parkway/Jeronimo Road		

1.0 BACKGROUND

A traffic study was performed in 2017 to support the modification to Orange County Public Work’s current Master Plan of Arterial Highways (MPAH) and the current County of Orange General Plan Circulation Element to reclassify Santiago Canyon Road from the SR-241 northbound off-ramp to the intersection of Live Oak Canyon Road. This change to the physical roadway network affects future vehicle circulation on local roadways and freeways as vehicles may reroute. Future traffic conditions in the MPAH area with and without the Santiago Canyon modification were analyzed to determine if there were any significant impacts to future Intersection Capacity Utilization (ICU) and Level of Service (LOS) due to the proposed amendment. The initial traffic study did not identify any MPAH intersection impacts. However, as part of the North Irvine Transportation Mitigation (NITM) Program analysis performed for the City of Irvine as part of the study, a significant NITM impact was identified at the intersection of Bake Parkway and Jeronimo Road in the Cities of Lake Forest and Irvine. However, the traffic counts used for this analysis dated from October 2015.

This memorandum discusses the calculation of subsequent post 2035 ICUs at the Bake Parkway/Jeronimo Road intersection using newer traffic counts with and without the Santiago Canyon MPAH Amendment.

1.1 METHODOLOGY

The Irvine Transportation Analysis Model (ITAM 15) was used to forecast future traffic volumes in the MPAH area. ITAM is developed by the City of Irvine in accordance with the Orange County Transportation Authority Subarea Modeling Guidelines and is consistent with the Orange County Transportation Analysis Model (OCTAM). Land use assumptions include input from the development community and jurisdictions.

Two supplementary traffic counts were used for developing future peak hour forecast volumes in ITAM: (1) Traffic counts collected by the City of Irvine in May 2018 and (2) Traffic counts collected by the City of Lake Forest in May 2017 as shown in **Appendix A**. Consistent with industry-standard practice and OCTAM methodology, ITAM post-processing applies the growth between the existing and future year model forecasts to existing count volumes to develop future year forecast volumes. ITAM post-processing was applied to the two supplementary traffic counts to develop two sets of future traffic volumes.

Future forecast volumes from ITAM were post-processed using the ITAM post-processing module that was developed using National Cooperative Highway Research Program (NCHRP) Report 255 methodology, which is the industry standard post-processing technique to calculate intersection ICUs. In addition to the future forecast volumes, the post-processing module requires future intersection configurations to determine intersection capacity.

1.1.1 Future Lane Configuration

For this analysis the post 2035 intersection configuration at Bake Parkway/Jeronimo Road was assumed to be the same as Existing conditions with the addition of a 2nd northbound left-turn lane which is included in the City of Lake LFTM program and its design is anticipated in 2020.

The original MPAH traffic study used a lane configuration that included a second northbound left-turn lane a fourth southbound through lane and a third westbound through lane which were all NITM improvements. However, the current analysis, which has been discussed and agreed with the City of Lake Forest and City of Irvine, shows that the westbound and southbound through improvements are no longer required, whereas the westbound left-turn movement is critical. The Cities of Lake Forest and Irvine have identified a second westbound left-turn lane as a potential future improvement at this location. A third westbound through movement would likely restrict the City of Lake Forest from adding a second westbound left-turn lane due to right-of way constraints without improving traffic operations. The third westbound through lane along with the fourth southbound through lane were therefore removed from the assumed future lane configuration and a second westbound left-turn lane added.

1.1.2 Significant Impact Criteria

The City of Irvine and the City of Lake Forest have established performance criteria for circulation system operations.

The City of Irvine threshold for defining project significant impacts is any increase of ICU from acceptable to unacceptable LOS (i.e., ICU exceed 0.90) or an increase of 0.02 or greater for a deficient location (i.e., ICU of 0.90 or greater).

The City of Lake Forest considers a project to have a significant impact when the following conditions are met:

- ICU values at intersections with the “With Project” conditions exceed the minimum performance standard of LOS D (i.e., ICU of 0.90); and
- ICU values at intersections under the “With Project” conditions increase by greater than 0.01 compared to the “Without Project” conditions that are operating at LOS E or F.

1.1.3 Fair Share

If the proposed amendment results in a significant impact, one or more project features and/or secondary improvements would be necessary to mitigate the impact. Orange County Public Works would be required to pay a fair share of the cost of constructing these improvements based on the proportionate traffic share resulting from the amendment.

1.2 RESULTS

The traffic analysis at the Bake Parkway/Jeronimo Road intersection shows that the proposed amendment would not have a significant impact on intersection operations. Running ITAM using the City of Irvine 2018 traffic counts show there is no change in ICU at the intersection during both the AM and PM peak periods. Running ITAM using the City of Lake Forest 2017 traffic counts show there is an improvement in ICU during the AM peak period and no change in ICU during the PM peak. Since there are no significant impacts no mitigation improvements are needed.

Table 1 summarizes post 2035 ICUs and **Appendix B** contain the ITAM ICU worksheets.

Table 1 - Santiago Canyon MPAH Amendment Bake Parkway/Jeronimo Road Post 2035 ICU

TRAFFIC COUNT DATA	NO PROJECT ICU		WITH PROJECT ICU		ICU DIFF TO NO PROJECT		IMPACT CRITERIA				FAIR SHARE
	AM	PM	AM	PM	AM	PM	CITY OF IRVINE		CITY OF LAKE FOREST		
							AM	PM	AM	PM	
Irvine 2018	0.84	0.86	0.84	0.87	0.00	0.01	No	No	No	No	-
Lake Forest 2017	0.85	0.83	0.83	0.83	-0.02	0.00	No	No	No	No	-



Appendix A

Bake Parkway/Jeronimo Road Existing Traffic Counts

CITY	DATE	PEAK PERIOD	BAKE PARKWAY			JERONIMO ROAD			BAKE PARKWAY			JERONIMO ROAD			TOTAL
			SOUTHBOUND			WESTBOUND			NORTHBOUND			EASTBOUND			
			SL	ST	SR	WL	WT	WR	NL	NT	NR	EL	ET	ER	
Irvine	May 2018	AM	49	1,728	75	370	508	71	487	2,009	89	15	59	109	5,569
		PM	120	1,831	19	173	104	54	82	2,075	511	61	472	412	5,914
Lake Forest	May 2017	AM	59	1,682	69	455	544	99	467	2,254	56	14	62	131	5,892
		PM	81	2,096	15	119	85	47	62	2,183	481	53	422	377	6,021

2018 Irvine Traffic Counts

364 . Bake Pkwy. at Jeronimo Rd.

ITAM 15 P2035 No Project (IRVINE ISEC)						
	LANES	CAPACITY	AM PK VOL	HOUR V/C	PM PK VOL	HOUR V/C
NBL	2	3400	502	.15*	108	.03
NBT	3	5100	2231	.44	2477	.49*
NBR	d	1700	128	.08	583	.34
SBL	1	1700	81	.05	148	.09*
SBT	3	5100	2179	.43*	2057	.40
SBR	d	1700	89	.05	27	.02
EBL	2	3400	16	.00	71	.02
EBT	2	3400	81	.02	528	.16*
EBR	1	1700	113	.07	419	.25
WBL	2	3400	478	.14	254	.07*
WBT	2	3400	619	.21*	194	.08
WBR	0	0	93		91	
Clearance Interval				.05*		.05*
TOTAL CAPACITY UTILIZATION				.84		.86

364 . Bake Pkwy. at Jeronimo Rd.

ITAM 15 P2035 With Project (IRVINE ISEC)						
	LANES	CAPACITY	AM PK VOL	HOUR V/C	PM PK VOL	HOUR V/C
NBL	2	3400	465	.14*	107	.03
NBT	3	5100	2247	.44	2503	.49*
NBR	d	1700	130	.08	581	.34
SBL	1	1700	84	.05	149	.09*
SBT	3	5100	2184	.43*	2045	.40
SBR	d	1700	90	.05	27	.02
EBL	2	3400	17	.01*	73	.02
EBT	2	3400	86	.03	530	.16*
EBR	1	1700	117	.07	417	.25
WBL	2	3400	479	.14	258	.08*
WBT	2	3400	625	.21*	197	.09
WBR	0	0	96		95	
Clearance Interval				.05*		.05*
TOTAL CAPACITY UTILIZATION				.84		.87

2017 Lake Forest Traffic Counts

364 . Bake Pkwy. at Jeronimo Rd.

ITAM 15 P2035 No Project (IRVINE ISEC)						
	LANES	CAPACITY	AM PK VOL	HOUR V/C	PM PK VOL	HOUR V/C
NBL	2	3400	493	.15*	85	.03
NBT	3	5100	2483	.49	2591	.51*
NBR	d	1700	83	.05	556	.33
SBL	1	1700	100	.06	101	.06*
SBT	3	5100	2128	.42*	2326	.46
SBR	d	1700	83	.05	22	.01
EBL	2	3400	15	.00	62	.02
EBT	2	3400	87	.03	483	.14*
EBR	1	1700	138	.08	384	.23
WBL	2	3400	564	.17	190	.06*
WBT	2	3400	644	.23*	182	.08
WBR	0	0	122		87	
Right Turn Adjustment					EBR	.01*
Clearance Interval				.05*		.05*

TOTAL CAPACITY UTILIZATION .85 .83

364 . Bake Pkwy. at Jeronimo Rd.

ITAM 15 P2035 With Update (IRVINE ISEC)						
	LANES	CAPACITY	AM PK VOL	HOUR V/C	PM PK VOL	HOUR V/C
NBL	2	3400	476	.14	84	.02
NBT	3	5100	2495	.49*	2612	.51*
NBR	d	1700	86	.05	558	.33
SBL	1	1700	105	.06*	101	.06*
SBT	3	5100	2032	.40	2325	.46
SBR	d	1700	84	.05	22	.01
EBL	2	3400	15	.00	63	.02
EBT	2	3400	89	.03	483	.14*
EBR	1	1700	136	.08	384	.23
WBL	2	3400	576	.17	195	.06*
WBT	2	3400	650	.23*	184	.08
WBR	0	0	125		90	
Right Turn Adjustment					EBR	.01*
Clearance Interval				.05*		.05*

TOTAL CAPACITY UTILIZATION .83 .83

ORANGE COUNTY PUBLIC WORKS

Letter Code: L-5

Date: October 3, 2019

Response to Comment L-5-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-5-2

The comment states that the *Traffic Impact Analysis* (Appendix L of the Draft EIR) presents (1) the addition of a second northbound left-turn lane North Irvine Transportation Mitigation/Lake Forest Traffic Mitigation (NITM/LFTM); (2) converting the southbound de facto right-turn lane to a fourth through lane (NITM); and (3) addition of a third westbound through lane (NITM) as mitigation improvements for Bake Parkway and Jeronimo Road. The comment further states that this is not consistent with what is presented in Section 4.16, Transportation/Traffic of the Draft EIR, which discusses the addition of a second northbound left-turn lane as the only mitigation improvement needed for this intersection.

The NITM/LFTM improvements listed in the comment are improvements included in the analysis of 2040 conditions. With implementation of the NITM/LFTM improvement, there would be an acceptable LOS at the intersection of Bake Parkway and Jeronimo Road. The proposed Project is anticipated to result in a theoretical Existing + Project impact at the intersection of Bake Parkway/Jeronimo Road. This impact is addressed by the addition of a second northbound left-turn lane (Mitigation Measure 4.16.2). This improvement is also included in the NITM and LFTM programs, and sufficient funding is available within the LFTM and NITM programs to construct the physical improvement necessary to mitigate the Project's impact. Nevertheless, Mitigation Measure 4.16.2 requires the Project Applicant/Developer to construct the improvements if the improvements are not already completed prior to issuance of the first certificate of occupancy.

Thus, the NB Left Turn is the only mitigation needed in the Existing + Project scenario. The other improvements identified in the 2040 scenario are either LFTM or NITM improvements, are currently funded, and will be implemented with or without the Project.

Response to Comment L-5-3

The comment states that the County understands that in addition to the second northbound left required by Mitigation Measure 4.16.2, it is the County's understanding (based on a memo from Iteris, Inc. to the County of Orange attached to the comment letter) that the City of Lake Forest has also identified a second westbound left as a potential future improvement at this location.

The Iteris memorandum dated September 17, 2019, discusses and evaluates traffic conditions at the intersection of Bake Parkway/Jeronimo Road as part of the Santiago Canyon Road MPAH Amendment. The memorandum indicates alternate improvements at this intersection to achieve acceptable LOS with the addition of a 2nd westbound left, and the removal of the 4th southbound

through lane and 3rd westbound through lane. The Cities of Irvine and Lake Forest and the County of Orange have approved the memorandum and the evaluation of the alternate improvements. However, since the Santiago Canyon Road Master Plan of Arterial Highways (MPAH) Amendment is not officially approved as of this date, these alternate improvements are not included in the City of Lake Forest Traffic Analysis Model or the Irvine Traffic Analysis Model, and are not part of the Draft EIR discussions.

Response to Comment L-5-4

This comment concludes the letter and provides contact information for County of Orange staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.



Holder Law Group

317 Washington St., #177
Oakland, CA 94607-3810

holderecolaw.com

(510) 338-3759
jason@holderecolaw.com

October 3, 2019

VIA E-MAIL AND U.S. MAIL

City of Lake Forest
Attn: Marie Luna, Senior Planner
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630
E-mail: MLuna@lakeforestca.gov

Re: Comments Concerning DEIR for Nakase Nursery / Toll Brothers Project (SCH# 2018071035)

Dear Ms. Luna,

On behalf of the City of Laguna Beach (“Laguna Beach”), we offer the following comments concerning the Draft Environmental Impact Report (“DEIR”) prepared by the City of Lake Forest (“Lake Forest”) for the proposed Nakase Nursery/Toll Brothers project (“Project”). Laguna Beach appreciates Lake Forest’s staff’s consideration of these DEIR comments.

L-6-1

The Project involves intensive redevelopment of a 122-acre site currently devoted to wholesale nursery operations. If approved as proposed, the Project would significantly increase the overall residential intensity for this area. As proposed, the Project would allow:

- up to 675 single-family residential units (distributed among 5 neighborhoods),
- 101 affordable housing units for senior citizens,
- an elementary school that could accommodate up to 1,000 K-6 Grade students,
- parks and open space, and
- an internal circulation system.¹

L-6-2

The Project adds substantial development to an already intensively developed area within southern Orange County.

¹ See DEIR, p. 1-2.

Unfortunately, Laguna Beach was not consulted when LSA, the retained consultant, prepared the DEIR. As explained below, such consultation between neighboring jurisdictions that may be significantly impacted by a large project is mandatory, pursuant to statute and applicable local regulations. Laguna Beach was also not provided advanced notice concerning the Project, despite its previous general request for such notice. Instead, Laguna Beach staff received notice of the DEIR after the comment period had already commenced.

L-6-3

As explained more fully below, the DEIR prepared for the Project does not comply with the requirements of CEQA.² While we have noticed problems with other sections of the DEIR in our expedited review of the DEIR, the comments herein place special emphasis on those sections that address potentially significant impacts that would most affect Laguna Beach and are within the City's expertise: Transportation, Recreation, secondary effects associated with increased traffic and demand for recreation facilities.³ Below, after a brief summary of the proposed Project's features and its potential to cause extra-jurisdictional impacts, we present both general and more specific comments. The general comments apply throughout, while the specific comments address errors in individual analyses. These comments demonstrate that Lake Forest decision makers may not approve the Project until an adequate revised DEIR is prepared and is recirculated for review and comment.⁴ By providing these comments, we intend to engage in productive dialogue with Lake Forest staff, so that the environmental issues of pressing concern to Laguna Beach are resolved satisfactorily.

L-6-4

We have prepared these comments with the assistance of Laguna Beach staff and an outside technical expert: Mr. Dan Smith, a licensed transportation engineer. Mr. Smith's comments and his resume is provided herein as Attachment A.⁵ Please note that the expert's comments supplement the issues addressed below, thus the expert's comments should be addressed separately in the responses to comments. The experience and expertise of Laguna Beach staff and Mr. Smith qualifies their comments, as incorporated herein, to serve as substantial evidence of the numerous ways in which the DEIR does not comply with the procedural and substantive requirements of CEQA.⁶

² Pub. Resources Code, § 21000, et seq. and Cal. Code Regs., tit. 14, ch. 3 (the "CEQA Guidelines"), § 15000 et seq. All statutory citations are to the Public Resources Code, unless otherwise noted.

³ The secondary effects include increased demand for limited parking, increased demand for police, fire and lifeguard services, and the related strains on Laguna Beach's limited facilities and resources.

⁴ See CEQA Guidelines, § 15088.5.

⁵ Please include in the administrative record for this Project all reports and other documents referenced herein and in Mr. Smith's comment letter.

⁶ See *City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392; see also *City of Rancho Cucamonga v. Regional Water Quality Control Bd.* (2006) 135 Cal.App.4th 1377, 1387.)

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I. INTRODUCTION

A. The Project

The Project involves intensive residential development on a 122-acre site in close proximity to recent and proposed development projects. The proposed Project includes the following development activities:

- 1) The adoption of the Nakase Property Area Plan, which plan “would facilitate the development of the . . . site as a master planned community” by:
 - a. establishing five distinct residential neighborhoods containing up to 675 residential units;
 - b. allowing an additional 101 affordable housing units for senior citizens with up to 10 of these units available for permanent supportive housing,
 - c. planning for a new elementary school,
 - d. establishing several parks and dedicating preserved open space.⁷
- 2) As proposed, the Area Plan currently would allow up to 776 residential units.

L-6-5

B. Potential to Cause Extra-Jurisdictional Impacts

The intensification of residential uses associated with this Project will likely cause and contribute to significant extra-jurisdictional environmental impacts to Laguna Beach. These impacts include, but are not necessarily limited to:

- 1) Increased weekend recreational traffic, adding to frequent gridlock on Laguna Canyon Road (SR 133), El Toro Road, and intersecting streets, a condition that is especially severe and frequent during the summer months.
- 2) Increased demands on Laguna Beach’s recreational facilities and in particular its beaches.
- 3) Increased demand for police, fire, marine safety, and emergency medical services.
- 4) Increased demand on Laguna Beach’s limited parking supply.

L-6-6

L-6-7

L-6-8

L-6-9

Unfortunately, as explained below, the DEIR does not attempt to analyze any of these Project impacts. Accordingly, the DEIR must be substantially revised and recirculated.

L-6-10

⁷ DEIR, pp. 3-17, 3-21 – 3-24.

II. GENERAL COMMENTS

A. Lake Forest Did Not Provide Notice of This Project, Despite a General Request for Such Notice, and Did Not Consult with Laguna Beach Concerning the Scope of Environmental Review, Despite Statutory and Regulatory Requirements for Such Inter-Agency Consultation.

Because the Project exceeds 500 units in size, it is by definition a project of significance for which interagency consultation is required under CEQA.⁸ Further, because the Project has the potential to significantly impact major transportation facilities, including arterials such as El Toro Road and freeways such as adjacent State Route (“SR”) 241 and SR 133, it is by definition a project of regional and area wide significance.⁹

For projects of statewide, regional, or area wide significance, lead agencies must always consult with public agencies which have transportation facilities that could be adversely affected by the project.¹⁰ This is a mandatory statutory duty. Such consultation must occur early, during the course of completing environmental review documents.¹¹ Lead agencies must provide these agencies with all environmental documents pertaining to the project. Moreover,

Consultation shall be conducted in the same manner as for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project’s effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within the jurisdiction of a transportation planning agency or a public agency that is consulted by the lead agency.¹²

The lead agency is also required to conduct at least one scoping meeting with responsible agencies and agencies with potentially impacted transportation facilities when a proposed project is of statewide, regional, or area wide significance.¹³ Lake Forest’s own Local CEQA Guidelines reiterate these requirements.¹⁴

⁸ See CEQA Guidelines, § 15206(b)(2)(a).

⁹ See *id.* at § 15086.

¹⁰ §§ 21092.4(a), 21153.

¹¹ See *ibid.*; see also CEQA Guidelines, §§ 15006(g)(k), 15083.

¹² *Ibid.*

¹³ § 21083.9(a)(2); CEQA Guidelines, §§ 15082(c), .

¹⁴ See Lake Forest’s Local Guidelines for Implementing CEQA, p. 7-3 [“For a project of statewide, regional, or areawide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project”], available at: <https://www.lakeforestca.gov/DocumentCenter/View/820/2017-Guidelines-for-Local-Implementation-of-CEQA-adopted-April-18-2017-PDF>, accessed 09/27/19; see also *id.* at pp. 7-8 – 7-10.

L-6-11

In this instance, the above requirements were not met – Lake Forest provided Laguna Beach no opportunity to consider and influence the scope of the DEIR’s analysis. Unfortunately, Laguna Beach was not consulted concerning the scope of environmental review for this large Project and thus was unable to earlier express issues of pressing concern. This is despite the letter, sent in July 2016, requesting notice of “all proposed projects within the City of Lake Forest, near ... El Toro Road, for which an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration will be prepared.”¹⁵ Instead, the NOP was issued in July 2018 and the completed DEIR was issued in mid-August 2019, both without notice to Laguna Beach and without the required inter-agency consultation.

L-6-11

If Laguna Beach had been consulted, it would have recommended that the DEIR fully analyze potential environmental impacts specific to Laguna Beach, as detailed in this letter. Further, because Laguna Beach was not consulted during the environmental review process, City staff, outside counsel, and the traffic consultant were compelled to review the DEIR and prepare these comments at an extremely accelerated pace.

B. The DEIR Does Not Satisfy CEQA’s Purpose and Goals

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.¹⁶ CEQA generally requires a lead agency to analyze a project that could have potentially significant environmental impacts in an EIR.¹⁷

L-6-12

The purpose of an EIR “is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government.”¹⁸ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”¹⁹ The courts have repeatedly emphasized the importance of the public’s role in the CEQA process – such participation supplies both vitality and legitimacy to the environmental review process.²⁰

¹⁵ See Attachment B: Letter from Gregory Pfof, Laguna Beach’s Director of Community Development, to Gail Ackerman, Lake Forest’s Director of Development Services, dated July 26, 2016.

¹⁶ CEQA Guidelines, § 15002(a)(1).

¹⁷ See Pub. Resources Code, § 21000; CEQA Guidelines § 15002.

¹⁸ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (citations omitted).

¹⁹ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

²⁰ *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1169 [citing and quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 (*Laurel Heights II*)].

An EIR must “include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.”²¹

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring feasible alternatives and mitigation measures.²² “[The EIR] must set forth mitigation measures that decisionmakers can adopt at the findings stage of the planning process.”²³ Under CEQA, a lead agency must consider a reasonable range of alternatives to the proposed project and mitigate a project’s significant impacts to the maximum extent feasible.²⁴

For the following reasons, and as further explained below, the DEIR for the proposed Project does not comply with these requirements.

- The DEIR does not analyze all of the Project’s direct and indirect impacts. Of particular concern to Laguna Beach is the fact that the DEIR did not consider the potential for extra-jurisdictional impacts and, consequently, proposes no mitigation measures to avoid or reduce them.
- The DEIR does not consider the Project’s contribution to significant cumulative impacts in their full context. The preparers did not consider any past, present, and reasonably probable future projects located outside of Lake Forest. This omission is particularly problematic given the intensive development that has been approved and proposed for the nearby Great Park area (which development includes approximately 13,000 residential units, some of which are currently under construction). The cumulative impacts analysis also improperly omits any consideration of the substantial increase in development intensity within Lake Forest associated with the pending proposed update to Lake Forest’s General Plan (with land use “themes” that could add more than 22,000 new residential units, many concentrated along El Toro Road and Lake Forest Road).
- The DEIR’s analysis of Project alternatives is perfunctory. Lake Forest must consider a substantially reduced-size alternative that would minimize the Project’s significant impacts. In order to strike a better jobs/housing balance and reduce the impacts specific to residential uses.

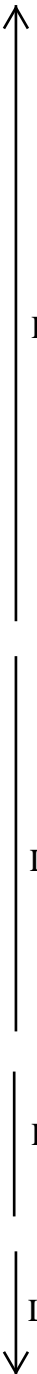
For these reasons, and as further explained below, the DEIR does not provide a full analysis of the Project’s impacts and the means devised to avoid or reduce them. The DEIR does not satisfy the requirement that an EIR provide the public, neighboring jurisdictions, and

²¹ *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1303, quoting *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 404-405 (*Laurel Heights I*).

²² CEQA Guidelines § 15002(a)(2)-(3); *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354.

²³ Remy, et al., Remy, et al., *Guide to the California Environmental Quality Act* (Solano Press, 11th ed., 2006) (*Guide to CEQA*), p. 503, citing § 21100(b)(3) and CEQA Guidelines, §§ 15126(e), 15126.4.

²⁴ See *id.* at pp. 455-456.



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decision makers with sufficient information and full disclosure of a project's impacts. Lake Forest must therefore substantially revise the DEIR, consult with neighboring jurisdictions and responsible agencies, and allow public review and comment before making any decisions concerning the Project.

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L-6-15

C. The DEIR's Analysis of Cumulative Impacts is Deficient.

"[I]t is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them."²⁵ In general, the poorer the quality of the existing environment, the more likely it is that a project's incremental contribution to future cumulative conditions will be significant (i.e., "cumulatively considerable").²⁶

The DEIR must evaluate the cumulative effects of the Project in light of the various "closely related past, present, and reasonably foreseeable probable future projects" to ensure that all cumulatively significant environmental effects resulting from the Project are adequately identified and mitigated.²⁷ The analysis of cumulative traffic impacts must address whether the Project's incremental contribution to cumulative impacts caused by these closely related projects will be "cumulatively considerable."²⁸

L-6-16

The DEIR purports to take into consideration the cumulative impacts of relevant past, present and future projects.²⁹ The brief discussion of other projects, however, does not consider any relevant projects located outside of Lake Forest.³⁰ Nor does it provide detailed information regarding the numerous projects considered in the analysis. The cumulative project table summary in Section 4.0 of the DEIR provides project titles, general locations, but insufficiently informative project descriptions (number of units/density/square footage), thus giving the reader limited information concerning how these projects may contribute to the cumulative environmental impacts.³¹ These deficiencies, and those described below, do not

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²⁵ *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79; see *Citizens to Preserve the Ojai, supra*, 176 Cal.App.3d 421, 430-432.

²⁶ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 (CBE); see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.

²⁷ CEQA Guidelines, § 15355(b); *L.A. USD, supra*, 58 Cal.App.4th at pp. 1024-1025.

²⁸ See *ibid.*; see also *Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 624-625 (EPIC) [EIR must consider cumulative effects of past projects]; see also *Environmental Protection & Information Center v. Cal. Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 523 (EPIC) [same].

²⁹ DEIR, pp. 4-4 – 4-7.

³⁰ See DEIR, pp. 4-6 – 4-7, Table 4.A.

³¹ See *ibid.*

provide the public and decision-makers with the information that will enable them to intelligently take account of the Project’s environmental consequences.³²

To understand the Project’s implications in their full and proper context, it is necessary to review the contentious history behind redeveloping nearby MCAS El Toro into a “Great Park.” This history includes Orange County’s early plan to convert the former military base into an international airport and opposition to that plan, the successful passage of Measure W in 2002, the City of Irvine’s annexation of the Great Park area (a.k.a. “Planning Area 51”) in 2003, Irvine’s approval of the 2003 PEIR for the Great Park, and Irvine’s subsequent abandonment of more ambitious plans for parkland, open space, and other recreational amenities in favor of substantially increased residential development.³³

Yet, the DEIR completely ignores Irvine’s approved development plans for the Great Park, including the immense Great Park Neighborhoods project. The DEIR does not inform the reader, for example, that the Great Park Neighborhoods project, which is currently under construction, includes up to 10,700 homes (with available density bonus units), 3,364,000 square feet of Medical and Science uses, 1,318,200 square feet of Multi-Use, and 220,000 square feet of Community Commercial development.³⁴ The DEIR also does not analyze the Project environmental impacts in the context of this nearby intensive development.

Additionally, the DEIR does not adequately describe the many other changes made to the lofty plans for the adjacent Great Park project since Irvine last comprehensively studied it in 2003. Nor does the DEIR specifically address their associated impacts – instead, it ignores them.³⁵ For example, the DEIR does not describe the overall impacts to recreation, public services and recreational weekend traffic that will occur as a result of adding thousands of



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L-6-17

³² See *Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 720.

³³ See, e.g., O.C. Register, [History of the El Toro Marine Corps air base and the Great Park project](https://www.ocregister.com/2006/01/06/history-of-the-el-toro-marine-corps-air-base-and-the-great-park-project/), dated 01/06/06, available at: <https://www.ocregister.com/2006/01/06/history-of-the-el-toro-marine-corps-air-base-and-the-great-park-project/>, accessed 10/01/19; see also L.A. Times, [Editorial: What happened to Orange County's Great Park?](https://www.latimes.com/opinion/editorials/la-ed-great-park-20140730-story.html), dated 07/29/14, available at: <https://www.latimes.com/opinion/editorials/la-ed-great-park-20140730-story.html>, accessed 10/01/19; see also L.A. Times, [Hansen: The walls of Irvine grow taller](https://www.latimes.com/socal/daily-pilot/tn-wknd-et-hansen-20160723-story.html), dated 07/22/16, available at: <https://www.latimes.com/socal/daily-pilot/tn-wknd-et-hansen-20160723-story.html>, accessed 09/27/19; see also, O.C. Register, [Irvine may allow another 1,056 homes around Great Park](https://www.ocregister.com/2019/03/11/irvine-may-allow-another-1056-homes-around-great-park/), dated 03/11/19, available at: <https://www.ocregister.com/2019/03/11/irvine-may-allow-another-1056-homes-around-great-park/>, accessed 10/01/19..

³⁴ See [Exh. 1](#) – Irvine City Council Resolution 13-133 [Approving Heritage Fields Modifications to Great Park project], pp. 1, 4-5.

³⁵ See DEIR, p. 3-11 [the only reference in the DEIR to the Great Park does not even identify the intensive level of development approved for this area by Irvine and Orange County through sequential approvals over the past 15 years].

residential units to the Great Park with increasingly limited public recreation facilities in the area to serve them.³⁶

The additional residents of the Great Park and surrounding neighborhoods will travel to Laguna Beach where there is shopping, downtown experiences and abundant recreational facilities and opportunities. The original 2003 PEIR for the Great Park contemplated substantially more recreational uses, with compatible education, commercial and industrial uses for the redeveloped base area, which uses would not generate nearly this level of significant impacts to Laguna Beach.

Irvine's 2003 PEIR for the Great Park permitted the conversion to parks and recreation uses and did not consider this intensive level of development. The proposed conversion of highly desired and needed recreational, park and open space uses to high-density residential uses will have profound and adverse effects on the area, including impacts to traffic levels, parks and recreational facilities, ocean beaches, parking, wildlife, and land use. A robust analysis of the Project's cumulative impacts is especially important here, given the existing current demands on the area's transportation infrastructure and the current deficiency in parks and recreation facilities in the Great Park area.³⁷

The cumulative impacts analysis also does not consider the nearby 803- residential unit West Alton project (in Irvine's PA 51), the multiple projects consisting of thousands of units under various stages of development within Portola Springs (in Irvine's PA 6), or the 3,500 residential unit Cypress Village project (in Irvine's PA 40), to name a few improperly omitted approved projects.³⁸ Because of the immense size of these neighboring residential projects, and their high potential to contribute to significant cumulative impacts to Laguna Beach, they must also be considered in the revised analysis. Each of these projects were either approved or pending during the period the DEIR was prepared.³⁹

The "Five Lagunas" project is not identified as an approved project was not considered in the cumulative impacts analysis. This project, which was approved by the City of Laguna Hills



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³⁶ The 2003 PEIR for the Great Park described and anticipated up to 2,600 acres of parkland, open space, and other public uses. In contrast, the most recent 9th DSSEIR to that analysis describes only 688 acres of parkland, a 75% reduction. While the Great Park PEIR analyzed a cap on residential development of 3,625 units, Irvine has since increased that cap to 9,500 units, plus density bonus units (with some corresponding reduction of allowable non-residential development). Further, Orange County has approved two additional development projects, the El Toro and West Alton Development Plans; together these two projects will add almost 3,000 additional residential units to the Great Park area.

³⁷ See *San Franciscans for Reasonable Growth*, *supra*, 151 Cal.App.3d at p. 79.

³⁸ See Exh. 2 - List of Past, Present, and Future Projects to Consider in Revised Cumulative Impacts Analysis, updated September 27, 2019; see also City of Irvine, Priority Projects Status List, dated Jan. 30, 2017, available at: <http://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=28619>, accessed 09/27/19.

³⁹ See *ibid.*; see also City of Irvine, Priority Projects Status List, dated Nov. 2018, 2018, available at: <http://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=29778>, accessed 09/27/19.

in 2016, proposes to add 988 residential units, a movie theater, and retail commercial and other uses to the Laguna Hills Mall property.

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L-6-18

The DEIR should be revised to comprehensively analyze the cumulative impacts that Project related development in the adjacent Great Park area and other nearby development will have in combination with these and other neighboring residential and mixed-use projects. This revised analysis of cumulative impacts must consider the Project’s incremental impacts combined with impacts caused by the projects listed in Exhibit 2 to this letter and any other relevant projects.⁴⁰ In particular, a revised traffic impact analysis must consider the thousands of residential units that have been built, approved or are planned in southern Orange County as they relate to Laguna Beach.

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L-6-19

The DEIR should also describe the additional development intensity currently being considered as part of Lake Forest’s General Plan update (“GP Update”).⁴¹ Apparently, Lake Forest is currently contemplating an increase in residential units by as many as 22,406 units.⁴² Because an NOP has already been issued for the GP Update Draft EIR, the potential new development intensity associated with the GP Update is more than a passing consideration and must be included in the revised cumulative impacts analysis.⁴³ While Lake Forest has some discretion under CEQA to establish a reasonable cutoff date for considering probable future projects,⁴⁴ here, the omission of the proposal to nearly double the permissible number of residential units in Lake Forest is unreasonable. The GP Update has been in development since at least January 2018 – well before the July 2018 NOP issuance date for this DEIR – and is now currently pending. Therefore the GP Update must be considered in the revised cumulative impact analysis. Because Lake Forest does not currently know which of the four “themes” will be selected, for purposes of the revised cumulative impacts analyses, it should conservatively

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⁴⁰ Exhibit 2 is not an exhaustive list of relevant projects. *Compare* Exh. 2 - List of Past, Present, and Future Projects to Consider in Revised Cumulative Impacts Analysis, updated September 27, 2019, with DEIR, Table 4.A; see also Irvine’s list of Current Discretionary Projects Under Review, updated 08/30/19, available at: <http://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=11038>, accessed 09/27/19.

⁴¹ See Staff Report re General Plan Land Use Themes for 03/19/19 City Council Meeting, available at: <https://static1.squarespace.com/static/5abd4a977e3c3a6cd57d9c48/t/5c8b042fa4222f26940417e3/1552614447813/18566903142019064445346.PDF>, accessed 10/01/19; see also Land Use Themes and Focus Area Summary Pages, available at: <https://static1.squarespace.com/static/5abd4a977e3c3a6cd57d9c48/t/5c8b044e8165f55d4bebe733/1552614531940/18567003142019064511158.PDF>, accessed 10/01/19; see also NOP for DEIR concerning General Plan Update, available at: <https://static1.squarespace.com/static/5abd4a977e3c3a6cd57d9c48/t/5d713ac063013d000179cfce/1567701706464/GPU-EIR-NOP-Approved.pdf>, accessed 10/01/19.

⁴² See NOP for DEIR concerning General Plan Update, p. 4.

⁴³ See *Laurel Heights I*, 47 Cal.3d at p. 398 [“Drafting an EIR . . . involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can”], citing CEQA Guidelines, § 15144.

⁴⁴ See, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128, quoting *San Franciscans for Reasonable Growth, supra*, 151 Cal.App.3d at p. 74, fn. 14.

assume that the most intensive development theme (with more than 22,000 additional residential units within Lake Forest) will be adopted.

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L-6-20

The proposed Project will add 776 residential units to the inland area of southern Orange County, thereby exacerbating the problem already created by previous development projects within the vicinity and one that is sure to worsen with proposed future development activities. The DEIR should be revised to fully consider all relevant past, present, and reasonably probable future development activities when analyzing the Project's contribution to cumulatively significant impacts.

L-6-21

Finally, the DEIR and its appendices do not provide sufficient information to determine what extra-jurisdictional development was considered in the cumulative impacts analyses, if any. Please confirm that the recreation, public services, and traffic impact analyses in particular considered all relevant past, pending, and planned extra-jurisdictional development in Irvine, Laguna Woods, Laguna Niguel, and unincorporated southern Orange County. When providing this response, please provide detailed information concerning the extra-jurisdictional projects and growth considered.

L-6-22

III. SPECIFIC COMMENTS

A. Section 4.11 – Land Use

The analysis of the Project's land use impacts, and in particular its inconsistency with Lake Forest General Plan policies, must be revised. Table 4.11.A does not fully address the Project's inconsistency with General Plan, Land Use Element, Policy 3.3. That policy provides: "Ensure that the affected public agencies can provide necessary facilities and services to support the impact and intensity of development in Lake Forest and in areas adjacent to the City." Laguna Beach is an affected public agency that maintains facilities and provides services to residents of southern Orange County, including residents of Lake Forest. Because the residents of this proposed Project will likely make use of Laguna Beach's facilities and will benefit from its public services, the DEIR should be revised to address the Project's consistency with Policy 3.3 following the required consultation with Laguna Beach.

L-6-23

Cumulative Impacts (p. 4.11-22). Intensive redevelopment to residential uses in the vicinity of built and approved commercial and industrial uses could cause land use compatibility impacts related to hazards/hazardous materials, air quality, noise, and traffic. The analysis of the Project's cumulative impacts is silent with respect to Lake Forest's pending plans to update its General Plan to allow more than 22,000 residential units in the City. The analysis must be revised to address the Project's incremental impacts in the context of the ongoing sea change in land use designations and building intensity within Lake Forest.

L-6-24

This section also does not provide a detailed analysis concerning the compatibility between proposed, approved and built residential development and proposed, approved and built commercial and industrial development. For example, the DEIR does not address the

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Project's compatibility with the expanded Musick Jail facility on the approximately 100-acre parcel located to the northwest of the Project site.⁴⁵ The analysis of cumulative land use impacts must therefore be revised to consider the Project's consistency with built, approved, and pending non-residential uses in the Great Park area and surrounding area.

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L-6-25

Mitigation (p. 4.11-23). After revising the DEIR in response to these comments, Lake Forest should propose mitigation measures to address any significant land use impacts.

L-6-26

B. Section 4.13 – Population and Housing

Cumulative Impacts (p. 4.13-13). The analysis of the Project's contribution to cumulative impacts related to population and housing does not consider related projects located outside Lake Forest. The most notable omission is the approximately 13,000 residential units that have already been approved for the nearby Great Park area. The cumulative impacts analysis must be revised to consider the Project's contribution to these impacts within the context of intensive residential development activities in recent years.

L-6-27

Level of Significance after Mitigation (p. 4.13.14). The discussion of the Project's contribution to population and housing downplays the substantial number of new residents this Project and the related projects considered in the analysis will add to the region. Rather than comparing the new residents to SCAG's projected growth, the DEIR must be revised to analyze the impacts that this growth will cause.⁴⁶

L-6-28

C. Section 4.13 - Public Services

DEIR does not analyze any Project-related impacts to police, fire, marine safety, and other public services that could occur outside Lake Forest. Yet, the DEIR summarily concludes that the Project's impact on police and emergency services will be less than significant. When making its findings concerning the Project, Lake Forest cannot rely on any conclusions in the DEIR regarding whether the impact will or will not be significant if there is no supporting analysis.

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To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions. This requirement enables the

⁴⁵ See O.C. Register, [Musick jail expansion plan finally moving forward](http://www.oregister.com/articles/jail-670100-expansion-court.html) (dated July 2, 2015), available at: <http://www.oregister.com/articles/jail-670100-expansion-court.html>, accessed 9/23/19; see also O.C. Register, [After decades of roadblocks, Musick jail is finally poised to grow with \\$167 million expansion](https://www.oregister.com/2019/05/24/after-decades-of-roadblocks-musick-jail-is-finally-poised-to-grow-with-167-million-expansion/), dated 5/24/19, available at: <https://www.oregister.com/2019/05/24/after-decades-of-roadblocks-musick-jail-is-finally-poised-to-grow-with-167-million-expansion/>, accessed 9/23/19.

⁴⁶ See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 709 (*Woodward Park*) [“CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan; it concerns itself with the impacts of the project on the environment, defined as the existing physical conditions in the affected area. The legislation evinces no interest in the effects of proposed general plan amendments on an existing general plan, but instead has clearly expressed concern with the effects of projects on the actual environment upon which the proposal will operate.” [Citation.].)]

decision-makers and the public to make an “independent, reasoned judgment” about a proposed project.⁴⁷

The increased traffic on El Toro Road, Laguna Canyon Road (SR 133), and other roadways in the area that the Project would generate, and especially the additional weekend recreational traffic (discussed below), could cause indirect significant impacts to Laguna Beach’s fire and emergency services by increasing response times. The increased use of Laguna Beach’s recreational facilities could also cause indirect significant impacts to police, fire, marine safety, and other emergency services. These indirect impacts must be analyzed in the revised DEIR.

L-6-29

D. Section 4.14 – Recreation

The DEIR does not analyze extra-jurisdictional impacts to recreation facilities. Given the close proximity of Laguna Beach, the 130.7-acre shortfall of dedicated public park space,⁴⁸ and the fact that the Project site is land locked with the nearest beaches approximately 15 miles away in Laguna Beach, a substantial percentage of the Project’s new residents can be expected to travel to Laguna Beach each weekend. These impacts to Laguna Beach’s recreation facilities and amenities must be addressed in the revised DEIR.

L-6-30

Instead, the DEIR does not consider the possibility of extra-jurisdictional impacts to recreation facilities and amenities. For example, the DEIR completely ignores the Project’s potentially significant impacts to beaches, even though a percentage of Project residents can be expected to travel to the nearest beach on any given weekend. The revised DEIR must address this issue.

Cumulative Impacts (p. 4.15-22). The DEIR does not squarely address the cumulative impacts to parks and recreational facilities caused by other past, pending, and reasonably foreseeable residential development projects within Lake Forest, the Great Park area, and surrounding areas. Moreover, the geographic scope of analysis for cumulative impacts to parks is confined to Lake Forest: the analysis does not consider any potentially significant impacts in neighboring jurisdictions, such as Laguna Beach, where recreational facilities, particularly beaches and regional parks, are used by many residents of cities throughout Orange County, including Lake Forest. Instead, the DEIR merely states that the dedication of 11.32 acres of land for on-site private and public parks (and the possible imposition of in-lieu fees to cover any deficit) satisfies the park dedication requirements, thus finding that no significant cumulative

L-6-31

⁴⁷ See *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935, citing *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831; *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841 [requirement of detail in EIR “ ‘helps insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.’ ”] and CEQA Guidelines § 15151.)

⁴⁸ See DEIR, p. 4.15-12 [“Lake Forest currently has a total of 294 ac of park and recreational facilities, as shown in Table 4.15.C. Based on the City standard of 5 ac for each 1,000 residents, optimally the City should have 424.7 ac of park and recreational facilities within its boundaries to serve its potential population. Therefore, the City has a shortfall of approximately 130.7 ac.”].

impacts will result from the Project.⁴⁹ This cursory analysis fails to address the Project's contribution to the current unsatisfied demand for recreational facilities.

Laguna Beach's park facilities, wilderness areas and beaches are already over utilized by the underserved residents within and surrounding the Great Park area. The successive approval and development of so many new residential projects in southern Orange County has caused significant impacts on Laguna Beach's parks and recreational facilities, particularly the beaches, and create secondary impacts to a limited supply of parking spaces and public services. The approximately 2,274 new residents that this Project will introduce to the area, combined with those allowed as part of the Great Park Neighborhoods, other large-scale residential development projects, and through the pending Lake Forest General Plan Update, will greatly exacerbate this problem. The DEIR analysis must be revised to consider this Project's contribution to an already severe problem.⁵⁰

L-6-31

The Recreation section does not determine whether the park facilities proposed as part of the Project, together with the **reduced** recreation facilities now proposed as part of the adjacent Great Park,⁵¹ will be adequate to serve the contemplated amount of existing and additional residential development in the areas of Orange County that will be served by these facilities. Without sufficient public parks in the Project area, public recreational opportunities for area residents would have to be provided at public parks outside Lake Forest's jurisdiction, including Laguna Beach parks and beaches. The revised DEIR must analyze the sufficiency of proposed recreational facilities with this much larger population and regional context in mind.

L-6-32

An explanation of the current demand for existing and planned recreational facilities and how this compares to capacity must be provided. Without this information, it is impossible to discern whether the DEIR adequately analyzes this project's contribution to the cumulative demand for recreation facilities.

Mitigation (p. 4.15-23). If the revised DEIR analysis of impacts to recreation concludes the impacts will be significant, the DEIR must include enforceable mitigation that would reduce or eliminate those impacts. Because an in-lieu fee may be required, the DEIR must demonstrate that such fee will actually result in mitigation of the Project's impacts on parks and

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⁴⁹ See *id.*, at p. 4.15-22.

⁵⁰ See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 [In general, the poorer the quality of the existing environment, the more likely it is that a project's incremental contribution to future cumulative conditions will be significant (i.e., "cumulatively considerable")].

⁵¹ As discussed above, the Great Park recreational amenities originally proposed in the 2003 PEIR included approximately 2,600 acres of parks, sports parks, golf courses, a habitat preserve, a wildlife corridor, and fairgrounds. The DEIR does not acknowledge that many of these recreational amenities have been reduced in size or eliminated from the current plan, including a substantial reduction in golf courses, and elimination of the fairgrounds and exposition facilities.

recreational facilities.⁵² If it does not, then the analysis concerning impacts to parks here is analogous to the cumulative traffic impacts analysis in *Anderson First*. The DEIR presents inadequate impact analysis and improperly defers mitigation under CEQA. The analysis must be revised to determine whether mitigation is required to address significant extra-jurisdictional impacts to Laguna Beach’s recreational facilities, including its beaches.

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L-6-33

E. Section 4.16 – Transportation and Traffic

We offer the following comments so that the DEIR may better perform its function as an informational document and so that all Project impacts are identified and mitigated to the extent feasible. These comments supplement those offered by Laguna Beach’s traffic consultant in Attachment A.

L-6-34

At the outset, we reiterate our request for an analysis of the Project’s contribution of weekend recreational traffic that impacts Laguna Beach. The DEIR omits any consideration of the traffic the Project will generate outside of the weekday peak hours and how that traffic may be cumulatively considerable.

L-6-35

Thresholds of Significance (p. 4.16-4). Case law recognizes that an adopted level of service (“LOS”) standard may serve as a threshold of significance for CEQA purposes.⁵³ Compliance with an LOS standard, however, does not relieve the agency of its duty to consider whether a significant impact may occur.⁵⁴ This is because such thresholds “only define the level at which an environmental effect ‘normally’ is considered significant; they do not relieve the lead agency of its duty to determine the significance of an impact independently.”⁵⁵ In the context of cumulative impacts, of which traffic impacts are a prime example, the issue is not the relative contribution of the project as compared to existing conditions, but whether “any additional amount” contributed by the project should be considered significant in view of the severity of the existing problem.⁵⁶

L-6-36
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The DEIR applies the following threshold of significance for direct traffic impacts: “project impact occurs when a study area intersection exceeds the acceptable LOS and the

⁵² See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 (*Anderson First*) [cumulative traffic impacts analysis held inadequate because agency relied on uncertain funding and therefore had insufficient evidence to conclude that necessary road improvements would, in fact, be built].

⁵³ See *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 623-625.

⁵⁴ *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342 [observing a public agency cannot apply a threshold of significance in a way that prevents consideration of other evidence showing that there may be a significant effect]; see CEQA Guidelines, § 15064.7, subd. (b); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109-1111.

⁵⁵ *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 230-231 [].

⁵⁶ *CBE, supra*, 103 Cal.App.4th at pp. 119-120; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 721 [rejecting cumulative air quality impact analysis for relying on discredited “ratio” theory].

impact of the development is greater than 0.01.”⁵⁷ The traffic study did not apply a different performance standard for determining whether the Project-generated traffic would be cumulatively considerable when added to the cumulative condition. The DEIR should explain why the performance standards are appropriate for both the direct and the cumulative traffic impact analyses.

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L-6-36

Baseline for Future Year Impact Analysis (TIA, pp. 2, 79.) The Traffic Impact Analysis (“TIA”) reveals that the analysis of Year 2040 conditions is based on a comparison between Project-generated traffic and the traffic that would exist if the Project site is instead converted into a 1,841,700 square foot business park in accordance with current the General Plan designation. This approach violates CEQA because it involves comparing a plan to a plan, rather than comparing the proposed project to the existing conditions (a commercial nursery).⁵⁸ The TIA’s approach to analyzing the Project’s traffic impacts at buildout tends to understate Project traffic by artificially inflating the environmental baseline. For this additional reason, the analysis of traffic impacts at buildout is critically flawed.

L-6-37

Furthermore, because the TIA focuses on weekday peak hour trips, and does not consider the weekend recreational trips that would be generated by the proposed intensive residential uses, the comparison to planned business park uses does not address the impacts that will result from this shift in land use type. For these reasons, the analysis must be revised so that the designated business park use is not used as the baseline for future year impact analysis.

L-6-38

Assumptions Regarding the Area Roadway Network. The DEIR’s analysis of the Project’s future year traffic impacts (i.e., 2040 General Plan scenarios) uses the Lake Forest Traffic Analysis Model (“LFTAM”) and cumulative growth settings.⁵⁹ The LFTAM’s analysis is based on the existing circulation system plus specified improvements described in five “alternative scenarios.”⁶⁰ Apparently, some or all of the specified roadway improvements are planned to be in place in each future time frame.⁶¹ The DEIR and the TIA upon which it relies, however, do not describe the funding source(s) or other important details concerning implementation for the future specific improvements described as Alternative Scenarios #1 through #5.⁶² Further, neither the DEIR nor the TIA describe the rationale for analyzing the Project’s impacts based upon five different scenarios concerning future roadway improvements.

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⁵⁷ DEIR, p. 4.16-13.

⁵⁸ See *Woodward Park*, *supra*, 150 Cal.App.4th at p. 709.

⁵⁹ DEIR, pp. 4.16-6 – 4.16-7.

⁶⁰ See *ibid.*; see also TIA, pp. 13-14, 47, 109-110.

⁶¹ DEIR, p. 4.16-7.

⁶² *Ibid.*

Please confirm that all circulation improvements assumed to be implemented in each scenario are or will be fully funded and please revise the analysis to include the implementation schedule and source(s) of funding for such improvements. If any of the assumed improvements in each scenario are uncertain, the DEIR should describe the reasons for such uncertainty.



L-6-39

As drafted, neither the DEIR nor the TIA satisfy CEQA requirements. Laguna Beach is concerned that assumed roadway improvements will not be constructed in a timely manner, or may not be feasible at all. Please provide all the required information concerning the assumed improvements for the interim year and buildout scenarios in a manner accessible to the reader.⁶³

Geographic Scope of Study Area. The Project has the potential to impact traffic in Laguna Beach. Laguna Beach’s eastern border is located approximately 5 miles southwest of the Project site, as the crow flies. Lake Forest Road and El Toro Road, two major arterials both near the Project site, provide direct access from the Project area to Laguna Beach.⁶⁴ Absent traffic, these roads would offer Project residents a logical efficient route to Laguna Beach’s recreational amenities.

The DEIR suggests that study area for the TIA was determined by assessing the level of Project traffic on area roadways:

Based on CMP requirements, the extent of the study area for a TIA is determined by comparing a project’s daily trips on a CMP roadway segment to the daily LOS E capacity of that segment. The CMP requires that the study area for a project extend far enough to cover any CMP roadway segment on which the project traffic would represent 3 percent or more of the roadway segment’s LOS E capacity.⁶⁵

L-6-40

However, the Updated Scoping Agreement suggests instead that the study area was defined through negotiations between city staff and the applicant’s consultant and not by determining the geographic extent of Project impacts.⁶⁶ Please clarify the methodology / process used to determine the geographic scope for the TIA.

The DEIR describes this approach to defining the traffic study area as “required” by CMP. However, the CMP Preparation Manual simply recommends the above approach while

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⁶³ *Vineyard Area Citizens, supra*, 40 Cal.4th at p. 442 [“[t]he data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. ‘[I]nformation ‘scattered here and there in EIR appendices,’ or a report ‘buried in an appendix,’ is not a substitute for ‘a good faith reasoned analysis. . . .’”], quoting *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239.

⁶⁴ Exh. 3: Map showing direct routes from Project area to Laguna Beach.

⁶⁵ DEIR, p. 4.16-4.

⁶⁶ TIA Appendix 1.1, letter from consultant to city staff re Updated Scoping Agreement, dated Feb. 20, 2018.

acknowledging that “If the TIA is also required for other purposes [such as satisfying CEQA’s requirements], additional analysis can be required by the local jurisdiction based on engineering judgement or local regulation as applicable.”⁶⁷

The standard utilized by the TIA artificially constrains the study area by limiting the analysis to only those intersections where the proposed Project would be responsible for a fairly large percentage of the traffic (i.e., 3%). This approach completely omits from the analysis those intersections which are already operating at LOS E or worse for which the Project would contribute a lesser but still significant amount of traffic (i.e., 1%).

The TIA practices recommended in the CMP Preparation Manual are not mandatory.⁶⁸ We therefore recommend that the study area for analyzing the Project’s traffic impacts, and especially its weekend recreational traffic impacts be expanded to include all major roadway segments between the Project area and Laguna Beach. This conservative analytical approach is mandated by CEQA and is expected from a lead agency that takes responsibility for the impacts of large-scale development activities within its jurisdiction. The traffic study area should be expanded to include the following intersections:

Bake Parkway / Lake Forest Dr.;

Lake Forest Drive / SR 133;⁶⁹

El Toro Rd. / Moulton Pkwy; and

El Toro Rd./SR 133.

Because SR 133 and El Toro Road already operate at unacceptably high LOS during summer weekends, even a slight increase in traffic on these heavily used arterials would result in significant impacts. Thus, the DEIR must be revised so that the traffic impact analysis addresses potentially significant Project impacts at these intersections.

Internal Trip Capture. According to the DEIR and TIA, “Five percent (5%) of trips are anticipated to remain internal to the Project site because of interactions between residential, park, and school uses.”⁷⁰ This assumption lacks factual support. The conclusory statement also does not satisfy requirements specified in the CMP Preparation Manual: “Justification for

⁶⁷ CMP Preparation Manual, p. 38.

⁶⁸ See CMP Preparation Manual, p. 10 [“Local jurisdictions must choose either the CMP traffic impact analysis (TIA) guidelines (Appendix C) or a traffic-environmental analysis process that is consistent with the CMP TIA guidelines.”].

⁶⁹ Weekend recreational traffic from the Project site could follow Bake Parkway, turn right on Lake Forest, and then left on SR 133.

⁷⁰ DEIR, p. 4.16-18; TIA, p. 37.



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internal capture should be included in the discussion.”⁷¹ It may not be realistic to expect that 1 out of every 20 trips generated by the Project would remain internal to the Project area. The assumption of 5% trip capture must be fully explained in the DEIR and must be supported by evidence and analysis, not bare conclusions. Please provide substantiation for this questionable assumption concerning internal trip capture.

L-6-42

Land Use Assumptions. The Population and Housing section reports that the County as a whole will experience a substantial increase in both residents and employees, and that a substantial amount of this growth will occur in Lake Forest and surrounding areas.⁷² Population and employment growth in the amount reported will certainly cause substantial land use changes and bring associated traffic. The forecasted traffic conditions may not have considered these growth projections. Thus, the traffic analysis may underestimate the cumulative impacts of the Project combined with foreseeable development activities based on under-estimated land use assumptions. The DEIR must reconcile any conflicting information and conclusions.

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The appendices to the DEIR do not provide sufficient information to determine the extra-jurisdictional development activities and plans considered in the DEIR analyses. Please confirm that the traffic impact analysis considered all pending and planned extra-jurisdictional development. When providing this response, please provide detailed information concerning the extra-jurisdictional projects and growth considered.

Traffic Counts (p. 4.16-11). The DEIR does not indicate the time of year when the traffic counts for the weekday peak hour analysis were conducted, but the information is buried in the TIA with insufficient specificity.⁷³ It is not clear from the TIA’s description of how existing traffic was measured which roadway segments were surveyed during February, May, and June 2017. Please provide additional specific information concerning the timeframe within which traffic counts for the weekday analysis were performed. Traffic counts conducted for roadways/highways into Laguna Beach during the winter, when schools are still in session and when recreational uses and arts festivals are out of season, would understate the existing peak season traffic levels.

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Furthermore, traffic data collected in early to mid-2017 would not accurately reflect the baseline conditions at the time the NOP was released more than a year later, in July 2018. Please explain why traffic counts were not collecting in 2018, per the requirements of CEQA Guidelines, section 15125.

Weekend traffic should be counted during the summer and, because peak travel times may vary, the timeframe for collecting traffic count data should extend between 9:00 a.m. and 6:00 p.m. Currently, during the summer months, traffic towards Laguna Beach backs up along

⁷¹ CMP Prep. Manual, pdf p. 52.

⁷² DEIR, pp. 4.13-1 – 4.13-5.

⁷³ TIA, p. 19 [stating “traffic count data [was] collected in the months of February, May, and June 2017 while school [was] in session”].

El Toro Road and SR-133 all the way past where those roads intersect SR 73.⁷⁴ The DEIR must be revised to so that the traffic impact analysis is based upon an accurate environmental baseline.

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Peak Hour Link Analysis. The traffic impact analysis relies upon LFTAM, a local traffic model. The CMP Preparation Manual requires a discussion in the TIA reconciling the use of LFTAM with OCTA's traffic model.⁷⁵ This description of model data reconciliation was not provided, as required. It is not clear from the DEIR's discussion of its model whether the LFTAM includes all relevant cumulative growth projections from neighboring jurisdictions, reflecting the actual level of approved and proposed development. The required reconciliation of LFTAM with other models should explain and support any differences in cumulative growth settings.

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The substance of the analysis is also critically flawed. Recreational travel patterns and timing differ from typical weekday peak hours; residential uses generate weekend recreational travel trip productions while non-residential uses generate few or no weekend recreational trip productions. The Project trip generation estimates do not include figures for weekend peak hours.⁷⁶ As discussed further below, the traffic impact analysis must be revised to include an analysis of potential impacts that may be associated with the proposed shift in land use patterns towards increased residential uses.

Summer Weekend Traffic Analysis. The DEIR does not include an analysis of the Project's traffic impacts during the busy summer weekends. Such an analysis would have been requested by Laguna Beach had it been consulted. The TIA does not even mention summer weekend traffic. This analysis should be conducted and the results should be reported in the DEIR.

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Cumulative Impacts (p. 4.16-25). The analysis of the Project's cumulative traffic impacts at buildout (2040) improperly compares the Project-generated traffic to the level of traffic that would exist if a business park is developed on the property per the General Plan designation.⁷⁷ This analytical approach downplays the Project's contribution to traffic impacts by artificially inflating the environmental baseline of an alternative development scenario. CEQA requires

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⁷⁴ See Exh 4 - Typical weekend backup on LCR and El Toro during summer months.

⁷⁵ See CMP Preparation Manual, pdf p. 51 ["For any CMP-required traffic impact analysis in which modeling is used, it will be required that ... data reconciliation be documented in writing and included as a section in the traffic impact analysis report that is ultimately prepared"].

⁷⁶ DEIR, p. 4.16-18.

⁷⁷ See DEIR, p. 4.16-25 ["The TIA evaluated the Project's potential cumulative impacts in the General Plan Buildout Year (2040) scenario. The Lake Forest General Plan designates the Nakase Property for approximately 1,841,700 sf of business park use. The proposed Project would generate 14,122 fewer trips per day with 1,377 fewer vehicles per hour during the a.m. peak hour and 1,442 fewer vehicles per hour during the p.m. peak hour in comparison to the adopted City of Lake Forest General Plan business park land use for the site"]; see also DEIR, p. 4.16-27.

instead that the Project's impacts be measured against actual conditions on the ground, not unrealistic hypothetical projections.⁷⁸

If anything, because the Project site is currently zoned A-1 agricultural and the site is currently used for commercial nursery purposes, the analysis of cumulative impacts could only reasonably compare the Project to projected similar agricultural uses. Instead, the preparers decided to compare the Project to much more intensive business park uses, thereby downplaying the Project's actual contributions to cumulative impacts at buildout.

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Furthermore, as noted above, the traffic from this residential development would behave differently than the non-residential traffic that would be generated by a business park. Residential traffic generates recreational weekend trips. The DEIR does not analyze this difference and instead treats both types of use the same by only looking at weekday peak hour traffic generation. If the analysis is done in accordance with CEQA's requirements, direct Project impacts attributable to this large Project would contribute to the cumulatively significant traffic impacts caused by intensive residential development throughout the region.

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Additionally, the DEIR does not adequately consider the cumulative traffic impacts caused by the many residential development projects that have already been approved and are proposed in the Great Park area and the surrounding region, including within Lake Forest itself. The thousands of residential units added to the area in the last 20 years have contributed to the measurable and rapid transformation towards a transportation system often suffering severe gridlock conditions. The analysis of cumulative 2040 traffic conditions must consider a land use context in which potentially 22,000 additional residential units could be present within Lake Forest at buildout, pursuant to the GP Update. The analysis of cumulative traffic impacts must

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⁷⁸ See *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 358 [comparisons between a proposed project's intensity compared with that allowed under a general plan population density allowed under the existing general plan "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result."]; see also *Communities For A Better Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 320-21.

A long line of Court of Appeal decisions holds ... that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework. This line of authority includes cases where a plan or regulation allowed for greater development or more intense activity than had so far actually occurred, as well as cases where actual development or activity had, by the time CEQA analysis was begun, already exceeded that allowed under the existing regulations. In each of these decisions, the appellate court concluded the baseline for CEQA analysis must be the "existing physical conditions in the affected area" [citation], that is, the "real conditions on the ground" [citations], rather than the level of development or activity that could or should have been present according to a plan or regulation.

See also *City of Carmel-by-the-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246 [agency must consider impacts of rezoning on existing physical environment; comparison of project possible under old zoning with project possible under proposed new zoning "bears no relation to real conditions on the ground"].

be revised to consider these thousands of approved, pending, and future units must be considered in the 2040 buildout traffic projections, particularly as they relate to Laguna Beach.

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Mitigation Measures (p. 4.16-29). To the extent that the Project is responsible for traffic impacts, Lake Forest must ensure that feasible measures are defined and enforceable.⁷⁹ CEQA requires Lake Forest to mitigate all of the Project’s impacts, including extra-jurisdictional impacts, to the extent feasible.⁸⁰ Also, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact.⁸¹ Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.⁸² A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

In particular, CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts⁸³ and describe those mitigation measures in the DEIR.⁸⁴ A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.⁸⁵ Instead, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.⁸⁶ Finally, mitigation for all inter-jurisdictional impacts must be coordinated with the affected jurisdiction, pursuant to the CMP Preparation Manual.⁸⁷

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The DEIR does not even identify many of the potentially significant extra-jurisdictional traffic impacts that would be caused by construction and operation of the Project. When the traffic impact analysis is revised in accordance with the above recommendations and requirements, Lake Forest must coordinate mitigation with each affected jurisdiction and must negotiate and agree to fair share responsibility for such mitigation, rather than simply identify

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⁷⁹ See CEQA Guidelines, § 15126.4(a)(1)(B); see also *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793–794 *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029 (SOCA); see also *Federation of Hillside and Canyon Associations, supra*, 83 Cal.App.4th at p. 1262.

⁸⁰ *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 366-367; see also *City of San Diego v. Bd. Of Trustees of California State University* (2015) 61 Cal.4th 945, 960-961; see also *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 104.

⁸¹ CEQA Guidelines, § 15370.

⁸² *Id.* at § 15126.4(a)(1)(B).

⁸³ §§ 21002, 21081(a).

⁸⁴ § 21100(b)(3); CEQA Guidelines § 15126.4.

⁸⁵ *Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 727 [finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available].

⁸⁶ *Id.* at § 15126.4(a)(2).

⁸⁷ See CMP Prep. Manual, pdf. p. 11.

possible mitigation.⁸⁸ The revised DEIR must propose and describe mitigation measures sufficient to minimize all significant adverse environmental impacts identified in the EIR.⁸⁹ .

Due to the deficient analysis of Project impacts to Laguna Beach roadways and intersections, Laguna Beach does not believe it would be productive to comment further at this time on possible traffic mitigation measures for potentially significant Laguna Beach traffic impacts. Instead, we urge Lake Forest to revise the analysis, in consultation with Laguna Beach staff and its traffic consultant. Following receipt and review of the revised analysis, Laguna Beach may have more specific comments regarding identified impacts and proposed mitigation measures.

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F. The DEIR Does Not Analyze a Reasonable Range of Alternatives to the Project.

Section 5 of the DEIR describes the four project alternatives that will be considered by Lake Forest decision-makers.⁹⁰ The analysis does not examine a reasonable range of alternatives, as is required.⁹¹ The Project’s “significant and unavoidable” impacts, both acknowledged in the DEIR and unacknowledged (e.g., impacts to air quality, GHG emissions, and transportation impacts) could be minimized through the adoption of a true reduced density alternative or through an alternative of lower intensity light industrial or commercial uses.⁹² Less impactful alternatives that meet most or all of the project objectives should be considered in the revised analysis.

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G. Increased Traffic and Heightened Demand for Recreation Facilities and Public Services Are Unacknowledged Significant Irreversible Changes Caused by the Project.

This section of the DEIR does not acknowledge the increase in vehicle trips that would necessarily accompany Project-related population and job growth.⁹³ The Project will have unique traffic and recreation impacts that differ from those impacts that would be caused by nonresidential development at buildout. This section must acknowledge all significant

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⁸⁸ See *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1259, 1262 [mitigation measures must be “incorporate into the project or required as a condition of project approval in a manner that [would] ensure their implementation”]; see also *See Defend the Bay v. City of Laguna Hills* (2004) 119 Cal.App.4th 1261, 1275 [deferral of mitigation is impermissible when an agency “simply requires a project applicant to obtain a report and then comply with any recommendations that may be made in the report”].

⁸⁹ §§ 21002.1(a), 21100(b)(3).

⁹⁰ See DEIR, pp. 5-5 – 5-6.

⁹¹ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 566 [“an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project”].

⁹² Alternative 4, as described in the DEIR, is superior to the proposed Project with respect to reducing impacts. However, this alternative could be improved by reducing the intensity even further.

⁹³ DEIR, pp. 6-4 – 6-5.

irreversible changes caused by the Project and the DEIR must consistently address the Project's unique impacts.

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IV. CONCLUSION

For all of the foregoing reasons, and for the reasons described in the attached comments from the retained traffic consultant, Lake Forest must revise and recirculate the DEIR. The revised analysis must fairly and objectively address all of the Project's impacts, including significant extra-jurisdictional impacts, and must consider project alternatives and mitigation measures to avoid or reduce those impacts.

L-6-54

Thank you for considering these comments. If you have any questions or concerns about anything expressed in this letter, please do not hesitate to contact me.

Sincerely,



Jason Holder

Attachments:

- A: Comment letter regarding DEIR from the City of Laguna Beach's traffic consultant, Smith Engineering and Management, dated Oct. 2, 2019
- B: Letter from Gregory Pfof, Laguna Beach's Director of Community Development, to Gail Ackerman, Lake Forest's Director of Development Services, dated July 26, 2016.

- Exhibit 1 – Irvine City Council Resolution 13-133, dated Nov. 26, 2013;
- Exhibit 2 - Exh 2 - List of Additional Past, Present, and Future Projects to Consider in Revised Cumulative Impacts Analysis;
- Exhibit 3 – Map Showing Fastest Routes from Project Site to Downtown Laguna Beach; and
- Exhibit 4 – Map Showing LCR and El Toro Summer Weekend Backup.

cc: (via email only)

- Laguna Beach City Council
- Laguna Beach City Manager



October 2, 2019

Mr. John Pietig, City Manager
City of Laguna Beach
505 Forrest Avenue
Laguna Beach, CA 92651

Subject: DEIR for Nakase Nursery / Toll Brothers Project (SCH# 2018071035)

Dear Mr. Pietig:

At the request of the City of Laguna Beach, I have reviewed the Draft Environmental Impact Report (hereinafter the "DEIR") for the Nakase Nursery/Toll Brothers Project (hereinafter the "Project") in the City of Lake Forest (hereinafter the "City"). My expedited review is specific to traffic and transportation aspects of the Project and the DEIR including its Appendix L Traffic Impact Analysis (the "TIA"). My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and 51 years of traffic and transportation engineering consulting practice. I have both prepared and reviewed the traffic and transportation components of numerous CEQA environmental documents including ones on mixed use and residential projects. My professional resume is attached hereto. My detailed comments on the subject DEIR follow.

L-6-55

Traffic Counts Are Stale, Unadjusted to the Year of the NOP, and Do Not Address Periods When the City of Laguna Beach Is Critically Impacted

Baseline traffic counts relied on in the DEIR were taken variously in January, February and May, 2017. The Notice of Preparation ("NOP") for the subject DEIR was issued on July 16, 2018. Hence, the traffic counts relied on were over a year old at the time of issuance of the NOP. Hence, the counts should have been adjusted for a year of ambient traffic growth. Moreover, the counts relied upon are solely single day counts of conditions in winter and spring weekday commute peak periods. The problem with this is that the severe traffic and parking, and traffic-related public safety impacts that affect the City of Laguna

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Beach occur primarily on summer weekends. This should already have been known to the City of Lake Forest and its consultants or would have been made known had the City properly informed Laguna Beach of the NOP as requested and required.

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The DEIR Relies on Traffic Projections of the LFTAM Traffic Analysis Model. The Documentation of LFTAM in the DEIR and Its Appendix L Does Not Describe LFTAM's Validation Statistics Nor Adequately Describe the Extra-Jurisdictional Plan and Development Activity Inputs Reflected in the Model Outputs. LFTAM Model Outputs Are Relied On to Assess Weekday Commute Peak Traffic Impacts; Not Summer Weekend Traffic that Critically Impacts Laguna Beach. Finally, Because of Laguna Beach's Unique Characteristics, Traffic Models of the LFTAM Type Normally Understate Traffic Exchanges Between Laguna Beach and the Rest of the Region.

Neither the DEIR nor the TIA provide any validation statistics for the LFTAM model. Obviously, the model's ability to reasonably project traffic on El Toro Road and Laguna Canyon Road both above and below their intersection is of critical importance to Laguna Beach. Historically, models like LFTAM such as ITAM (Irvine Traffic Analysis Model) and OCTAM (Orange County Traffic Analysis Model), models from which LFTAM may have been substantially derived, have been inadequate in projecting traffic exchanges between Laguna Beach and the rest of the region. This is apparently the result of the complex socio-economic factors used in those models, which factors are driven by growth in population and employment. In contrast, growth in traffic in and on the approaches to/from Laguna Beach is driven by the regional population's growth and attraction to Laguna Beach's beaches, restaurants, unique shops, festivals and other recreational activities, not changes in Laguna Beach's population and employment (which hardly changes at all).

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The documentation fails to provide a detailed accounting of what specific land use totals from the various ongoing Lake Forest and extra-jurisdictional growth and development projects are included as input in each future scenario run of the LFTAM model. This lack of specificity leaves the reasonableness of LFTAM output in question. To assist the City of Lake Forest, the City of Laguna Beach has compiled and forwarded separately a list of such projects through September 27, 2019. These and all other relevant project should be incorporated in the inputs to future year LFTAM runs.

Finally, as previously noted, Laguna Beach's critical traffic, parking and related public safety problems occur on summer weekends. The LFTAM output is designed for ultimate estimation of average weekday commute peak hour traffic. The DEIR must make reasonable estimates of how the population growth in the subject Project in combination with other concurrent projects in the nearby region

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will compound the traffic, parking and public safety impacts Laguna Beach experiences during summer weekends.

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The DEIR's Approach To Defining the Traffic Study Area Is Flawed

The DEIR indicates at page 4.16-4 that the study area for the TIA was defined to include those roadway segments where the Project's traffic contribution would be equal to 3 percent or more of the segment's LOS E capacity. However, in general, the DEIR defines significant impacts as a Project traffic contribution causing a 0.01 (1 percent) increase in intersection capacity utilization ("ICU"). However, at intersections in or approaching the LOS E or F categories, ICU increases are nearly synonymous with percentage increases in traffic volume. Hence, at intersections at or approaching critical ICU levels, about 3 times as much traffic increase would be required to be included in the study area as that which would constitute a significant traffic impact at an intersection already at undesirable ICU.

L-6-60

Moreover, the Updated Scoping Agreement included at Appendix L, Sub-appendix 1.1, suggests that the study area was defined through negotiations between City staff and the applicant's consultant rather than by the procedure described above and at DEIR page 4.16-4.

Since roadways critical to Laguna Beach have clearly been left out of the traffic study area, the analysis must be revised to include a clear, fair and reasonable procedure for scoping the traffic impact analysis.

L-6-61

Assumed Internal Trip Capture Is Unsubstantiated And Unreasonable

The assumption that the interchange between residential, elementary school use and parks would result in an internal capture of 5 percent of Project trips is unsubstantiated by computational reference to data and procedures in authoritative traffic engineering resource documents such as *Trip Generation Handbook, 3rd Edition*. For instance, it is unlikely that 675 normal residences would generate enough students in the K-6 age group to fill a 1000 pupil school; children filling pupil-slots from other neighborhoods would cancel out the internalized trips.

L-6-62

The Cumulative Analysis of Traffic Impacts is Flawed

The DEIR and TIA analyze the Project's cumulative impacts by comparing a 2040 Cumulative Scenario *with the current Project* to a 2040 Cumulative Scenario *with an alternate development project on the Project site*. This is the exact type of cumulative analysis comparison that the Court found inappropriate in *Communities For A Better Environment v. South Coast Air Quality Management District*. The appropriate cumulative comparison for defining

L-6-63



Mr. John Pietig, City Manager
City of Laguna Beach
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L-6

cumulative impacts under CEQA is the 2040 Cumulative Scenario *with the subject Project* versus the 2040 Cumulative Scenario with the currently *existing use on the site*. An alternative future use of the site, even if previously permitted, is irrelevant to the analysis of the Project's cumulative impacts.

↑
L-6-63

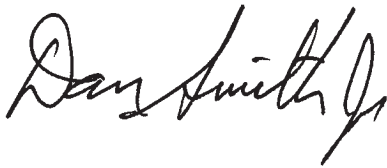
Conclusion

This completes my current comments on the subject DEIR. As documented in the detailed comments above, the DEIR traffic analysis and documentation is inadequate and must be revised and recirculated in draft status.

L-6-64

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President



DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil, Ret.) Washington No. 29337 (Civil, Ret.)
California No. 938 (Traffic) Arizona No. 22131 (Civil, Ret.)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.). Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.



July 26, 2016

VIA E-MAIL AND U.S. MAIL

Gail Ackerman, Director of Development Services
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630
E-mail: gackerman@lakeforestca.gov

Re: Request for E-mail Notice of City of Lake Forest projects Subject to CEQA near SR 73 and El Toro Road

Dear Ms. Ackerman,

The City of Laguna Beach hereby requests timely written notice of all proposed projects within the City of Lake Forest, near SR 73 and/or El Toro Road, for which an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration will be prepared. Based on our review of Orange County's regulations concerning notice, there does not appear to be any requirement to annually renew this request for notice. However, in the event that annual renewal is ordinarily required, please consider this request perpetual and confirm that annual renewal of this request is not necessary here.

Pursuant to Public Resources Code, section 21092.2(a), such notice may be provided via e-mail, addressed to both me and Christa Johnson, Assistant City Manager. Our respective e-mail addresses are: gpfof@lagunabeachcity.net and cjohnson@lagunabeachcity.net. In addition, please send a hard copy of such notice to:

Director of Community Development
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Please let me know if you have any questions or concerns regarding this request for notice. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory Pfof".

Gregory Pfof, AICP
Director of Community Development

CITY COUNCIL RESOLUTION NO. 13-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT (00537028-PGA) TO COMBINE PLANNING AREA 30 AND AN 11-ACRE PARCEL LOCATED IN PLANNING AREA 9 INTO PLANNING AREA 51; DELETE REFERENCES TO PLANNING AREA 30 THROUGHOUT THE GENERAL PLAN; AMEND THE LAND USE DESIGNATION FOR THE 11-ACRE PARCEL TO BE ORANGE COUNTY GREAT PARK; AMEND GENERAL PLAN TABLES A-1 AND A-2 TO REFLECT SHIFTS OF INTENSITY BETWEEN RESIDENTIAL AND NON-RESIDENTIAL CATEGORIES AND ADD THE 11-ACRE PARCEL IN TABLE A-2; AMEND THE APPROPRIATE GENERAL PLAN FIGURES TO ELIMINATE ROCKFIELD BOULEVARD FROM THE EASTERN PROJECT BOUNDARY TO MARINE WAY CONTINGENT UPON APPROVAL BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA); MODIFY GENERAL PLAN OBJECTIVE B-1, TO IDENTIFY WHERE LEVEL OF SERVICE "E" IS CONSIDERED ACCEPTABLE; AMEND GENERAL PLAN FIGURE G-1 TO DEPICT THE LOCATION OF A FUTURE HIGH SCHOOL; AND REVISE GENERAL PLAN FIGURE L-2 TO DEPICT THE RELOCATED WILDLIFE CORRIDOR FEATURE; FILED BY FIVE POINT COMMUNITIES, ON BEHALF OF HERITAGE FIELDS EL TORO, LLC FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT; LOCATED IN PLANNING AREAS 30 AND 51

WHEREAS, the City of Irvine has an adopted General Plan and Zoning Ordinance;
and

WHEREAS, Five Point Communities, on behalf of Heritage Fields El Toro, LLC (Heritage Fields), has submitted General Plan Amendment 00537028-PGA requesting the following amendments:

- Combine Planning Area 30 and an 11-acre parcel adjacent to the Transportation Corridor between Irvine Boulevard and Trabuco Road into Planning Area 51
- Delete references of Planning Area 30 throughout the General Plan
- Amend General Plan Table A-1 and associated footnotes to **increase dwelling units in Planning Area 51 to 9,500 while reducing the non-residential intensity by 410,400 square feet** to remain trip neutral.
- Amend General Plan Table A-2 and associated footnotes to modify the land use and acreage distribution based on the changes to the residential and non-residential intensity as well as the inclusion of the 11-acre parcel.

- Modify the General Plan maps and figures to reflect the elimination of Rockfield at the eastern project boundary to Marine Way, as outlined below:
 - Land Use Element
 - City of Irvine
 - Figure A-1 Vicinity Map
 - Figure A-2 Planning Areas
 - Figure A-3 Land Use Element
 - Figure A-4 Scenic Highways
 - Circulation Element
 - Figure B-1 Master Plan of Arterial Highways
 - Figure B-2 Operational Characteristics
 - Figure B-3 Public Transit
 - Figure B-4 Trails Network
 - Seismic Element
 - Figure D-2 Inactive Fault Locations
 - Figure D-3 Seismic Response Areas
 - Cultural Resources Element
 - Figure E-1 Historical/Archeological Landmarks
 - Figure E-2 Paleontological Sensitivity Zones
 - Noise Element
 - Figure F-1 Aircraft Noise
 - Public Facilities Element
 - Figure G-1 Educational Facilities
 - Integrated Waste Management
 - Figure H-1 Solid Waste Facilities
 - Safety Element
 - Figure J-1 Public Safety Facilities
 - Figure J-2 Fire Hazard Areas
 - Figure J-3 Flood Hazard Areas
 - Figure J-4 Clear and Accident Potential Zones
 - Parks and Recreation Element
 - Figure K-1 Recreational Facilities
 - Conservation and Open Space Element
 - Figure L-1 Landform Zones
 - Figure L-2 Conservation and Open Space
 - Figure L-3 Implementation Districts
 - Figure L-4 Biotic Resources
- Modify Objective B-1 and add Figure B-5 (LOS E) to identify certain locations in Planning Area 51 where traffic level of service (LOS) E is considered acceptable.
- Modify General Plan Figure G-1 to add the location of the future high school.
- Modify General Plan Figure L-2 to depict the Relocated Wildlife Corridor Feature.
- Other minor modifications to the tables and figures as necessary to implement the Project.

WHEREAS, General Plan Amendment 00537028-PGA is considered a "project" pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, a Second Supplemental Environmental Impact Report (SSEIR) was prepared for the proposed development associated with the General Plan Amendment; and

WHEREAS, the SSEIR is subject to review and, if appropriate, certification by the City Council of the City of Irvine; and

WHEREAS, the General Plan Amendment is subject to review and, if appropriate, approval by the City Council of the City of Irvine; and

WHEREAS, the Planning Commission of the City of Irvine had considered information presented by Community Development staff, the Applicant, and other interested parties at a duly noticed public hearing held on October 24, 2013, and recommended City Council approval of the General Plan Amendment; and

WHEREAS, the City Council of the City of Irvine has considered information presented by staff, the Applicant and other interested parties at a duly noticed public hearing held on November 12, 2013 and November 26, 2013; and

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. Pursuant to Section 15162 and 15163 of the State of California CEQA Guidelines and Section 8 of the City of Irvine CEQA Procedures, a Second Supplemental Environmental Impact Report (SSEIR), SCH #2002101020 has been prepared, which adequately addresses the general environmental setting of the proposed project, analyzes the potentially significant environmental impacts and alternatives, and proposes mitigation measures related to each significant impact. The Draft SSEIR was circulated for public comment from July 10, 2012 through August 24, 2012 and subsequently extended to September 7, 2012. The SSEIR incorporates by reference the previously certified 2003 Orange County Great Park Environmental Impact Report, 2011 Supplemental EIR, and the subsequent eight addenda (collectively, the "Certified EIR").

SECTION 2. That pursuant to Section 15205 of the State CEQA Guidelines, the Planning Commission reviewed and considered the Draft SSEIR, in making its recommendation on the project.

SECTION 3. The Planning Commission recommends that the City Council find that the the findings required by Section 2-11-8 of the City of Irvine Zoning Ordinance for approval of a General Plan Amendment have been made as follows:

1. The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to Government Code Section 65300.5:

The amendment includes a comprehensive revision to all of the elements with tables, maps and figures reflecting the proposed change to combine Planning Area 30 and an 11-acre parcel in Planning Area 9 into Planning Area 51 and to eliminate a portion of Rockfield east of the project boundary and Marine Way. The project will also increase the residential intensity and commensurately lower the non-residential intensity to remain trip neutral, amend the Conservation and Open Space Figure to reflect the realigned location of the Wildlife Corridor Feature, and amend the Educational Facilities Figure to include a high school in the Great Park Neighborhoods development. Specifically, the following elements contain tables, maps and figures being amended: Land Use, Circulation, Seismic, Cultural Resources, Noise, Public Facilities, Integrated Waste, Safety, Parks and Recreation, and Conservation and Open Space. These elements are being amended to reflect internal consistency. The amendment does not modify or alter the intent of any of the General Plan elements. The General Plan goals of maintaining balanced and harmonious land use patterns and ensuring that infrastructure and municipal services will be available to serve the planned development will continue to be met. Therefore, pursuant to Section 65300.5 of the State Government Code, this amendment is internally consistent with all elements of the General Plan.

2. The proposed General Plan Amendment, if applicable, responds to changes in state and/or federal law pursuant to Section 65300.9 of the State Government Code.

This General Plan Amendment is not proposed in response to changes in state or federal law, but responds directly to a new development proposal. There have been no changes to local, county, state, or federal laws that would require the General Plan Amendment.

3. The proposed General Plan Amendment has been referred to the County of Orange and all adjacent cities abutting or affected by the proposed action, the Local Agency Formation Committee (LAFCO), and any federal agency whose operations or lands may be affected by the proposed decision pursuant to Government Code Section 65352.

All applicable county, state and federal agencies have been notified of this project, including but not limited to: the County of Orange, Orange County Flood Control District, Irvine Ranch Water District, State of California, Department of Fish and Game, Fish and Wildlife Services, and United States of America.

4. The proposed General Plan Amendment will not be detrimental to the public health, safety, and welfare of the community.

The request to amend the General Plan is as follows: to modify the non-residential square footages to be a maximum of 3,364,000 square feet of Medical and Science, 220,000 square feet of Community Commercial, and 1,318,200

square feet of Multi-use for the Great Park Neighborhoods development; to allow an additional 3,412 dwelling units within Planning Area 51 and 1,194 density bonus units; to amend Figure B-1 and other figures as necessary to eliminate the extension of Rockfield from the eastern boundary of the project site to Marine Way; to modify Objective B-1 to identify where Level of Service "E" may be considered potentially acceptable in the project site; to modify the Conservation and Open Space Figure to reflect the realigned location of the Wildlife Corridor Feature, and to amend the Educational Facilities Figure to include a high school in the Great Park Neighborhoods development; and, to allow other minor modifications as necessary to implement the proposed project.

The environmental impacts of the general plan amendment application have been analyzed in the SSEIR, which concluded that the proposed project is not anticipated to have any significant effect on the environment beyond those already identified in the Certified EIR, including any potential impacts to public health, safety and welfare. In addition, the SSEIR identified as an express impact, the fact that certain mitigation measures would have to be implemented by other agencies beside the City of Irvine. As a part of the SSEIR, the Applicant was required to prepare a traffic study to analyze any potential impacts related to the project. The traffic study identified no significant impacts with the proposed project other than certain mitigation measures that are within the responsibility and jurisdiction of another public agency over which the City of Irvine has no control. The Planning Commission recommends that, based upon specific economic, social, technical or other considerations, the City Council find that each of these effects is acceptable and that the City Council adopt the required Findings of Fact and Statement of Overriding Considerations. Therefore, staff anticipates there will be no negative impacts to the circulation system and surrounding community. Therefore, the General Plan Amendment is consistent with and in the best interest of the public health, safety and welfare of the community.

SECTION 4. The Planning Commission of the City of Irvine recommends that the City Council amend the applicable General Plan tables, maps and figures to reflect the changes resulting from the approval of General Plan Amendment 00537028-PGA. The amended tables, maps and figures are attached as Exhibit A and made a part thereof by reference:

- Land Use Element
 - Table A-1
 - Table A-2
 - City of Irvine
 - Figure A-1 Vicinity Map
 - Figure A-2 Planning Areas
 - Figure A-3 Land Use Element
 - Figure A-4 Scenic Highways

- Circulation Element
 - Figure B-1 Master Plan of Arterial Highways
 - Figure B-2 Operational Characteristics
 - Figure B-3 Public Transit
 - Figure B-4 Trails Network
 - New Figure B-5 Level of Service E Standards
- Seismic Element
 - Figure D-2 Inactive Fault Locations
 - Figure D-3 Seismic Response Areas
- Cultural Resources Element
 - Figure E-1 Historical/Archeological Landmarks
 - Figure E-2 Paleontological Sensitivity Zones
- Noise Element
 - Figure F-1 Aircraft Noise
- Public Facilities Element
 - Figure G-1 Educational Facilities
- Integrated Waste Management
 - Figure H-1 Solid Waste Facilities
- Safety Element
 - Figure J-1 Public Safety Facilities
 - Figure J-2 Fire Hazard Areas
 - Figure J-3 Flood Hazard Areas
 - Figure J-4 Clear and Accident Potential Zones
- Parks and Recreation Element
 - Figure K-1 Recreational Facilities
- Conservation and Open Space Element
 - Figure L-1 Landform Zones
 - Figure L-2 Conservation and Open Space
 - Figure L-3 Implementation Districts
 - Figure L-4 Biotic Resources

SECTION 5. Based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE General Plan Amendment 00537028-PGA.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 26th day of November 2013.



 MAYOR OF THE CITY OF IRVINE

ATTEST:



 INTERIM CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MARIE MACIAS, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, the 26th day of November 2013.

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Agran, Krom

ABSENT: 0 COUNCILMEMBERS: None



INTERIM CITY CLERK OF THE CITY OF IRVINE

Policy (i): Ensure that sensitive uses are allowed in areas with identified hazards only if the hazard has been adequately analyzed and mitigated.

Policy (j): Residential areas and sensitive uses shall be protected from the encroachment of incompatible activities or land uses which would cause a hazard or substantial nuisance or otherwise create a negative impact upon sensitive uses or the residential living environment.

Correlation of General Plan Land Use Categories with Zoning Ordinance Districts.

The General Plan Land Use Element objectives and policies strive to obtain a balance of land uses and a high quality of development. The General Plan focuses on the long-term development of the City. Land use policies are defined and implemented through Irvine's Zoning Ordinance. The Zoning Ordinance regulates the location, type of use, and character of development. The following table illustrates the Zoning Ordinance district which correlates with each General Plan Land Use category.

General Plan/Zoning Correlation

General Plan Category	Zoning District
<u>Conservation & Open Space</u>	
Agriculture	1.1 Exclusive Agriculture
Preservation Area	1.4 Preservation Area
Recreation Area	1.5 Recreation Area
Water Bodies	1.6 Water Bodies
Landfill Overlay	1.7 Landfill Overlay
Golf Course Overlay	1.8 Golf Course Overlay
<u>Residential (du/acre)</u>	
<u>(gross acres)</u>	<u>(net acres)</u>
Estate (0 - 1)	2.1 Estate (0 - 1)
Low (0 - 5)	2.2 Low (0 - 6.5)
Medium (0 - 10)	2.3 Medium (0 - 12.5)
Med.-High (0 - 25)	2.4 Med.-High (0 - 31)
High (0 - 40)	2.5 High (0 - 50)
<u>Multi-use</u>	
Multi-use	3.1 Multi-use 8.1A Trails and Transit Oriented Development
<u>Commercial</u>	
Neighborhood	4.1 Neighborhood Commercial
Community	4.2 Community Commercial
	4.3 Vehicle Related Commercial
Commercial Rec.	4.4 Commercial Recreation
Regional Commercial	4.5 Regional Commercial
	4.6 Retail Office
	4.7 Urban Commercial
	4.8 Garden Commercial
	4.9 Lower Peters Canyon Regional Comm.
<u>Business/Industrial</u>	
Urban/Industrial	5.0 IBC Mixed-use
	5.1 IBC Multi-use
	5.2 IBC Industrial
Research/Industrial	5.3 IBC Residential
	5.4 General Industrial
	5.5 Medical & Science
	5.6 Business Park
<u>Institutional</u>	
Educational Facility	6.1 Institutional
Public Facilities	6.1 Institutional
<u>Military</u>	
Military	7.1 Military
<u>Orange County Great Park</u>	
Orange County Great Park	1.1 Exclusive Agriculture
	1.4 Preservation
	1.9 Orange County Great Park
	6.1 Institutional
	8.1 Trails and Transit Oriented Development

**TABLE A-1
MAXIMUM INTENSITY STANDARDS BY PLANNING AREA
GENERAL PLAN FOOTNOTES**

1. For planning areas not yet annexed, the County of Orange maintains land use authority and controls related regulatory activities. Dwelling units and square footage totals may not reflect the Orange County General Plan.
2. This designation allows a variety of land uses, including the high-density residential category.
3. Refer to Objective A-4, Policy (a) for additional institutional category requirements. Within each planning area, actual intensity is regulated by the appropriate agencies involved. The development intensity for institutional uses is in addition to the development intensity allowed in the adopted land use category.
4. This designation provides for a variety of land uses and is based upon 63,476 AM (peak hour), 76,173 PM (peak hour) and 812,673 ADT as the maximum intensity regulating factor (refer to the IBC database), with the exception of Planning Area 4.
5. This designation provides for a variety of land uses, which are regulated by the Irvine Center Development Agreement for PA 33. The development intensity is derived from the Irvine Center Development Agreement adopted August, 1993. The development intensity for PA 33 was determined by converting the allowable points (6,300) to gross leaseable square feet and then multiplying by 1.15 to achieve a gross floor area. As such, the Irvine Center Development Agreement is estimated to allow approximately 8,388,980 square feet of gross floor area. An additional 1,514,000 square feet of gross floor area is permitted subject to the Zoning Ordinance, for a planning area total of 9,902,980 square feet. With the approval of General Plan Amendment 41359-GA (CC Reso. 03-115) in August 2003, residential units were introduced into Planning Area 33 and accompanied by a footnote indicating that non-residential intensity must be reduced by a set amount for every residential unit built so as to avoid any increase in total traffic in Planning Area 33. Based on the approval 3,150 units, the maximum gross floor area is approximately 7,955,092 square feet. In addition, the footnote allows adjustments to the residential and non-residential intensity figures, pursuant to this footnote, without a requirement to file a subsequent General Plan amendment for those adjustments. The actual development intensity within PA 33 may exceed these estimates subject to the traffic provisions

contained in the Development Agreement. Within Planning Area 4, this designation provides for a variety of land uses as provided by the Lower Peters Canyon Development Agreement.

6. The permitted range of dwelling units (low-high) may be less than that allowed by the available acreage. The residential intensity ranges are based on estimated gross figures and may be adjusted through technical refinements to reflect more accurate information at subsequent planning levels.
7. Within Planning Area 12, the multi-use designation allows medium high or high density residential use.
8. On September 26, 1988, the "Memorandum of Understanding Implementing Initiative Resolution 88-1" was approved, establishing a 10,600 dwelling unit cap for Planning Areas 17, 18, 22, 26 and 27. In addition, the Memorandum permits up to 800 dwelling units in lieu of commercial in Planning Area 26, for an overall cap of up to 11,400 dwelling units.
9. Reserved.
10. The University of California controls land use authority and related regulatory activities. Dwelling unit totals are based on the University's Long-Range Development Plan.
11. Total residential Dwelling Units within Planning Area 4 shall not exceed 7,969.
12. Residential uses within Sector 11 of Planning Area 4 shall not exceed 2,830 ADT unless additional environmental documentation ensures traffic mitigation.
13. Reserved.
14. Derived from Planning Area 22 Zone Change [16868-ZC, CC Reso 95-79)].
15. In Planning Area 15, a total of 50,526 square feet of Institutional Uses are located on a site have been allocated equally to two sites designated as High Density Residential and located at 4445 Alton Parkway and 23 Lake Street designated as High Density Residential. Additionally, 5,939 square feet of Institutional Uses have been allocated to a site designated as Multi-Use and located at 5010 Barranca Parkway. This square footage is considered

additive and is not included in the Planning Area 15 total intensity caps.

16. Maximum Square Footages for Multi-Use

Non-Residential Conversions: The “Heritage Fields Project 2012 General Plan Amendment and Zone Change Traffic Analysis, approve (insert approval date)” or subsequent traffic analysis amending those assumptions, analyzed 1,318,200 square feet of Multi-Use (Office) in Planning Area 51. If any other non-residential land uses within 8.1 TTOD zoning district are proposed in-lieu of Multi-Use (Office), the square footage may be adjusted accordingly within the General Plan Table A-1 without the need for a General Plan Amendment.

17. The 1,233,000 square feet in Institutional/Public Facilities in Planning Area 51 includes 122,500 square feet for Orange County Transit Authority facilities; 300,000 square feet for County of Orange facilities; 263,000 square feet for warehousing for homeless providers; 468,000 square feet of institutional uses; 26,000 square feet of sports park; and 53,500 square feet of remote airport terminal.

18. In order to develop at the maximum intensities for Planning Area 51, the property owner has entered into a development agreement, (recorded on July 12, 2005), which requires the dedication of land and the development or funding of infrastructure improvements in excess of the City’s standard requirements, and the commitment to long-term maintenance of public facilities. This agreement was amended by the Amended and Restated Development Agreement adopted pursuant to City Council Ordinance 09-09.

19. To the extent that residential units are built in PA 33, within the 4.7C Urban Commercial District, a corresponding reduction in the allowable non-residential intensity shall occur in terms of equivalent traffic generated. The actual amount of reduction in non-residential intensity will be based upon a conversion rate of 648 square feet of non-residential intensity per dwelling unit (as established in the traffic analysis “City of Irvine Spectrum 1 Traffic Analysis” July 2003). Revisions to the non-residential and residential intensity figures for PA 33 (consistent with this note) are authorized without the need for a subsequent general plan amendment

20. Reserved.

21. The maximum residential density in the 5.0 IBC Mixed Use district in Planning Area 36 is 0-52 dwelling units per gross acre except that the maximum allowable density may be increased to 0-56 dwelling units per gross acre if the development provides 20 percent of the units in the development as on-site affordable housing in accordance with the following criteria:
- ◆ Five percent of the units for Income II (30-50 percent of median area income); and
 - ◆ Five percent of the units for Income III (50-80 percent of median area income); and
 - ◆ Ten percent of the units for Income IV (80-120) percent of median area income).
22. The maximum Dwelling Units in Planning Area 36, the Irvine Business Complex, are specifically assigned to the following projects/properties:

Project / Address	Density Bonus	Approved Intensity
<i>Existing (including density bonus units)</i>		
Charter Apartments (Approved July 1987)		403 units
The Metropolitan (Approved February 1989)		261 units
Toscana (Approved June 1989)		563 units
Villa Sienna (Approved August 1989)		1,442 units
Marquee at Park Place (Approved August 1989)	232 units	232 units
Irvine Inn (Approved December 1993)		192 units
Watermarke Apartments (Approved February 2001)		535 units
Main Street Village Apartments (MetLife Apartments) (Approved May 2003)		481 units
Alta Court (Essex Apartments) (Approved May 2003)		132 units
Avenue One (Campus Center Apartments) (Approved August 2003)		343 units
Camden (R. D. Olson/Legacy Partners) (Approved January 2004)		290 units
The Plaza - Irvine (Phases I & II) (Approved July 2004)		202 units
Calypso (Approved June 2005)		179 units
Avenue One Expansion (Campus Center Apartments) (Approved September 2005)		61 units
The Plaza - Irvine (Phases III & VI) (Approved December 2005)		105 units
Axis 2300 (The Lofts @ Von Karman) (Approved August 2003)	23 units	115 units

Avalon Jamboree I (Approved July 2006)	56 units	280 units
Granite Court (Approved June 2006)		71 units
Total Existing Units		5,887 units
<i>Approved/Under Construction (including density bonus units)</i>		
Park Place Remaining Intensity (Approved August 1989)		1,210 units
Bosa II (Approved August 1989)	128 units	566 units
Martin Street		82 units
Central Park (Approved August 2004)		1,380 units
Carlyle @ Colton Plaza (Approved September 2005)		156 units
2801 Kelvin (Approved September 2005)		248 units
Alton & Millikan (16952 Millikan)(Approved February 2011)		156 units
2851 Alton Parkway (Approved February 2011)		170 units
Avalon Jamboree II	36 units	179 units
2852 Kelvin (Approved February 2011)		194 units
Total Density Bonus Units (includes pending projects)	655 units	
Total Approved / Under Construction Units		4,341 units
Total Existing, Approved, and Under Construction Units		10,228 units

23. Development Agreement 00310468-PDA vested certain entitlements for the Park Place development (collectively, the "Vested Park Place Entitlements"). The Vested Park Place Entitlements include the right to allocate the maximum permitted intensity of development within Park Place among the various permitted and conditionally permitted uses utilizing the development points system set forth in Section V.E.-736.5 of the 1989 Zoning Code (the "1989 Point System"). The maximum intensity limits for Planning Area 36 allow for up to 3,450 dwelling units within Park Place subject to an overall intensity limit 8,567,880 total points under the 1989 Point System which have been allocated to Park Place under the Vested Park Place Entitlements. To the extent that the 3,450 maximum unit entitlement is not developed at Park Place, non-residential uses may be developed at Park Place by utilizing unused points under the 1989 Point System. Total construction within Park Place shall not exceed any of the following intensity limits: 3,450 residential dwelling units and 8,567,880 points under the 1989 Point System.

24. Reserved

25. Unallocated dwelling units represent those units remaining in a Planning Area that may be built anywhere in the same Planning Area. These units are within the maximum development intensity for the Planning Area; and, therefore placement of unallocated units into any residential category within the planning area for purposes of development is determined to be consistent with the General Plan and Zoning Code with regard to intensity allocation only, provided that placement is otherwise consistent with site specific zoning regulations and that any potential environmental impacts are adequately addressed, including traffic impacts, pursuant to CEQA. Additionally, unallocated units in Planning Area 4 cannot be transferred between sectors per an existing development agreement.
26. On July 12, 2005, the City and Heritage Fields LLC executed the Great Park Development Agreement that vested Heritage Fields' right to develop 3,625 base units in Planning Areas 30 and 51(now referred to as Planning Area 51 with the 2012 General Plan Amendment and Zone Change). The November 6, 2008 Planning Commission approval of the Master Affordable Housing Plan and the Density Bonus Application granted the right to develop 1,269 density bonus units in Planning Areas 30 and 51 (now referred to as Planning Area 51 with the 2012 General Plan Amendment and Zone Change). The City Council later approved the Density Bonus Agreement on August 9, 2009 regarding the implementation of the 1,269 density bonus units. The 2012 General Plan Amendment and Zone Change increase the maximum number of base units to 7,037 (3,625 plus 3,412) and the maximum number of density bonus units to 2,463 (1,269 plus 1,194) for a **maximum of 9,500 units**.
27. Density Bonus units granted pursuant to state law.
28. The development intensity allocated to 8.1A equates to 175,000 square feet of office use and 325,000 square feet of Research and Development use with a post-2030 trip limit of 5,115 average daily trips, 506 am peak hour trips and 509 pm peak hour trips based on NITM land use rates. To the degree residential units, up to a maximum of 790 dwelling units, or other uses are built in 8.1A, a corresponding reduction in the allowable Office and/or Research and Development intensity shall occur in terms of equivalent traffic generation based on a.m. peak, p.m. peak, and average daily trips. The actual amount of reduction will be based on land use based traffic generation rates, and using an average trip generation rate (10.73 ADT, 0.98 am peak hour trips and 0.94 pm peak hour trips per 1,000 square feet of office use and 9.96 ADT, 1.03 am peak hour trips and 1.06 pm peak hour trips per 1,000 square feet of research and development use) for Office and/or Research and

Development intensity and the applicable rates for any proposed non-office use, as determined by the Director of Community Development.

29. The IBC Vision Plan, adopted by City Council in July 2010, assumed a theoretical total of 2,038 density bonus units. This total is based on 655 total density bonus units existing, under construction, approved, or in process at the time of Vision Plan adoption, plus an additional 1,383 potential density bonus units based on the maximum allowed pursuant to state law for the 3,950 potential base units identified to reach the 15,000 base unit cap at the time of Vision Plan approval.

Exhibit 2: List of Additional Past, Present, and Future Projects to Consider in Revised Cumulative Impacts Analysis, updated September 27, 2019

Approved Last 15 years			
Year	Project Name	Jurisdiction	Intensity
2008	Portola Center	Lake Forest	930 housing units, 10,000 sq. ft. mixed use
2010	Laguna Altura	Irvine	597 single-family housing units
2012	Baker Ranch	Lake Forest	2,379 single & multi-family units
2012	Serrano Summit	Lake Forest	608 single family homes
2012	Oakbrook Village Renovation	Laguna Hills	Additional 200 housing units; 250 room hotel; 117,000 sq. ft. retail
2013	Heritage Fields Housing/ Great Park Neighborhoods	Irvine/ Great Park	Residential Cap 9,500 single-family housing units
2013	Vantis Apartments	Aliso Viejo	435 multi-family housing units
2013	Golf Course & Club House	Irvine/ Great Park	188 acres
2013	Sports Park	Irvine/ Great Park	175 acres
2015	Broadcom HQ	Irvine/Great Park	2,000,000 sq. ft. office campus
2015	400 Spectrum Drive	Irvine/ Spectrum	450,000 sq. ft. high rise office space
2015	The Quad @ Discovery	Irvine/ Great Park	317,000 sq. ft. office space
2015	Five Lagunas	Laguna Hills	410,000 sf commercial, 988 housing units
2016	Los Olivos Phase II	Irvine/ Spectrum	1,950 multi-family units
2016	Marriott Hotel High Rise	Irvine/ Spectrum	271 rooms
2017	West Alton Development	County of Orange / Great Park	970 multi-family housing units
2018	El Toro 100-acres Development	County of Orange / Great Park	1,000,000 sf of office uses, 1,998 housing units, 200,000 sf retail, and 242-room hotel
	Portola Springs	Irvine	4,602 single & multi-family units
	Cypress Village	Irvine	3,500 single & multi-family units
	Hidden Canyon	Irvine	258 single-family housing units
	Altura South	Irvine	258 single-family housing units
	Orchard Hills	Irvine	4,088 units
	Eastwood	Irvine	1,798 units
Proposed & Under Review			
Year	Project Name	Jurisdiction	Intensity
2017	Town Center/ Gateway District	Aliso Viejo	Revitalization project: additional 130,000 sq. ft. retail, 65,000 sq. ft. office space, 120-room hotel, 265 housing units

*Prepared by Laguna Beach staff

Exhibit 3 – Fastest Routes from Project Site to Downtown Laguna Beach

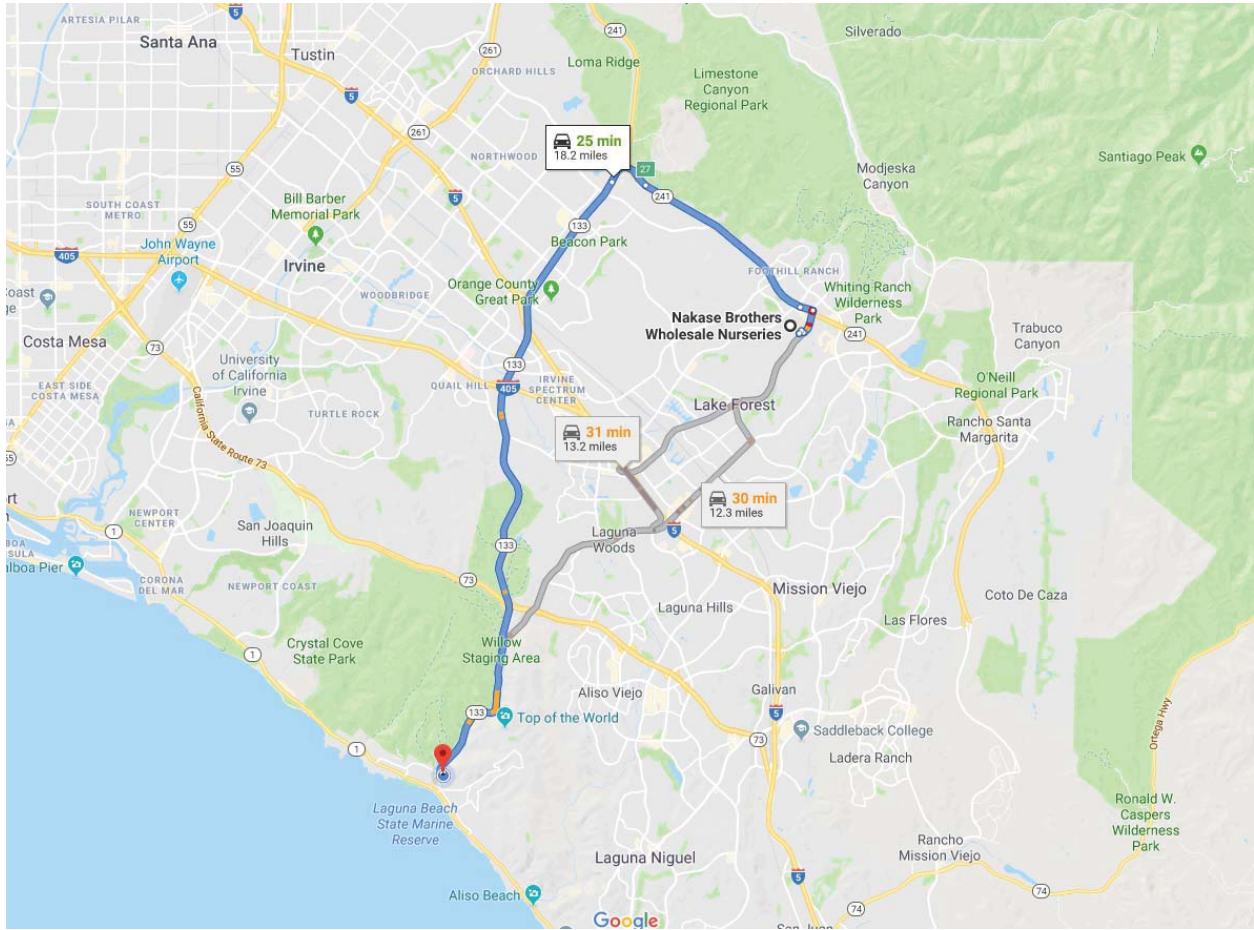


Exhibit 4 - Typical Weekend Backup on LCR and El Toro During Summer Months



CITY OF LAGUNA BEACH/HOLDER LAW GROUP

Letter Code: L-6

Date: October 3, 2019

Response to Comment L-6-1

The comment states that Holder Law Group is commenting on behalf of the City of Laguna Beach. This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-6-2

This comment summarizes the project description and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-6-3

The comment states that the City of Laguna Beach and the City of Lake Forest are “neighboring jurisdictions”; therefore, the City of Lake Forest was required to consult with and request comments from the City of Laguna Beach.

Under Public Resources Code sections 21104 and 21153 and *State CEQA Guidelines* sections 15086(a), a lead agency must consult with and invite certain agencies to comment on a Draft EIR. Those agencies include, among others, responsible agencies; trustee agencies with resources affected by the project; other state, federal, and local agencies that exercise jurisdiction over resources that may be affected by the project; and any city or county that borders on a city or county within which the Project is located. The City, as lead agency, provided full notice to all such agencies.

Although the City of Laguna Beach may be somewhat near the City, they do not border each other. Further, the Project site is located more than 6 miles from the nearest portion of the City of Laguna Beach. CEQA’s consultation and comment request requirements were not triggered by virtue of the two cities being “neighboring jurisdictions.” The commenter does not provide any other basis for why it would qualify as an agency with which the City was required to consult or invite to comment on the Draft EIR for this Project. Thus, the commenter is not an agency the City was required to consult or invite to comment on the Draft EIR.

The comment also states that it previously requested advanced notice concerning the Project, but did not receive it. See Response to Comment L-6-11 below.

The comment does not suggest any changes to the Draft EIR; therefore, no changes are warranted.

Response to Comment L-6-4

This comment is introductory in nature and summarizes the commenter's more-detailed comments on the Draft EIR, which are explained later in the comment letter. The comment references potentially significant impacts that would affect Laguna Beach in the following areas: transportation, recreation, secondary effects associated with increased traffic and demand for recreational services, including increased demand for parking, police, fire, and lifeguard services, and the related strains on Laguna Beach's limited facilities and resources.

The draft EIR determined that the Project would have less than significant effects in transportation (Draft EIR section 4.16), recreation (Draft EIR section 4.15), and public services (Draft EIR section 4.14). There is no evidence or reason to believe that the Project would cause significant effects in Laguna Beach, a jurisdiction that is not adjacent to the City, regarding parking, police, fire, lifeguard services, or traffic. Responses to the more detailed comments are addressed in the responses herein below. Due to the general nature of the comment, no further response is warranted. (*Browning-Ferris Indus. v. City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].)

The comment also states that Attachment A to the letter includes comments that should be addressed separately in the responses to comments. The comments in Attachment A are addressed as requested.

Response to Comment L-6-5

This comment summarizes the Project Description and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-6-6

The comment states that the intensification of residential uses associated with the proposed Project will result in extra-jurisdictional environmental impacts to Laguna Beach (including increased weekend recreational traffic) adding to frequent gridlock on Laguna Canyon Road (SR-133), El Toro Road, and intersecting streets, a condition that is especially severe and frequent during the summer months.

The *Traffic Impact Analysis* (provided in Appendix L of the Draft EIR) uses industry standard methodology that is used by the City of Lake Forest and other agencies for Project analysis. The City uses average daily traffic (ADT) and a.m. and p.m. Peak-hour traffic volumes for analysis, which represents worst-case traffic scenarios in Lake Forest. Although weekend traffic, special event traffic, holiday traffic, or seasonal traffic can result in higher recreational trips, these events and time frames also include much lower commuter and school-related traffic volumes and therefore do not represent the worst-case traffic conditions that would be appropriate for Project analysis.

Response to Comment L-6-7

The comment states that the intensification of residential uses associated with the proposed Project will result in extra-jurisdictional environmental impacts to Laguna Beach including increased

demand for Laguna Beach's recreational facilities, particularly the beaches. While it is acknowledged that Project residents may utilize the beaches in Laguna Beach, quantification of the Project resident's use of beaches in Laguna Beach and analysis of the impacts of such use would be speculative. It is not feasible to determine when and where residents of the Project would be likely to visit a beach. Although some residents of the proposed Project may visit a beach at the same time, it is likely those residents would represent a small fraction of the total 2,274 residents, and the percentage that choose to visit a beach in Laguna Beach would be a fraction of the total beach goers. While the beaches in Laguna Beach may be the closest to the Project site (approximately 11 miles from the Project site), there are many other beaches that residents may choose to visit in Orange County. Many factors would go into a resident's decision to visit a particular beach, and residents may choose a farther beach based on available activities or to visit a toddler or dog friendly beach. To determine the percentage of residents that would visit beaches in Laguna Beach would be speculative. Additionally, the 2,274 residents represent a small fraction of the total population in Orange County that may visit Laguna Beach, and as such would have a minimal impact on the beaches in the City of Laguna Beach. See Response to Comment L-6-6.

Response to Comment L-6-8

The comment states that the intensification of residential uses associated with the proposed Project will result in extra-jurisdictional environmental impacts to Laguna Beach including increased demand for police, fire, marine safety, and emergency medical services. The proposed project would not increase the population in Laguna Beach and would not have an impact on the demand for police, fire, marine safety, and emergency medical services. While project residents may visit Laguna Beach, their visit would be anticipated to be of short duration and would not have a potential to result in significant impacts related to demand for police, fire, marine safety, and emergency medical services in the City of Laguna Beach. See Response to Comment L-6-7. Because the residents of the proposed Project would be anticipated to spend the majority of time in their City of residence, the City of Lake Forest, any increased demand for police, fire, and emergency medical service can reasonable be anticipated to occur in the City of Lake Forest. These impacts were analyzed in Section 4.14, Public Services and concluded to be less than significant after implementation of mitigation.

Response to Comment L-6-9

The comment states that the intensification of residential uses associated with the proposed Project will result in extra-jurisdictional environmental impacts to Laguna Beach including impacts to Laguna Beach's limited parking supply. The lack of parking is not considered an environmental effect under CEQA. The Project is primarily residential development with an elementary school within the Project boundary. Any parking associated with these uses is determined by application of the City of Lake Forest's General Plan parking requirements. The *Traffic Impact Analysis* does not attempt to analyze recreational parking demand and impacts (if any) in adjacent jurisdictions. The sufficiency of recreational parking is a function of the available parking, parking conditions, and land use decisions by the subject jurisdiction. Further, the extent to which residents of the Project would need parking in the City of Laguna Beach is highly speculative. See Response to Comment L-6-7.

Response to Comment L-6-10

The comment summarizes comments L-6-6 through L-6-9. As explained in responses L-6-6 to L-6-9, the Draft EIR fully analyzed the Project's environmental effects. Revision of the Draft EIR for the particular effects referenced in L-6-6 to L-6-9 is unwarranted and, therefore, recirculation is not required.

Response to Comment L-6-11

The comment states that the proposed Project is a project of statewide, regional, or area wide significance, and as such that the City of Lake Forest must consult with public agencies which have transportation facilities that could be adversely affected by the Project. The comment also states that the City of Lake Forest is required to conduct at least one scoping meeting with responsible agencies with potentially impacted transportation facilities.

The comment does not explain how the City of Laguna Beach qualifies as an agency that must be consulted or invited to comment on the Project's Draft EIR.

See Response to Comment L-6-3.

Because the Project is potentially one of statewide, region-wide, or area-wide significance and could affect transportation facilities, notice to appropriate transportation planning agencies was provided, and a Notice of Completion was filed with the State Clearinghouse. Further, as noted in Draft EIR Section 2.2.2, the City held a public scoping meeting at Lake Forest City Hall on Wednesday, July 25, 2018, to present the proposed Project and to solicit input from interested parties regarding environmental issues that should be addressed in this Draft EIR.

The comment cites and references a letter exhibit attached to the comment letter that was allegedly submitted to the City in July 2016, and requested notice of "all proposed projects within the City of Lake Forest, near SR 73 and/or El Toro Road, for which an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration will be prepared." This Project is not "near" either SR 73 or El Toro Road. Neither road is adjacent to the Project site, provides direct access to the Project site, or will be impacted by the proposed Project. SR 73 is not even within the City limits.

In compliance with the California Environmental Quality Act (CEQA), the City provided notice of the public review period for the Draft EIR by: (1) submitting a Notice of Completion to the State Clearinghouse; (2) posting the Notice of Completion with the Orange County Clerk; and (3) publishing the Notice of Completion in the Orange County Register (a newspaper of general circulation). Moreover, in accordance with the City's Local CEQA Guidelines, a request to receive notice under PRC Section 21092.2 must be updated annually. The request letter that the commenter cites is from July 2016. That request expired on July 2017 and has not been renewed. Therefore, the City of Lake Forest was not required to provide notice to the City of Laguna Beach in response to the cited letter.

Finally, under Public Resources Code section 21092.2(b), CEQA's notice requirements "shall not be construed in any manner that results in the invalidation of an action because of the failure of a person to receive a requested notice, if there has been substantial compliance with the

requirements of this section.” As evidenced by the robust comment letter, the commenter was made aware of the Draft EIR during the public review period and had sufficient time to submit a 25-page letter with more than 25 pages of attachments and hired professional consultants to provide comments. Thus, for the reasons stated above, the City substantially complied with CEQA’s notice requirements, and the commenter has not been prejudiced.

The comment does not suggest any changes to the Draft EIR; therefore, no changes are warranted.

Response to Comment L-6-12

The comment restates CEQA’s primary purposes to inform the public of environmental consequences before decisions are made and to avoid or reduce environmental damage when possible. The comment states that the Draft EIR did not comply with these purposes for reasons explained later in the letter. The commenter’s later-explained reasons are addressed in turn in the responses provided below.

The comment also states that the Draft EIR failed to analyze all of the Project’s direct and indirect impacts, particularly the potential for extra-jurisdictional impacts. The commenter provides no examples of what types of extra-jurisdictional impacts should have been considered. The Draft EIR fully considered all Project impacts, regardless of where they occurred (e.g., Draft EIR page 4.3-24 [air resources considered in the entire air basin], and page 4.8-22 [greenhouse gases are a worldwide issue]). Without further details from the commenter as to which extra-jurisdictional effects were inadequately considered, the City cannot further respond or address the comment (*Browning-Ferris Indus. v. City of San Jose* (1986), 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient]).

Response to Comment L-6-13

The comment states that the City failed to adequately consider the Project’s cumulative impacts, particularly outside Lake Forest. See Response to Comment L-6-12 above.

In accordance with *State CEQA Guidelines* Section 15130, cumulative impacts are the anticipated impacts of the Project along with reasonably foreseeable growth. According to *State CEQA Guidelines* Section 15130, reasonably foreseeable growth may be based on either:

- A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
- A summary of projections contained in the adopted General Plan or related planning document, or in a prior environmental document that has been adopted or certified, and that described or evaluated regional or areawide conditions contributing to the cumulative impact.

For the purposes of the Draft EIR, a list of past, present, and probable future projects was used in the evaluation of potential cumulative impacts. The analysis considered potential environmental changes to the existing physical conditions that may occur as a result of Project implementation together with all other reasonably foreseeable, planned, and approved future and “closely related” projects in the vicinity of the proposed Project that produce related impacts (Draft EIR pages 4-3 and

4-4; see *State CEQA Guidelines* Section 15355[b]). All proposed, recently approved, under construction, and reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project were evaluated in the Draft EIR. Projects that have progressed to the stage where CEQA review has been initiated were normally treated as foreseeable probable future projects. Further, consistent with *State CEQA Guidelines* Section 15130(b)(2), the geographic scope of the cumulative analysis depended on and was defined for each of the separate environmental topics considered in the Draft EIR. An analysis of the cumulative impacts associated with these related projects and the Project was provided in the cumulative impacts discussion under each individual impact category in Chapter 4.0 of the Draft EIR.

Draft EIR pages 4-4 through 4-7 explain the approach used to analyze cumulative effects and includes the list of closely related past, present, and probable future projects producing related or cumulative impacts (*State CEQA Guidelines* Section 15355[b]).

The comment states that the City should have considered development in the Great Park area, which is located in Irvine. The commenter does not state which Project effects would be related to the effects of the Great Park area or why it should have been considered. Notably, the City of Lake Forest coordinated with the City of Irvine to develop the list of past, present, and probable future projects used in the Draft EIR's cumulative effects analysis. The City of Lake Forest and the City of Irvine determined that the Great Park area development, due to the lack of geographic proximity to the Project, was not a "closely related" project that would cause related impacts in the area affected by the Project (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). The use of a larger assessment area would obscure the true nature of the Project's effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, using an overly expansive cumulative impact assessment area would dilute the Project's impacts to the point that they would not be recognized. Regardless, for some resource areas, such as air resources and greenhouse gas emissions, the cumulative effects analysis already accounts for projects far beyond the City's jurisdiction and inherently includes the effects of projects such as the Great Park development (see Draft EIR at page 4.3-24 [air resources analysis considers the entire air basin] and page 4.8-22 [greenhouse gases are a worldwide issue]). The proposed Project is a discrete development project on the eastern border of Lake Forest and is quite distant from the City of Laguna Beach. No fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (*City of Long Beach v. Long Angeles Unified School District* (2009) 176 Cal.App.4th 889).

The comment also states that the Draft EIR should have considered the City's proposed General Plan update. The Draft EIR explains the following on page 4-5:

The Project Applicant/Developer started discussions with the City staff regarding the Nakase Project in 2017. Toll submitted the Nakase Project application and Area Plan before the City initiated the General Plan update process in January 2018, well before the City had developed scenarios to evaluate for purposes of the General Plan update process. Although the City is in the process of updating its General Plan, the City Council has directed staff to study numerous scenarios that vary widely, and the City Council has not

selected a specific scenario. That is, the ultimate proposal for the General Plan update has not yet crystallized to the point where it would be reasonable and practical to evaluate its cumulative impacts. Thus, the potential, future General Plan update is not sufficiently certain or probable to be reasonably and practically analyzed as a probable future project. Further, a General Plan update is a broad planning document and not a discrete project that easily lends itself to a “list of projects” methodology for a cumulative impacts analysis —as is done in this EIR (as compared to a “summary-of-projects” methodology). Additionally, because new projects are continually being fed into the environmental review process, the City reasonable set a cutoff date for probable future projects at the time the Nakase Project application was submitted, well before the GPU was sufficiently certain (see *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127 [lead agency has discretion to set the date of the project’s application as the reasonable cutoff date for determining what other projects are pending and should be included in the cumulative impacts analysis]; and *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74 n.14) [lead agencies may set a reasonable cutoff date for the new projects that will be included in the analysis]). Thus, the potential future General Plan update is not included in this EIR as a probable future project.

Thus, the Draft EIR fully analyzed cumulative effects and no changes are warranted.

Lastly, the City will conduct a cumulative impacts analysis within the General Plan Update EIR. The Project would be captured within the General Plan Update EIR’s cumulative impacts analysis. Thus, there will be opportunity for the public to view the potential environmental effects of the Project in the context of the larger General Plan Update effort.

Response to Comment L-6-14

The comment states that the Project’s alternatives analysis must consider a substantially reduced-size alternative that would minimize the Project’s significant impacts to strike a better jobs/housing balance and reduce the impacts specific to residential uses.

CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant impacts of the project, and evaluate the comparative merits of the alternatives” (*State CEQA Guidelines* Section 15126.6). The Draft EIR identifies potential alternatives to the Project, evaluates the potential impacts of each alternative, and compares the potential impacts of each alternative against the proposed Project’s impacts, as required by CEQA.

Under CEQA, the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The range of alternatives required in an EIR is governed by the “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The

alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent) (*State CEQA Guidelines* Section 15126.6(f)).

Here, the Draft EIR analyzed multiple alternatives, including, as suggested by the commenter, a reduced size alternative that would minimize the Project's significant impacts (i.e., impacts to agricultural resources and greenhouse gas emissions). The Draft EIR called this particular alternative "Alternative 4 – Reduced Project" (see Draft EIR at page 5-54.) The Draft EIR also analyzed an alternative that would include residential, industrial, and commercial uses that would reduce impacts specific to residential uses. The Draft EIR called this particular alternative "Alternative 2 – Urban Industrial/Residential" (see Draft EIR at page 5-22.)

Thus, the alternatives suggested by the commenter were fully analyzed in the Draft EIR and no changes are warranted.

Response to Comment L-6-15

This comment states that, as a result of the concerns expressed in comments L-6-12 through L-6-14 and later comments in the comment letter, the Draft EIR fails to provide full disclosure of the Project's impacts and must be revised. See Responses to Comments L-6-12 through L-6-14 above for explanations as to why the Draft EIR is adequate and does not need substantial revisions. Recirculation of the Draft EIR is not required (*State CEQA Guidelines* Section 15088.5).

Response to Comment L-6-16

This comment states that, as a result of the concerns expressed in comments L-6-12 through L-6-14 and later comments in the comment letter, the Draft EIR fails to provide full disclosure of the Project's impacts and must be revised. See responses to those comments for explanations as to why the Draft EIR is adequate, does not need substantial revisions, and does not require recirculation. (*State CEQA Guidelines*, § 15088.5.)

See Response to Comment L-6-13 above.

CEQA does not require that an EIR's discussion of cumulative impacts provide the same level of detail as is provided for project-specific effects (*State CEQA Guidelines* Section 15130(b)). A lead agency is not required to provide evidence supporting every fact underlying the EIR's evaluation of cumulative impacts nor is an exhaustive analysis required (see *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1338, 1404). The list of projects included in the Draft EIR provides a summary of relevant information for each related project (refer to Table 4.A in the Draft

EIR). Further, the history of the Great Park area is not relevant to this Project's direct and indirect effects on the environment. Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-17

The comment provides more detail on the Great Park area and states that the effects of that development needed to be analyzed in the Draft EIR.

See Response to Comment L-6-13.

The comment also suggests that the Draft EIR needed to analyze the Project's cumulative impacts on recreation, public services, and recreational weekend traffic. As explained in the Draft EIR, the Project's cumulative impacts to recreation (Draft EIR page 4.15-22), public services (Draft EIR page 4.14-21), and transportation (Draft EIR page 4.16-25) were fully analyzed and determined to not be considerable.

The comment states that the Project will result in cumulative impacts in the City of Laguna Beach given that Great Park residents will travel to Laguna Beach and the existing demands on the area's transportation infrastructure and deficiency in parks and recreation facilities in the Great Park area. These comments are directed at the Great Park development's direct effects, which are beyond the scope of the Draft EIR for this Project. See Response to Comment L-6-13. As noted above, the Project's impacts to recreation and transportation would not be significant or cumulatively considerable; thus, the Project would not result in new significant or cumulatively considerable effects in the City of Laguna Beach. Thus, no changes to the Draft EIR are warranted. See Response to Comment L-6-7.

The comment also references two Orange County developments: El Toro and West Alton. For the same reasons already discussed in Response to Comment L-6-13 above, these projects, due to their lack of geographic proximity, were not deemed to be closely related projects that would cause related impacts (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). See Response to Comment L-6-18 below.

Response to Comment L-6-18

The comment states that the cumulative impacts analysis should have considered the West Alton project in the City of Irvine, the projects within Portola Springs in the City of Irvine, the Cypress Village project in the City of Irvine, and the Five Laguna project in the City of Laguna Hills, and that each of those projects would contribute to significant cumulative effects in the City of Laguna Beach.

See Response to Comment L-6-13. The projects named by the commenter are outside Lake Forest and, due to the lack of geographic proximity, were not deemed to be closely related projects that would cause related impacts (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). The use of a larger assessment area would obscure the true nature of the Project's effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, in some contexts, using an overly expansive cumulative impact assessment area would dilute the Project's impacts to the point that they would not be recognized. Regardless, for some resource areas, such as air resources and greenhouse gas emissions, the cumulative effects analysis already

accounts for projects far beyond the City's jurisdiction and inherently includes the effects of projects such as the Great Park development (see Draft EIR page 4.3-24 [air resources analysis considers the entire air basin], and page 4.8-22 [greenhouse gases are a worldwide issue]). No fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (see *City of Long Beach v. Long Angeles Unified School District* (2009) 176 Cal.App.4th 889). Further, the commenter does not explain what type of cumulatively considerable effects would occur in Laguna Beach as a result of the Project or should be analyzed.

Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-19

The comment states that the Draft EIR needs to consider the Great Park development and other nearby developments in the cumulative impacts analysis, including a revised traffic impact analysis, as they relate to Laguna Beach.

See Responses to Comments L-6-6, L-6-13, and L-6-18 above. The Draft EIR analyzed the Project's transportation effects and determined they would be less than significant and not cumulatively considerable (see Draft EIR at pages 4.16-1 to 4.16-29).

Figure 4.16.1 in the Draft EIR illustrates the geographic location of the traffic study area intersections. The study area includes those intersections most likely to be used by vehicles traveling to and from the Project and takes into account the trip generation of the Project. The *Traffic Impact Analysis* (provided in Appendix L of the Draft EIR) utilizes the Lake Forest Traffic Analysis Model (LFTAM) data to determine the boundaries of the study area for traffic purposes. The southerly boundary for the *Traffic Impact Analysis* is south of Interstate 5 (I-5) on Bake Parkway and south of Jeronimo Road on El Toro Road. In the a.m. peak hour, the Project Only volume on Bake Parkway south of I-5 is 11 vehicles southbound. For El Toro Road, the a.m. peak-hour Project Only volume is 26 vehicles southbound and 12 vehicles northbound. In the p.m. peak hour, the Project Only volume on Bake Parkway south of I-5 is 6 vehicles southbound and 10 vehicles northbound. For El Toro Road, the p.m. peak-hour Project Only volume is 17 vehicles southbound and 27 vehicles northbound. The analysis results confirm the study area boundary. Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-20

This comment states that the Draft EIR should have described the additional development intensity currently being considered as part of the Lake Forest General Plan Update and considered in the cumulative impact analysis. As discussed in Section 4.0, Existing Setting, Environmental Analysis, and Mitigation Measures of the Draft EIR, the Project Applicant/Developer started discussions with the City staff regarding the Nakase Project in 2017. Toll submitted the Nakase Project application and Area Plan before the City initiated the General Plan update process in January 2018, well before the City had developed scenarios to evaluate for purposes of the General Plan update process. Although the City is in the process of updating its General Plan, the City Council has directed staff to study numerous scenarios that vary widely, and the City Council has not selected a specific scenario. That is, the ultimate proposal for the General Plan update has not yet crystallized to the point where it

would be reasonable and practical to evaluate its cumulative impacts. Thus, the potential, future General Plan update is not sufficiently certain or probable to be reasonably and practically analyzed as a probable future project. Further, a General Plan update is a broad planning document and not a discrete project that easily lends itself to a “list of projects” methodology for a cumulative impacts analysis—as is done in this EIR (as compared to a “summary-of-projects” methodology). Additionally, because new projects are continually being fed into the environmental review process, the City reasonable set a cutoff date for probable future projects at the time the Nakase Project application was submitted, well before the GPU was sufficiently certain (see *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127 [lead agency has discretion to set the date of the project’s application as the reasonable cutoff date for determining what other projects are pending and should be included in the cumulative impacts analysis]; and *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74 n.14) [lead agencies may set a reasonable cutoff date for the new projects that will be included in the analysis]). Thus, the potential future General Plan update is not included in this EIR as a probable future project. For these reasons, analysis of the additional development intensity in the future General Plan Update was unwarranted.

Response to Comment L-6-21

The comment states that the Draft EIR should be revised to consider all relevant past, present, and reasonably probable future development activities when analyzing the Project’s contribution to cumulatively significant impacts. See Response to Comment L-6-13 above. No changes to the Draft EIR are warranted.

Response to Comment L-6-22

This comment claims that the Draft EIR should consider extra-jurisdictional projects in Irvine, Laguna Woods, Laguna Niguel, and Orange County in the cumulative, recreation, public services, and traffic impact analysis. See Response to Comment L-6-13 above. Due to the lack of geographic proximity, projects within the cities named by the commenter were not deemed to be closely related projects that would cause related impacts (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). The use of a larger assessment area would obscure the true nature of the Project’s effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, in some contexts, using an overly expansive cumulative impact assessment area would dilute the Project’s impacts to the point that they would not be recognized. No fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (see *City of Long Beach v. Los Angeles Unified School District* [2009] 176 Cal.App.4th 889). Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-23

This comment states that that the project’s inconsistency with General Plan, Land Use Element, Policy 3.3 was not fully addressed and should consider impacts to Laguna Beach. As stated in the comment, Policy 3.3 is “Ensure that the affected public agencies can provide necessary facilities and services to support the impact and intensity of development in Lake Forest and in areas adjacent to the City.” Analysis of consistency with this policy was included in Table 4.11.B of the Draft EIR. As discussed in the Draft EIR, the Project would be consistent with Policy 3.3 because the affected

public agencies that provide utilities and other public services within the City of Lake Forest were contacted during preparation of this EIR to determine potential Project-related impacts to affected public agencies. The City of Laguna Beach is not adjacent to the City and therefore this policy is not applicable. See Responses to Comments L-6-7 and L-6-8. The Project would not impact the ability of facilities and services to be provided within Lake Forest. As such, the project is consistent with Policy 3.3.

Response to Comment L-6-24

This comment states that the analysis of cumulative land use impacts should consider the pending City of Lake Forest General Plan update. Please refer to Response to Comment L-6-20.

Response to Comment L-6-25

This comment states that the cumulative analysis in the Land Use section in the Draft EIR does not analyze compatibility between the proposed Project and proposed, approved, and built residential, commercial, and industrial development, such as Musick Jail and the Great Park. The thresholds used for analysis of land use impacts were consistent with the Appendix G of the *State CEQA Guidelines* and the *City of Lake Forest CEQA Significance Thresholds Guide (2009)*. As stated in Threshold 4.11.3, a significant impact would occur if the Project would “substantially conflict with existing on-site or adjacent land use due to project-related significant unavoidable indirect effects (i.e. noise, aesthetics, etc.) that preclude use of the land as it was intended by the General Plan. Musick Jail and the Great Park are not adjacent to the Project site and not in close enough proximity for the Project to conflict with the land uses at these locations.

Additionally, the Musik Jail and the Great Park were not included in the cumulative analysis as related projects due to their distance from the project site, as detailed in Response to Comment L-6-13. The projects named by the commenter are outside the City and, due to the lack of geographic proximity, were not deemed to be closely related projects that would cause related impacts. (See *State CEQA Guidelines*, §§15355(b), 15130(a)(1).) The use of a larger assessment area would obscure the true nature of the Project’s effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, in some contexts, using an overly expansive cumulative impact assessment area would dilute the Project’s impacts to the point that they would not be recognized. No fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area. (See *City of Long Beach v. Long Angeles Unified School District (2009)* 176 Cal.App.4th 889.)

Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-26

This comment states that the land use mitigation measures in the Draft EIR should be revised based on comments L-6-23 through L-6-26. Please refer to Response to Comments L-6-23 through L-6-26 for a discussion on why the cumulative land use analysis in the Draft EIR was appropriate. Because the analysis of cumulative land use impacts does not require revisions in response to comments L-6-23 through L-6-26, no changes to the mitigation measures are required.

Response to Comment L-6-27

This comment states that the cumulative impacts related to population and housing should consider projects located outside of Lake Forest, particularly the Great Park. See Response to Comment L-6-13 above. Due to the lack of geographic proximity, projects outside Lake Forest were not deemed to be closely related projects that would cause related impacts (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). Notably, the City of Lake Forest coordinated with the City of Irvine to develop the list of past, present, and probable future projects used in the Draft EIR's cumulative effects analysis. The City of Lake Forest and the City of Irvine determined that the Great Park area development, due to the lack of geographic proximity to the Project, was not a "closely related" project that would cause related impacts in the area affected by the Project (see *State CEQA Guidelines* Sections 15355(b) and 15130(a)(1)). The use of a larger assessment area would obscure the true nature of the Project's effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, using an overly expansive cumulative impact assessment area would dilute the Project's impacts to the point that they would not be recognized. Additionally, no fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (see *City of Long Beach v. Los Angeles Unified School District* [2009] 176 Cal.App.4th 889). Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-28

This comment claims that the Draft EIR should be revised to analyze growth impacts rather than comparing the number of new residents to SCAG's projected growth. The analysis of population and housing in Section 4.13, Population and Housing, is consistent with the CEQA thresholds of significance in Appendix G of the *State CEQA Guidelines*, which requires analysis of whether or not the Project would induce substantial unplanned population growth in an area, either directly or indirectly. As demonstrated in the impact analysis in Section 4.13, impacts related to growth inducement would be less than significant. Sections 15126(d) and 15126.2(e) of the *State CEQA Guidelines* require that an EIR analyze growth-inducing impacts and discuss the ways in which a proposed project could foster economic or population growth or construction of additional housing, either directly or indirectly, in the surrounding environment. In compliance with this requirement, analysis of growth inducing impacts were discussed in Section 6.3, Growth-Inducing Impacts, of the Draft EIR.

Response to Comment L-6-29

This comment states that the proposed Project would increase traffic on El Toro Road, Laguna Canyon Road (SR-133), and other area roadways which would indirectly, significantly impact Laguna Beach's fire and emergency response times. In addition, this comment states that the increased use of Laguna Beach's recreational facilities would indirectly, significantly impact police, fire, marine safety, and other emergency services.

The study area for the proposed Nakase Project traffic analysis includes those intersections most likely to be used by vehicles traveling to and from the Project and takes into account the trip generation of the Project. The TIA utilizes the LFTAM data to determine the boundaries of the study area for traffic purposes. The southerly boundary for the TIA is south of the I-5 Freeway on Bake

Parkway and south of Jeronimo Road on El Toro Road. In the AM peak hour, the Project Only volume on Bake Parkway south of the I-5 Freeway is 11 vehicles southbound. For El Toro Road, the AM peak hour Project only volume is 26 vehicles southbound and 12 vehicles northbound. In the PM peak hour, the Project Only volume on Bake Parkway south of the I-5 Freeway is 6 vehicles southbound and 10 vehicles northbound. For El Toro Road, the PM peak hour Project Only volume is 17 vehicles southbound and 27 vehicles northbound. The analysis results confirm the study area boundary. Therefore, the proposed Project would not significantly increase traffic on El Toro Road or Laguna Canyon Road (SR 133) causing indirect impacts to Laguna Beach's fire and emergency services by increasing response times. Please refer to Responses to Comments L-6-7 and L-6-8 for discussion on why the use of Laguna Beach's recreational facilities by residents of the proposed Project would not indirectly, significantly impact police, fire, marine safety, and other emergency services in the City of Laguna Beach.

Response to Comment L-6-30

This comment states that the Draft EIR fails to analyze impacts of the proposed Project on beaches in Laguna Beach. Please refer to Response to Comment L-6-7 above for a discussion on why the proposed Project would not significantly impact beaches in Laguna Beach.

Response to Comment L-6-31

This comment states that the cumulative impacts to parks and recreational facilities should consider other development projects within Lake Forest, the Great Park, and the surrounding areas. See Response to Comment L-6-13. As discussed in Chapter 4.0 of the Draft EIR, the related projects considered in the cumulative analysis, included past, present, and probable projects within the City of Lake Forest. Due to the lack of geographic proximity, projects outside the City were not deemed to be closely related projects that would cause related impacts. (See *State CEQA Guidelines*, §§15355(b), 15130(a)(1).) Notably, the City coordinated with the City of Irvine to develop the list of past, present, and probable future projects used in the Draft EIR's cumulative effects analysis. The City and the City of Irvine determined that the Great Park area development, due to the lack of geographic proximity to the Project, was not a "closely related" project that would cause related impacts in the area affected by the Project. (See *State CEQA Guidelines*, §§15355(b), 15130(a)(1).) The use of a larger assessment area would obscure the true nature of the Project's effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, using an overly expansive cumulative impact assessment area would dilute the Project's impacts to the point that they would not be recognized. Additionally, no fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (See *City of Long Beach v. Long Angeles Unified School District* (2009) 176 Cal.App.4th 889.) Thus, no changes to the Draft EIR are warranted. Please refer to Responses to Comments L-6-7 and L-6-8.

Response to Comment L-6-32

This comment states that the analysis of cumulative impact on recreational facilities does not include reduced recreational facilities proposed by the Great Park. See Response to Comment L-6-13. Due to the lack of geographic proximity, projects outside the City were not deemed to be closely related projects that would cause related impacts. (See *State CEQA Guidelines*, §§15355(b),

15130(a)(1).) Notably, the City coordinated with the City of Irvine to develop the list of past, present, and probable future projects used in the Draft EIR's cumulative effects analysis. The City and the City of Irvine determined that the Great Park area development, due to the lack of geographic proximity to the Project, was not a "closely related" project that would cause related impacts in the area affected by the Project. (See *State CEQA Guidelines*, §§15355(b), 15130(a)(1).) The use of a larger assessment area would obscure the true nature of the Project's effects and not be practical or reasonable given the lack of useful available data for the broader geographic area. Also, using an overly expansive cumulative impact assessment area would dilute the Project's impacts to the point that they would not be recognized. Additionally, no fixed standards apply to the geographic scope of the cumulative impacts analysis, and a lead agency has discretion to apply its expertise in selecting an appropriate assessment area (See *City of Long Beach v. Long Angeles Unified School District* (2009) 176 Cal.App.4th 889.) Thus, no changes to the Draft EIR are warranted. Please refer to Responses to Comments L-6-7 and L-6-8.

Response to Comment L-6-33

This comment states the Draft EIR must include enforceable mitigation to reduce or eliminate potentially significant recreation impacts and that the payment of in-lieu fees will actually result in mitigation of the impacts. The Project would not have any potentially significant recreation impacts, thus no mitigation is warranted. In practice, agencies frequently impose fees as mitigation measures, such as fees for parks and recreational facilities. Assessment of a fee is an appropriate form of mitigation when it is linked to a specific mitigation program. See *Anderson First Coalition v City of Anderson* (2005) 130 CA4th 1173; *Save Our Peninsula Comm. V Monterey County Bd. Of Supervisors* (2001) 87 CA4th 99, 141. As discussed in Section 4.15, Recreation, of the Draft EIR, payment of in-lieu fees is not included as mitigation for impacts to parks and recreational facilities. Rather, payment of in-lieu fees is a regulatory compliance measure because it is a required development fee pursuant to Chapter 7.38, Dedication of Land for Park Facilities and Payment of In Lieu Fees, of the City's Municipal Code. The City has established a development fee program to help fund construction and operation of parks and recreational facilities throughout the City, and as such is appropriate to consider in the analysis of impacts of the project to parks and recreational facilities. Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-34

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-6-35

The comment requests an analysis of the Project's contribution of weekend recreational traffic that impacts Laguna Beach. Traffic counts are collected and scenarios are analyzed for while typical activities occur, i.e. when schools are in session, non-holidays, etc. since these typically generate the greatest traffic volumes. It is City of Lake Forest policy to size its roads and infrastructure based on the likely scenario for a typical day (i.e. for average daily traffic (ADT) and typical AM and PM peak hour traffic), not atypical periods, such as holidays or summer seasons or weekends when schools are not in-session. Weekend traffic can reflect higher recreational trips, such as to beaches and

restaurants, but in turn includes much lower commuter and school volumes. Please refer to Responses to Comments L-6-6, L-6-7, L-6-8, and L-6-17.

Response to Comment L-6-36

The comment discusses the law regarding establishing thresholds of significance and states that the Draft EIR should explain why it is appropriate for the transportation threshold of significance to be the same for both direct and cumulative effects.

The threshold of significance for both direct and cumulative transportation effects is appropriately the same because the standard for transportation performance is the same regardless of which projects cause a significant effect. That is, it is irrelevant whether one project on its own, or multiple projects together cause a significant effect on traffic. Thus, the Draft EIR used the same threshold of significance for both direct and cumulative transportation effects.

The traffic analysis has evaluated traffic conditions at study area intersections for the following analysis scenarios:

- Existing plus Project Conditions
- Interim Year Cumulative 2020 Without Project
- Interim Year Cumulative 2020 With Project
- 2040 General Plan Cumulative With Current Approved Project Land Use, Without Portola Westerly Extension (including five intersection improvement alternatives)
- 2040 General Plan Cumulative With Project, Without Portola Westerly Extension (including five intersection improvement alternatives)
- 2040 General Plan Cumulative With Current Approved Project Land Use, with Portola Westerly Extension (including five intersection improvement alternatives)
- 2040 General Plan Cumulative With Project, With Portola Westerly Extension (including five intersection improvement alternatives)

Because the performance standards focus on changes in intersection capacity utilization (ICU) values for these various future conditions, including both Project and cumulative scenarios, the performance standards are appropriate for both direct and cumulative traffic impact analyses. Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-37

The comment states that the *Traffic Impact Analysis* is flawed because the Year 2040 condition is based on a comparison between the Project-generated traffic and the traffic that would exist if the Project site is instead converted into a 1,841,700-square-foot business park in accordance with the current General Plan designation. The comment states that the Year 2040 condition should have compared the future traffic to the existing conditions.

As explained in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, an EIR may consider and analyze a project's impacts in light of expected future conditions. This is particularly true when the analysis includes both an existing conditions baseline *and* a future conditions baseline.

As explained on page 79 of the *Traffic Impact Analysis* (provided in Appendix L of the Draft EIR), the Year 2040 scenarios focus on the comparison of two development scenarios for the project site: (1) current approved business park uses, and (2) the Project's uses. The 2040 Project condition is compared to the current approved business park uses because the current approved business park uses are anticipated to be built prior to or during build out of the City's General Plan, should no other change be made. Therefore, the current approved business park uses are part of the background conditions. This future baseline comparison is in *addition* to the analysis of the Project's effects on the existing conditions (i.e., the existing baseline) (see page 57 of the *Traffic Impact Analysis* [analyzing the Project's effects on existing conditions]). The *Traffic Impact Analysis* and Draft EIR include discussions and analysis of both the Project's impact on the existing baseline *and* the Project's impact on expected future baseline. The Year 2040 condition under business park use was included for informational purposes.

Further, using a future conditions baseline that keeps the Project site as a nursery operation is unrealistic and would be misleading to the public because owners of the nursery are closing the nursery and the City's General Plan designates the Project site as Business Park and Business Development Overlay (BDO). The Business Park land use designation is intended to provide a mix of uses as allowed under the Commercial, Professional Office, and Light Industrial designations. The Business Park designation does not provide for agricultural uses. Thus, the existing land use is inconsistent with the current Business Park designation of the Project site and would not be able to continue in the future.

No changes to the Draft EIR or *Traffic Impact Analysis* are warranted.

Response to Comment L-6-38

The comment states because the *Traffic Impact Analysis* focuses on weekday peak hour trips, and not weekend recreational trips, the comparison to planned business park uses does not address the impacts that will result from the shift in land use type; further, the analysis must be revised so that the designated business park use is not used as the baseline for future year impact analysis.

See Responses to Comments L-6-17, L-6-35 and L-6-37. Traffic counts are collected and scenarios are analyzed for while typical activities occur, i.e. when schools are in session, non-holidays, etc. since these typically generate the greatest traffic volumes. It is City of Lake Forest policy to size its roads and infrastructure based on the likely scenario for a typical day (i.e. for average daily traffic (ADT) and typical AM and PM peak hour traffic), not atypical periods, such as holidays or summer seasons or weekends when schools are not in-session. Weekend traffic can reflect higher recreational trips, such as to beaches and restaurants, but in turn includes much lower commuter and school volumes. Further, because weekday peak hour trip conditions would be less than significant after mitigation, weekend recreational trip conditions would also be less than significant.

No changes to the Draft EIR or *Traffic Impact Analysis* are warranted.

Response to Comment L-6-39

The comment states that the Draft EIR and Traffic Impact Assessment Report do not describe the funding sources for future improvements described as Alternative Scenarios 1-5 or the rationale for analyzing the impacts based on the scenarios.

The Lake Forest Transportation Mitigation (LFTM) and North Irvine Transportation Mitigation (NITM) programs provide for funding of extensive feasible circulation improvements throughout the study area, based upon traffic projections which account for Business Park land uses on the project site.

These planned and funded improvements include the following:

- **Bake/Portola (#6), LFTM**
 - Construct third westbound through lane
 - Construct westbound right-turn lane
- **El Toro/Portola (#22), LFTM**
 - Construct second northbound left-turn lane
 - Construct second southbound right-turn lane
- **Alton/Irvine (#25), NITM/LFTM**
 - Construct third eastbound left-turn lane
- **Bake/Trabuco (#27), NITM/LFTM**
 - Construct second northbound left-turn lane
 - Convert eastbound third through lane to shared through-right lane
 - Convert westbound right-turn lane to fourth westbound through lane
 - Construct de facto right-turn lane
- **Bake/Jeronimo (#29), NITM/LFTM**
 - Construct second northbound left-turn lane (NITM/LFTM)
 - Convert southbound de facto right-turn lane to fourth through lane (NITM)
 - Construct third westbound through lane (NITM)
- **Bake/Rockfield (#31), LFTM**
 - Convert second westbound through lane to third left-turn lane
 - Convert westbound free right-turn lane to de facto right-turn lane

Five (5) off-site intersection improvement scenarios are also addressed in TIA Section 8 *Intersection Improvement Alternatives*. For each of the alternative Scenarios, the analysis results are generally consistent with Scenario 1. In each case, acceptable Level of Service is provided. Intersection

improvement Scenarios #1 through #5 are intended to provide a basis for identification of Project effects on various likely improvement options that are under review by the City.

The comment also states that the Draft EIR should confirm whether the improvements are fully funded, the source for the funding, and the schedule for the improvements to occur. All LFTM improvements are currently funded and being implemented. It is anticipated that all LFTM improvements will be completed within the program guidelines.

Response to Comment L-6-40

The comment states that the Project has the potential to impact traffic in Laguna Beach. However, the traffic data indicates that the Project would not cause a significant increase in traffic, thus there would not be any significant impacts in Laguna Beach.

A review of California Department of Transportation (Caltrans) traffic volumes on California State Highways indicates that volumes on Laguna Canyon Road (SR-133) north of Route 1 have remained unchanged between 2015 and 2017, based upon average- and peak-month Caltrans volumes. In fact, as far back as 2013, the peak-month traffic volume estimate on this segment was within 500 vehicles of the current traffic volume (which equates to a change of 2 percent for the entire 5 years). Even with growth throughout the region in this time frame, the Laguna Canyon Road volume is stable.

Directions and time estimates were obtained via Google Maps for a mid-summer Saturday (July 13th) at noon to nearby beaches. The distance from Bake Parkway at Rancho to Main Beach at Laguna Beach is approximately 17.9 miles, with a Saturday midday drive time of 28 to 45 minutes. Other nearby beaches include Monarch Beach Dana Point (22.4 miles, 26-55 minutes), San Clemente Pier (24.1 miles, 28-45 minutes), and Corona del Mar State Beach, Newport Beach (23.2 miles, 28-40 minutes). Although Laguna Beach is the nearest in terms of miles from the Project, with such similar drive times, residents will choose various destinations for their beach visits. Please refer to Responses to Comments L-6-7 and L-6-8.

The comment also requests clarification as to the methodology/process used to determine the geographic scope for the TIA. Per City of Lake Forest General Plan, a Project impact occurs when a study area intersection exceeds the acceptable LOS and the impact of the development is greater than 0.01. For nearby jurisdictions (City of Irvine, City of Mission Viejo, and Caltrans), LOS "D" (peak hour ICU less than or equal to 0.90) or better is generally considered acceptable at intersections with the exception of the following locations where Level of Service E (peak hour ICU less than or equal to 1.00) is acceptable: Bake Parkway/I-5 ramp intersections (#32 & #33), Alton Parkway at Irvine Boulevard (#25), Bake Parkway at Irvine Boulevard – Trabuco Road (#27), and El Toro Road at Trabuco Road (#36 - CMP intersection). Based upon a review of projected future intersection ICU values by City of Lake Forest technical staff members, the City's traffic modeling consultant (Stantec), and Urban Crossroads, Inc., intersections outside the study area are not anticipated to cause changes in ICU values which would exceed these impact criteria.

Response to Comment L-6-41

The comment suggests that that standard utilized by the TIA artificially constrains the study area by limiting the analysis to only those intersections where the proposed Project would be responsible for a large percentage of the traffic. The TIA utilizes the LFTAM data to determine the boundaries of the study area for traffic purposes. The southerly boundary for the TIA is south of the I-5 Freeway on Bake Parkway and south of Jeronimo Road on El Toro Road. In the AM peak hour, the Project Only volume on Bake Parkway south of the I-5 Freeway is 11 vehicles southbound. For El Toro Road, the AM peak hour Project only volume is 26 vehicles southbound and 12 vehicles northbound. In the PM peak hour, the Project Only volume on Bake Parkway south of the I-5 Freeway is 6 vehicles southbound and 10 vehicles northbound. For El Toro Road, the PM peak hour Project Only volume is 17 vehicles southbound and 27 vehicles northbound. The analysis results confirm the study area boundary.

The comment also requests that the study area be expanded to include: Bake Parkway / Lake Forest Drive; Lake Forest Drive / SR 133; El Toro Rd. / Moulton Pkwy; and El Toro Rd. / SR 133.

Extrapolation of Project trip distribution data to these 4 intersections is presented below. Review of traffic projections at these locations indicates that the potential project traffic contribution to these locations results in a 1 percent change or lower to intersection capacity utilization (ICU) values.

Expanded Study Area Project Traffic Estimates

Intersection	Jurisdiction	Distance to/from Project	Project Trip Distribution %		Project Traffic (Estimated Intersection Total)	
			School	Residential	AM Peak Hour	PM Peak Hour
Bake Pkwy. / Lake Forest Dr.	Irvine	5.4 mi	NOM ¹	1%	5	7
Lake Forest Dr. / SR-133	Irvine	6.3 mi	NOM ¹	1%	5	7
El Toro Rd. / Moulton Pkwy.	Laguna Woods	5.8 mi	NOM ¹	0.5%	3	3
El Toro Rd. / SR-133	Laguna Beach	8.8 mi	NOM ¹	0.5%	3	3

¹ NOM = Nominal, less than 0.5%

In addition, Based on the 2040 peak hour intersection volumes presented in Section of 7 of the Nakase Property Traffic Impact Analysis (TIA) report the Project reduces future AM peak hour, PM peak hour, and daily traffic volumes (in comparison to approved business park land uses) at the intersections and roadway links requested by the comment which are located outside of the TIA study area.

Response to Comment L-6-42

The comment states that the assumption of the *Traffic Impact Analysis* report that five percent of trips are anticipated to remain internal to the Project site lacks factual support. An internal capture of 5 percent is reasonable for a community of homes with parks and a school because the Project mix of 776 dwelling units with supporting parks and an elementary school (1,000 students) is suited

to internal interaction as residents drop off and pick up the students for school and use neighborhood parks for sports / recreation purposes. [The assumed 5 percent internal capture rate is based upon an assumption that less than 1 student per 10 homes interacts with this neighborhood school. It also assumes that the traffic generated by the Project central park is largely composed of external trip activity. This low trip capture rate allows for a conservatively high estimate of external traffic to be utilized for purposes of traffic impact analysis.](#)

Response to Comment L-6-43

The comment states that the traffic analysis may have underestimated cumulative impacts based on underestimated land use assumptions. The *Traffic Impact Analysis* utilizes LFTAM, which incorporates numerous other jurisdictions, including Laguna Beach, in its model area. Within Lake Forest, a comprehensive database of existing and planned land uses and population and housing statistics for each LFTAM zone is maintained. Outside Lake Forest, LFTAM derives areawide traffic patterns from its parent model, the Orange County Transportation Analysis Model (OCTAM), which is used to produce trip tables that drive LFTAM. The *Traffic Impact Analysis* therefore takes into account all extra-jurisdictional development in the Orange County growth projections.

Response to Comment L-6-44

The comment states that it is not clear from the TIA as to which roadway segments were surveyed during February, May, and June 2017, and requests additional information concerning the timeframe during which traffic counts for the weekday analysis were performed. The 2017 counts were conducted on February 16th (Thursday), May 24th (Wednesday), and June 1st (Thursday) during the AM peak hours (7AM to 9AM) and PM peak hours (4PM to 6PM). [Information as to which roadway segments were surveyed is found in Appendix 4.1 of the Traffic Impact Analysis.](#)

The comment also states that traffic data collected in early to mid-2017 would not accurately reflect the baseline conditions at the time the NOP was released in July 2018 and that traffic counts should be collected during weekend summer peak travel times. Traffic counts were conducted multiple times after the Project application was submitted in 2017 to establish a baseline. No major projects came on-line between May 2017, and July 2018, either in the City of Lake Forest or in the adjoining cities that would cause a change in traffic conditions and warrant a re-count.

The *Traffic Impact Analysis* is intended to study typical “shoulder” (spring/fall) travel because City policy is not to size roadways for weekend peak recreation conditions. Traffic count data were collected during the scoping agreement process. See Response to Comment L-6-35 above in regards to weekend conditions.

Response to Comment L-6-45

The comment states that the CMP Preparation Manual requires a discussion in the TIA reconciling the use of LFTAM with OCTA’s traffic model and that the project trip generation estimate do not include figures for weekend peak hours.

See response to comments L-6-35, L-6-40, L-6-43, and L-6-44 regarding analysis of weekend peak hours.

Response to Comment L-6-46

The comment states that the *Traffic Impact Analysis* does not include analysis of the Project's potential impacts on summer weekends. See response to comments L-6-35, L-6-40, L-6-43, and L-6-44 regarding analysis of weekend peak hours.

Response to Comment L-6-47

The comment states that the Project's cumulative traffic analysis improperly compares the Project-generated traffic to the level of traffic that would exist if a business park were developed on the Project site.

See Response to Comment L-6-37 above. The cases cited in the comment's footnotes are inapposite and deal with situations where the environmental analysis failed to compare a project's impacts against existing conditions. That is not the situation here. The Draft EIR fully analyzes the Project's impacts against existing conditions (i.e., the existing baseline). It also analyzes the Project's impacts against the reasonably foreseeable future conditions. As explained in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, an EIR may consider and analyze a project's impacts in light of expected future conditions, particularly when the analysis also includes an existing conditions analysis.

Response to Comment L-6-48

The comment states that the cumulative analysis should compare the Proposed Project to projected similar agricultural uses. See Responses to Comments L-6-37 and L-6-47.

Response to Comment L-6-49

The comment states that residential traffic generates recreational weekend trips. See Responses to Comments L-6-35, L-6-37, L-6-38, and L-6-44.

Response to Comment L-6-50

The comment states that the Draft EIR does not adequately consider the cumulative traffic impacts of residential projects in the Great Park area and the surrounding region. See Responses to Comments L-6-13, L-6-19, and L-6-37 above.

Response to Comment L-6-51

The comment restates CEQA's requirements for mitigating potentially significant environmental effects and suggests that mitigation is required for extra-jurisdictional traffic impacts caused by the Project.

See Responses to Comments L-6-13, L-6-19, and L-6-37 above.

As discussed in Draft EIR Section 4.16 and the *Traffic Impact Analysis*, the Project's transportation effects would be less than significant after mitigation proposed in the Draft EIR; therefore, no additional mitigation is necessary, and no revisions to the Draft EIR are warranted. Further, the

commenter does not suggest any additional mitigation that should be incorporated. To the extent mitigation is proposed in the Draft EIR, it is fully enforceable and complies with CEQA.

Response to Comment L-6-52

This comment states that the alternatives analysis does not include a reasonable range of alternatives and should have considered a true reduced density alternative or lower intensity industrial or commercial use to reduce significant, unavoidable impacts to air quality, greenhouse gas emissions, and transportation. CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant impacts of the project, and evaluate the comparative merits of the alternatives” (*State CEQA Guidelines* Section 15126.6). The Draft EIR identifies potential alternatives to the Project, evaluates the potential impacts of each alternative, and compares the potential impacts of each alternative against the proposed Project’s impacts, as required by CEQA.

Under CEQA, the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The range of alternatives required in an EIR is governed by the “rule of reason”, which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent) (*State CEQA Guidelines* Section 15126.6(f)).

The Draft EIR analyzed multiple alternatives, including, as suggested by the commenter, a reduced size alternative, a light industrial alternative, and a commercial alternative that would minimize the Project’s significant impacts (i.e., impacts to agricultural resources and greenhouse gas emissions). The Draft EIR called these particular alternatives No Project Alternative (Business Park), Alternative 2 – Urban Industrial/Residential Alternative, and Alternative 4 – Reduced Project. Thus, the alternatives suggested by the commenter were fully analyzed in the Draft EIR and no changes are warranted.

Response to Comment L-6-53

This comment states that the Draft EIR does not acknowledge the increase in vehicle trips that would accompany the Project-related population and job growth as significant irreversible changes caused by the project. Section 15126.2(d) of the *State CEQA Guidelines* requires that an EIR consider and discuss significant irreversible changes that would be caused by implementation of a proposed project. The *State CEQA Guidelines* specify that the use of nonrenewable resources during the initial

and continued phases of a project should be discussed because a large commitment of such resources makes removal or non-use thereafter unlikely. Primary and secondary impacts (e.g., a highway improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with a project and should be discussed. As discussed in Section 4.16, Transportation/Traffic of the Draft EIR, potential transportation/traffic impacts associated with the additional vehicle trips during project operation would be less than significant with the implementation of mitigation. Because transportation/traffic impacts would be reduced to less than significant levels, they do not constitute significant, irreversible impacts and therefore were not included in the discussion of significant irreversible environmental changes in Section 6.4 of the Draft EIR. Thus, no changes to the Draft EIR are warranted.

Response to Comment L-6-54

This comment states that the *Traffic Impact Analysis* must be revised and the Draft EIR recirculated for the reasons outlined in comments L-6-6 through L-6-53. Please refer to Response to Comments L-6-6 through L-6-53 above for a discussion as to why the Draft EIR is not deficient and does not need to be recirculated. *State CEQA Guidelines* Section 15088.5 states that an EIR must be recirculated if significant new information is added to an EIR after public review. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. As such, recirculation is not required where the new information added to the EIR is for clarification purposes. Recirculation would be required if the new information: (1) shows a new, substantial environmental impact from the project or from a new Mitigation Measure; (2) shows a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce the impact to a level of insignificance; (3) shows a feasible alternative or mitigation measures that are considerably different from those considered in the EIR that would lessen the environmental impact of a project but are not adopted by the project proponent; or (4) when the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. None of these conditions have been met in the case of the Draft EIR. Therefore, recirculation is not required.

Response to Comment L-6-55

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment L-6-56

The comment states that traffic counts relied on were over a year old at the time of the NOP and should have been adjusted.

See Response to Comment L-6-44.

Response to Comment L-6-57

The comment states that traffic counts should have occurred on summer weekends to account for recreational traffic.

See Responses to Comments L-6-35, L-6-37, L-6-38, and L-6-44.

Response to Comment L-6-58

The comment states that the Draft EIR does not describe LFTAM's validation statistics or adequately describe the extra-jurisdictional plan and development activity inputs reflected in the model outputs. The comment also states that the LFTAM model understates traffic exchanges between Laguna Beach and the region. The comment states that a list of cumulative projects that should be considered has been provided.

See Responses to Comments L-6-29, L-6-41, L-6-43, L-6-45 regarding the LFTAM model. See Response to Comment L-6-13 regarding cumulative projects.

Response to Comment L-6-59

The comment states that the Draft EIR must make reasonable estimates of how population growth in combination with other projects will compound the traffic, parking, and public safety impacts in Laguna beach during summer weekends.

See Responses to Comments L-6-6, L-6-7, L-6-8, L-6-9, L-6-13, L-6-28, L-6-43, and L-6-53.

Response to Comment L-6-60

The comment states that that the Draft EIR's approach to defining the study area is flawed because the metrics chosen to define the study area were too narrow.

Please refer to Response to Comments L-6-19 and L-6-41 above.

Response to Comment L-6-61

The comment states that the Draft EIR must be revised to include a clear, fair and reasonable procedure for scoping the *Traffic Impact Analysis*.

See Responses to Comments L-6-13, L-6-19, L-6-29, and L-6-36.

Response to Comment L-6-62

The comment states that the estimated internal capture of 5 percent of Project trips is unsubstantiated and unlikely.

See Response to Comment L-6-42.

Response to Comment L-6-63

The comment states that the Draft EIR's analysis of cumulative impacts is flawed and should have compared the 2040 cumulative scenario with the proposed Project to the 2040 cumulative scenario with the existing use on the site.

See Responses to Comments L-6-37, L-6-38, and L-6-47.

Response to Comment L-6-64

This comment concludes the letter and states that the traffic analysis is inadequate and must be recirculated for the reasons outlined in comments L-6-56 through L-6-63. Please refer to Response to Comments L-6-56 through L-6-63 above for a discussion as to why the Draft EIR is not deficient and does not need to be recirculated. *State CEQA Guidelines* Section 15088.5 states that an EIR must be recirculated if significant new information is added to an EIR after public review. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. As such, recirculation is not required where the new information added to the EIR is for clarification purposes. Recirculation would be required if the new information: (1) shows a new substantial environmental impact from the project or from a new mitigation measure; (2) shows a substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted to reduce the impact to a level of insignificance; (3) shows a feasible alternative or mitigation measures that are considerably different from those considered in the EIR that would lessen the environmental impact of a project but are not adopted by the project proponent; or (4) when the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. None of these conditions have been met in the case of the Draft EIR. Therefore, recirculation is not required.

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October 4, 2019

Ms. Marie Luna
Senior Planner
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Nakase Nursery/Toll Brothers Project Draft Environmental Impact Report (SCH No. 2018071035)

Dear Ms. Luna:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Draft Environmental Impact Report for the Nakase Nursery/Toll Brothers Project (Project). The following comments regarding the Master Plan of Arterial Highways (MPAH) are provided for your consideration:

- On July 23, 2012, the OCTA Board of Directors approved an amendment to the MPAH to:
 - remove Bake Parkway between Lake Forest Drive and SR-133,
 - remove Ridge Route from Santa Vittoria Drive to Bake Parkway,
 - remove Santa Maria Avenue from Santa Vittoria Drive to SR-133, and
 - add Santa Vittoria Drive from Lake Forest Drive to Santa Maria as a collector.
- The MPAH Cooperative Study and traffic analysis determined that the following intersections could be impacted as a result of the MPAH amendment request:
 - Bake Parkway/Research Drive (City of Irvine),
 - Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills),
 - El Toro Road/Avenida de la Carlota (City of Laguna Hills), and
 - Ridge Route Drive/Rockfield Boulevard (City of Lake Forest).

Please note that a Memorandum of Understanding (MOU) was developed amongst the agencies to ensure that mitigations for these intersections, if needed in the future, would be implemented. Please see the attached MOU for the City of Lake Forest's responsibilities for Ridge Route Drive/Rockfield Boulevard.

Ms. Marie Luna
October 4, 2019
Page 2

- The "Bake / I-5 NB Ramps (#32), Bake at Marine MPAH amendment" should not be assumed in the Year 2040 Conditions. This was a concept explored by the City of Lake Forest, but to date, a formal MPAH amendment has not been requested.

L-7-3

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.

L-7-4

Sincerely,



Dan Phu
Manager, Environmental Programs

Attachment

Distributed: 1/24/13
Accounting
Camm
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PM J. Alcega, K. Altar
Vendor ✓
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1 **MEMORANDUM OF UNDERSTANDING NO. C-2-1592**

2 **BETWEEN**

3 **ORANGE COUNTY TRANSPORTATION AUTHORITY**

4 **AND**

5 **CITIES OF IRVINE, LAGUNA HILLS, LAGUNA WOODS, LAKE FOREST,**

6 **AND COUNTY OF ORANGE**

7 **FOR**

8 **AMENDMENT OF THE MASTER PLAN OF ARTERIAL HIGHWAYS**

9 **THIS MEMORANDUM OF UNDERSTANDING** (hereinafter referred to as "MOU") is effective
10 this 21st day of January, 2013, by and between the Orange County Transportation
11 Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584 (hereinafter referred
12 to as "AUTHORITY"), and the City of Irvine, the City of Laguna Hills, the City of Laguna Woods, the
13 City of Lake Forest, and the County of Orange (hereinafter collectively referred to as "AGENCIES" and
14 individually as "AGENCY"). AUTHORITY and each AGENCY are sometimes referred to collectively in
15 this MOU as the "PARTIES" and individually as "PARTY."

16 **RECITALS**

17 **WHEREAS**, AUTHORITY administers the Master Plan of Arterial Highways (hereinafter
18 referred to as "MPAH") including the review and approval of amendments requested by local agencies;
19 and

20 **WHEREAS**, the City of Irvine has requested an Amendment to the MPAH to delete
21 Bake Parkway from Lake Forest Drive to State Route 133; to delete Ridge Route Drive from
22 Santa Vittoria Drive to Bake Parkway; to delete Santa Maria Avenue from Santa Vittoria Drive to
23 State Route 133; and to add Santa Vittoria Drive from Lake Forest Drive to Santa Maria Avenue as a
24 collector (two-lane, undivided) arterial (hereinafter referred to as the "Amendment to the MPAH"); and

25 /

26 /

1 **WHEREAS**, the City of Irvine in association with the City of Laguna Hills, the City of
2 Laguna Woods, the City of Lake Forest, the County of Orange, and AUTHORITY initiated the MPAH
3 Cooperative Study Process; and

4 **WHEREAS**, traffic analyses conducted as part of the MPAH Cooperative Study Process
5 determined that the Amendment to the MPAH would result in projected changes to future traffic
6 patterns; and

7 **WHEREAS**, these projected changes in future traffic patterns resulted in a determination that
8 appreciable impacts would occur at the intersections of Bake Parkway/Research Drive (City of Irvine),
9 Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills), El Toro Road/Avenida de la Carlota
10 (City of Laguna Hills), and Ridge Route Drive/Rockfield Boulevard (City of Lake Forest); and

11 **WHEREAS**, an appreciable impact is defined in the AUTHORITY's Guidance for Administration
12 of the Orange County MPAH, as an increase in Intersection Capacity Utilization ("ICU") of 0.01 for
13 intersections exceeding Level of Service "D" or the General Plan standard adopted by the respective
14 jurisdiction; and

15 **WHEREAS**, Exhibit A titled "SUMMARY OF MPAH AMENDMENT APPRECIABLE IMPACTS
16 and TRAFFIC SHARE", provides a summary of the appreciable impacts occurring as a result of the
17 Amendment to the MPAH; and

18 **WHEREAS**, improvements have been identified to mitigate appreciable impacts and maintain
19 the operational integrity of the MPAH system; and

20 **WHEREAS**, AUTHORITY's Board of Directors approved this Amendment to the MPAH on
21 July 23, 2012, contingent upon full execution of this MOU, as well as amendments to appropriate
22 AGENCIES' general plans including California Environmental Quality Act requirements; and

23 **WHEREAS**, all PARTIES wish to enter into an MOU to identify the roles, responsibilities and
24 commitments of the PARTIES in processing the Amendment to the MPAH and mitigating the related
25 appreciable impacts; and

26 /

1 **NOW, THEREFORE**, it is mutually understood and agreed by the PARTIES as follows:

2 **ARTICLE 1. COMPLETE AGREEMENT:**

3 A. This MOU, including all exhibits and documents incorporated herein and made
4 applicable by reference, constitutes the complete and exclusive statement of the term(s) and
5 condition(s) of the MOU between the PARTIES concerning the Amendment to the MPAH and
6 supersedes all prior representations, understandings and communications between the PARTIES. The
7 invalidity, in whole or part, of any term or condition of this MOU shall not affect the validity of other
8 term(s) or conditions(s) of this MOU. The above referenced Recitals are true and correct and are
9 incorporated by reference herein.

10 B. AUTHORITY'S failure to insist on any instance(s) of any AGENCY'S performance of any
11 term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of
12 AUTHORITY's right to such performance or to future performance of such term(s) or condition(s), and
13 AGENCY'S obligation in respect thereto shall continue in full force and effect.

14 C. Any AGENCY'S failure to insist on any instance(s) of AUTHORITY's performance of any
15 term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of AGENCY's
16 right to such performance or to future performance of such term(s) or condition(s), and AUTHORITY's
17 obligation in respect thereto shall continue in full force and effect.

18 **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY:**

19 AUTHORITY agrees to the following responsibilities:

20 A. AUTHORITY shall administer the MPAH, including updating the MPAH to reflect the
21 Amendment to the MPAH, upon fulfillment of all of the following conditions:

22 1. AUTHORITY's Board of Directors conditional approval of the Amendment to the
23 MPAH. The AUTHORITY's Board of Director approval of the Amendment to the MPAH will not
24 become final until conditions 2 and 3 below have been satisfied; and

25 2. Receipt of an original, fully executed MOU (signed by all PARTIES); and

26 3. Receipt of documentation that that the Cities of Irvine, Laguna Hills,

1 Laguna Woods, and County of Orange have amended their general plans to reflect the
2 Amendment to the MPAH.

3 B. AUTHORITY shall file a Notice of Exemption from the provisions of the California
4 Environmental Quality Act in support of the amendment to the MPAH.

5 **ARTICLE 3. RESPONSIBILITIES OF CITY OF IRVINE:**

6 The CITY of Irvine agrees to the following responsibilities:

7 A. The CITY of Irvine acknowledges that the AUTHORITY has determined the amendment
8 to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has
9 caused a Notice of Exemption to be filed, posted, and recorded.

10 B. The CITY of Irvine shall implement one of the two mitigation measures identified below.

11 1. Bake Parkway/Research Drive: conversion of a westbound through lane on
12 Research Drive to shared through/second right-turn lane; or

13 2. Bake Parkway/Research Drive: addition of a second westbound right-turn lane
14 on Research Drive.

15 C. This mitigation measure is to be implemented before the ICU at this intersection reaches
16 the pre-Amendment to the MPAH ICU of 0.94. These improvements are not meant to be prescriptive.
17 If the CITY of Irvine is able to identify alternative improvements which meet the overall objective of
18 achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be
19 considered acceptable alternatives and shall be implemented as substitute solutions.

20 D. The CITY of Irvine shall amend the Circulation Element of its General Plan to reflect the
21 Amendment to the MPAH, and in doing so, shall comply with the requirements of the California
22 Environmental Quality Act.

23 E. The CITY of Irvine enters into this MOU in order for the above mitigation measure to be
24 implemented.

25 F. The Share Cost Allocation for this mitigation, as identified in Exhibit B titled "IMPACTED
26 INTERSECTIONS SHARE COST ALLOCATION," will be funded through the County of Orange's

1 Coastal Area Roadway Improvements and Traffic Signal Program (hereinafter referred to as the
2 "CARITS Program").

3 **ARTICLE 4. RESPONSIBILITIES OF CITY OF LAGUNA HILLS:**

4 The CITY of Laguna Hills agrees to the following responsibilities:

5 A. The CITY of Laguna Hills acknowledges that the AUTHORITY has determined the
6 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
7 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

8 B. The CITY of Laguna Hills shall implement the mitigation measures identified below.

9 1. Paseo de Valencia/Avenida de la Carlota: restripe the southbound approach on
10 Paseo de Valencia to provide 2.5 left-turn lanes, 1.5 through lanes and no right-turn lane, and
11 construct a third eastbound receiving lane on Avenida de la Carlota for the third southbound left-
12 turn lane; and

13 2. El Toro Road/Avenida de la Carlota: restripe the westbound approach on
14 Avenida de la Carlota to provide a shared left-turn/through lane and two right-turn lanes,
15 retaining the existing westbound right-turn overlap with the southbound left-turn movement.

16 C. These mitigation measures are to be implemented before the ICU at these intersections
17 reaches the pre-Amendment to the MPAH ICU of 1.01 for the Paseo de Valencia/Avenida de la Carlota
18 intersection and 1.02 for the El Toro Road/Avenida de la Carlota intersection, respectively. These
19 improvements are not meant to be prescriptive. If the CITY of Laguna Hills is able to identify alternative
20 improvements, which meet the overall objective of achieving and/or maintaining the pre-Amendment to
21 the MPAH ICU, then those improvements shall be considered acceptable alternatives and shall be
22 implemented as substitute solutions.

23 D. The CITY of Laguna Hills shall amend the Circulation Element of its General Plan to
24 reflect the Amendment to the MPAH, and comply with the requirements from the California
25 Environmental Quality Act.

26 E. The CITY of Laguna Hills enters into this MOU in order for the above mitigation

1 measures to be implemented.

2 F. The Share Cost Allocation for this mitigation is identified in Exhibit B, and will be funded
3 through the CARITS Program.

4 **ARTICLE 5. RESPONSIBILITIES OF CITY OF LAGUNA WOODS:**

5 The CITY of Laguna Woods agrees to the following responsibilities:

6 A. The CITY of Laguna Woods acknowledges that the AUTHORITY has determined the
7 amendment to the MPAH to be exempt from the California Environmental Quality ACT, and that the
8 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

9 B. The CITY of Laguna Woods shall amend the Circulation Element of its General Plan to
10 reflect the Amendment to the MPAH, and comply with the requirements from the California
11 Environmental Quality Act.

12 **ARTICLE 6. RESPONSIBILITIES OF CITY OF LAKE FOREST:**

13 The CITY of Lake Forest agrees to the following responsibilities:

14 A. The CITY of Lake Forest acknowledges that the AUTHORITY has determined the
15 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
16 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

17 B. The CITY of Lake Forest shall implement the following mitigation measure identified
18 below.

19 1. Ridge Route Drive/Rockfield Boulevard: narrowing of the existing raised
20 median on Ridge Route Drive to four feet in both the northbound and southbound directions to
21 create left turn pockets, and also provide defacto right turn lanes in both directions.

22 C. This mitigation measure is to be implemented before the ICU at this intersection reaches
23 the pre-Amendment to the MPAH ICU of .98. This improvement is not meant to be prescriptive. If the
24 CITY of Lake Forest is able to identify alternative improvements which meet the overall objective of
25 achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be
26 considered acceptable alternatives and shall be implemented as substitute solutions.

1 D. The CITY of Lake Forest enters into this MOU in order for the above mitigation measure
2 to be implemented.

3 E. The Share Cost Allocation for this mitigation is identified in Exhibit B and will be funded
4 through available CITY of Lake Forest non-general fund and/or grant sources.

5 **ARTICLE 7. RESPONSIBILITIES OF COUNTY OF ORANGE:**

6 The COUNTY of Orange agrees to the following responsibilities:

7 A. The COUNTY of Orange acknowledges that the AUTHORITY has determined the
8 amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the
9 AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

10 B. The COUNTY of Orange, contingent upon the finalized Amendment to the MPAH, will
11 reprogram CARITS Program mitigation funds originally identified for the intersection of Bake
12 Parkway/Laguna Canyon Road as part of the Aliso Creek Road MPAH amendment (now being deleted
13 as a result of the Amendment to the MPAH).

14 C. These CARITS funds, when reprogrammed, will be allocated to the Share Cost
15 Allocations for improvements at the intersections of Bake Parkway/Research Drive (City of Irvine),
16 Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills), and El Toro Road/Avenida de la
17 Carlota (City of Laguna Hills) as identified in Exhibit B.

18 D. The COUNTY of Orange shall amend the Transportation Element of the County of
19 Orange General Plan, including the Circulation Plan to reflect the Amendment to the MPAH, and
20 comply with the requirements from the California Environmental Quality Act.

21 E. The COUNTY of Orange enters into this MOU in order for the above mitigation
22 measures to be implemented.

23 F. Upon receipt of evidence of the finalized MPAH Amendment, the COUNTY, within 60
24 days, will make reprogrammed CARITS funding available to the eligible jurisdictions identified in this
25 MOU.

26 /

1 **ARTICLE 8. DELEGATED AUTHORITY:**

2 The actions required to be taken by the CITIES of Irvine, Laguna Hills, Lake Forest, and Laguna
3 Woods in the implementation of this MOU are delegated to each CITY's City Manager, or designee.
4 The actions required to be taken by COUNTY in the implementation of this MOU are delegated to its
5 Chair of the Board, or designee. The actions required to be taken by AUTHORITY in the
6 implementation of this MOU are delegated to AUTHORITY's Chief Executive Officer, or designee.

7 **ARTICLE 9. INDEMNIFICATION:**

8 A. Each AGENCY shall indemnify, defend and hold harmless AUTHORITY, its officers,
9 directors, employees and agents from and against any and all claims (including attorney's fees and
10 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
11 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
12 negligent acts, omissions or willful misconduct by each AGENCY, its officers, directors, employees or
13 agents in connection with or arising out of the performance of this MOU.

14 B. AUTHORITY shall indemnify, defend and hold harmless each AGENCY, its officers,
15 directors, employees and agents from and against any and all claims (including attorney's fees and
16 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
17 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
18 negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors, employees or
19 agents in connection with or arising out of the performance of this MOU.

20 C. AGENCIES shall indemnify, defend and hold harmless each AGENCY, its officers,
21 directors, employees and agents from and against any and all claims (including attorney's fees and
22 reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including
23 death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the
24 negligent acts, omissions or will misconduct by AGENCIES, their officers, directors, employees or
25 agents in connection with or arising out of the performance of this MOU.

26 /

1 D. Indemnification and defense obligations of this MOU shall survive its expiration or
2 termination.

3 **ARTICLE 10. MUTUAL RESPONSIBILITIES OF ALL AGENCIES:**

4 A. Each PARTY to this MOU agrees to cooperate and coordinate with the other PARTIES
5 to this MOU and their respective staff, contractors, consultants, and vendors, etc. providing services
6 required under this MOU to the extent practicable.

7 B. All PARTIES to this MOU agree to work diligently together, and in good faith, toward the
8 resolution of any unforeseen issues and disputes arising out of the performance of this MOU.

9 **ARTICLE 11. ADDITIONAL PROVISIONS**

10 The PARTIES agree to the following:

11 A. Termination: This Agreement shall continue in full force and effect through
12 June 30, 2032. This MOU shall not be terminated without the written consent of all PARTIES.

13 B. This MOU may be amended in writing at any time by the consent of all PARTIES. No
14 amendment shall have any force or effect unless executed in writing by all PARTIES.

15 C. AUTHORITY and AGENCIES shall comply with all applicable federal, state, and local
16 laws, statues, ordinances and regulations in the performance of this MOU.

17 D. Successors in Interest: This MOU shall be binding upon and shall inure to the benefit
18 of the parties hereto and their respective heirs, personal representatives, successors, and assigns.

19 E. Attorney's Fees: In the event any action is brought between the parties hereto relating
20 to this MOU or the breach thereof, the prevailing party in such action shall be entitled to recover from
21 the other party reasonable expenses, attorneys' fees and costs in connection with such action or
22 proceeding.

23 F. Legal Authority: Each of the undersigned represents and warrants that they are
24 authorized to execute this MOU on behalf of said PARTIES and that, by so executing this MOU, the
25 PARTIES hereto are formally bound to the provisions of this MOU.

26 /

1 G. Severability: If any term, provision, covenant or condition of this MOU is held to be
2 invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the
3 remainder of this MOU shall not be affected thereby, and each term, provision, covenant or condition of
4 this MOU shall be valid and enforceable to the fullest extent permitted by law.

5 H. Counterparts of Agreement: This MOU may be executed and delivered in any number of
6 counterparts, each of which, when executed and delivered shall be deemed an original and all of which
7 together shall constitute the same agreement. Facsimile signatures will be permitted.

8 I. Force Majeure: Any PARTY shall be excused from performing its obligations under this
9 MOU during the time and to the extent that it is prevented from performing by an unforeseeable cause
10 beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering
11 of material, products, plants or facilities by the federal, state or local government; national fuel shortage;
12 or a material act or omission by any other PARTY; when satisfactory evidence of such cause is
13 presented to the other PARTIES, and provided further that such nonperformance is unforeseeable,
14 beyond the control and is not due to the fault or negligence of the PARTY not performing.

15 J. Assignment: Neither this MOU, nor any PARTY's rights, obligations, duties, or authority
16 hereunder may be assigned in whole or in part by any PARTY without the prior written consent of all
17 other PARTIES in their sole and absolute discretion. Any such attempted assignment shall be deemed
18 void and of no force and effect. Consent to one assignment shall not be deemed consent to any
19 subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

20 K. Obligations To Comply with Law: Nothing herein shall be deemed nor construed to
21 authorize or require any PARTY to issue bonds, notes or other evidence of indebtedness under terms,
22 in amounts, or for purposes other than as authorized by local, state or federal law.

23 L. Governing Law: The laws of the State of California and applicable local and federal
24 laws, regulations and guidelines shall govern this MOU.

25 M. Notices: Any notices, requests, or demands made between the PARTIES pursuant to
26 this MOU are to be directed as follows:

MEMORANDUM OF UNDERSTANDING NO. C-2-1592

To CITY OF IRVINE:	To AUTHORITY:
City of Irvine	Orange County Transportation Authority
P.O. Box 19575 Irvine CA 92623	550 South Main Street P. O. Box 14184 Orange, CA 92863-1584
Attention: Manuel Gomez Director of Public Works Tel: (949) 724-7509 Email: mgomez@cityofirvine.org	Attention: Meena Katakia, Manager, Capital Programs Tel: (714) 560-5694 Email: mkatakia@octa.net

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To CITY OF LAGUNA HILLS:	To CITY OF LAGUNA WOODS:
City of Laguna Hills	City of Laguna Woods
24035 El Toro Road Laguna Hills, CA 92653	24264 El Toro Road Laguna Woods, CA 92637
Attention: Bruce Channing City Manager Tel: (949) 707-2610 Email:	Attention: Leslie A. Keane City Manager Tel: (949) 639-050 Email:

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MEMORANDUM OF UNDERSTANDING NO. C-2-1592

To CITY OF LAKE FOREST:	To COUNTY OF ORANGE:
City of Lake Forest	County of Orange
25550 Commercecentre Drive, Suite 100 Lake Forest, CA 92630	300 N. Flower Street P.O. Box 4048 Santa Ana, CA 92702
Attention: Robert Dunek City Manager Tel: (949) 461-3400 Email:	Attention: Ignacio Ochoa Director/Chief Engineer Tel: (714) 667-3213 Email:

/

N. Successors and Assigns: The provisions of this MOU shall bind and inure to the benefit of each of PARTY hereto, and all successors or assigns of any PARTY hereto.

This MOU shall continue in full force and effect until all terms and conditions of this MOU are implemented, unless terminated earlier by written consent of all the PARTIES.

The above understandings are a guide to the intent and policies of the PARTIES to this MOU. This MOU shall be effective upon execution by all PARTIES.

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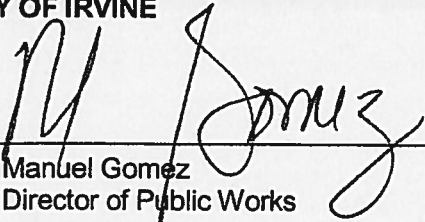
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1 IN WITNESS WHEREOF, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

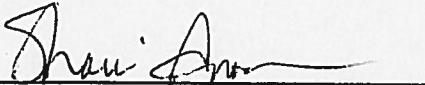
3 CITY OF IRVINE

ORANGE COUNTY TRANSPORTATION AUTHORITY

4
5 By: 
6 Manuel Gomez
7 Director of Public Works

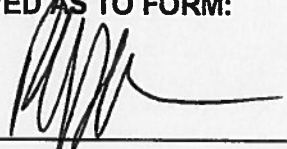
By: 
Will Kempton
Chief Executive Officer

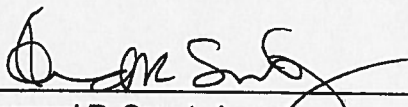
8 ATTEST:

9
10 By: 
11 Sharie Apodaca
12 City Clerk


13 APPROVED AS TO FORM:

APPROVED AS TO FORM:

14 By: 
15 Phil Kohn
16 City Attorney

By: 
Kennard R. Smart, Jr.
General Counsel

17 APPROVAL RECOMMENDED:

18 By: 
19 Kia Mortazavi
20 Executive Director, Planning

21 Dated: 9/4/12

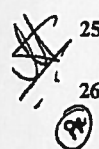
Dated: 1-9-13

22 Attachments:

23 Exhibit A: Summary of MPAH Amendment, Appreciable Impacts and Traffic Share

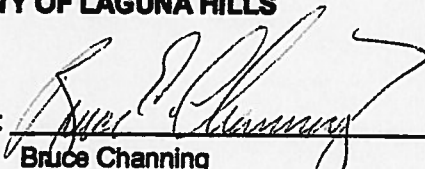
24 Exhibit B: Impacted Intersections Share Cost Allocation

25 Exhibit C: MPAH Amendment Map

26 

1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAGUNA HILLS**

4
5 By: 
6 Bruce Channing
7 City Manager

8 **APPROVED AS TO FORM:**

9
10 By: N/A
11 Gregory E. Simonian
12 City Attorney

13
14 Dated: October 11, 2012
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1 IN WITNESS WHEREOF, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAGUNA WOODS**

4
5 By: Leslie A. Keane
6 Leslie A. Keane
7 City Manager

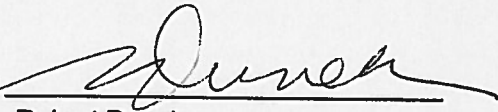
8 **APPROVED AS TO FORM:**

9
10 By: David B. Cosgrove
11 David B. Cosgrove
12 City Attorney

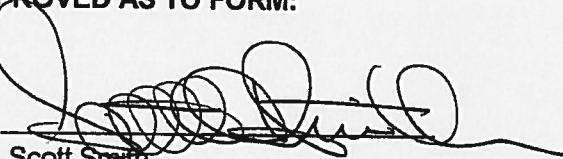
13
14 Dated: 10-15-12
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1 **IN WITNESS WHEREOF**, the PARTIES hereto have caused this Memorandum of
2 Understanding No. C-2-1592 to be executed on the date first written above.

3 **CITY OF LAKE FOREST**

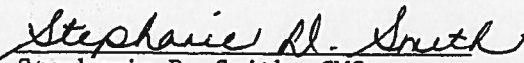
4
5 By: 
6 Robert Dunek
7 City Manager

8 **APPROVED AS TO FORM:**

9
10 By: 
11 Scott Smith
12 City Attorney

13
14
15 Dated: 10-17-2012

16
17
18 **ATTEST:**

19
20 By: 
21 Stephanie D. Smith, CMC
22 City Clerk

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IN WITNESS WHEREOF, the PARTIES hereto have caused this Memorandum of Understanding No. C-2-1592 to be executed on the date first written above.

COUNTY OF ORANGE
A political subdivision of the State of California

By:
Chair, Board of Supervisors

Date: 12-4-12

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD OF SUPERVISORS

By:
Susan Novak
Clerk of the Board of Supervisors
Orange County, CA



Date: 12-4-12

APPROVED AS TO FORM:
COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By:
Deputy

Date: 11/1/12



**EXHIBITA: SUMMARY OF MPAH AMENDMENT
APPRECIABLE IMPACTS and TRAFFIC SHARE**

Intersection	Jurisdiction	Peak Hour	Post-2030 Level of Service				Difference in LOS (Level of Appreciable Impact)	Share ¹
			Current MPAH		Amendment to MPAH			
			ICU	LOS	ICU	LOS		
Bake Parkway/Research Drive	Irvine	PM	0.94	E	0.96	E	0.02	5%
Paseo de Valencia/Avenida de la Carlota	Laguna Hills	PM	1.01	E	1.04	F	0.03	15%
El Toro Road/Avenida de la Carlota	Laguna Hills	PM	1.02	F	1.03	F	0.01	15%
Ridge Route/Rockfield Boulevard	Lake Forest	PM	.98	F	1.01	F	0.03	7%

¹ Shares are based on the percentage of trips from the deleted Amendment to the MPAH roads, which are assigned onto the circulation system without these roads, to the total growth in traffic at the intersection from existing to Post-2030.



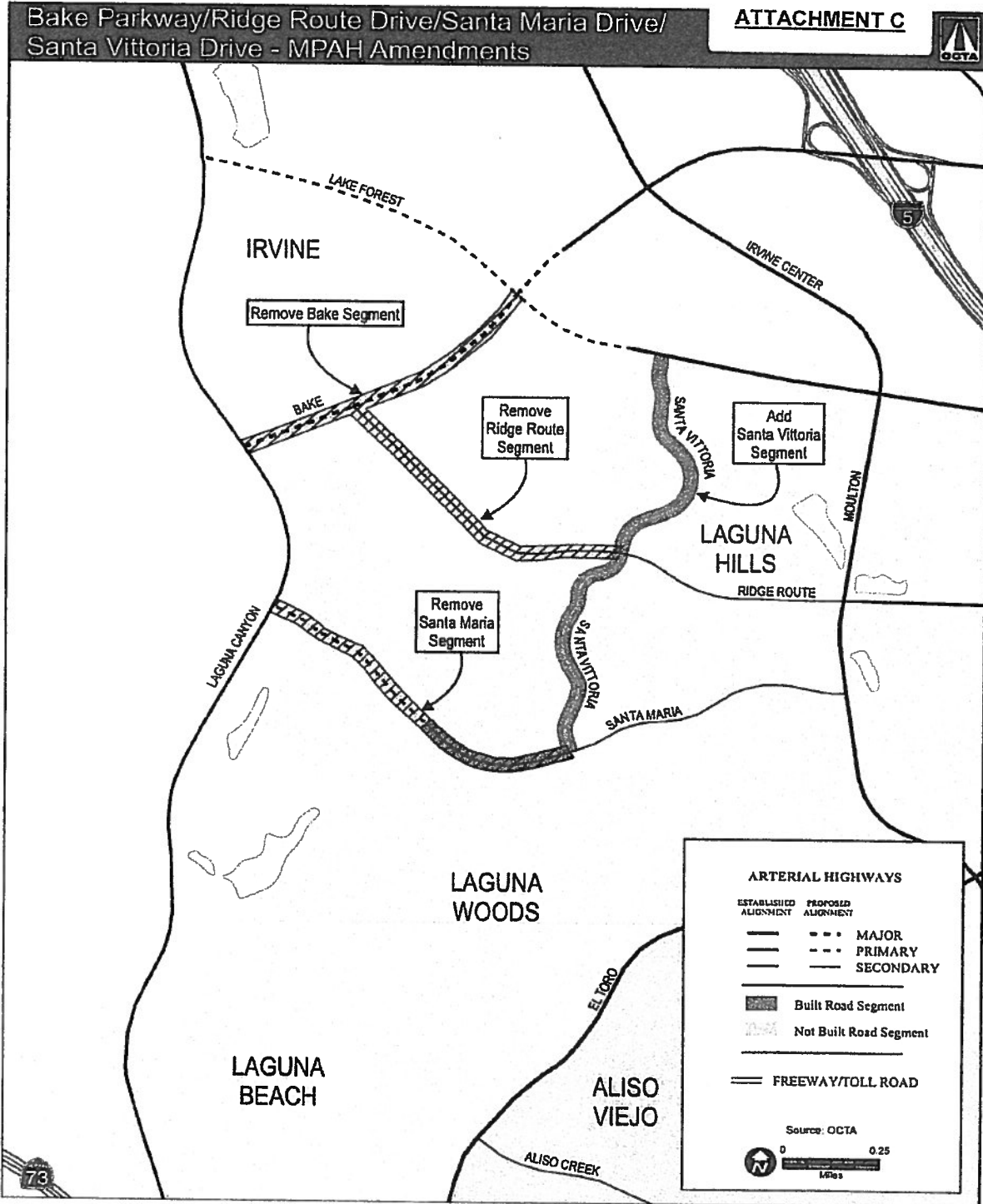
EXHIBIT B: IMPACTED INTERSECTIONS SHARE COST ALLOCATION

Impacted Intersection	Total Improvement Cost	Share	Share Cost Allocation
Bake Parkway/ Research Drive (City of Irvine)	\$1,184,000	5%	\$1,184,000 * .05 = \$59,200
Paseo de Valencia/ Avenida de la Carlota (City of Laguna Hills); and El Toro Road/ Avenida de la Carlota (City of Laguna Hills)	\$2,349,560	15%	\$2,349,560 * .15 = \$352,434
Ridge Route Drive/Rockfield Boulevard (City of Lake Forest)	\$190,000	7%	\$190,000 * .07 = \$13,300¹

¹ The City of Lake Forest is not a CARITS Program participant. As a result, funding for this mitigation is not available through the CARITS Program. Instead, the City of Lake Forest agrees that it will fund this improvement, if needed in the future, through non-General Fund, grant-funding sources.



EXHIBIT C: MPAH AMENDMENT MAP



ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

Letter Code: L-7

Date: October 4, 2019

Response to Comment L-7-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment L-7-2

The comment states that the OCTA Board of Directors approved an amendment to the Master Plan of Arterial Highways (MPAH) on July 23, 2012, and specifically requests that the City of Lake Forest (City) refer to its responsibilities for Ridge Route Drive/Rockfield Boulevard. Article 6 of the Memorandum of Understanding (MOU) describes the City's responsibilities at Ridge Route Drive/Rockfield Boulevard, which include the narrowing of the existing raised median on Ridge Route Drive to 4 feet in both the northbound and southbound directions to create left-turn pockets, and also provide de facto right-turn lanes in both directions. The mitigation measure is to be implemented before the intersection capacity utilization (ICU) at this intersection reaches the pre-Amendment to the MPAH ICU of 0.98. As allowed in the MOU, the City of Lake Forest has identified alternate improvements that achieve an acceptable level of service (LOS) at this location. These improvements were implemented in 2018. Therefore, the City of Lake Forest has satisfied its MOU responsibilities.

Response to Comment L-7-3

The comment states that "Bake/I-5 NB Ramps (#32), Bake at Marine MPAH amendment" should not be assumed in the Year 2040 conditions because this was a concept explored by the City of Lake Forest; however, a formal MPAH amendment has not been requested to date.

The Lake Forest Traffic Analysis Model (LFTAM) does not include the aforementioned concept in the model, and it was not considered a part of the Project environmental analysis in the *Traffic Impact Analysis* or Draft EIR.

The "Bake at Marine MPAH amendment" referenced on Page 136 of the Nakase *Traffic Impact Analysis* focuses on lane improvements needed at the Bake/I-5 NB Ramps intersection (#32), which are tied to the 2008 City of Irvine relocation of the Marine Way alignment to a location 900 feet north (east) of Bake/I-5 NB Ramps intersection (#32). With relocation of the future Marine Way/Bake Parkway intersection, the following improvements are planned at the Bake/I-5 NB Ramps intersection (#32):

- Construct 4th NB through lane
- Convert WB shared left-right lane to 2nd right turn lane
- Construct 3rd WB right turn lane

Response to Comment L-7-4

This comment concludes the letter and provides contact information for OCTA staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

2.3 REGIONAL AGENCIES

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South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
 (909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

October 3, 2019

MLuna@lakeforestca.gov

Marie Luna, Senior Planner
 City of Lake Forest, Community Development Department
 25550 Commercentre, Suite 100
 Lake Forest, CA 92630

Draft Environmental Impact Report (Draft EIR) for the Proposed Nakase Nursery/Toll Brothers Project (SCH No. 2018071035)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

R-1-1

South Coast AQMD Staff’s Summary of Project Description

The Lead Agency proposes construction of a planned community, consisting of 776 residential units and an elementary school with 1,000 students on 122 acres (Proposed Project). The Proposed Project would be constructed in five distinct neighborhoods. The Proposed Project is located on the southwest corner of Bake Parkway and Rancho Parkway. Construction of the Proposed Project would require extensive grading, including 825,000 cubic yards (cy) of cut-and-fill to be balanced on-site, 1.8 million cy of remedial grading, and 150,000 cy of soil export¹. Construction of the Proposed Project is expected to take place over approximately 67 months with a full buildout in 2025².

R-1-2

South Coast AQMD Staff’s Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project’s construction and operational emissions and compared those emissions to South Coast AQMD’s recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project’s construction and operational air quality impacts would be less than significant, after the implementation of regulatory compliance measures (RCM) AQ-1 through RCM AQ-4. RCM AQ-1 through RCM AQ-4 require construction contractors to comply with South Coast AQMD Rules 403, 1113, and 445, and the 2019 Building Energy Efficiency Standards (CCR Title 24) energy conservation and the California Green Building Standards Code (CALGreen)³.

R-1-3

South Coast AQMD Staff’s General Comments

South Coast AQMD staff has comments on the Air Quality Analysis and recommends that the Lead Agency incorporate project-specific mitigation measures, beyond regulatory requirements, to further reduce the Proposed Project’s construction emissions. Upon reviews of the Draft EIR and technical appendices, South Coast AQMD found an inconsistency between the amount of grading in the Proposed Project’s description and the amount used to quantify the Proposed Project’s construction emissions in CalEEMod. Additionally, the Lead Agency did not analyze an overlapping construction and operation scenario, or expressly restrict an overlapping construction and operation scenario through a condition of approval, mitigation measure, or project design feature. Please see the attachment for more information. The attachment also includes a list of potential mitigation measures as resources to further reduce the

R-1-4

R-1-5

R-1-6

R-1-7

¹ Draft EIR. Section 3, *Project Description*. Page 3-46.

² *Ibid.*

³ *Ibid.* Executive Summary. Table 1.A – *Summary of Project Impacts, Regulatory Compliance Measures, Mitigation Measures, and Level of Significance after Mitigation*. Page 1-8.

Proposed Project’s construction and operation emissions that the Lead Agency should consider for incorporation in the Final EIR. Finally, the attachment includes additional considerations for a new school facility.

↑
R-1-7

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

R-1-8

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

R-1-9

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:RD
ORC190820-03
Control Number

ATTACHMENT

Air Quality Analysis – Emissions from Grading Activities

1. South Coast AQMD staff is concerned that the Lead Agency has underestimated the Proposed Project's construction emissions resulting from grading activities. The Lead Agency stated in the Draft EIR that construction of the Proposed Project would require extensive grading, including 825,000 cubic yards (cy) of cut-and-fill to be balanced on-site, 1.8 million cy of remedial grading, and 150,000 cy of soil export⁴. However, in the CalEEMod output file, South Coast AQMD staff found that the Lead agency estimated emissions resulting from 672.5 acres of grading but did not provide an explanation on how 672.5 acres was calculated. Therefore, South Coast AQMD staff recommends that the Lead Agency provide additional information to clarify the amount of total grading anticipated and recalculate the Proposed Project's construction emissions in the Final EIR. If the Lead Agency finds, after revisions, that the Proposed Project's construction air quality impacts would be significant, mitigation measures will be required (CEQA Guidelines Section 15126.4).

R-1-10

Air Quality Analysis – Overlapping Construction and Operation Scenario

2. The Proposed Project includes a planned community with five neighborhoods that would be constructed over a period of 67 months on 122 acres. While the Lead Agency modeled emissions by combining all proposed construction activities into one continuous construction phase in CalEEMod, the Lead Agency did not analyze a scenario in which the Proposed Project's construction and operational activities overlap. It is reasonably foreseeable that the Proposed Project's construction activities will occur in phases and may overlap with operational activities on-site. To conservatively analyze a worst-case impact scenario, South Coast AQMD staff recommends that the Lead Agency use its best efforts to identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to South Coast AQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR, unless the Lead Agency includes requirements and/or conditions in applicable bid document and/or development agreement to expressly prohibit overlapping construction and operational activities (*emphasis added*). If the Lead Agency finds, after analyzing an overlapping construction and operation scenario, that the Proposed Project's air quality impacts would be significant, mitigation measures will be required (CEQA Guidelines Section 15126.4).

R-1-11

Recommended Mitigation Measures for Construction Air Quality Impacts

3. If the Lead Agency finds, after revising the Air Quality Analysis based on South Coast AQMD staff's Comment Nos. 1 and 2, that the Proposed Project would result in significant construction air quality impacts, particularly from NO_x emissions, and in addition to RCM AQ-1 through RCM AQ-4, mitigation measures are required (CEQA Guidelines 15126.4). To assist the identification of feasible mitigation measures that are capable of reducing construction emission, South Coast AQMD recommends that the Lead Agency consider the following mitigation measures for incorporation in the Final EIR.
 - a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are

R-1-12

⁴ Draft EIR, Section 3, *Project Description*. Page 3-46.

capable of achieving at least 85 percent reduction in particulate matter emissions⁵. A list of CARB verified DPFs are available on the CARB website⁶.

To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

R-1-12

In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or Tier 3 emission standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting construction phases occurring simultaneously.

- b. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year⁷ or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that the Proposed Project's tenant(s) shall maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

R-1-13

- c. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.

R-1-14

⁵ CARB. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

⁶ *Ibid.* Page 18.

⁷ The CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

- d. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 – CARB’s Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle that is expected to idle longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle’s operator to shut off the engine. To further ensure that drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five minutes is not permitted. R-1-15

- e. Encourage construction contractors to apply for South Coast AQMD “SOON” funds. The “SOON” program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD’s website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>. R-1-16

Recommended Mitigation Measures for Operational Air Quality Impacts

- 4. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized. South Coast AQMD staff recommends that the Lead Agency consider incorporating the following additional mitigation measures in the Final EIR to further reduce the Proposed Project’s operational air quality impacts.
 - a. Since the Proposed Project includes operation of an elementary school, the Lead Agency should take this opportunity to encourage operators of school bus fleets that would regularly visit the Proposed Project to seek funding opportunities to replace older diesel buses with cleaner school buses. South Coast AQMD’s Lower-Emission School Bus Program provides funding opportunities to applicable fleets for the purchase of alternatively fueled buses or retrofits for older diesel buses. More information on this program can be found at South Coast AQMD’s website: <https://www.aqmd.gov/home/programs/business/lower-emission-school-bus-program> R-1-17

Funding opportunities are also available through the California Air Resources Board’s (CARB) administration of the Volkswagen Environmental Mitigation Trust for California for Zero-Emission Transit, School, and Shuttle Buses, which is anticipated to become available fall of 2019. More information on funding opportunities through the CARB’s program can be found at: <https://ww2.arb.ca.gov/our-work/programs/volkswagen-environmental-mitigation-trust-california/about>.
 - b. Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers. R-1-18
 - c. Require the use of electric or alternatively fueled sweepers with HEPA filters. R-1-19
 - d. Maximize the planting of trees in landscaping and parking lots. R-1-20

Responsible Agency and South Coast AQMD Permits and Rules

- 5. The Lead Agency should consult with South Coast AQMD’s Engineering and Permitting staff to determine if there is any diesel-powered equipment during operation that will require a South Coast AQMD. If a permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final EIR. Any assumptions used in the Air Quality Analysis in the Final EIR would be used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact South Coast AQMD’s R-1-21



Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

R-1-21

6. Since the Proposed Project includes demolition of existing structures and other asphalt surfaces, asbestos may be encountered during demolition. Therefore, South Coast AQMD staff recommends that the Lead Agency incorporate a discussion to demonstrate compliance with South Coast AQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁸ in the Air Quality section of the Final EIR. Additionally, if during soil disturbing activities such as grading, petroleum hydrocarbons, lead, and/or arsenic are encountered that will cause volatile organic compounds to become airborne, the Lead Agency should include a discussion to demonstrate compliance with South Coast AQMD Rule 1166 – Volatile Organic Compounds Emissions from Decontamination of Soil⁹ in the Air Quality Section of the Final EIR.

R-1-22

Consultation with South Coast AQMD for New School Facilities

7. The California Public Resources Code 21151.8 and CEQA Guidelines Section 15186 establish special consultation requirements for school projects, which are meant to ensure that lead agencies consult with other agencies, such as the local air district, in order to carefully examine and disclose the potential health impacts that may result from siting a school within one-fourth mile of facilities that may reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Since the Proposed Project involves construction of a new elementary school, the Proposed Project is subject to the consultation requirements. South Coast AQMD staff recommends that the Lead Agency review the respective CEQA Guidelines sections and meet the appropriate CEQA requirements, where applicable. For a search of South Coast AQMD permitted facilities pursuant to California Public Resources Code Section 21151.8 and CEQA Guidelines Section 15186, please fill out the “Grid Search Request Form” that is available at: <http://www.aqmd.gov/docs/default-source/aqmd-forms/Permit/ab3205-request-form.pdf>.

R-1-23

⁸ South Coast AQMD. Rule 1403. Assessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

⁹ South Coast AQMD. Rule 1166. Assessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

Letter Code: R-1

Date: October 3, 2019

Response to Comment R-1-1

This comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is required.

Response to Comment R-1-2

This comment summarizes the Project Description. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment R-1-3

This comment summarizes the air quality analysis and regulatory compliance measures described in Section 4.3, Air Quality, of the Draft EIR. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment R-1-4

This comment states that SCAQMD recommends that project-specific mitigation measures beyond regulatory requirements be included to further reduce construction emissions. This comment is introductory and summarizes SCAQMD's concerns regarding construction mitigation that are detailed in comments R-1-12 through R-1-16 in the attachment to the comment letter. Please refer to Response to Comments R-1-12 through R-1-16 for responses to the specific mitigation measures recommended by SCAQMD.

Response to Comment R-1-5

This comment states that there is an inconsistency between the amount of grading required during construction of the proposed Project and the amount used to quantify construction emissions. This comment is introductory and summarizes SCAQMD's concerns regarding the calculation of construction emissions from grading. SCAQMD's specific concerns regarding this issue are detailed in comment R-1-10 in the attachment to the comment letter. Please refer to Response to Comment R-1-10.

Response to Comment R-1-6

This comment states that the City did not analyze overlapping construction and operations scenarios or restrict overlapping construction and operation scenarios. This comment is introductory and summarizes SCAQMD's concerns regarding consideration of overlapping construction and operation phases in the analysis of air quality impacts. SCAQMD's specific concerns regarding this issue are

detailed in comment R-1-11 in the attachment to the comment letter. Please refer to Response to Comment R-1-11.

Response to Comment R-1-7

This comment states that the attachment to the letter contains a list of potential mitigation measures that should be considered to further reduce construction and operational emissions. This comment is introductory and summarizes SCAQMD's concerns regarding construction and operational mitigation that are detailed in comments R-1-12 through R-1-20 in the attachment to the comment letter. Please refer to Response to Comments R-1-12 through R-1-20 for responses to the specific mitigation measures recommended by SCAQMD.

Response to Comment R-1-8

This comment states that the comments should be addressed in detail with a good faith, reasoned analysis and that written responses should be provided to SCAQMD. Pursuant to California Public Resources Code (PRC) Section 21092.5(a) and *State CEQA Guidelines* Section 15088(b), the City of Lake Forest (City) will provide public agencies, including SCAQMD, with responses to comments made by that agency at least 10 days prior to certifying the Final EIR. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment R-1-9

This comment concludes the letter and provides contact information for SCAQMD staff. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment R-1-10

The commenter correctly summarizes the amount of soil export modeled in the California Emissions Estimator Model (CalEEMod) as 150,000 cubic yards. The acres of grading is calculated based on the CalEEMod default total acres graded (TAG) per piece of equipment that has the propensity to generate fugitive dust, multiplied by the number of working days for an applicable phase of activity. As noted in the DEIR, the Project site itself is located on approximately 122 acres. The 672.5 acres of total grading is based on default CalEEMod values for equipment making multiple equipment passes over a particular area over the duration of grading activity. In this instance, this assumes approximately 2.5 acres per day would be actively graded for the duration of grading activity (~269 working days). As such, 2.5 acres per day x 269 working days equals 672.5 total acres disturbed over the duration of grading activity. This is a conservative estimate of the potential grading impacts, since the underlying analysis in the DEIR effectively assumes that the entirety of the ~122 acre site would be entirely disturbed (multiple equipment passes over the same area) more than five times. Refer to Appendix A: Calculation Details for CalEEMod, Section 4.3 for more information.^[1]

^[1] South Coast Air Quality Management District. 2017. User's Guide for CalEEMod Version 2016.3.2, Appendix A: Calculation Details for CalEEMod. November. Website: <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf>.

Therefore, the City has not underestimated the Project's construction emissions associated with the proposed grading activities.

Response to Comment R-1-11

The comment states that the peak daily emissions associated with the Project were not adequately calculated because the emissions for construction and operation were calculated separately. Pursuant to the SCAQMD *CEQA Air Quality Handbook*, the recommended approach to calculating proposed emissions for criteria pollutants is to quantify construction and operation emissions separately and compare each to the applicable construction and operational thresholds of significance (Chapters 6 and 9 of the *CEQA Air Quality Handbook*). To the City's knowledge, SCAQMD has not developed or published a significance threshold to be applied to combined construction and operational emissions, with the exception of its December 5, 2008 adoption of a GHG Significance Threshold for certain projects where SCAQMD is the lead agency. The City based its analysis on adopted SCAQMD guidance and thresholds of significance for the evaluation of project impacts in accordance with SCAQMD's comment letter on the Notice of Preparation (NOP). The analysis contained in the Draft EIR thoroughly evaluates air quality impacts in accordance with SCAQMD's recommended methodology. No changes to the Draft EIR are required.

Response to Comment R-1-12

This comment states that the City should consider including a mitigation measure in the EIR to require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (EPA) Tier 4 final off-road emission standards. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. The California Environmental Quality Act (CEQA) requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

Response to Comment R-1-13

This comment states that the City should consider including a mitigation measure in the EIR to require the use of zero-emission or near-zero emission, heavy-duty haul trucks during construction (e.g., trucks with natural gas engines that meet CARB's adopted optional nitrogen oxides [NO_x] emission standard). The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

Response to Comment R-1-14

This comment states that the City should consider including a mitigation measure in the EIR to require the contractor to maintain vehicles in accordance with manufacturer recommendations and also maintain a maintenance log. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

Response to Comment R-1-15

This comment suggests that the City consider including a mitigation measure in the EIR to require construction vendors and contractors to limit vehicle idling time to no longer than 5 minutes in compliance with California Code of Regulations (CCR) Title 13, Division 3, Chapter 10, Article 1, Section 2485 (Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling). The requirement for construction vehicles was discussed in Section 4.6, Energy, of the Draft EIR. As discussed in Section 4.6 and required by Regulatory Compliance Measure (RCM) EN-1, the construction contractor shall ensure that all non-essential idling of construction equipment is restricted to 5 minutes or less in compliance with CCR Title 13, Division 3, Chapter 9, Article 4.8, Section 2449 (General Requirements for In-Use Off-Road Diesel-Fueled Fleets). RCM EN-1 has been revised to add the requirement for delivery vehicles to limit idling to less than 5 minutes during construction in compliance with CCR Title 13, Division 3, Chapter 10, Article 1, Section 2485, as suggested in the comment. A discussion of this requirement was also added to Section 4.6.3.2, State Regulations, to clarify that CCR Title 13, Division 3, Chapter 10, Article 1, Section 2485 (Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling) limits idling of commercial vehicles to less than 5 consecutive minutes. This is a mandatory regulatory requirement and, as an RCM in the EIR, it will be included in the Mitigation Monitoring and Reporting Program (MMRP). The construction contractor will be required to comply with all measures in the MMRP, including the idling restrictions specified in RCM EN-1.

Response to Comment R-1-16

This comment states that the City should encourage construction contractors to apply for SCAQMD "SOON" funds to purchase low-emission, heavy-duty engines to reduce NO_x emissions, and suggests that this measure be incorporated into the EIR as mitigation.

The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically Appendix C of the Draft EIR, which contains the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

Also, it is not within the purview of the City to dictate the funding that construction contractors use to purchase equipment. Additionally, *State CEQA Guidelines* Section 15126.4(2) requires that mitigation measures be fully enforceable. As such, this would not be appropriate mitigation because the City would not have the ability to force construction contractors seeking funding to purchase low-emission, heavy-duty engines. However, it is reasonable to assume that the construction contractor would comply with all regulations aimed at reducing NO_x in construction vehicles, including the CARB's In-Use Off-Road Diesel Fueled Fleets Regulation.

Response to Comment R-1-17

This comment states that the City should encourage operators of school bus fleets that would visit the Project site to seek funding to replace older diesel school buses with cleaner school buses, and suggests that this measure be incorporated into the EIR as mitigation. The comment also provides information on available funding sources. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically Appendix C of the Draft EIR, which contains the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

In addition, school bus services for the Saddleback Valley Unified School District (SVUSD) are provided by First Student Charter Bus Rentals and other contracted providers. Although the City supports the use of cleaner school buses, the City does not have the authority to dictate which buses are used by these providers or the funding sources used to purchase such buses. Additionally, *State CEQA Guidelines* Section 15126.4(2) requires that mitigation measures be fully enforceable. As such, this would not be appropriate mitigation because the City would not have the ability to require that SVUSD seek funding to purchase cleaner school buses.

Response to Comment R-1-18

This comment suggests that the City consider including a mitigation measure in the EIR to require the use of electric landscaping equipment. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically Appendix C of the Draft EIR, which contains the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

Response to Comment R-1-19

This comment suggests that the City consider including a mitigation measure in the EIR to require the use of electric or alternatively fueled sweepers with high-efficiency particulate arrestance (HEPA) filters should be incorporated into the EIR as mitigation. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically Appendix C of the Draft EIR, which contains the *Air Quality Impact Analysis*), would not result in any significant air quality

impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

In addition, public streets in Lake Forest are swept once a week by Athens (which is contracted to the City). The proposed Project cannot dictate which sweepers are used to clean city and neighborhood streets. However, it is reasonable to assume that the purchase and operation of these vehicles comply with existing regulations, including SCAQMD Rule 1186.11, Less-Polluting Sweepers,¹ which was adopted in August 2000. This rule requires acquisition and operation of alternative-fuel or otherwise less-polluting sweepers for sweeping operations undertaken by or for governmental agencies within the jurisdiction of the SCAQMD.

Response to Comment R-1-20

This comment suggests that the City consider including a mitigation measure in the EIR to require maximizing the planting of trees in landscaping and parking lots. The proposed Project, as evaluated in the Draft EIR and supported by the technical appendices (specifically Appendix C of the Draft EIR, which contains the *Air Quality Impact Analysis*), will not result in any significant air quality impacts as explained in Section 4.3 of the Draft EIR. CEQA requires the identification of mitigation measures to avoid potentially significant effects (refer to *State CEQA Guidelines* Sections 15071(e) and 15126.4(a)). Mitigation is not required for effects found not to be significant. The proposed Project would not meet or exceed thresholds established by SCAQMD, and no additional mitigation is required.

In addition, landscaping, including a substantial amount of trees, is included as a project feature and therefore is not appropriate to include as mitigation. As discussed in Chapter 3.0 of the Draft EIR, the Project would incorporate ornamental landscaping along Bake Parkway, Rancho Parkway, the Project site's southern boundaries, the internal access road, and throughout the Project site. Landscaping would include shade tree canopies along the streets, parks, and trails, and landscape areas as specified in the Area Plan's Community Plant Material Guidelines (refer to Chapter 8 of the Nakase Property Area Plan).

Response to Comment R-1-21

The comment states that use of diesel-powered equipment during operation would require a SCAQMD permit. At this time, there is no diesel-powered equipment proposed for long-term operation on the Project site. As such, it is not anticipated that a permit would be required from SCAQMD.

Response to Comment R-1-22

This comment states that discussion of Rule 1403, Asbestos Emissions from Demolition/Renovation Activities, be included in Section 4.3, Air Quality, of the EIR because asbestos-containing materials

¹ <http://www.aqmd.gov/home/rules-compliance/rules/fleet-rules/sweepers>

(ACM) may be encountered during demolition. The purpose of Rule 1403 is to protect the health and safety of the public by limiting dangerous emissions from the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfiling requirements. Impacts related to asbestos were addressed in Section 4.9, Hazards and Hazardous Materials, of the Draft EIR. As discussed in Section 4.9, ACM may be present in structures on the Project site. Mitigation Measure 4.9.1 requires pre-demolition surveys and testing for asbestos and preparation and implementation of a Demolition Plan that would address asbestos if it were detected during the surveys and testing. The Demolition Plan would be required to address impacts associated with asbestos and to ensure that the asbestos is removed, handled, and properly disposed of by appropriately licensed contractors and according to all applicable regulations. As such the Demolition Plan would include a requirement for the contractor to comply with Rule 1403, including all asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfiling requirements.

Response to Comment R-1-23

This comment suggests that the EIR for the proposed Project should examine the health impacts of locating the school within 0.25 mile of a facility that could emit hazardous materials or involve handling of hazardous materials, substances, or wastes. This comment also states that the proposed Project is subject to the consultation requirements for school projects established in PRC Section 21151.8 and *State CEQA Guidelines* Section 15186.

An evaluation of the potential environmental impacts associated with constructing and operating an elementary school on the Project site was included in the Draft EIR. As discussed in Section 4.9, Hazards and Hazardous Materials, of the Draft EIR, technical studies to fulfill school siting requirements were completed at the request of SVUSD, including an Electromagnetic Field Study, a Health Risk Assessment, a Geologic and Environmental Hazards Assessment Report (GEHA), and a Water Pipeline and Tank Safety Hazard Assessment. These studies are included in Appendix H of the Draft EIR. The GEHA evaluates potential environmental hazards per the State's school siting standards, CCR Title 5 Section 14010, and additional codes and regulations applicable to school facilities that are found in the Education, Government and Public Resources Codes. These include potential hazards associated with the site's proximity to Bake Parkway, a gas station on the other side of Rancho Parkway, and State Route 241 (SR-241).

As discussed in Section 4.3, Air Quality, due to the proximity of SR-241 to the proposed school (300 feet northwest of the school site boundary), a Health Risk Assessment was conducted for the Project. The purpose of the Health Risk Assessment was to disclose the potential cancer risks to students and staff at the proposed school from diesel-fueled vehicles that use the freeway and emit carcinogenic compounds. As concluded in Section 4.3, Air Quality, stationary and mobile sources within a 0.25-mile radius are not anticipated to pose actual or potential health risks to students and staff at the proposed school because the cancer risk and Hazard Index (HI) for the proposed Project would not exceed the SCAQMD and Office of Environmental Health Hazard Assessment (OEHHA) thresholds.

The City is aware of the school consultation requirements with the SVUSD. Both the Initial Study/Notice of Preparation (IS/NOP) and the Draft EIR were distributed to the SVUSD. The SVUSD's concerns raised during the IS/NOP process were addressed in the Draft EIR. (See Response to Comment L-3 for responses to SVUSD's comments on the Draft EIR.) Additionally, Section 3.3.3, Elementary School, in Chapter 3.0, Project Description, of the Draft EIR notes that the City Council would first have to approve the proposed Project in order for the SVUSD to move forward with building the proposed elementary school on the Project site. Although City Council approval is an important requirement, Section 3.3.3 of the Draft EIR clarifies that a proposed elementary school on the Project site would also be subject to environmental review and approval by SVUSD and would need to be approved by the California Department of Education (CDE).

2.4 ORGANIZATIONS

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September 26, 2019

mluna@lakeforestca.gov

Ms. Marie Luna Senior Planner City of Lake Forest 25550 Commercentre Drive Suite 100 Lake Forest, CA 92630

Re: Comments By Autumnwood HOA Re Proposed Nakase Property DEIR

Dear Ms. Luna:

I represent Autumnwood Homeowners Association ("Autumnwood HOA") and I am providing comments for Autumnwood HOA in response to the City's Draft Environmental Impact Report ("DEIR") for the Proposed Nakase Property project. The proposed project would entitle development of up to 675 two and three story, single-family residential units on approximately 61.4 acres of the 122 acre proposed project site and the proposed project also includes an elementary school that would accommodate approximately 800 to 1,000 students from kindergarten through sixth grade (the "Project"). The current land use for the Project site is the Nakase Brothers Wholesale Nursery, an agricultural wholesale plant nursery.

O-1-1

The City has determined from the Initial Study completed for the proposed Project that the proposed Project could result in potential impacts related to aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, and utilities and service systems. The City indicated that these impacts would be fully analyzed in the DEIR. The City has further indicated that mitigation measures will be developed and included in the DEIR.

O-1-2

However, the DEIR that was recently made available to the public for the proposed Project fails to analyze all potential impacts to Autumnwood HOA including, without limitation, all cumulative impacts, impacts involving potential flooding along Serrano Creek (including, without limitation, erosion and slope stability), increased traffic, noise, impacts on limited public services including public safety services, besides the potential impacts provided above that have been identified by the City. For purposes of this analysis, "[t]he area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions." (14 Cal. Code Regs. 15360)

O-1-3

O-1-4

O-1-5,6,7

O-1-8

O-1-9

Ms. Marie Luna
September 26, 2019
Page 2

For each of the above matters, “[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” (14 Cal. Code Regs. 15125(d).) For example, all local and regional flood control and erosion control plans must be analyzed as part of the DEIR. Increased traffic impacts must also be fully analyzed, among the other areas of concern provided above.

O-1-10

O-1-11

For each environmental impact that is found to be significant, the DEIR must include comprehensive mitigation measures that protect communities like Autumnwood HOA from all adverse environmental impacts. The development of comprehensive mitigation measures that fully protect Autumnwood HOA is essential based on the concerns raised in this letter.

O-1-12

The DEIR impermissibly relies on future studies and describes mitigation measures in reliance on studies that have not been performed. As such, the DEIR cannot commit to specific mitigation measures as required by law. (*Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 442 [generalized air quality measures failed to set performance standards]; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 195 [agency could not rely on future report on urban decay with no standards for determining whether mitigation required]; *POET, LLC v State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v County of Madera* (2008) 167 Cal.App.4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified general goal for mitigation rather than specific performance standard].)

O-1-13

Here, the DEIR proposes a stormwater drainage system which purports to keep any additional water from going into Serrano Creek as a mitigation measure. (DEIR, at page 3-41 – 3-42) However, similar to the deficiencies found by the Courts in the above cases, a Final Hydrology Study and hydraulic analyses have not been done and instead those final studies will be completed sometime in the future. (DEIR, at pages 4.10-29; 4.10-31; 4.10-41) These final studies are required to be completed first to ensure adequate mitigation measures are developed and fully analyzed in the DEIR before the project is approved.

As matters stand now, if these final studies (once completed) show greater impacts on Serrano Creek than anticipated, the proposed mitigation measures that have been included in the DEIR based on assumptions (and not facts, since there is no final study), will fail to adequately protect Autumnwood HOA. Therefore, the DEIR cannot be approved by the City until after a Final Hydrology Study and hydraulic analyses have been done and fully studied in the DEIR.

Should you have any questions, or if you need any additional information about Autumnwood HOA’s concerns about the proposed Project, please let me know.

O-1-14

Ms. Marie Luna
September 26, 2019
Page 3

Sincerely,

ALESHIRE & WYNDER, LLP


Anthony R. Taylor

AUTUMNWOOD HOMEOWNER'S ASSOCIATION

Letter Code: O-1

Date: September 26, 2019

Response to Comment O-1-1

This comment is introductory and summarizes the project description contained in the Draft Environmental Impact Report (EIR). The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment O-1-2

This comment lists the environmental topics that the Nakase Property Area Plan could potentially affect based on the findings of the Initial Study (Appendix A of the Draft EIR). The comment states that the City of Lake Forest (City) indicated that the impacts for these topics would be fully analyzed in the Draft EIR and mitigation measures would be developed and included in the Draft EIR. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Response to Comment O-1-3

This comment states that the Draft EIR fails to analyze potential cumulative impacts to the Autumnwood Homeowner's Association (HOA). Sections 4.1 through 4.19 of the Draft EIR each contain a cumulative impact analysis in the "Cumulative Impact" subsections (refer to the seventh subsection in each topical section of Chapter 4.0). Consistent with the requirements of the California Environmental Quality Act (CEQA) and the *State CEQA Guidelines*, the cumulative analysis in the Draft EIR evaluates whether a project's incremental effect combined with the effects of other projects is "cumulatively considerable." The comment does not specify which cumulative impacts the commenter believes were not addressed. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-4

This comment states that the Draft EIR fails to analyze potential flooding impacts along Serrano Creek. Off-site flooding impacts to Serrano Creek downstream of the Project site were analyzed in Section 4.10, Hydrology and Water Quality, of the Draft EIR under Threshold 4.10.3(ii). As demonstrated by the hydrologic modeling conducted as part of the *Preliminary Hydrology Analysis* (provided in Appendix I of the Draft EIR) and in Section 4.10 of the Draft EIR, in the proposed condition, the peak flow of stormwater runoff from the Project site (which is eventually discharged to Serrano Creek) would be less than the existing conditions with implementation of the proposed detention facilities. For this reason, the Draft EIR concluded that flooding impacts to Serrano Creek downstream of the Project would be less than significant, and no mitigation is required.

Response to Comment O-1-5

This comment states that the Draft EIR fails to analyze potential erosion and slope stability impacts along Serrano Creek. Off-site erosion and slope stability impacts to Serrano Creek downstream of

the Project site were analyzed in Section 4.10, Hydrology and Water Quality, of the Draft EIR under Threshold 4.10.3(ii). As demonstrated by the hydrologic modeling conducted as part of the *Preliminary Hydrology Analysis* (Appendix I of the Draft EIR) and in Section 4.10 of the Draft EIR, in the proposed condition, the proposed Project would be required to comply with the hydromodification requirements of the North Orange County Municipal Separate Storm Sewer System (MS4) Permit and reduce stormwater runoff from the Project site so it does not exceed pre-development runoff rates or time of concentration by more than 5 percent. As described in Section 4.10 of the Draft EIR, hydromodification is the alteration of the hydrologic characteristics of water bodies. Increased stream flows and changes in sediment transport caused by increased impervious areas from urbanization or other land use changes can result in increased stream flows, erosion, and changes in sediment transport. The hydromodification requirements of the North Orange County MS4 Permit are established by the Santa Ana Regional Water Quality Control Board (RWQCB) to ensure that hydromodification impacts to surface waters do not occur as a result of project development. As demonstrated in the hydrologic modeling conducted for the Project, the flow of stormwater runoff from the Project site (which is eventually discharged to Serrano Creek) would be less than the existing conditions with implementation of the proposed detention facilities. Because the proposed Project would meet the hydromodification requirements of the North Orange County MS4 Permit, the Project would not result in hydromodification impacts to Serrano Creek downstream of the Project site. As such, the Draft EIR concluded that downstream erosion and siltation impacts would be less than significant and no mitigation is required.

Response to Comment O-1-6

This comment states that the Draft EIR fails to analyze potential traffic impacts to the Autumnwood HOA. Traffic impacts were analyzed in Section 4.16, Transportation/Traffic in accordance with the City of Lake Forest traffic analysis guidelines. Although the roadways within the Autumnwood HOA were not specifically analyzed, there is no indication that the Autumnwood HOA would be a destination for enough vehicles generated from the Project site to result in a significant impact to the Autumnwood HOA roadways. The comment does not specify the intersections or roadways that the commenter believes traffic impacts should have been analyzed. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-7

This comment states that the Draft EIR fails to analyze potential noise impacts to the Autumnwood HOA. As detailed in Section 4.12, Noise, the Noise Analysis evaluated potential noise impacts at sensitive receivers adjacent to the Project site. The sensitive receivers analyzed are located between 80 feet and 264 feet from the Project site. As discussed in Threshold 4.12.1, construction and operational noise from the Project site would not exceed City noise thresholds. Construction noise would range from 53.3 to 65.2 dBA L_{eq} (equivalent continuous sound level in A-weighted decibels) at the sensitive receiver locations and therefore would not exceed the construction noise level threshold of 85 dBA L_{eq} at any receiver location. The hourly noise levels associated with the playgrounds, sports fields, outdoor pool/spa activities, a dog park, and school parking lot vehicle movements are expected to range from 17.9 to 32.5 dBA L_{50} (median noise level in A-weighted decibels) at the sensitive off-site receiver locations. As shown in Table 4.12.F of the Draft EIR, noise levels at the sensitive receivers would not exceed significance thresholds during operation. The

Autumnwood HOA is located approximately 1 mile to the southeast of the Project site. The proposed Project would not result in construction or operational noise impacts to the Autumnwood HOA because noise impacts would not occur at sensitive receptors that are adjacent to the Project site and would be substantially lower at the Autumnwood HOA due to the distance between the Autumnwood HOA and the Project site.

Response to Comment O-1-8

This comment states that the Draft EIR fails to analyze potential public services impacts, including public safety services, to the Autumnwood HOA. Impacts to public services were analyzed in Section 4.14, Public Services, and included analysis of impacts related to increased demand for services provided by the Orange County Fire Authority (OCFA) and the Orange County Sheriff's Department (OCSD), who provide fire and police protection services, respectively, to the City, including the Autumnwood HOA. The proposed Project would generate 2,274 residents, which would incrementally increase demand for fire services. As such, Mitigation Measure 4.14.1 is included to reduce impacts related to increased demand for fire services. Mitigation Measure 4.14.1 requires the developer to enter into the secured fire protection agreement prior to issuance of any building permits for the proposed Project. The agreement would specify the developer's pro-rata, fair-share funding for capital improvements necessary to establish and maintain adequate fire protection facilities, equipment, and personnel. The increased population resulting from the proposed Project would also increase demand for police protection services, which would require an additional 1.44 additional deputies. The OCSD indicated they would be able to adequately provide police protection services after implementation of the proposed Project. In addition, implementation of the proposed Project would generate additional funding for the City through property tax revenue. These funds could be used for the development of needed facilities, additional personnel, or new equipment, if required. The allocation of additional tax revenues would be at the discretion of City policymakers based on City needs. With implementation of Mitigation Measure 4.14.1 and additional funding for fire and police protective services, the Draft EIR concluded that impacts to public services would be less than significant.

Response to Comment O-1-9

This comment states that the analysis in the Draft EIR should be the area in which significant effects would occur either directly or indirectly as a result of the Project and should include both natural and man-made conditions. The Draft EIR evaluated direct and indirect impacts on both natural and man-made conditions as required by CEQA. The comment does not specify which impacts the commenter believes were not addressed. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-10

This comment states that the Draft EIR should discuss any inconsistencies between the proposed Project and the applicable general plans and regional plans. This comment also states that consistency with all local and regional flood control and erosion control plans must be analyzed as part of the Draft EIR. Analysis of the proposed Project's consistency with the City of Lake Forest General Plan and applicable regional plans was included under Thresholds 4.11.2 and 4.11.4 in Section 4.11, Land Use and Planning, of the Draft EIR. The comment does not specify which local and

regional flood control and erosion control plans they believe should be included in the consistency analysis. As stated in Response to Comments O-1-4 and O-1-5 above, the proposed Project would not result in flooding or erosion impacts to Serrano Creek downstream of the Project site. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-11

This comment states that increased traffic impacts must be fully analyzed, as well as the other areas of concern listed in Comments O-1-3 through O-1-8 above. Please refer to Response to Comments O-1-3 through O-1-8 for responses to the other areas of concern expressed in the comment letter. A *Traffic Impact Analysis* (Appendix L of the Draft EIR) was prepared for the project, consistent with the requirements of the City of Lake Forest, the Orange County Congestion Management Program, California Department of Transportation (Caltrans) methodology, and applicable CEQA provisions. The results of the *Traffic Impact Analysis* were summarized in Section 4.16, Transportation/Traffic. The comment does not specify which traffic impacts the commenter believes were not addressed. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-12

The comment states that the Draft EIR must include comprehensive mitigation measures to protect communities like Autumnwood HOA from adverse environmental impacts. The Draft EIR analyzed potentially significant impacts in Sections 4.1 through 4.19 and included mitigation measures as appropriate pursuant to the requirements of CEQA. The comment does not specify which mitigation measures should have been provided beyond those specified in the Draft EIR. In the absence of further clarification, no further response can be provided.

Response to Comment O-1-13

This comment claims that the Draft EIR relies on future studies as mitigation for impacts to the stormwater drainage system. This comment also claims that the Draft EIR proposes a stormwater drainage system as a mitigation measure. Contrary to the comment's claim, impacts to hydrology and the stormwater drainage system were appropriately analyzed in Section 4.10, Hydrology and Water Quality. A *Preliminary Hydrology Analysis* (Appendix I to the Draft EIR) was prepared for the Nakase Property Area Plan in conformance with the requirements of the City of Lake Forest and the County of Orange. The on-site storm drain system and underground detention basin required to convey and retain stormwater runoff were determined and sized as part of the *Preliminary Hydrology Analysis*. The on-site storm drain system and underground detention vault specified in the *Preliminary Hydrology Analysis* are included as part of the Project, as described in Section 3.6, Infrastructure Improvements, in Chapter 3.0, Project Description, and were included in the analysis of hydrologic impacts in Section 2.10, Hydrology and Water Quality. The on-site storm drain system and underground detention basin would be sized to reduce flow to meet the North Orange County MS4 Permit hydromodification requirements (i.e., would not exceed pre-development runoff rates or time of concentration by more than 5 percent). As such, the Draft EIR determined that with incorporation of the proposed on-site storm drain system and underground detention basin, mitigation for hydrologic impacts is not required.

As described in Section 3.3.1, Land Use Plan, in Chapter 3.0, Project Description of the Draft EIR, the Nakase Property Area Plan establishes guidelines for the future development of the planned community. The Nakase Property Area Plan is a conceptual plan for build out of the Project site over a 5.5-year period. As such, the specific design details of each neighborhood, including storm drain systems and detention facilities, will be refined as each phase of the Project is built out. As stated in the comment, Final Hydrology and Hydraulic Analyses would be prepared, as specified in Regulatory Compliance Measure (RCM) WQ-4; however, this is a standard requirement and is not considered to be mitigation or a deferral of mitigation. Because the Nakase Property Area Plan is a conceptual plan for build out of the Project site, it is not feasible at this time to know the exact design or sizing details of the storm drain system and detention facilities. Hence, these details will be determined and the design of the storm drain systems and detention facilities refined as part of the Final Hydrology and Hydraulic Analyses, based on the final plans of each neighborhood as they are built out. The proposed storm drain systems and detention facilities are not anticipated to deviate substantially from those detailed in the *Preliminary Hydrology Analysis* and would be required to meet City and County requirements. Because the City would review the Final Hydrology and Hydraulic Analyses, and the drainage systems and detention facilities would meet regulatory requirements (i.e., reduce flow to meet the North Orange County MS4 Permit hydromodification requirements), any refinements to the design that may occur would not result in new significant impacts beyond those analyzed in the Draft EIR.

Response to Comment O-1-14

This comment concludes the letter and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

2.5 INDIVIDUALS

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From: Charles Larson <ccl Larson777@yahoo.com>
Sent: Thursday, September 05, 2019 7:23 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase/Toll EIR

Hello Marie,

We live nearby the Nakase property, and are deeply opposed to the proposed project for the following reasons: | P-1-1

- Toll Brothers is lying to us. They continue to talk about a school site, even though SVUSD has indicated they don't intend to build a school there. We have spoken several times with Principal McNevin of Foothill Ranch Elementary, and he has indicated that a) the school is under its historical maximum; and b) if more students show up, they'll just put in more portable classrooms. It should be noted that even though *we* feel the school is overcrowded, our opinion doesn't matter; SVUSD's does. The same is true for Toll Brothers. There are other issues, like that corner being a terrible location for a school, directly across the street from a gas station, but SVUSD's opinion reigns supreme. There will be no school and it is dishonest of Toll Brothers to continue talking about it. | P-1-2
| P-1-3
| P-1-4
| P-1-5

- According to the Toll Brothers informational meeting we attended, the property is zoned by the County for Agriculture and by the City for Light Industrial. It's sort of an odd dichotomy. We would like the city to rectify this by changing the designation to conform to the County's designation of Agriculture. That failing, leave the designation as-is. We would be less impacted by light industrial buildings than by more houses. | P-1-6

- More traffic on Bake is a public safety hazard in an already traffic-choked area due to the large mall nearby. Emergency services and evacuation paths will be impacted. | P-1-7

Thank you for your consideration.

Regards,

Charles D. "C.D." Larson, Jr.
Margaret M. Larson
15 Coronado
Foothill Ranch

CHARLES LARSON

Letter Code: P-1

Date: September 5, 2019

Response to Comment P-1-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-1-2

The comment states that the Saddleback Valley Unified School District (SVUSD) has indicated they do not intend to build a school on the Project site. As discussed in Section 3.0, Project Description, of the Draft EIR, the proposed Project includes a site for an elementary school on the northeast corner of the Project site, near the Bake Parkway/Rancho Parkway intersection. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site and a discussion regarding students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-1-3

The comment states that the Principal of Foothill Ranch Elementary School has indicated that Foothill Ranch Elementary is under its historical maximum and that portables will be used if additional students are zoned for Foothill Ranch Elementary School. Refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the SVUSD options for accommodating any enrollment increases associated with the proposed Project.

Response to Comment P-1-4

The comment states that the proposed school is improperly located on the Project site due to the school's proposed proximity to the Shell gas station located at the Bake Parkway/Rancho Parkway intersection. Please refer to Theme #3 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the environmental analyses undertaken for the potential school site.

Response to Comment P-1-5

The comment states there will be no school constructed on the Project site. Refer to Theme #1 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site.

Response to Comment P-1-6

The comment states there is an inconsistency between the current County and City zoning for the proposed Project site (Agriculture and Light Industrial, respectively) and suggests that the City

resolve the inconsistency by changing the zoning of the proposed Project site to conform with the County zoning (Agriculture), or leave the zoning designation as is to minimize the construction of additional homes. The comment further opines that residents would be less impacted by light industrial buildings than by more houses.

As explained on Draft EIR page 3-11, the Project site is currently designated under the City's General Plan as Business Park and Business Development Overlay; further, the Project site is currently zoned by the City as A1-Agricultural District. The proposed Project would involve both an amendment to the City's General Plan and a change to the City's zoning. Section 4.11, Land Use, in the Draft EIR discussed potential land use impacts related to the proposed rezoning of the property and the proposed General Plan Amendment. In addition, Alternative 1, evaluated in Chapter 5, Alternatives, in the Draft EIR assumed that the Project site would be developed to the maximum intensity allowed under the existing General Plan designation of Business Park. The Business Park designation is intended to provide a mix of uses as allowed under the Commercial, Professional Office, and Light Industrial designations. Alternative 1 would include 1,841,700 square feet (sf) of Business Park use. Based on the analysis in the Draft EIR, Alternative 1 would result in greater impacts (as compared to the proposed Project) related to greenhouse gas emissions, air quality, energy consumption (during operation), off-site traffic noise, and operational traffic. It would result in reduced impacts (as compared to the proposed Project) related to population and housing, recreation, and public services. For additional information, refer to the discussion of Alternative 1 in Chapter 5, Alternatives, in the Draft EIR.

Response to Comment P-1-7

The comment asserts that additional traffic on Bake Parkway creates a public safety hazard due to the potential impact to emergency services and evacuation routes. Section 4.9, Hazards and Hazardous Materials, of the Draft EIR evaluated the potential for the proposed Project to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. As discussed under Threshold 4.9.6 in Section 4.9 of the Draft EIR, each of the three existing intersections that would provide access to the Project site (one traffic signal on Bake Parkway, one unsignalized intersection on Bake Parkway, and one traffic signal on Rancho Parkway) would operate at a satisfactory level of service (LOS) under each of the scenarios that were evaluated. Existing routes for emergency vehicles would not be impeded by the Project, and emergency vehicles would have multiple routes to access the Project site. In addition, Section 4.16, Transportation/Traffic, of the Draft EIR, evaluated the potential for the proposed Project to result in inadequate emergency evaluation access. The analysis in the Draft EIR concluded that the proposed Project would not impede existing routes for emergency vehicles, and emergency vehicles would have multiple routes to access the Project site. Further, as part of the Project approval process, emergency access to/from the site would be required to meet all applicable City codes and standards. Therefore, the proposed Project would result in less than significant impacts related to interference with an adopted emergency response plan or emergency evacuation plan.

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From: Connie <clab25@aol.com>
Sent: Friday, September 06, 2019 2:24 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Too many houses!

In my opinion, that is too many houses. The traffic on Bake is already worse with Baker Ranch. | P-2-1
Connie Clabaugh
25172 Cineria Way
Lake Forest, CA 92630
Sent from [Mail](#) for Windows 10

CONNIE CLABAUGH

Letter Code: P-2

Date: September 6, 2019

Response to Comment P-2-1

This comment states that the residential development includes too many houses and that traffic on Bake Parkway has worsened due to the recent development of Baker Ranch. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft Environmental Impact Report [EIR]) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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

From: Andrea Alexander <andreaalexander12@ymail.com>

Sent: Wednesday, September 25, 2019 5:17 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Traffic on Bake

Hi Marie,

Sorry it has taken me so long to get this notice out to you but it took me a while to filter through the latest Environmental Impact Report for the Nakase Nursery site.

P-3-1

The way I see it there will be over 1000 vehicles traveling along Bake Parkway in the course of this project and even after it is complete. I find that to be excessive and would hope that the city could find some way to mitigate the impact to the homeowners that live along Bake Parkway.

P-3-2

I would again like to stress that fuel particulates are known carcinogens and that the noise levels along Bake Parkway exceed the recommended decibels now, even before you begin the project. I continue to believe that a higher wall would help with the noise, but clearly not with the particulates. I don't open my windows on the Bake side of my house nor do my neighbors. We also don't use our backyards as the noise level prevents any normal conversation. It's bad now....whats is going to be like when we add 1000 more vehicles?

P-3-3

P-3-4

Please find a solution. A wall, a detour, something. Perhaps the County can assist in this endeavor.

Thank you for taking the time to listen to my concerns yet again.

P-3-5

Respectfully,

Andrea Alexander
24412 Calle Torcido
415-747-1294

ANDREA ALEXANDER

Comment Code: P-3

Date: September 25, 2019

Response to Comment P-3-1

The comment states that the commenter has reviewed the Draft Environmental Impact Report (EIR) for the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-3-2

The comment asserts that the proposed Project will add more than 1,000 vehicles to Bake Parkway and requests that the City determine a method for mitigating the impact to existing homeowners along Bake Parkway. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-3-3

The comment asserts that diesel particulate matter emissions are known carcinogens. Section 4.3, Air Quality, of the Draft EIR summarizes the results of the localized significant thresholds (LSTs) analysis prepared for the proposed Project (included in the Air Quality Impact Analysis, Appendix C of the Draft EIR). As explained in Section 3.7, Background on Localized Significance Threshold (LSTs), in the Air Quality Impact Analysis, the South Coast Air Quality Management District (SCAQMD) established LSTs in response to the SCAQMD Governing Board's Environmental Justice Initiative I-4. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard (such as PM₁₀ and PM_{2.5}) at the nearest residence or sensitive receptor (for the proposed Project, this includes nearby residents along Bake Parkway). The federal and State ambient air quality standards are intended to establish the levels of air quality necessary to protect public health from any known or anticipated adverse health effects of a pollutant.

LSTs were developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities. To address the issue of localized significance, the SCAQMD adopted LSTs that show whether a project would cause or contribute to localized air quality impacts and thereby cause or contribute to potential localized adverse health effects. The analysis makes use of methodology included in the SCAQMD *Final Localized Significance Threshold Methodology* (LST Methodology). The SCAQMD encourages lead agencies (i.e., the City of Lake Forest) to rely on the LSTs as another indicator of significance in their air quality impact analyses.

As discussed under Threshold 4.3.3, in Section 4.3, Air Quality, of the Draft EIR, the proposed Project's emissions would not exceed the LSTs or violate any applicable air quality standards. As

explained in Section 4.3, Air Quality, of the Draft EIR, the air quality standards are health-based, and as such, no adverse air quality health impacts are predicted to occur due to the construction and operation of the proposed Project.

Response to Comment P-3-4

The comment asserts that current noise levels along Bake Parkway exceed the recommended decibels and suggests a taller sound wall to protect residents along Bake Parkway from elevated noise levels. Section 4.12, Noise, in the Draft EIR evaluated potential operational traffic noise impacts. As discussed under Threshold 4.12.1, the off-site traffic noise modeling shows that conditions would range from 63.6 to 78.5 dBA CNEL (Community Noise Equivalent Level measured in A-weighted decibels), and the proposed Project would generate noise level increases of 0.1 to 0.72 dBA CNEL on the study area roadway segments for all scenarios. The Project-related noise level increases are considered less than significant at the noise-sensitive land uses adjacent to roadways conveying Project traffic since they would not exceed a 3 dBA CNEL increase when the noise level exceeds the 65 dBA CNEL standard for sensitive land uses. Thus, no mitigation is required for off-site traffic noise impacts.

Response to Comment P-3-5

The commenter thanks the City for listening to concerns about the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

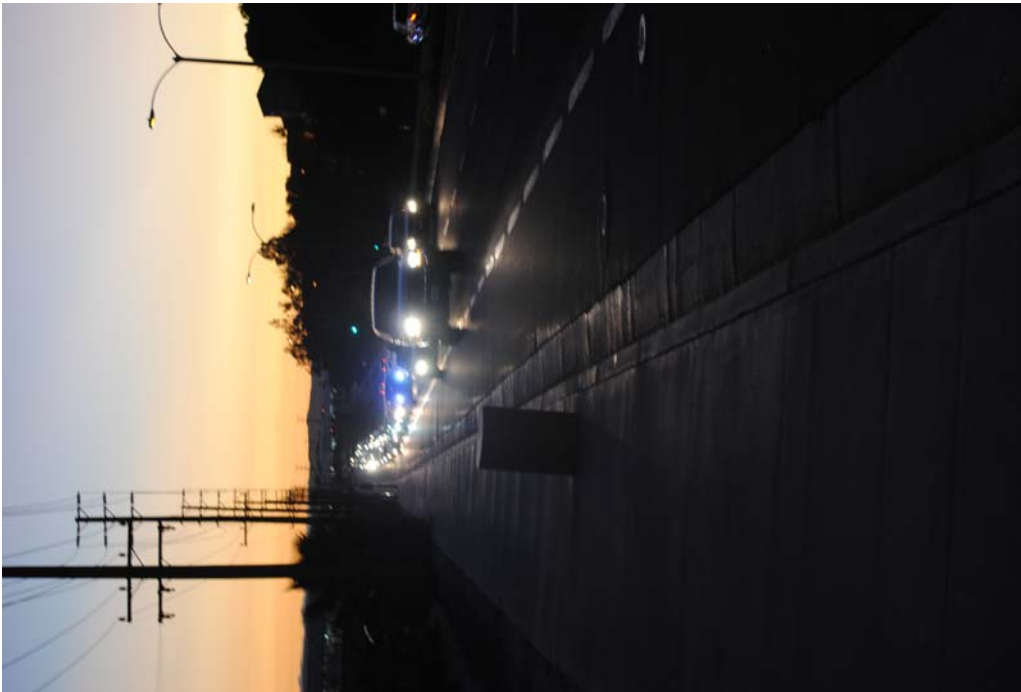
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From: Bob Holtzclaw <lakeforestbob@hotmail.com>
Sent: Wednesday, September 25, 2019 10:24 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Toll Bros./Nakase property

This is what Bake Parkway looks like at 7pm. What will it look like if 700 to 800 homes are built at the Nakase property?

P-4-1

Bob



BOB HOLTZCLAW

Comment Code: P-4

Date: September 25, 2019

Response to Comment P-4-1

The comment expresses concerns about the additional traffic volume that the proposed Project could add to Bake Parkway. As described in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

From: Shulman, Ginger <gshulman@lpadesignstudios.com>
Sent: Wednesday, September 25, 2019 8:46 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase Property Project Proposal

Good Morning,

I have one question for now that I am hoping you can answer.

Once the proposed school is open and operational, how can we be certain the school capacity will not evolve over the 1,000 student cap? Currently this property is in the jurisdiction of the City, but if this is a public school then at some point DSA will have purview?

P-5-1
P-5-2

Best,

Ginger Shulman

This message is intended solely for the recipients identified above and should not be utilized by other parties. Information provided shall not be construed as official project information or direction until documented in a manner expressly stated in the contract documents. LPA assumes no responsibility for damage to user's property as a result of receiving this message or its contents. It is recommended that this message and any attachments be checked for harmful material or viruses prior to use.

GINGER SHULMAN

Comment Code: P-5

Date: September 25, 2019

Response to Comment P-5-1

The comment asks if there is any certainty that the capacity of the proposed school would not expand beyond 1,000 students after it opens. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for information regarding the ability of the Saddleback Valley Unified School District (SVUSD) to expand the capacity of the school at some point in the future.

Response to Comment P-5-2

The comment questions if the proposed school would be reviewed by the Division of the State Architect (DSA) at some point in the future. Please refer to Theme #3 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion of DSA's role in reviewing the plans for the proposed school.

From: Noma Bates <outlook_0253350FD995CC04@outlook.com>
Sent: Wednesday, September 25, 2019 3:46 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase Deveolpment

I do not think that many more homes in that area is going to help the traffic on Bake Parkway. The parks suggested our just small parks. We need to have larger open areas for people to enjoy. The Serrano Creek Trail allows for some passage of the wild animals but it needs to be supported by allowing smaller development in this area. Please revise this plan to eliminate the homes. If a school is needed then have that or a Senior living area which does not have a high volume of cars 24 hours a day.

P-6-1
P-6-2
P-6-3
P-6-4

I have lived here since 1995 and have seen our City Council be in the pockets of the developers. We need to think about the Quality of Life in lake Forest not the over crowdedness that has been allowed to prevail.

P-6-5

Thank you for listening to us that live and work here.

Noma Bates
949.246.1684
Sent from [Mail](#) for Windows 10

NOMA BATES

Letter Code: P-6

Date: September 25, 2019

Response to Comment P-6-1

The comment expresses concern that the addition of new homes on the Project site will result in additional traffic on Bake Parkway. As described in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-6-2

The comment expresses the commenter's dissatisfaction with the size of the proposed parks included in the proposed Project and requests that more open space be included on the Project site, particularly along the Serrano Creek Trail. Section 4.15, Recreation, in the Draft EIR evaluates the proposed Project's impacts on parks and other recreational facilities. As described in Section 4.15 of the Draft EIR, the proposed Project would be required to dedicate 5 acres (ac) of parkland per 1,000 people or pay in-lieu fees in accordance with Lake Forest Municipal Code Section 7.38.090(D) (Regulatory Compliance Measure [RCM] REC-1). Full build out of the proposed Project would create demand for 11.37 ac of park dedication based on the City's Municipal Code. The proposed Project would construct 11.32 ac of public park. Any shortages in parkland dedication requirements would be offset by the payment of in-lieu fees in accordance with Lake Forest Municipal Code Section 7.38.090(D). RCM REC-1 requires the Project Applicant/Developer to dedicate land or pay in lieu fees instead of or in combination with the dedication of land, so long as the fees are equal to the value of parkland that would otherwise be dedicated. Therefore, Section 4.15 of the Draft EIR concludes that the proposed Project, as proposed, would not result in any significant and unavoidable impacts related to the provision of parks and recreation facilities.

Figure 3.7 in Chapter 3.0, Project Description, in the Draft EIR shows that the proposed Project would provide open space and a habitat restoration area along Serrano Creek on the Project site.

Response to Comment P-6-3

The comment expresses opposition to the residential development included in the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-6-4

The comment expresses the commenter's preference that a school or senior housing be built on the Project site because neither of those uses generate trips 24 hours a day. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-6-5

The comment expresses concern about the impact that the proposed Project may have on the quality of life in Lake Forest. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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From: Norm Abbod <normanabbod@cox.net>

Sent: Wednesday, September 25, 2019 10:59 AM

To: ALISA WOOLSEY <awoolsey@lf2.org>; ARGELIA JIMENEZ <ajimenez@lf2.org>; BRUCE COOK <bcook@lf2.org>; DENNIS FREED <dennisfreed@cox.net>; JENNY MUCHA <jmucha@lf2.org>; JIM RICHERT <jprichert@cox.net>; JOLENE FUENTES <fuentesjolene@gmail.com>; Ken Hedge <KenHedge@cox.net>; PAUL COULTER <socalcoultter@gmail.com>; Sonny Morper <sonny@morper.net>; STEVE VALDERRAMA <stevendee33@yahoo.com>; BILL & KAY BURNETT <specialbkj@aol.com>; BOB HOLTZCLAW <lakeforestbob@hotmail.com>; CHIP CLARK <ChipClark@earthlink.net>; JEANINE J. LEE <jeaninejlee@gmail.com>; MICHAEL PATTON <mrpatton@sbcglobal.net>; NOMA BATES <nomabates@cox.net>; PATRICIA BOECK <patcmun@abi-ltd.com>; WILL DECKER <wdsbike@gmail.com>; bob bradley <suggins@earthlink.net>; CARRIE GEBLER <carriegebler@gmail.com>; CHARLYN GILLERA <charlyn.gillera@gmail.com>; Dale Ranchwood <DfischerDBA@yahoo.com>; Debbie Ranchwood <SUN2557@aol.com>; Filippo Ranchwood <filippo962@aol.com>; JD Ranchwood <jd@lfkeys.com>; Joan Ranchwood <jjones@directcomponents.com>; Kim Ranchwood <kmartinez@ryadon.com>; Rich Ranchwood <rstein@energizyourbrand.com>; SUSAN JENNRICH <sjennrich@outletsatsanclemente.com>; Tracy Ranchwood vanevery5@earthlink.net

Cc: Luna, Marie <mluna@lakeforestca.gov>; Robinson, Dwight <d robinson@lakeforestca.gov>; Basile, Leah <lbasile@lakeforestca.gov>; Tettermer, Mark <MTettermer@lakeforestca.gov>; Moatazedi, Neeki <nmoatazedi@lakeforestca.gov>; Voigts, Scott <svoigts@lakeforestca.gov>

Subject: NAKASE-TOLL BROS-700 MORE HOMES OVER 2,000 MORE CARS ON BAKE PARKWAY!

This is what Bake Parkway looks like at 7 pm. What will it look like if Toll Bros. builds 700 to 800 homes at the Nakase property? [Bob](#)

P-7-1

Please contact Marie Luna, Senior Planner, COLF at mluna@lakeforestca.gov (949) 461-3511 before the DEADLINE: 10/3/2019 to voice your disapproval!

P-7-2

This is what will happen if this development is approved: Brief analysis by Dr. Jim Gardner and Andrew O'Connor:

700 homes x 3 cars per home = 2100 new cars
Each unit contributes 8 vehicles trips per day
700 x 8 = 5600 new vehicles trips per day in the city.

P-7-3

On Tue, Sep 24, 2019 at 9:53 PM Andrew OConnor <ao80130@yahoo.com> wrote:

Please use these photos and the following "talking points" with your friends to stop the NAKASE TOLL BROS 700+ home development.

Marie Luna Senior Planner COLF

461-3511 is taking all resident complaints. Deadline is near 10/03/19

email:

mluna@lakeforestca.gov

TALKING POINTS: **"QUALITY OF LIFE"**

1.) 700 homes x's 2 cars are 1,400 cars on Bake Pkwy and Lake Forest Drive daily!!

P-7-4

2.) The EIR already reports these intersections will be jammed: Toledo, Jeronimo, Muirlands

P-7-5

3.) Post Office is overcapacity with BR, 700 new addresses are impossible to sort at the Raymond facility.

P-7-6

4.) Proposed "neighborhood Parks" are really playgrounds, more than 6 kids...forget about it. Besides the total acreage of "Parks" is below what the city requires.

P-7-7

5.) Libraries both FR and El Toro are overwhelmed can't handle anymore!

P-7-8

6.) "Proposed School Location" is on the corner from the Shell Gas Station. The 241 emits toxins as does Bake Pkwy which will be noisy next to the 1,000 student campus.

P-7-9

Also, the Saddleback Valley Unified School District (SVUSD) has not committed. FRE is already at capacity with 1,300 students!

P-7-10

7.) Westbound Bake at Southbound Rancho cannot handle the traffic now, imagine with more residents using.

P-7-11

8.) Home cost will be over \$1.0M!!

Lake Forest demographics show you must have at least a combined income of \$100K!! What LF residents can afford? Who can afford to buy a \$1M home?

P-7-12

9.) Where is the water coming from? SCE equipment is not being added...more blown transformers!!

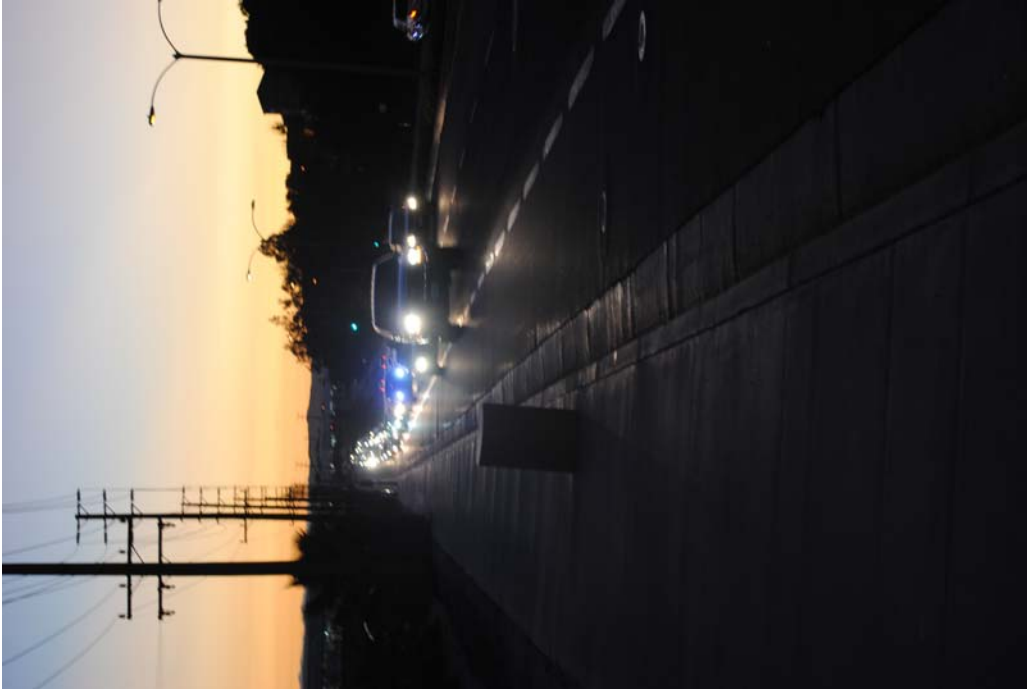
P-7-13

This development **TOTALLY** impacts our "Quality of Life"

Please pass on to your friends cut and paste and email to Marie Luna at mluna@lakeforestca.gov.

P-7-14

Thank you! Norm



NORM ABBOD

Letter Code: P-7

Date: September 25, 2019

Response to Comment P-7-1

The comment expresses concerns about the additional traffic volume that the proposed Project could add to Bake Parkway. As described in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-7-2

The comment provides contact information for the City planner assigned to the proposed Project and expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-7-3

The comment asserts that each of the proposed Project's residential units would add 3 cars and 8 vehicle trips per day. Assuming the proposed Project would include 700 homes, this would add 2,100 cars and 5,600 new vehicle trips per day to the City. Consistent with established professional practices and procedures, Table 4.16.F: Project Trip Generation Summary, in Section 4.16, Transportation/Traffic, of the Draft EIR provides the average daily trips generated by the proposed Project, not the number of cars per home. According to Table 4.16.F, the proposed Project's residential uses would generate 6,745 average daily trips. Overall, the proposed Project would generate 8,789 average daily trips, including 1,202 trips during the a.m. peak hour and 879 trips during the p.m. peak hour.

Response to Comment P-7-4

The comment asserts that the construction of 700 homes on the Project site would increase the traffic volumes on Bake Parkway and Lake Forest Drive by 1,400 cars daily. Please refer to Response to Comment P-7-3. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-7-5

The comment claims that the Draft EIR states that Toledo Way, Jeronimo Road, and Muirlands Boulevard would experience significant traffic impacts as a result of the proposed Project. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including the intersections of Bake Parkway/Toledo Way, Bake Parkway/Jeronimo Road, and Bake Parkway/Muirlands Boulevard. According to Section 4.16 of

the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-7-6

This comment asserts that the United States Post Office is overcapacity with the recent development of the Baker Ranch and that the addition of 700 new homes will exacerbate this issue. This comment raises concerns regarding the capacity of the United States Postal Service (USPS) to accommodate the additional mail associated with the proposed Project. The California Environmental Quality Act (CEQA) does not require the evaluation of a project's potential impacts on mail delivery service. Therefore, this issue is not addressed in the Draft EIR; however, it should be noted that most government agencies, including the USPS, typically consider regional population and employment growth projections to ensure their facilities and/or staffing levels are adequate to meet the demand for their services.

Response to Comment P-7-7

The comment opines that the proposed neighborhood parks are not the appropriate size to serve the proposed Project, and asserts that the total parkland acreage provided by the proposed Project would be less than the parkland acreage required by the City. Section 4.15, Recreation, in the Draft EIR evaluates the proposed Project's impacts on parks and other recreational facilities. As described in Section 4.15 of the Draft EIR, the proposed Project would be required to dedicate 5 acres (ac) of parkland per 1,000 people or pay in-lieu fees in accordance with Lake Forest Municipal Code Section 7.38.090(D) (Regulatory Compliance Measure [RCM] REC-1). Full build out of the proposed Project would create demand for 11.37 ac of park dedication based on the City's Municipal Code. The proposed Project would construct 11.32 ac of public park. Any shortages in parkland dedication requirements would be offset by the payment of in-lieu fees in accordance with Lake Forest Municipal Code Section 7.38.090(D). RCM REC-1 requires the Project Applicant/Developer to dedicate land or pay in-lieu fees instead of or in combination with the dedication of land, so long as the fees are equal to the value of parkland that would otherwise be dedicated. Therefore, Section 4.15 of the Draft EIR concludes that the proposed Project, as proposed, would not result in any significant and unavoidable impacts related to the provision of parks and recreation facilities.

Response to Comment P-7-8

The comment asserts that Foothill Ranch Library and El Toro Library are overwhelmed and cannot accommodate an increase in local residents. Section 4.12, Public Services, in the Draft EIR evaluates potential impacts to public libraries under Threshold 4.14.1(v). As discussed in Threshold 4.14.1(v), no new libraries would be required to be developed, nor would an existing library need to be expanded to provide adequate public library services. The additional population growth associated with the proposed 101 senior affordable housing units and 675 single-family residential units would result in a demand for 454.8 square feet of additional library space in the City. Based on the City's demand ratio, this increase in demand for library space can be accommodated by the existing libraries in Lake Forest. Additionally, implementation of the proposed Project would generate additional funding for the City through property tax revenue. These funds could be used for the future development of new or expanded library facilities or new library equipment, when

warranted. Therefore, impacts to public library facilities would be less than significant, and no mitigation would be required.

Response to Comment P-7-9

The comment states that the proposed school would be located on a corner across from an existing Shell Gas Station and also states that State Route 241 (SR-241) and Bake Parkway emit toxins. The comment also states that Bake Parkway will be noisy next to a school campus. Please refer to Theme #3 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the environmental analyses undertaken for the potential school site.

Response to Comment P-7-10

The comment states that the Saddleback Valley Unified School District (SVUSD) has not committed to building an elementary school on the Project site, and asserts that Foothill Ranch Elementary school is already at its capacity. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-7-11

The comment asserts that Bake Parkway at Rancho Parkway cannot accommodate any additional westbound traffic. Section 4.16, Traffic/Transportation, of the Draft EIR identifies circulation impacts that may result during, or subsequent to, the development of the proposed Project. The Bake Parkway/Rancho Parkway intersection would continue to operate at acceptable levels with the addition of Project traffic under all scenarios evaluated in the *Nakase Property Traffic Impact Analysis* (included in Appendix L of the Draft EIR). Therefore, the Project's potential impacts to the Bake Parkway/Rancho Parkway intersection upon completion of the proposed Project would be less than significant.

Response to Comment P-7-12

The comment asserts that the cost of the proposed homes will exceed what is affordable to the residents of the City. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-7-13

The commenter asks where the proposed Project will obtain potable domestic water and asserts that existing Southern California Edison (SCE) electrical equipment will be damaged as a result of SCE not installing new equipment as part of the proposed Project. Section 4.18, Utilities and Service Systems, of the Draft EIR evaluates the potential impacts of the proposed Project on utilities and service systems. As discussed under Threshold 4.18.1, the Irvine Ranch Water District (IRWD) provides domestic and recycled water service through existing water lines to the Project site. Given that the proposed Project would comply with the IRWD standard requirements for facility planning and that adequate water distribution facilities would exist to serve the proposed Project, the

proposed Project would not require the relocation or construction of new or expanded facilities beyond the on-site improvements. Section 4.18 also states that an increase in long-term demand for water is anticipated to occur during operation of the proposed Project. As required of all new development in California, the proposed Project would comply with State law regarding water conservation measures, including the pertinent provisions of Title 24 of the California Code of Regulations (CCR) regarding the use of water-efficient appliances, which are adopted in the City of Lake Forest's Municipal Code Section 8.02.001 by reference (RCM AQ-4). The potable water demand associated with the proposed Project would only represent 0.45 percent of the surplus water supply in the IRWD service area in 2025 under the worst-case scenario; therefore, the proposed Project would not necessitate new or expanded water facilities, and the IRWD would be able to accommodate the increased demand for potable water. Sufficient water supplies from existing entitlements are available to serve the proposed Project. Additionally, as discussed in Section 3.6, Infrastructure Improvements, of the Project Description, the Project proposes to underground the existing overhead 66-kilovolt (kV) power lines that are currently located on the east side of Bake Parkway within an existing 20-foot-wide SCE utility easement.

Response to Comment P-7-14

The comment asserts that the proposed Project would impact the quality of life in the City and asks other members of the community to submit their comments on the Draft EIR to the City. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Carol Toney <gardenaddict@sbcglobal.net>
Sent: Monday, September 30, 2019 4:08 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase nursery

I am writing to let the city no that I object to building residential homes on the site of the Nakase Nursery. More homes will not benefit the city in any way shape or form. They will create more traffic, more of a drain on our city services, such as fire, police and schools, etc. We already have too much traffic and that's why they're going to be making all the changes to the 5 Freeway. Is there an allowance in this project to add more police, fire and schools to the area? I urged the city to vote no on the development of Najase Nursery 4 building of more unnecessary homes.

P-8-1
P-8-2,3,4,5
P-8-6
P-8-7,8,9
P-8-10

Thank you,
Carol Toney

[Sent from Yahoo Mail on Android](#)

CAROL TONEY

Letter Code: P-8

Date: September 30, 2019

Response to Comment P-8-1

This comment expresses opposition to the building of residential homes on the proposed Project site and opines that the proposed Project would not benefit the City of Lake Forest. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-8-2

This comment opines that the proposed project would contribute to an increase in traffic. Section 4.16, Transportation/Traffic, in the Draft EIR states that all traffic impacts would be less than significant after mitigation. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis* (Appendix L of the Draft EIR).

Response to Comment P-8-3

The comment opines that the new homes included in the proposed Project would create a drain on City of Lake Forest (City) services, such as fire protection. The City contracts with the Orange County Fire Authority (OCFA) for fire protection and fire suppression services. As discussed in Section 4.14, Public Services, of the Draft EIR, the proposed Project would incrementally increase demand for fire protection and emergency service calls. However, the proposed Project would be required to implement Mitigation Measure 4.14.1, which requires the Project Applicant/Developer to enter into a secured fire protection agreement with OCFA prior to the issuance of any building permits for the proposed Project. This would ensure that OCFA and the Project Applicant/Developer have established plans for providing adequate fire protection and fire suppression mechanisms to the proposed Project, and for addressing the increase in demand for fire protection services and emergency calls. The agreement would also require that the Project Applicant/Developer contribute a pro-rata, fair-share funding for any necessary capital improvements, such as the hiring of additional OCFA personnel or the expansion of OCFA facilities and/or equipment. With mitigation incorporated, the proposed Project's impacts to fire protection services would be less than significant.

Response to Comment P-8-4

The comment opines that the new homes included in the proposed Project would create a drain on City services, such as police protection. The City contracts with the Orange County Sheriff's Department (OCSD) for police protection and law enforcement services. As discussed in Section 4.14, Public Services, of the Draft EIR, the proposed Project would not result in substantial adverse impacts to the OCSD's ability to provide adequate police protection and law enforcement services to the proposed Project and the City. Appendix K of the Draft EIR contains a Police Protection Questionnaire completed by OCSD in July 2019. OCSD confirmed that it would be able to adequately serve the proposed Project because it would not substantially increase response times or create a

substantial increase in demand for staff, facilities, equipment, or police or other emergency services. Therefore, impacts to police protection and law enforcement services as a result of the proposed Project would be less than significant.

Response to Comment P-8-5

The comment opines that the new homes included in the proposed Project would create a drain on City services, such as schools. The City of Lake Forest is served by the Saddleback Valley Unified School District (SVUSD). Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-8-6

The comment states an opinion that there is already too much traffic in the Project vicinity and that the improvements currently being implemented to Interstate 5 (I-5) are being done as a result of excessive traffic. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-8-7

The comment asks if the proposed Project would add police protection services to the area surrounding the Project site. The City contracts with OCSD for police protection and law enforcement services. As discussed in Section 4.14, Public Services, of the Draft EIR, the proposed Project's new residents would result in an increased demand for police protection and emergency service calls, thereby requiring the OCSD to hire additional deputies. As described in the Fiscal Impact Analysis prepared for the proposed Project (Appendix N of the Draft EIR), implementation of the proposed Project would generate additional funding for the City through property tax revenue, which could be used to acquire additional personnel, facilities, and equipment. The allocation of additional tax revenues would be at the discretion of City policymakers based on City needs. Additionally, OCSD indicated in a letter dated July 10, 2019 that, upon completion of the proposed Project, the OCSD would be able to adequately serve the proposed Project. Therefore, impacts to police protection services would be less than significant.

Response to Comment P-8-8

The comment asks if the proposed Project would provide fire protection services to the area surrounding the Project site. As discussed in Section 4.14, Public Services, of the Draft EIR, the proposed Project would incrementally increase demand for fire protection and emergency service calls. However, Mitigation Measure 4.14.1 requires the Project Applicant/Developer to enter into a secured fire protection agreement with OCFA that would require the Project Applicant/Developer to contribute pro-rata, fair-share funding for any necessary capital improvements, such as the hiring of additional OCFA personnel or the expansion of OCFA facilities and/or equipment. With mitigation incorporated, the proposed Project's impacts to fire protection services would be less than significant.

Response to Comment P-8-9

The comment asks if the proposed Project would add schools to the Project site and surrounding area. As discussed in Section 3.0, Project Description, of the Draft EIR, the proposed Project includes a site for an elementary school on the northeast corner of the Project site, near the intersection of Bake Parkway and Rancho Parkway. Please refer to Theme #1 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the status of the SVUSD decision to build an elementary school on the Project site.

Response to Comment P-8-10

The comment states an opinion that the development of the Nakase Nursery with homes is unnecessary. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: caslmv <caslmv@gmail.com>
Sent: Monday, September 30, 2019 4:51 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No on Proposed 700 homes at Nakase nurseries

I am expressing my concern on the proposed 700 additional homes or any high residential planned development at Nakase Nurseries. I am a 25 year resident of Lake Forest.

P-9-1

Please let me know the counsel members and developer proponents of this project.

Sincerely,
Christopher Stacklin
Registered Voter and concerned citizen

CHRISTOPHER STACKLIN

Comment Code: P-9

Date: September 30, 2019

Response to Comment P-9-1

The comment states a concern regarding the construction of homes on the Nakase property and requests the names of the City Council members and Project Applicant. The names of the City Council members can be found here: <https://www.lakeforestca.gov/590/City-Council-Members>. The Project Applicant/Developer is Toll Brothers. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

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

From: Lori King <lorijson@gmail.com>
Sent: Monday, September 30, 2019 10:39 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO to Nakase Nursery homes

No to the Nakase Nusery. No more homes, especially without a planned elementary school and traffic system in place. No no no!

P-10-1,2

The computer lab has already been removed from our elementary school to make room for Baker Ranch students and the drop off and pick up lines are like leaving an Angel game, making it very difficult to make it to work on time! Make responsible choices for our community and those who have paid taxes and lived here for a very long time.

P-10-3

LORI KING

Comment Code: P-10

Date: September 30, 2019

Response to Comment P-10-1

The comment opines that no homes should be built on the Project site without a planned elementary school. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the decision of the Saddleback Valley Unified School District (SVUSD) to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-10-2

The comment opines that no homes should be built on the Project site without a traffic system in place. As described in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), the proposed Project would not result in any significant and unavoidable impacts to the City's transportation system and traffic under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis* (Appendix L of the Draft EIR) prepared for the proposed Project.

Response to Comment P-10-3

The comment states that the computer lab has been removed from a local elementary school (presumed to be Foothill Ranch Elementary) and that pick-up and drop-off lines affect travel times. The City of Lake Forest does not determine operations or space planning at local elementary schools; this is the purview of the SVUSD. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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

From: Marypat Boumann-Birrell <mboumann_birrell@cox.net>

Sent: Tuesday, October 01, 2019 7:49 AM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: NO! Please NO!

We have owned a home in Foothill Ranch since it began building homes here!
We have seen the growth of all surrounding areas - and to build another 700 homes where there
once was a nursery WITHOUT building another elementary school and middle school is absurd.

P-11-1

We say NO!
Please STOP this action.
Let us have a say....we deserve to have a voice in this matter!

P-11-2

Thank you!

Marypatricia & Walker Birrell
15 Blanco
Foothill Ranch, Ca
714-270-7705

MARYPATRICIA AND WALKER BIRRELL

Comment Code: P-11

Date: October 1, 2019

Response to Comment P-11-1

This comment states that the commenter has been a long-time homeowner in Foothill Ranch and opines that building homes on the Project site should trigger the construction of a new elementary school and middle school. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the decision of the Saddleback Valley Unified School District (SVUSD) to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-11-2

The comment expresses opposition to the implementation of the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

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

From: Fallon Meteer <fallon.meteer@gmail.com>

Sent: Tuesday, October 01, 2019 10:43 AM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nakase Nursery

Good morning,

I vote NO on the building of new homes at Nakase Nursery. We don't need the overcrowding when we don't have enough schools to support this. | P-12-1

Thanks!

Sent from my iPhone

FALLON METEER

Comment Code: P-12

Date: October 1, 2019

Response to Comment P-12-1

The comment expresses opposition to the proposed Project and opines that there are not enough schools to support the proposed Project. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of Saddleback Valley Unified School District (SVUSD) schools to accommodate any enrollment increases associated with the proposed Project.

From: Bernadette K <2perezkanaly@gmail.com>
Sent: Tuesday, October 01, 2019 11:10 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase nursery

Good Morning,

I have lived in Foothill Ranch for 11 years now. Our quality of life has been greatly affected in a negative because of the extra homes being built. From the simplest things such as shopping at our neighborhood grocery store and their empty shelves, literally empty shelves to important things such as over crowded schools. We have to homeschool our daughter because of the overcrowded school. The traffic on Bake and Alton is terrible because of all the extra cars in the area. We say NO to the 700+ home Toll Bros is trying to build. We deserve to have our lifestyle we already bought and are still paying for. Please respect our opinion and our lives. NO more building homes. How much more water are all these new homes going to need? Don't you remember that we recently had limits on how much water we could use? Our neighborhood was being stalked by county workers taking pictures and approaching us watering our lawns and fining us. Why would you want to add more people to our area? What will happen during the next drought, which I believe we are still in. I am not ok and this idea of adding 700+ new home is causing a lot of anxiety for those of us who want to live our lives in peace .

P-13-1
P-13-2
P-13-3
P-13-4
P-13-5
P-13-6

Bernadette Kanaly

BERNADETTE KANALY

Comment Code: P-13

Date: October 1, 2019

Response to Comment P-13-1

The comment states an opinion that the recent construction of homes in the area surrounding the Project site has negatively impacted the quality of life in the Foothill Ranch area. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-13-2

The comment states that the schools in the Foothill Ranch area are currently overcrowded. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of Saddleback Valley Unified School District (SVUSD) schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-13-3

The comment states an opinion that additional cars in the area surrounding the Project site have contributed to traffic on Bake Parkway and Alton Parkway. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-13-4

The comment states opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-13-5

The comment asks how much additional water the new homes associated with the proposed Project would require. According to Table 4.18.B, Water Demand at Project Build Out, in Section 4.18, Utilities and Service Systems, of the Draft EIR, the proposed Project would require 98,724,470 gallons per year (gpy) of potable and recycled water for the single-family residential units, the senior-affordable housing units, the school, and landscaping. The Irvine Ranch Water District (IRWD), which provides potable domestic water and wastewater services to the Project area, completed a Water Supply Availability Assessment in 2005 that includes 450 of the proposed 776 units in their baseline planning demands for the Project area. These units were also accounted for in the IRWD 2015 Urban Water Management Plan. Potable water demand associated with the proposed Project represents 0.45 percent of the City's projected surplus water supply in 2025 under the worst-case scenario, which is considered to be a negligible amount. Furthermore, the IRWD confirmed in November 2018 that it will be able to adequately serve the proposed Project. Refer to Section 4.18, Utilities and Service Systems, of the Draft EIR for an in-depth discussion of the projected water demand associated with the proposed Project and the IRWD's projected water

supply. Impacts to the IRWD's ability to adequately provide service to the proposed Project would be less than significant, and no mitigation is required.

Response to Comment P-13-6

The comment states an opinion that the potential for the proposed Project to add more than 700 homes to the City is a source of anxiety for existing residents. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

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From: Jim-Pauline Richert <jprichert@cox.net>
Sent: Tuesday, October 01, 2019 1:37 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase EIR

Hi Maria! The following are my personal comments and questions regarding the Nakase EIR. Can I submit these without my name being used? If so I would prefer that, but if not go ahead and include my name::

P-14-1

- The project would generate 8789 Average Daily Trips (ADT) with the school site and 6900 without the school site (Table 4.16.F) and 26 million vehicles miles traveled (VMT) according to section 4.16.2
- Section 4.16.2 also states that “the City has not adopted thresholds or standards for assessing potential VMT impacts”
- Considering the 8790 ADT and 26 million VMT noted above, how can there be no impact to the LOS of the following intersections? Anyone who drives through these intersections under current conditions can see they are already congested and likely not LOS A intersections, which leads to questions about the validity of the LOS calculations:
 - Closest intersection of Bake and Rancho Parkway (remains LOS of A)
 - Closest intersection of Lake Forest and Rancho Parkway (remains LOS A)
 - Only minimal impact on Bake and Dimension (PM Peak goes from A to B)
- Do the writers of the EIR have any comments or proposed standards regarding the impacts using VMT? Would VMT be a better measure of impacts than LOS? Do other nearby cities use VMT?
- When was the “existing” LOS calculated as shown in Table 4.16.6?
- Why is the only recommended mitigation for this increased traffic an additional left turn lane of Bake Parkway at Jeronimo? This intersection is already LOS E and would remain so with the proposed mitigation. Why are there no recommended mitigations for the intersections closer to the Project area where the traffic impacts will be more heavily felt, such as Bake and Dimension?

P-14-2

P-14-3

P-14-4

P-14-5

P-14-6

P-14-7

P-14-8

Jim Richert
Lake Forest

JIM RICHERT

Comment Code: P-14

Date: October 1, 2019

Response to Comment P-14-1

The comment is introductory and does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-14-2

The comment states that Section 4.16 of the Draft EIR (and the *Nakase Property Traffic Impact Analysis* included as Appendix L) calculates that the proposed Project would generate 8,789 daily vehicle trips, which would contribute 26 million vehicle miles traveled (VMT) on an annual basis. The comment questions the validity of the level of service (LOS) calculations included in the Draft EIR and *Nakase Property Traffic Impact Analysis*. Table 4.16.E in Section 4.16, Transportation/Traffic, in the Draft EIR summarizes the analysis of the existing traffic conditions according to the City's prescribed methodology and shows that only one of the study intersections evaluated in the *Nakase Property Traffic Impact Analysis* (Bake Parkway/Jeronimo Road) currently operates below the LOS standard of the City of Lake Forest (City).

Response to Comment P-14-3

The comment questions the proposed Project's impacts at the intersection of Bake Parkway/Rancho Parkway. The *Nakase Property Traffic Impact Analysis* shows that the proposed Project would contribute an additional 214 vehicle trips to the intersection of Bake Parkway/Rancho Parkway during the a.m. peak hour and 122 trips during the p.m. peak hour. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the proposed Project would increase the volume-to-capacity (v/c) ratio by 0.03 in the a.m. peak hour and 0.02 in the p.m. peak hour. The intersection would continue to function at a satisfactory LOS with the addition of Project traffic.

Response to Comment P-14-4

The comment questions the proposed Project's impacts at the intersection of Lake Forest Drive/Rancho Parkway. The *Nakase Property Traffic Impact Analysis* shows that the proposed Project would contribute an additional 430 vehicle trips to the intersection of Lake Forest Drive/Rancho Parkway during the a.m. peak hour and 299 trips in the p.m. peak hour. The proposed Project would increase the v/c ratio by 0.10 in the a.m. peak hour and 0.04 in the p.m. peak hour. The intersection would continue to function at a satisfactory LOS with the addition of Project traffic.

Response to Comment P-14-5

The comment questions the proposed Project's impacts at the intersection of Bake Parkway/Dimension Drive. The *Nakase Property Traffic Impact Analysis* shows that the proposed Project would contribute an additional 377 vehicle trips to the intersection of Bake Parkway/Dimension Drive during the a.m. peak hour and 286 trips in the p.m. peak hour. The proposed Project would

increase the v/c ratio by 0.08 in the a.m. peak hour and 0.07 in the p.m. peak hour. The intersection would continue to function at a satisfactory LOS with the addition of Project traffic.

Response to Comment P-14-6

The comment asks if the authors of the Draft EIR have any comments or proposed standards regarding the impacts using VMT, if VMT would be a better measure of impacts than LOS, or if other cities use VMT. As of the preparation of the Draft EIR, no Orange County jurisdictions have adopted significance thresholds for performing traffic analysis based on VMT. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the City has not established a methodology that would appropriately analyze VMT impacts within its jurisdiction. In addition, the City has not adopted thresholds or standards for assessing potential VMT impacts. Further, the City is not required to start using the State's guidance regarding VMT metrics in its California Environmental Quality Act (CEQA) documents until July 1, 2020. Therefore, it would be speculative for the EIR to include any proposed standards for addressing potential VMT impacts. Furthermore, the City of Lake Forest will be required to comply with State law on July 1, 2020, regardless of which methodology (VMT vs. LOS) it prefers to use.

Response to Comment P-14-7

The comment asks when the existing LOS as shown in Table 4.16.6 of the Draft EIR was calculated. Existing traffic counts were collected in February, May, and June 2017.

Response to Comment P-14-8

The comment states that the traffic analysis in Section 4.16, Transportation/Traffic, of the Draft EIR identified a potentially significant impact at the intersection of Bake Parkway/Jeronimo Road. The comment incorrectly states that this intersection would continue to operate at an unsatisfactory LOS after implementation of the proposed mitigation measure. Table 6-1 in the *Nakase Property Traffic Impact Analysis* (provided as Appendix L of the Draft EIR) shows that the addition of a second northbound left-turn lane from Bake Parkway to westbound Jeronimo Road would result in satisfactory operations during both the a.m. and p.m. peak hours.

CEQA only requires mitigation for potentially significant impacts. Mitigation measures are not required at any of the other study intersections closer to the Project site because the *Nakase Property Traffic Impact Analysis* did not identify potentially significant impacts at any of those intersections according to the established thresholds for analyzing traffic impacts.

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

From: Noelle Hill <nhill861@cox.net>
Sent: Tuesday, October 01, 2019 3:26 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No new homes!

To whom it may concern,
The building of more homes in foothill is ridiculous! Our school is overcrowded! The traffic is horrible and it's a safety issue already. I can't believe you would approve more homes and no school. You were already dishonest and told our residents that the baker ranch kids would not be attending foothill ranch elementary and that was switched secretly causing overcrowding and terrible traffic for parents. WE DO NOT need any more homes built.
I vote NO more homes!
Very disappointed,

| P-15-1,2

| P-15-3

| P-15-4

Sent from my iPhone

NOELLE HILL

Comment Code: P-15

Date: October 1, 2019

Response to Comment P-15-1

The comment opposes the construction of more homes in Foothill Ranch while also noting that the existing school that serves the area is currently overcrowded. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of Saddleback Valley Unified School District (SVUSD) schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-15-2

The comment opines that existing traffic conditions represent a safety issue. Please refer to Response to Comment P-1-7 for a description of the sections in the Draft Environmental Impact Report (EIR) that address the proposed Project's potential to result in public safety hazards due to impacts to emergency services and evacuation routes. As discussed in Response to Comment P-1-7, the proposed Project would result in less than significant impacts related to interference with an adopted emergency response plan or emergency evacuation plan.

In addition, Threshold 4.16.3 in Section 4.16, Transportation/Traffic, of the Draft EIR, evaluated the potential for the proposed Project to substantially increase traffic hazards due to a geometric design feature or incompatible uses. As discussed in that section, implementation of Mitigation Measure 4.16.1 would require large construction equipment to be delivered during off-peak times, which would reduce the potential for Project construction to result in incompatible uses that increase on-road hazards. With implementation of Mitigation Measure 4.16.3, which requires a sight distance analysis for all Project intersections, the Project's potential traffic safety impacts related to geometric design features during operation would be less than significant. The discussion under Threshold 4.16.3 in the Draft EIR also indicates that, with the incorporation of Mitigation Measure 4.16.4, which requires the installation of Rectangular Rapid Flashing Beacons (RRFBs) at two crosswalks near the proposed school site, the Project's potential impacts related to pedestrian safety would be less than significant.

Response to Comment P-15-3

The comment states that there is traffic and overcrowding at Foothill Ranch Elementary School because the children from the Baker Ranch development attend the school. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-15-4

The comment opines that no more homes are needed. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

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

From: Michael Sallus <michaelsallus@me.com>

Sent: Tuesday, October 01, 2019 6:38 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject:

Let me ask. What is wrong with our city. As a resident of over 22 years I have never seen such greed as I am seeing now. It's bad enough that the city has allowed all this construction to go on every open plot of land. From baker ranch to across from sports park and up to glen ranch. When is enough, enough? The city has really made an issue for schooling all the families you plan on locating to our once wonderful city, which has really plummeted over the last 4-5 years with all the homeless making camp, continuous break-ins and city wide and now by wanting to build more you are now asking for more people for our quaint little community. This is not OK to have 5-6 individuals make a decision for an entire community that is against any more construction and especially no school in its plans. Shame on the city of Lake Forest. I vote no for any new homes

P-16-1

Sent from my iPhone

Michael Sallus

949-305-3233

MICHAEL SALLUS

Comment Code: P-16

Date: October 1, 2019

Response to Comment P-16-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

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

From: Josh Abner Vizcay <josuevizcay@gmail.com>

Sent: Tuesday, October 01, 2019 11:52 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nakase Project

Hello,

I have been a resident of Lake Forest for 10 years. The “theory of limiting results” the more you something economically the less of a result you get.

P-17-1

Lake Forest has reached the limit on new housing.

Schools are over crowded. My wife works 4 miles from our home and it takes 20 minutes to drive to work.

P-17-2,3

While middle class people high housing the value of the education is lower for their kids as a result of overcrowded classrooms.

P-17-4

Please stop lowering my quality of life with all these bad decisions the city staff is doing including the Nakase Project.

P-17-5

Josh Vizcay

“We make living from what we legally earn, we make a life from what we give”

JOSH ABNER VIZCAY

Comment Code: P-17

Date: October 1, 2019

Response to Comment P-17-1

The comment opines that the City of Lake Forest has reached the limit of new residential construction that it can accommodate. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-17-2

The commenter states that schools are overcrowded. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of Saddleback Valley Unified School District (SVUSD) schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-17-3

The comment states that a 4-mile commute to and from work takes 20 minutes from the commenter's residence. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-17-4:

The comment is interpreted to suggest that classroom overcrowding lowers the quality of education received. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-17-5

The comment appears to suggest that implementation of the proposed Project has the potential to lower the quality of life in Lake Forest. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

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

From: Jeanine Lee <jeaninejlee@gmail.com>

Sent: Wednesday, October 02, 2019 4:34 AM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Do thé right thing

No more houses !! | P-18-1

Sent from my iPad

JEANINE LEE

Comment Code: P-18

Date: October 2, 2019

Response to Comment P-18-1

The commenter opposes the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

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

From: Laura Bokesch <lbokesch@cox.net>
Sent: Wednesday, October 02, 2019 7:36 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO on Nakase Nursery

NO! STOP the NAKASE NURSERY 700 residential Development that will add 1,400 more cars daily
along Bake Parkway!
Protect our community.
Laura Bokesch

P-19-1

LAURA BOKESCH

Comment Code: P-19

Date: October 2, 2019

Response to Comment P-19-1

The comment expresses opposition to the proposed Project and states that implementation of the proposed Project will introduce 1,400 cars to the daily traffic volume along Bake Parkway. According to Table 4.16.G: Existing Plus Project Intersection Level of Service Summary, in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), 37 of the 38 evaluated intersections within the Project vicinity, including 14 intersections along Bake Parkway, would maintain an acceptable level of service (LOS) during both the a.m. and p.m. peak hours. The Bake Parkway/Jeronimo Road intersection, which currently operates at an unacceptable LOS, would continue to do so under Project conditions. Mitigation Measure 4.16.2 requires the Project Applicant/Developer to implement improvements at Bake Parkway/Jeronimo Road to improve the intersection's LOS. The improvements would include the addition of a second left-turn lane onto Jeronimo Road from Bake Parkway. Upon implementation of the proposed Project, one intersection (Bake Parkway/Orchard Road, which is unsignalized) would experience a delay exceeding 1 second, while the remaining 37 intersections would experience a less than 1-second delay as compared to existing conditions. As established in Section 4.16 of the Draft EIR, all Project-generated impacts relating to transportation and traffic would be less than significant after mitigation.

October 2, 2019

Dear Ms. Luna,

As a resident of Baker Ranch, I'm extremely hopeful at the possibility of an elementary school within walking distance of our community. As one of the only communities that would be within walking distance of the proposed development, I'd like to express that the current proposed placement of the elementary school would drastically reduce any foot traffic from nearby Baker Ranch and may lead to traffic problems during school hours. I suggest moving the school in either western corner of the development to greatly increase the potential of foot traffic and improve noise, pollution, and safety since Baker/Dimension is far less busy intersection.

P-20-1

P-20-2

Thank you consideration,

Gabe Medeiros

949.842.4822

GABE MEDEIROS

Comment Code: P-20

Date: October 2, 2019

Response to Comment P-20-1

The comment expresses support for the proposed Project, particularly the potential for a new elementary school, and opines that the current siting of the elementary school does not optimize pedestrian opportunities. The comment suggests moving the school to the western corner of the Nakase Project site in order to increase pedestrian access and improve noise, pollution, and safety. As described in Sections 4.3 (Air Quality), 4.9 (Hazards and Hazardous Materials), 4.12 (Noise), and 4.16 (Transportation/Traffic) of the Draft Environmental Impact Report (EIR), the proposed Project would not result in any significant and unavoidable impacts related to air quality, safety, noise, and traffic. Therefore, pursuant to *State CEQA Guidelines* Section 15126.6, the City of Lake Forest was not required to evaluate any Project alternatives that would reduce impacts to those environmental topics in the Draft EIR.

Response to Comment P-20-2

The comment suggests moving the school to the western corner of the proposed Project site and opines that doing so will increase the potential of foot traffic and improve noise, pollution, and safety. Please refer to Response to Comment P-20-1 above and Theme #3 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the environmental analyses undertaken for the potential school site.

October 2, 2019

To: Marie Luna (mluna@lakeforestca.gov)
From: Lauren Medeiros (Laurenmedeiros@gmail.com)
RE: Nakase Development Draft EIR

Dear Ms. Luna,

As a resident of Baker Ranch, I'm extremely hopefully at the possibility of an elementary school within walking distance of our community. As one of the only communities that would be within walking distance of the proposed development, I'd like to express that the currently proposed placement of the elementary school would drastically reduce any foot traffic from nearby Baker Ranch and may lead to traffic problems during school hours. I suggest moving the school in either western corner of the development to greatly increase the potential of foot traffic and improve noise, pollution, and safety since Bake/Dimension is a far less busy intersection.

P-21-1

P-21-2

Thank you consideration,

Lauren Medeiros

949.292.7203

LAUREN MEDEIROS

Comment Code: P-21

Date: October 2, 2019

Response to Comment P-21-1

The comment expresses support for the proposed Project, particularly the potential for a new elementary school, and opines that the current siting of the elementary school does not optimize pedestrian opportunities. The comment suggests moving the school to the western corner of the Nakase Project site in order to increase pedestrian access and improve noise, pollution, and safety. As described in Sections 4.3 (Air Quality), 4.9 (Hazards and Hazardous Materials), 4.12 (Noise), and 4.16 (Transportation/Traffic) of the Draft Environmental Impact Report (EIR), the proposed Project would not result in any significant and unavoidable impacts related to air quality, safety, noise, and traffic. Therefore, pursuant to *State CEQA Guidelines* Section 15126.6, the City of Lake Forest was not required to evaluate any Project alternatives that would reduce impacts to those environmental topics in the Draft EIR.

Response to Comment P-21-2

The comment suggests moving the school to the western corner of the proposed Project site and opines that doing so will increase the potential of foot traffic and improve noise, pollution, and safety. Please refer to Response to Comment P-21-1 above and Theme #3 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion regarding the environmental analyses undertaken for the potential school site.

From: alex st george <stgeorge92610@gmail.com>
Sent: Wednesday, October 02, 2019 9:12 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject:

Hello,

I would like to give my support for toll brothers development at the Nakase site. I live in Foothill Ranch.

I don't work for any developer or even live in any new community, I just think the new housing is good for the city and better than anything else that might be used for the land realistically. I am for a beautiful, affluent master planned community that will provide hard working residents who will contribute to the community of Lake Forest. Thank you.

P-22-1

Warm regards,
Alexander Sangeorge
Foothill Ranch

ALEXANDER SANGEORGE

Comment Code: P-22

Date: October 2, 2019

Response to Comment P-22-1

The comment expresses support for the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

From: Wendy Cheung <wlee_cheung@yahoo.com>
Sent: Wednesday, October 02, 2019 8:42 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO on developing homes at Nakase Nursery

Ms. Marie Luna
Senior City Planner
Lake Forest City Hall

Ms. Luna,

I am a Foothill Ranch homeowner and voter.

P-23-1

My comment is NO on the proposal to change the zoning and to develop more homes at the Nakase Nursery.

P-23-2

We have seen way too much development in Foothill Ranch with little or no improvements in the road and school systems to absorb the additional residents and cars.

P-23-3

P-23-4

So, I say NO on the zoning and home development proposals.

P-23-5

Thanks,

Wendy Cheung
5 Esternay Drive

WENDY CHEUNG

Comment Code: P-23

Date: October 2, 2019

Response to Comment P-23-1

The comment states that the commenter is a Foothill Ranch resident and voter. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-23-2

The comment expresses opposition to the proposed Project, particularly the rezoning and development of new housing on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-23-3

The comment states there has been too much development in Foothill Ranch with little or no improvements in the road system to absorb the additional cars. According to Table 4.16.G: Existing Plus Project Intersection Level of Service Summary, in Section 4.16, Transportation/Traffic, of the Draft EIR, 37 of the 38 evaluated intersections within the Project vicinity, including 14 intersections along Bake Parkway, would maintain an acceptable level of service (LOS) during both the a.m. and p.m. peak hours. The Bake Parkway/Jeronimo Road intersection, which currently operates at an unacceptable LOS, would continue to do so under Project conditions.

Mitigation Measures 4.16.2 and 4.16.4 would implement improvements to intersections in the Project area and on the Project site, respectively. Specifically, Mitigation Measure 4.16.2 would require the Applicant/Developer to construct a second northbound left-turn lane at the intersection of Bake Parkway/Jeronimo Road, and Mitigation Measure 4.16.4 would require the installation of Rectangular Rapid Flashing Beacons (RRFBs) at two crosswalks within the Project site.

Upon implementation of the proposed Project, one intersection (Bake Parkway/Orchard Road, which is unsignalized) would experience a delay exceeding 1 second, while the remaining 37 intersections would experience a less than 1-second delay as compared to existing conditions. As established in Section 4.16 of the Draft EIR, all Project-generated impacts relating to transportation and traffic would be less than significant after mitigation under all the scenarios evaluated in the Draft EIR.

Response to Comment P-23-4

The comment states there has been too much development in Foothill Ranch with little or no improvements in the school system to absorb the additional residents. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the Saddleback Valley Unified School District (SVUSD) decision to build an elementary school on the Project site, and a discussion on students generated by the proposed

Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-23-5

The comment expresses opposition to the zone change and proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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

From: Andrew O'Connor <andyoc258@gmail.com>

Sent: Wednesday, October 02, 2019 8:59 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: NAKASE Property

NO on this development.

| P-24-1

SVUSD today announced no K-6 will be built!

| P-24-2

So where are 1,000 kids go to school?

To much traffic.Bake Parkway is already overcrowded.

| P-24-3

Andy O'Connor

Sent from my iPhone

ANDREW O'CONNOR

Comment Code: P-24

Date: October 2, 2019

Response to Comment P-24-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-24-2

The comment states that the Saddleback Valley Unified School District (SVUSD) has announced they will not build an elementary school on the Project site and questions where 1,000 kids will go to school. As discussed in Section 3.0, Project Description, of the Draft EIR, the proposed Project includes a site for an elementary school on the northeast corner of the Project site, near the Bake Parkway/Rancho Parkway intersection. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-24-3

The comment states an opinion that Bake Parkway is already overcrowded with traffic. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

From: Wendy Cheung <wlee_cheung@yahoo.com>
Sent: Thursday, October 03, 2019 7:28 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO HOUSING DEVELOPMENT ON THE NAKASE LAND PLEASE!!

To: Marie Luna
Senior City Planner

Ms. Luna,

I have been a homeowner and voter in Foothill Ranch since 1997, and I urge NO on developing more homes at the Nakase Nursery. | P-25-1

Our local roads cannot take on the additional load proposed by changing the nursery into 800 more homes. And, there is no guarantee that Saddleback will even build the additional school to lessen the schooling load too. | P-25-2
| P-25-3

I say NO on the zoning and use change. | P-25-4

Thanks,

Wendy Lee
5 Esternay Drive

WENDY CHEUNG/WENDY LEE

Comment Code: P-25

Date: October 3, 2019

Response to Comment P-25-1

The comment expresses opposition to the development of new homes on the current site of the Nakase Nursery. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-25-2

The comment opines that local roads cannot take on the additional volume of traffic that would be associated with the proposed Project. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-25-3

The comment states there is no guarantee that the Saddleback Valley Unified School District (SVUSD) will establish an elementary school on the Project site. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-25-4

The comment expresses opposition to the zone and land use changes. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Nikki Cheung <nikkiacheung@berkeley.edu>
Sent: Thursday, October 03, 2019 8:22 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO on developing homes at Nakase Nursery

Ms. Marie Luna
Senior City Planner
Lake Forest City Hall

Ms. Luna,

I am a Foothill Ranch resident and voter.

| P-26-1

My comment is NO on the proposal to change the zoning and to develop more homes at the Nakase Nursery.

| P-26-2

We have seen way too much development in Foothill Ranch with little or no improvements in the road and school systems to absorb the additional residents and cars.

| P-26-3

| P-26-4

So, I say NO on the zoning and home development proposals.

| P-26-5

Thanks,

Nikki Cheung
5 Esternay Drive

NIKKI CHEUNG

Comment Code: P-26

Date: October 3, 2019

Response to Comment P-26-1

The comment states that the commenter is a Foothill Ranch resident and voter. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-26-2

The comment expresses opposition to the proposed Project, particularly the rezoning and development of new housing on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-26-3

The commenter states there has been too much development in Foothill Ranch with little or no improvements in the road system to absorb the additional cars. According to Table 4.16.G: Existing Plus Project Intersection Level of Service Summary, in Section 4.16, Transportation/Traffic, of the Draft EIR, 37 of the 38 evaluated intersections within the Project vicinity, including 14 intersections along Bake Parkway, would maintain an acceptable level of service (LOS) during both the a.m. and p.m. peak hours. The Bake Parkway/Jeronimo Road intersection, which currently operates at an unacceptable LOS, would continue to do so under Project conditions.

Mitigation Measures 4.16.2 and 4.16.4 would implement improvements to intersections in the Project area and on the Project site, respectively. Specifically, Mitigation Measure 4.16.2 would require the Applicant/Developer to construct a second northbound left-turn lane at the intersection of Bake Parkway/Jeronimo Road, and Mitigation Measure 4.16.4 would require the installation of Rectangular Rapid Flashing Beacons (RRFBs) at two crosswalks within the Project site.

Upon implementation of the proposed Project, one intersection (Bake Parkway/Orchard Road, which is unsignalized) would experience a delay exceeding 1 second, while the remaining 37 intersections would experience a less than 1-second delay as compared to existing conditions. As established in Section 4.16 of the Draft EIR, all Project-generated impacts relating to transportation and traffic would be less than significant after mitigation under all the scenarios evaluated in the Draft EIR.

Response to Comment P-26-4

The commenter states there has been too much development in Foothill Ranch with little or no improvements in the school system to absorb the additional residents. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the Saddleback Valley Unified School District (SVUSD) decision to build an elementary school on the Project site, and a discussion on students generated by the proposed

Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-26-5

The comment expresses opposition to the zone change and proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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From: Nancy Wang <nwang65@yahoo.com>
Sent: Thursday, October 03, 2019 9:06 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Fw: NO on more homes at Nakase Nursery

To: Marie Luna
Senior City Planner

Ms. Luna,

I have been a homeowner and voter in Foothill Ranch since 1997, and I urge NO on developing more homes at the Nakase Nursery.

| P-27-1

Our local roads cannot take on the additional load proposed by changing the nursery into 800 more homes. And, there is no guarantee that Saddleback will even build the additional school to lessen the schooling load too.

| P-27-2

| P-27-3

I say NO on the zoning and use change.

| P-27-4

Thanks,

Xiaonan Wang
10 Arcella Circle

NANCY (XIAONAN) WANG

Comment Code: P-27

Date: October 3, 2019

Response to Comment P-27-1

The comment states an opinion against the development of new homes on the current site of the Nakase Nursery. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-27-2

The comment states that local roads cannot take on the additional volume of traffic that would be associated with the proposed Project. According to Table 4.16.G: Existing Plus Project Intersection Level of Service Summary, in Section 4.16, Transportation and Traffic, of the Draft EIR, 37 of the 38 evaluated intersections within the Project vicinity would maintain an acceptable level of service (LOS) at both the a.m. and p.m. peak hours. The Bake Parkway/Jeronimo Road intersection, which currently operates at an unacceptable LOS, would continue to do so under Project conditions. Mitigation Measure 4.16.2 requires the Project Applicant/Developer to implement improvements at the Bake Parkway/Jeronimo Road intersection to improve the intersection's LOS. The improvements would include the addition of a second left-turn lane onto Jeronimo Road from Bake Parkway. Upon Project implementation, one intersection (Bake Parkway/Orchard Road, which is unsignalized) would experience a delay exceeding 1 second, while the remaining 37 intersections would experience a less than 1-second delay as compared to existing conditions. With mitigation, impacts to transportation and traffic would be less than significant.

Response to Comment P-27-3

The commenter states there is no guarantee that the Saddleback Valley Unified School District (SVUSD) will establish an elementary school on the Project site. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-27-4

The comment states an opinion against the zone and land use changes. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: yu gao <gyuruby@yahoo.com>
Sent: Thursday, October 03, 2019 9:38 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No changing the nursery to 800 more homes

Ms. Luna,

I have been a homeowner and voter in Foothill Ranch since 1997, and I urge NO on developing more homes at the Nakase Nursery.

| P-28-1

Our local roads cannot take on the additional load proposed by changing the nursery into 800 more homes. And, there is no guarantee that Saddleback will even build the additional school to lessen the schooling load too.

| P-28-2

| P-28-3

I say NO on the zoning and use change.

| P-28-4

Thanks,

Mark Cheung
5 Esternay Drive

MARK CHUENG

Comment Code: P-28

Date: October 3, 2019

Response to Comment P-28-1

The comment expresses opposition to the development of new homes on the current site of the Nakase Nursery. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-28-2

The comment opines that local roads cannot take on the additional volume of traffic that would be associated with the proposed Project. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-28-3

The commenter states there is no guarantee that the Saddleback Valley Unified School District (SVUSD) will establish an elementary school on the Project site. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-28-4

The comment expresses opposition to the zone and land use changes. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Nicholas Lee <Nicholas_Lee@ahm.honda.com>
Sent: Wednesday, October 02, 2019 10:21 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Nakase Nursery Home

As a 20 + year resident of Foothill Ranch, on Parrell Avenue – I want to voice my displeasure at the thought of having 700 new homes in the current site of the Nakase Nursery.

P-29-1

This will have a significantly negative impact on our way of life, with traffic, overcrowded schools, and congestion.

P-29-2,3

If you have any questions, please reply to this note

But please, NO NEW HOMES IN NAKASE NURSERY

P-29-4

The Lee Family
58 Parrell Ave
Foothill Ranch, CA 92610

Confidentiality Notice: This transmission (including any attachments) may contain confidential information belonging to the sender and is intended only for the use of the party or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or the taking of action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and erase all information and attachments.

NICHOLAS LEE

Comment Code: P-29

Date: October 2, 2019

Response to Comment P-29-1

The comment expresses opposition to the development of new homes on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-29-2

The comment states an opinion that the proposed Project will have a significant negative impact on residents due to traffic. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-29-3

The commenter states an opinion that the proposed Project will have a significant negative impact on residents due to overcrowded schools. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the Saddleback Valley Unified School District (SVUSD) decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-29-4

The comment expresses opposition to the development of new homes on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Martin Henderson <martin.henderson949@gmail.com>
Sent: Thursday, October 03, 2019 3:31 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Opposition to Toll Brothers Project (with reasons)

To Marie Luna,

I am opposed to the proposed Toll Brothers project on the Nakase Brothers Nursery site. There are a number of reasons, some of which are directly related to the issues of the Draft EIR, and others founded on the mission statement of the City of Lake Forest and guidelines of the Opportunities Study Area.

P-30-1

The OSA Issue

The construction of 776 housing units would create approximately 500 more residences than allowed by the OSA. It was determined that 5,000 homes represent an acceptable build-out of the area, and given overcrowding in our schools and the traffic and parking problems that exist today, the 5,000 would seem to be about the maximum that a responsible government would allow. However, the 776 residential units would push the total to approximately 5,500 residences, meaning the Toll Project represent would push housing to a 10 percent increase over the total allotted by the OSA. I would remind the City that -- to my knowledge -- the full 4,800 homes previously approved have not yet been built, yet the City already encounters significant concerns related to traffic and overcrowded schools.

P-30-2

In fact, the City-approved guiding principles of the OSA preclude building that negatively impacts traffic and schools -- and the Toll Project does both. The school district has already acknowledged overcrowding, and it has already acknowledged that it has no plans for adding additional schools.

P-30-3

The DEIR may indicate that the roadway infrastructure can accommodate the increased traffic on local roadways, but it does not take into account the stress to existing (and future) residents who will navigate those roadways with the increased traffic. As is, Bake Parkway already creates a tense driving situation, even for alert drivers, who must deal with the accordion effect of slowing motorists, swerving motorists, and those who simply are poor drivers.

P-30-4

The OSA's principles stipulate that future use must reduce traffic impacts to previously approved land uses, ensure that new development does not have a greater impact to existing infrastructure, and mitigate impact to schools. The Toll Project fails on three of the seven guiding principles.

P-30-5

From a quality of life standpoint, the Toll Project has a negative impact on the streets and in the classrooms.

P-30-6

Governmental Responsibility

Ultimately, the City must ask itself if its function is to protect its residents, including its youngest? The answer should be yes, but it cannot reasonably provide an upgrade in quality of life in these two areas on a daily basis with the advancement of the Toll Project.

The Mission Statement of the City, according to its website, is this: "The City of Lake Forest is committed to ensure an optimal quality of life for its community by providing innovative, effective and efficient services."

I stress the phrasing "optimal quality of life." If the Toll Project decreases the current quality of life of existing residents, then the City has failed in its mission statement. This is unacceptable and I would expect a full explanation of why the City went against a cornerstone of the City's foundation.

The City's Vision Statement is clear that "Our diverse community will foster the active involvement of its citizenry and businesses, and reflect a distinctive, suburban identity that relies upon an established image of lakes, creeks, forests, and open space."

I'll draw attention to this: "reflect a distinctive, suburban identity that relies upon ... open space."

The Open Space and Habitat Restoration Area does not provide a reasonable reflection of "Open Space" for the benefit of residents. The open space in the Toll Project is not easily accessible to the public, there are no dedicated parking spaces to accommodate residents who want to enjoy the Open Space, and it is basically hidden -- it runs between the back of the Toll Project neighborhood and the businesses facing Lake Forest Drive. If this space were running adjacent to Bake Parkway and represented the buffer between the Toll Project neighborhoods and the parkway (similar to what exists on Serrano), then it might be considered a reasonable use of open space that provides some measure of enjoyment and function for the entire city. In its current form, it's simply a glorified creekbed dumping area that separates existing zones.

The Senior/Transportation Issue

The Senior Affordable Housing is poorly situated for the residents of the community who would be the most likely to use public transportation, especially those needing to go South on Bake Parkway. Access to a bus stop would necessitate a considerable walk and/or crossing Bake Parkway, which doesn't seem to be a feasible option in its current form.

P-30-7

P-30-8

P-30-9

The Lack of Vision Issue

The City's motto, which was repeated often during its silver anniversary celebration, is "Remember the past, challenge the future." However, this project does nothing to "challenge the future." As the last, largest piece of open space available in the City, there is no sense of vision for what this piece of property could represent to the residents and the City legacy. There is no consideration given to what technology might exist in the future and what advantage that space might provide Lake Forest for its future use. However, if traffic is an issue that current City leaders are going to dismiss in exchange for putting something -- anything -- on the property, then why stop at something as pedestrian as a residential neighborhood?

Think about this: Angels Stadium sits on 85 acres. The Porsche Driving Experience in Los Angeles sits on 53 acres. Martinsville Speedway, a half-mile NASCAR track, sits on 30 acres. Augusta National Golf Course, site of The Masters golf tournament every year, has 100 acres of fairway. Any of these types of visionary projects on this 122-acre location would make Lake Forest a destination location. But Lake Forest will never find its landmark if it continues to serve at the pleasure of developers who are interested in building houses, getting their millions, and moving on to the next city.

For example, the 11.5-acre school site proposed in the Toll Project. The Saddleback Valley Unified School District has already said that it will not build a school, so Toll is disingenuous to keep pushing the school as one of the elements of the Toll Project, especially as a means to get residential and government approval. A visionary City Council would negotiate with Toll to get the money that would otherwise be earmarked for the school district for in lieu fees. But a visionary Council, one that is committed to challenging the future, would also eye that property and make something of it that's unique: Something like the world's largest permanent hedge maze. The Guinness World Record-Holder is [8.79 square acres in China](#), but Lake Forest could create a larger maze to become the world leader, and take advantage of Orange County's already monumental tourism industry; it could work as a moneymaker for the City that charges tourists a per-visit fee and charge residents a modest annual fee. Yes, there are some things that need to be ironed out, but you don't become great by accepting campaign contributions and then voting for 776 housing units. You become great by challenging the future. It's Lake Forest's mission to do so.

The Air Issue

The DEIR very clearly states that the project would create an environment in which greenhouse gas emissions exceeds the state threshold of 3.84 million tons of carbon dioxide per year; think about that, 3.84 million TONS that is released into the air that we breathe, from newborns to seniors -- and 101 units are aimed specifically at seniors and there's a proposed school on the site. There is an extraordinary disconnect by putting two of the most vulnerable demographics -- seniors and children -- in this location. This is an impact that cannot be avoided, according to the DEIR.

The Good Faith Issue

P-30-10

P-30-11

Although I don't recall the specifics, Nakase Brothers Nursery didn't pay into the OSA (or some such agreement) like many other businesses did; the City does not inherently owe anything to the owners of the nursery who didn't pay their fair share along the way but are now seeking a big payday.

The City would be negligent to not ask questions of Nakase as a means of protecting the interests of current residents whose quality of life is based in part on that property being used for agricultural purposes and being open space: Where did you advertise to sell your property? When did you begin trying to sell your property? Were there other offers that fit within the current zoning? Did you try to sell the property to purchasers who would use it for the current zoning? Did you continue to try to find an agricultural buyer after you made contact with Toll Brothers? How long did you continue trying to find a buyer who fit the current zoning? And most importantly, where's the proof that you acted in good faith and did all this?

P-30-12

The Ethics Issue

I am also concerned about the amount of money that Toll Brothers spent on political campaigns to protect and elect council members who should not have made their minds up as to the Toll Project's worthiness before plans were even available. As well, Gary Nakase, one of the owners of the nursery, also contributed financially to the political campaigns that would have appeared to help ensure approval of this project.

The skeptic in me says that regardless of the merits of this project -- and clearly there are holes that need fixing -- these council members will approve the project. One instance that makes me believe this wholeheartedly is that on the night that Mark Tettermer, Neeki Moatazedi and Scott Voigts were installed as council members in 2018, two members of Toll Brothers sat through the entire meeting -- something that doesn't even happen when Toll Brothers is making a presentation; this is very much a political issue. The optics of the relationship between Toll Brothers and elected officials -- who lied in the course of their campaign or in the administration of their duties -- is disconcerting given that Toll Brothers will make multi-millions on this deal and permanently change the landscape of Lake Forest. Once the Toll Project is built, there is no do-over -- it's with us forever.

P-30-13

Residents, both current and future, will have to live with the mistake.

These are at least a partial list for my reasons for not wanting the Toll Project to be approved for the site of the Nakase Brothers Nursery.

Martin Henderson
Lake Forest, CA
Oct. 3, 2019

--

Martin Henderson
949-228-0190

MARTIN HENDERSON

Comment Code: P-30

Date: October 3, 2019

Response to Comment P-30-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-30-2

The comment asserts that the construction of 776 homes on the Project site would exceed the maximum acceptable build out of the area as determined by the Opportunities Study Area (OSA) by 500 homes, and opines that it would be irresponsible of the City of Lake Forest (City) to allow the additional homes due to potential impacts to schools and traffic. The proposed Project and the Project site were not included in the OSA; therefore, the proposed Project was not evaluated as part of the OSA EIR or any other previously approved project. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-30-3

The comment states that the City-approved OSA precludes any building that negatively impacts traffic and schools, and asserts that the proposed Project would impact both. The comment also claims that the Saddleback Valley Unified School District (SVUSD) has indicated it does not intend to build an additional school. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project, and a brief explanation why the OSA requirements do not apply to the proposed Project.

Response to Comment P-30-4

The comment asserts that the Draft EIR does not consider additional stress caused by roadway conditions as a result of the proposed Project and states that the proposed Project would contribute to a “tense driving situation.” The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-30-5

The comment opines that the proposed Project does not align with three of the seven guiding principles of the OSA because it would not reduce traffic impacts to previously approved land uses, would not ensure that development does not impact existing infrastructure, and would not mitigate impacts to schools. As previously stated, the proposed Project was not one of the OSA Projects and was not evaluated in the OSA EIR. Further, the OSA guiding principles do not apply to the proposed Project.

As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

The proposed Project's potential impacts on existing infrastructure are evaluated in several sections of the Draft EIR, including Sections 4.10 (Hydrology and Water Quality), 4.14 (Public Services), and 4.18 (Utilities and Service Systems). As discussed in those sections of the Draft EIR, the construction and operation of the proposed Project would not result in any significant and unavoidable impacts on existing storm water drainage facilities, police and fire protection facilities, public schools, parks, public libraries, or electric, natural gas, solid waste, wastewater, or water facilities.

Response to Comment P-30-6

The comment opines that the proposed Project would have a negative impact on the City's quality of life, and that it would specifically negatively affect traffic and schools. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-30-7

The comment opines that the City has a responsibility to protect its residents, including the youngest residents, and that the proposed Project would not improve quality of life in the City. The

comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-30-8

The comment asserts that the Open Space and Habitat Restoration Area would not provide a recreation open space to residents that is sufficiently usable and accessible. As described in Section 3.3.5, Open Space & Habitat & Restoration Area, in Chapter 3.0, Project Description, of the Draft EIR, the Open Space and Habitat and Restoration Area would include an on-site trail that would provide pedestrian and bike connections between the Project site and the regional trail system (i.e., Serrano Creek Trail). While the proposed Project would not provide vehicle parking for trail users, the regional trail connection is expected to be used by pedestrians and cyclists.

Response to Comment P-30-9

The comment asserts that the Senior Affordable Housing is poorly situated on the Project site due to the likelihood that senior residents will be the most likely to rely on public transportation accessed from Bake Parkway. As described in Table 4.11.A: Regional Transportation Plan/Sustainable Communities Strategy Policy Consistency Analysis, in Section 4.11, Land Use and Planning, of the Draft EIR, the Project site is currently served by Orange County Transportation Authority (OCTA) Route 206, which provides bus service along Bake Parkway and a portion of Dimension Drive. OCTA Route 177, which provides bus service along Lake Forest Drive, is also located near the Project site. Both bus routes would provide opportunities for Project residents to use transit service.

Response to Comment P-30-10

The comment opines that the proposed Project lacks sufficient vision to benefit the future of the City and asserts that the construction of 776 homes on the Project site is not the optimal use of the land and would not align with the City's motto. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-30-11

The comment states that the proposed Project would result in a significant and unavoidable impact related to greenhouse gas (GHG) emissions and asserts that vulnerable populations (e.g., children and seniors) would be exposed to GHG emissions generated by the proposed Project. Section 4.8, Greenhouse Gas Emissions, in the Draft EIR evaluates the proposed Project's contribution to GHG emissions. It should be noted that GHG emissions are different from toxic air contaminants (TACs). Whereas TACs cause or are suspected of causing cancer, birth defects, or other serious harm, many GHGs (e.g., carbon dioxide) are not harmful to humans unless they are present in higher concentrations in confined spaces. The commenter's suggestion that any of the Project's residents or potential students would be exposed to 3.84 million tons of carbon dioxide per year grossly mischaracterizes the proposed Project's GHG emissions impacts which include GHG emissions from both construction activities and areas sources which are amortized over the life of the Project.

In response to the commenter's suggestion that the proposed Project's students would be exposed to harmful airborne contaminants, the Geologic and Environmental Hazards Assessment Report (GEHA) prepared for the proposed Project (Appendix H of the Draft EIR) evaluated whether

hazardous air emissions generated from stationary and mobile sources within a 0.25-mile radius of the proposed school site would pose an actual or potential endangerment to students and staff occupying the future school. According to the GEHA, none of the stationary or mobile sources within a 0.25-mile radius of the proposed school site would pose an actual or potential endangerment to students and staff occupying the future school.

Response to Comment P-30-12

The comment suggests that the City should question the Nakase family regarding the sale of the property. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

Response to Comment P-30-13

The comment expresses concerns about contributions to political campaigns made by the Project Applicant and land owner. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Abc W <abcw44@yahoo.com>
Sent: Thursday, October 03, 2019 11:42 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO on more homes at Nakase Nursery

Ms. Luna,

I have been a homeowner and voter in Trabuco Hill since 1999, and I urge NO on developing more homes at the Nakase Nursery.

P-31-1

Our local roads cannot take on the additional load proposed by changing the nursery into 800 more homes. And, there is no guarantee that Saddleback will even build the additional school to lessen the schooling load too.

P-31-2

P-31-3

I say NO on the zoning and use change.

P-31-4

Thanks,
Mary Wang
19352 Jasper Hill Road.

MARY WANG

Comment Code: P-31

Date: October 3, 2019

Response to Comment P-31-1

The comment expresses opposition to the development of new homes on the current site of the Nakase Nursery. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-31-2

The comment opines that local roads cannot take on the additional volume of traffic that would be associated with the proposed Project. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-31-3

The commenter states there is no guarantee that the Saddleback Valley Unified School District (SVUSD) will establish an elementary school on the Project site. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-31-4

The comment expresses opposition to the zone and land use changes. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: James Gardner <drjgardner@gmail.com>
Sent: Thursday, October 03, 2019 3:40 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Opposition to Nakase Project

P-32-1

JAMES GARDNER

Comment Code: P-32

Date: October 3, 2019

Response to Comment P-32-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

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

From: Marilyn Lypka <fieldscomm@gmail.com>

Sent: Monday, September 30, 2019 12:14 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nasake Brother's Property on Bake across from Home Depot

To whom it may concern,

I have lived in Foothill Ranch for 25 years now and I 100% object to the re-zoning if Nasake Brothers to build homes for Toll Brothers. Our community is already over crowded as it is. With 1700 more cars and the people is not good for our community. Most of the residents oppose this and its it obviously being done for profits and not for the well being of the community. We also are opposed to city corruption as well.

Thank you,

Marilyn Lypka

Resident

P-33-1

Sent from my iPhone

MARILYN LYPKA

Comment Code: P-33

Date: September 30, 2019

Response to Comment P-33-1

The comment expresses opposition to the re-zoning of the Project site to implement the proposed Project and opines that additional people and cars would not be good for the community. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

From: Taylor Steinhilber <heymynamestay@gmail.com>
Sent: Monday, September 30, 2019 11:35 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: STOP the NAKASE NURSERY Home Development

To whom it may concern:

As a native Foothill Rancher, I implore you to stop the housing development at Nakase Nursery. The little town nestled in the hills far away from the hustle and bustle of Irvine seems to be getting closer with all the developments (i.e. Baker Ranch and Parkside) and the traffic is already insane. It already takes us about 30 minutes to get anywhere because of all the people. A middle school would be a much better use of the land. The drive to RSM Intermediate is unreasonable, especially with all the new children. This will also create jobs and benefit our citizens. Please let me know if you have any more questions. These overpriced housing developments need to stop! Money is not as important as the quality of life of the citizens.

P-34-1

P-34-2,3

P-34-4

Taylor

TAYLOR STEINHILBER

Comment Code: P-34

Date: September 30, 2019

Response to Comment P-34-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-34-2

The comment states that due to traffic, it takes about 30 minutes to drive anywhere in Lake Forest. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-34-3

The comment opines that a middle school would be a better fit for the Project site and that the drive to Rancho Santa Margarita Intermediate School from Lake Forest is unreasonable. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-34-4

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

From: Mary Albergo <malbergo@gmail.com>
Sent: Monday, September 30, 2019 9:06 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No to Nakase Nursery - Homes

NO

P-35-1

MARY ALBERGO

Comment Code: P-35

Date: September 30, 2019

Response to Comment P-35-1

This comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

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

From: Dina Bantle <dinabantle@gmail.com>

Sent: Monday, September 30, 2019 8:57 AM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nakase

No to residential development

Sent from my iPhone

P-36-1

DINA BANTLE

Comment Code: P-36

Date: September 30, 2019

Response to Comment P-36-1

This comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

From: Cherie Anderson <cherie@tourtraining.com>
Sent: Monday, September 30, 2019 8:42 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Toll Brothers

I completely oppose the Toll Brothers development on Bake and Rancho. It will have a negative impact on our city and residents. The only ones helped are councilmembers who benefit from the developer's donations.

| P-37-1

They continue to lie about building a school. SVSD has stated over and over it WILL NOT be built.

| P-37-2

Bake is already a traffic jam with residents trying to go and return from work. Toll Brothers plan to add a signal and 4 car right turn lane is ridiculous. There will be at least 1400 more cars on Bake.

| P-37-3

The price, design of homes and lack of space shows they are not being built for LF residents but for an overseas market. They will be cutting off our beautiful mountain views forever changing the charm of our city.

| P-37-4,5

They lack even a park area required by LF.

| P-37-6

Please do not them destroy our city with this massive development.

| P-37-7

CHERIE ANDERSON

Comment Code: P-37

Date: September 30, 2019

Response to Comment P-37-1

The comment expresses opposition to the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR). No further response is needed.

Response to Comment P-37-2

The comment asserts that the Saddleback Valley Unified School District (SVUSD) has stated it will not build a school on the Project site. As discussed in Section 3.0, Project Description, of the Draft EIR, the proposed Project includes a site for an elementary school on the northeast corner of the Project site, near the Bake Parkway/Rancho Parkway intersection. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-37-3

The commenter states that Bake Parkway experiences traffic jams during peak commuting hours and expresses concern about the additional traffic volume that the Project would add to Bake Parkway. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity, including 14 intersections along Bake Parkway. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*. Furthermore, the proposed Project would add another “leg” at 2 of the 14 intersections along Bake Parkway that were evaluated in the *Nakase Property Traffic Impact Analysis* and would not install any new traffic signals along Bake Parkway.

Response to Comment P-37-4

The comment claims that the price, design, and size of the homes does not appropriately meet the needs of the current residents of Lake Forest. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

Response to Comment P-37-5

The comment states that implementation of the proposed Project would obstruct mountain views in Lake Forest. As discussed in Section 4.1, Aesthetics, of the Draft EIR, implementation of the proposed Project would not have a substantial adverse effect on a scenic vista. Refer to Threshold 4.1.1.

Response to Comment P-37-6

The comment asserts that the proposed Project does not include a park area, as required by the City of Lake Forest (City). As discussed in Section 4.15, Recreation, of the Draft EIR, the Project Applicant/Developer is proposing to provide 11.8 acres (ac) of parkland on the Project site, of which 11.32 ac would be eligible for public park credit. This would be 0.05 ac less than the minimum park requirements in the City's Municipal Code. The Project Applicant/Developer is required to pay park in-lieu fees for any shortage in parkland dedication. Refer to Regulatory Compliance Measure (RCM) REC-1. In order to avoid the deterioration of the proposed parks and to ensure ongoing public access to on-site parks, Mitigation Measure 4.15.1 requires that on-site parks be maintained in perpetuity by the Homeowner's Association (HOA) on the Project site. The provision of park and recreational facilities on site and the payment of in-lieu fees to enable the City to expand and maintain off-site park and recreational facilities is sufficient to meet the demand of the future residents of Lake Forest. Therefore, Section 4.15 of the Draft EIR concludes that the proposed Project would not result in any significant and unavoidable impacts related to the provision of park and recreation facilities.

Response to Comment P-37-7

This comment states an opinion that such a large development would have an adverse effect on the City. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is needed.

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

From: Melissa Calvano <mrscalvano1@yahoo.com>
Sent: Monday, September 30, 2019 8:13 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO on Nakase Nursery residential development

Please don't develop this land parcel for residential. The city of Lake Forest does not need more traffic and overcrowded schools. | P-38-1
| P-38-2

Melissa Calvano
Resident
Sent from my iPhone

MELISSA CALVANO

Comment Code: P-38

Date: September 30, 2019

Response to Comment P-38-1

The comment expresses an opinion that the Project site should not be developed with residential uses. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-38-2

The comment expresses an opinion that Lake Forest does not need additional traffic and overcrowded schools. As described in Section 4.16, Transportation/Traffic, of the Draft EIR, the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the Saddleback Valley Unified School District (SVUSD) decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

From: sankar devasundaram <sankar156@gmail.com>
Sent: Monday, September 30, 2019 7:33 AM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No

P-39-1

No homes at nakase nursery

SANKAR DEVASUNDARAM

Comment Code: P-39

Date: September 30, 2019

Response to Comment P-39-1

The comment expresses opposition to construction of new homes on the Project site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

From: Elizabeth Flynn <elizabeth.d.flynn@gmail.com>

Sent: Monday, September 30, 2019 4:10 AM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nakase Property

To Whom It May Concern,

I am writing today to voice my lack of support for the housing development currently being proposed on the Nakase land. Unfortunately, what this plan fails to take into consideration is the sheer amount of people it will be bringing to an already busy area. Additionally without the guarantee of a new elementary school you will be pushing the overcrowded Foothill Ranch Elementary school beyond its capacity. The school already has 1,200 children and approximately a 28:1 student to teacher ratio. The counsel needs to think rationally about the school rather than passing it off as “the site is available and it’s up to the school district whether or not to execute”. With the current bond proposal being voted on in November, which does not include any plans for new schools, there is no way that the school district will come back in a year and ask for more money to build a school. It’s not realistic, and the counsel can not keep their heads in the sand about it!

P-40-1

P-40-2

My husband I chose to buy a home to Foothill Ranch when we moved from Minnesota more than 2 years ago. What attracted us to this area was the quieter, family forward, walkability. We now have a 2 year old and a 4 month old, so your decisions about school population will have a direct impact on our lives. I am also a former elementary school teacher (prior to becoming a stay at home mom I taught in both Connecticut and Minnesota) who can assure you that 28 children in one classroom is already a disservice to our upcoming generations. There is absolutely no way that a one person can adequately educate and scaffold lessons to reach them all. Please DO NOT add more children to this and make it even more difficult for a teacher to do their job and a child to learn.

P-40-3

Should you move forward with this plan I can guarantee that this is one current family you will be losing. I do not want to continue to live in a town that has so little regard for the opinions of its current residents.

P-40-4

Thank you for taking the time to listen to the people of Foothill Ranch. Please don’t hesitate to contact me if you would like to discuss my concerns further.

Sincerely,

Elizabeth Flynn

[22 Sierra Blanco](#)

[Foothill Ranch, CA 92610](#)

[860-212-4474](#)

Sent from my iPhone

ELIZABETH FLYNN

Comment Code: P-40

Date: September 30, 2019

Response to Comment P-40-1

The comment states a lack of support for the housing development currently being proposed on the Nakase Nursery site. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-40-2

The comment states that Foothill Ranch Elementary school is already overcapacity and cannot accommodate additional students in the event the Saddleback Valley Unified School District (SVUSD) does not establish a new elementary school on the proposed Project site. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the SVUSD decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-40-3

The comment expresses concerns that existing schools are overcrowded and students generated by the proposed Project would exacerbate overcrowded situations. Please refer to Theme #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for a discussion on the students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-40-4

This comment concludes the comment letter. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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

From: Susan Olson <olson.d.susan@gmail.com>

Sent: Sunday, September 29, 2019 7:00 PM

To: Luna, Marie <mluna@lakeforestca.gov>

Subject: Nakase nursery

Hi,

Just saw a post regarding possibly 700 homes being built at the Nakase nursery. This is absolutely unacceptable. Without any proper planning, how can the city allow this? Bake parkway is only a two lane road; the impact on traffic alone is going to be disastrous. Another huge topic is regarding the school system. For one, Foothill Ranch Elementary is already extremely crowded. It is a hazard taking my son to and from school everyday and to be honest, we absolutely despise it. Not only is it crowded, it is absolutely dangerous. With so many cars driving around residential roads (definitely not the residential speed limit), I always feel unsafe when we walk to school. The teachers cannot handle more students, this is a fire code violation and I will fight for my child's safety with every fiber in my body. I don't agree with this at all. There isn't a housing shortage in the area, it's a shortage of affordable housing. With prices so high, where is all the money going when we pay such property taxes? To me, this is all about greed, greed, greed and more greed. It's mostly because developers are gaining much more money from selling expensive homes, rather than thinking about the community and the families. I am upset and everyone in this community feels the same way. This needs to end unless there is proper planning. If you fail to plan, you plan to fail. And by that I mean you will be ruining a great city.

| P-41-1
| P-41-2
| P-41-3
| P-41-4
| P-41-5

Susan Olson

SUSAN OLSON

Comment Code: P-41

Date: September 29, 2019

Response to Comment P-41-1

The commenter opposes the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

Response to Comment P-41-2

The comment opines that there will be significant traffic impacts as a result of the proposed Project. According to Section 4.16, Transportation/Traffic, of the Draft EIR, all impacts associated with the transportation system and traffic would be less than significant after mitigation. Mitigation Measure 4.16.1 requires that the Project Applicant/Developer prepare a Construction Traffic Management Plan (CTMP) for approval by the City of Lake Forest (City) to maintain acceptable intersection level of service (LOS) during peak traffic hours during construction of the proposed Project. The CTMP would also ensure that police, fire, and emergency medical responders are able to maintain acceptable response times in the event of lane closures during construction.

According to Table 4.16.G: Existing Plus Project Intersection Level of Service Summary, in Section 4.16, Transportation/Traffic of the Draft EIR, 37 of the 38 evaluated intersections within the Project vicinity would maintain an acceptable LOS at both the a.m. and p.m. peak hours. The Bake Parkway/Jeronimo Road intersection, which currently operates at an unacceptable LOS, would continue to do so under Project conditions. Mitigation Measure 4.16.2 requires the Project Applicant/Developer to implement improvements at the Bake Parkway/Jeronimo Road intersection to improve the intersection's LOS. The improvements would include the addition of a second left-turn lane onto Jeronimo Road from Bake Parkway. Upon Project implementation, one intersection (Bake Parkway/Orchard Road, which is unsignalized) would experience a delay exceeding 1 second, while the remaining 37 intersections would experience a less than 1-second delay as compared to existing conditions. With mitigation, impacts to transportation and traffic are less than significant.

Response to Comment P-41-3

The comment states that Foothill Ranch Elementary is overcrowded and that traffic conditions at that school are hazardous. Refer to Themes #1 and #2 in the Common Response to Comments and Questions Regarding the Nakase School Site for discussion about the status of the Saddleback Valley Unified School District (SVUSD) decision to build an elementary school on the Project site, and a discussion on students generated by the proposed Project and the capacity of SVUSD schools to accommodate any enrollment increases associated with the proposed Project.

Response to Comment P-41-4

The comment opines that the City is dealing with a shortage of affordable housing rather than a shortage of housing. According to Section 4.14, Population and Housing, of the Draft EIR, of the 2,588 housing units permitted in the City of Lake Forest for the 2014-2021 planning period, 1,133

units were in excess of Regional Housing Needs Assessment (RHNA) requirements in the Above Moderate-Income category. There have been no Very Low-Income or Low-Income housing units permitted in the 2014-2021 planning period. This does not include the 776 units associated with the proposed Project. The proposed Project would support the affordable housing goals of the City because it would be required by the City to incorporate a minimum of 15 percent affordable units, including units affordable for extremely low-income households. The City implements this policy by requiring the preparation of an Affordable Housing Implementation Plan (AHIP). Refer to Section 4.14, Population and Housing, Threshold 4.13.1, for details on the AHIP.

Response to Comment P-41-5:

This commenter opposes the proposed Project, and this comment concludes the comment letter. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

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From: Sima Soltani [mailto:simasolt@gmail.com]

Sent: Tuesday, July 24, 2018 10:29 AM

To: Luna, Marie

Subject: Nakase

Hello,

I know there is a scoping meeting on Nakase, and on lakeforestca.gov it says we can email our comments. Anyways, I think building homes at the Nakase site will not only bring much needed housing to south OC, but it will take Lake Forest into it's next phase of prosperity. If you are not growing or gaining a population of people who are of working age, you become a dead city. Plus, it increases our tax base/revenue for the city which is great for the community as a whole. Anyways just wanted to add my comments.

P-42-1

Thanks,

--

Sima "Sam" Soltani

--

Sima "Sam" Soltani

SIMA SOLTANI

Comment Code: P-42

Date: July 24, 2018

This comment was submitted by the commenter on the Notice of Preparation (NOP) for the proposed Project, which was available for public review in July 2018, and then re-sent on September 27, 2019 as part of the commenter's comments on the Draft Environmental Impact Report (EIR).

Response to Comment P-42-1

The commenter supports the proposed Project. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR.

From: Sima Soltani <simasolt@gmail.com>
Sent: Friday, September 27, 2019 5:56 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: Re: Nakase

Hi Marie,

Also, I think it would be good to have homes like paired homes, base models starting at 1,800 SQ FT. That size is in the price point of many young professionals. To be honest- we all know those million dollar + homes are for foreign investors. But what about the family that lives and works here in California? They can't buy million dollar homes but they can buy a 1,800 SQ FT home. Everyone in LF is tired of those mc-mansions. We need decent housing for people starting out. I thought LF was more committed to providing a large variety of housing? Also, please please please, if they build attached homes, at least a 4ft driveway would work WONDERS.

P-43-1

Kindly,
Sima

On Tue, Jul 24, 2018 at 11:03 AM Luna, Marie <mluna@lakeforestca.gov> wrote:

Thank you Sima. We will add your comments to the record.

~Marie

Marie Swami Luna

Senior Planner

City of Lake Forest

mluna@lakeforestca.gov

949.461.3466/fax: 949.461.3511

From: Sima Soltani [mailto:simasolt@gmail.com]

Sent: Tuesday, July 24, 2018 10:29 AM

To: Luna, Marie

Subject: Nakase

Hello,

I know there is a scoping meeting on Nakase, and on lakeforestca.gov it says we can email our comments. Anyways, I think building homes at the Nakase site will not only bring much needed housing to south OC, but it will take Lake Forest into it's next phase of prosperity. If you are not growing or gaining a population of people who are of working age, you become a dead city. Plus, it increases our tax base/revenue for the city which is great for the community as a whole. Anyways just wanted to add my comments.

Thanks,

--

Sima "Sam" Soltani

--

Sima "Sam" Soltani

SIMA SOLTANI

Comment Code: P-43

Date: September 27, 2019

Response to Comment P-43-1

The commenter opines that the proposed Project should include a variety of models and sizes that would cater to young professionals. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

From: Carrie Lynn McNutt <clmcnutt@mail.com>
Sent: Tuesday, October 01, 2019 2:16 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: NO more homes!!!

P-44-1

Carrie McNutt
Your Secret Staff
Mobile: 949.584.4327

CARRIE LYNN MCNUTT

Comment Code: P-44

Date: October 1, 2019

Response to Comment P-44-1

This comment expresses opposition to the construction of additional homes. The comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft Environmental Impact Report (EIR).

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

From: Suray <surayhanada@gmail.com>
Sent: Sunday, September 29, 2019 8:44 PM
To: Luna, Marie <mluna@lakeforestca.gov>
Subject: No more houses

Stop the 700Homes at the NAKASE NURSERY!!
We don't need more traffic, more people, more crime.

P-45-1/2/3

SURAY HANADA

Comment Code: P-45

Date: September 29, 2019

Response to Comment P-45-1

The comment expresses opposition to the construction of new homes on the Project site and opines that the proposed Project should not proceed due to the additional traffic that could be generated. As described in Section 4.16, Transportation/Traffic, of the Draft Environmental Impact Report (EIR), the *Nakase Property Traffic Impact Analysis* prepared for the proposed Project (Appendix L of the Draft EIR) evaluated 38 intersections within the Project vicinity. According to Section 4.16 of the Draft EIR, the proposed Project would not result in any significant and unavoidable traffic impacts under any of the scenarios evaluated in the *Nakase Property Traffic Impact Analysis*.

Response to Comment P-45-2

The comment opines that the proposed Project should not proceed due to the additional people that could move to the Project site. As discussed in Section 4.13, Population and Housing, of the Draft EIR, the population of Lake Forest is anticipated to increase by approximately 15.7 percent by 2035 and 15.5 percent by 2040 from the 2012 population of 78,500. The Draft EIR states there would be a less than significant impact with regard to substantial unplanned population growth in the area, either directly or indirectly. The additional 2,274 residents that would be generated as a result of the proposed project would represent a population increase of approximately 2.6 percent. However, in relation to current conditions and the projected increase in the Lake Forest population, the increase associated with the proposed Project is considered to be negligible.

Response to Comment P-45-3

The comment opines that the proposed Project should not proceed due to the additional crime that could be generated. The City contracts with the Orange County Sheriff's Department (OCSD) for police protection and law enforcement services. As discussed in Section 4.14, Public Services, of the Draft EIR, the proposed Project would not result in substantial adverse impacts to the OCSD's ability to provide adequate police protection and law enforcement services to the proposed Project and the City. Appendix K of the Draft EIR contains a Police Protection Questionnaire completed by OCSD in July 2019. OCSD confirmed that it would be able to adequately serve the proposed Project because it would not substantially increase response times or create a substantial increase in demand for staff, facilities, equipment, or police or other emergency services. Therefore, impacts to police protection and law enforcement services as a result of the proposed Project would be less than significant.

Additionally, Section 4.14 of the Draft EIR states that a Neighborhood Watch Program, in consultation with the Orange County Sheriff's Department (OCSD), would be established on the Project site and is expected to prevent crime and reduce calls for service. Mitigation Measure 4.16.1 requires the Applicant/Developer to prepare a Construction Traffic Management Plan (CTMP) for approval by the City to be implemented during Project construction with the goal of maintaining acceptable intersection level of service (LOS) during peak traffic hours. This would ensure that police protection and law enforcement services and their established response times would not be

disrupted or affected during construction of the proposed Project. Furthermore, as shown in Appendix K of the Draft EIR, correspondence with OCSD confirmed they will be able to adequately serve the proposed Project. Impacts to the ability of the OCSD to provide adequate service and maintain service ratios during Project construction and operation would be less than significant, and no mitigation is required.

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3.0 RESPONSES TO COMMENTS RECEIVED AFTER THE CLOSE OF THE COMMENT PERIOD

State CEQA Guidelines Section 15088(a) requires that lead agencies respond to comments received during the comment period and any extensions. The California Environmental Quality Act (CEQA) does not require that an agency respond to late comments (refer to Public Resources Code [PRC] Section 21091[d][1]). The following sections respond to comments received after the close of the comment period. The comment letters, however, were not indexed/coded in the same manner as those comments received by the close of the comment period. As a result, responses to these letters are provided by topic or theme.

3.1 COMMENTS IN SUPPORT OF THE PROPOSED PROJECT

The comment letters listed below expressed support for the approval and development of the proposed Nakase/Toll Brothers Project.

Reasons stated for support of the project include, but are not limited to: providing needed housing, increasing customer base in Lake Forest, dedication of land for a public elementary school, park space, and enhancements to walking trails.

These comment letters do not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. No further response is required.

Eric Olson – Crean Lutheran High School	10/17/2019
Clinton A. Lien, Sr.	10/17/2019
Brodie & Bonnie Schmidt	11/13/2019
Michael Robbins	Unknown
Lily Dastur	Unknown
Rayhaneh Eshghi	Unknown
Paul McKinney – The PM Group	Unknown
Jessie Tsou	Unknown
Candy Larsen	Unknown
Florence Liang	Unknown
Margo Crummack	Unknown
Kevin Hooper	Unknown
Randall Hooper	Unknown
James Shyu	Unknown
Pung Cheng	Unknown
Julee Grovert	Unknown
Louise Chung	Unknown
Jay Lara	Unknown
PK Wang	Unknown
Tao	Unknown
Stina Walander-Sarkin	Unknown
Michelle Jiang	Unknown
Tian Zhao	Unknown
Sunny Wu	Unknown
Vanessa Jackson	Unknown
Melissa Jackson	Unknown
Tuan Dao	Unknown
Andy Manalo	Unknown
Kim Winburn	Unknown
Justin Harsowe	Unknown
Jamie Goald	Unknown
Yushu Feng	Unknown
Mike Leavitt	Unknown
Sherry Gao	Unknown
Don Loessberg	11/06/2019
Caressa DeQuardo	10/23/2019
Megan Detrick	10/23/2019
Travis Blankenship	10/23/2019
Sergio Garcia	10/17/2019
Ritchie Park	10/17/2019

ERIC OLSON – CREAN LUTHERAN HIGH SCHOOL

October 17, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tettemer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name:

Eric Olson

Business:

Crean Lutheran HS

Address:

23152 Tulip St. LF Ca 92630

E-mail:

olson@clsbs.org

CLINTON A. LIEN, SR.

October 17, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tetteimer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name:	Clinton A Lien Sr.
Business:	Resident
Address:	Clint Lien@yahoo.com
E-mail:	22821 Maza CT Lake Forest, CA 92630

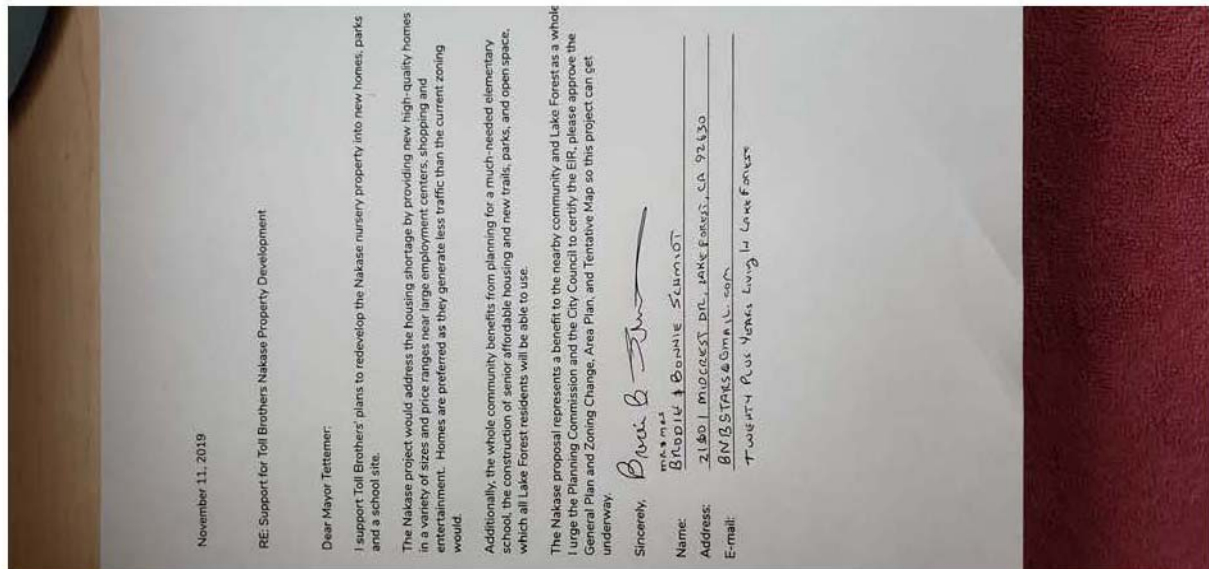
BRODIE AND BONNIE SCHMIDT

From: Bonnie Schmidt <bnbstars@gmail.com>

Sent: Wednesday, November 13, 2019 1:23 PM

To: Tetteimer, Mark <MTetteimer@lakeforestca.gov>; Moatazedi, Neeki <nmoatazedi@lakeforestca.gov>; James, Mike <mjames@lakeforestca.gov>; Voigts, Scott <svoigts@lakeforestca.gov>; Robinson, Dwight <drobenson@lakeforestca.gov>; Ludden, Thomas <tludden@lakeforestca.gov>; Carter, David <dcarter@lakeforestca.gov>; Armando, Mark <marmando@lakeforestca.gov>; Barajas, Francisco <fbarajas@lakeforestca.gov>; Fuentes, Jolene <jfuentes@lakeforestca.gov>; Huizar, Maria <mhuizar@lakeforestca.gov>; Luna, Marie <mluna@lakeforestca.gov>; nakaselfinfo@gmail.com

Subject: Lake Forest Planning Commission hearing to discuss the future of the Nakase property



Please see attached signed letter from:
Brodie & Bonnie Schmidt
21501 Midcrest Dr, Lake Forest, CA 92630

KEVIN AND RANDALL HOOPER

From: Kevin Hooper <khooperoc@gmail.com>

Sent: Wednesday, November 13, 2019 3:31 PM

To: Tetterer, Mark <MTetterer@lakeforestca.gov>; Moatazedi, Neeki <nmoatazedi@lakeforestca.gov>; James, Mike <mjames@lakeforestca.gov>; Voigts, Scott <svoigts@lakeforestca.gov>; Robinson, Dwight <drobison@lakeforestca.gov>; Ludden, Thomas <tludden@lakeforestca.gov>; Carter, David <dcarter@lakeforestca.gov>; Armando, Mark <marmando@lakeforestca.gov>; Barajas, Francisco <fbarajas@lakeforestca.gov>; Fuentes, Jolene <jfuentes@lakeforestca.gov>; Huizar, Maria <mhuizar@lakeforestca.gov>; Luna, Marie <mluna@lakeforestca.gov>; Nakase Info <nakaselfinfo@gmail.com>

Subject: Nakase Nursery - Toll Brothers Development

To whom it may concern:

My wife and I moved to Baker Ranch back in 2015. We are both lifelong Orange County residents and were able to afford our very first home during the middle phases of the development. We definitely love the area and the proximity to transportation corridors, shopping centers, our work, and nearby entertainment. Almost 5 years later and we are contemplating the needs for a larger home and the timing of the Nakase Nursery being ideal for a potential move. We both work in the retail and commercial construction industries and can easily recognize the care and quality Toll Brothers puts in to their products and communities. Upon Toll Brothers recent detailed presentation to ourselves and neighbors, we began to get very excited at the prospect of expanding our homestead within the same geographical area along with the added amenities that would come with that development - a MUCH NEEDED elementary school, huge amount of parks, and additional enhancements to the adjacent walking trails (which we LOVE).

Our own personal needs aside, I do feel this project would help address the high demand for residential space specific to the areas adjacent to the Irvine Spectrum business centers (at lower tax rates too - thank you No Mello Roos!) and would help compliment our very own Foothill shopping centers as a family friendly thriving community - which is in contrast to a potential Campus Office project that would lead to crowding on the weekdays and cold dead space on the weekends (empty buildings, no parks, no schools, not a friendly or usable atmosphere).

The Nakase proposal without a doubt would provide a benefit to our nearby community and Lake Forest as a whole. The General Plan and Zoning Change has my full support and I urge the Planning Commission and City Council to approve this project and get the work underway!

Thank you,
Kevin and Randall Hooper

MICHAEL ROBBINS

Toll Brothers®

NAKASE PROPERTY

We invite you to share your comments and ideas for a new residential community in Lake Forest, CA.

Please fill out the following information and return to us tonight. Thank you for your input!

- I support the plans as presented. Please let me know how I can help.
- I am interested in attending the next workshop to help plan this new community. Please keep me informed.
- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Michael Robbins

Address: 45 Finch

City: Lake Forest Zip: 92630

Phone: 949-413-9191

E-Mail: michael.robbins.br@gmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

LILY DASTUR

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: LILY DASTUR

Address: 46 MARIPOSA

City: LAKE FOREST Zip: 92630

Phone: —

E-Mail: LILYDASTUR@GMAIL.COM

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

RAYHANEH ESHGHI

Toll Brothers

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Rayhaneh Eshghi

Address: 100 Fuchsia

City: Lake Forest Zip: 92630

Phone: _____

E-Mail: R_eshghi@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

PAUL MCKINNEY-THE PM GROUP

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Paul McKinney The PM Group
Address: 25 RANCHO CIR.
City: L.F. Zip: 92630
Phone: 949.497-1662
E-Mail: paulm@pmgrp.net
Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

JESSIE TSOU

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Jessie Tsou

Address: 21 Eclipse.

City: Lake Forest. Zip: 92630

Phone: 909-918-9898

E-Mail: Jessie@benttsou.com.

Comments: I support an elementary school @ Nakase.

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

CANDY LARSEN

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Candy Larsen

Address: 27641 Pasatiempo

City: M.Y Zip: 92692

Phone: (949) 637-5920

E-Mail: c.larsen1950@gmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

FLORENCE LIANG

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Florence Liang

Address: 37 SWIFT

City: Lake Forest Zip: 92630

Phone: 909-996-2388

E-Mail: florence.k.liang@gmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

MARGO CRUMMACK

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: MARGO CRUMMACK

Address: 25531 COMMERCENTRE DR #100

City: LAKE FOREST CA Zip: 92630

Phone: 949.367.9430

E-Mail: MARGO@CH-JH.COM

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

KEVIN HOOPER

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Kevin Hooper

Address: 29 Fuchsia

City: Lake Forest Zip: 92630

Phone: 714-292-0062

E-Mail: khooperoc@gmail.com

Comments: The home community + elementary school
will be great for this area.

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

RANDALL HOOPER

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Randall Hooper

Address: 29 Fuchsia

City: Lake Forest Zip: 92630

Phone: 949-922-8603

E-Mail: RLWoodworth@gmail.com

Comments: An elementary school and upscale homes would benefit the area, by adding the school amenity/need and finehome options in a great location of Lake Forest!

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

JAMES SHYU

Toll Brothers®

NAKASE PROPERTY

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- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: James Shyu

Address: 31 Umbria

City: Lake Forest Zip: 92630

Phone: 949-888-8099

E-Mail: jpshyu@gmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

PUNG CHENG

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: PUNG CHENG

Address: 15 BLUEBELL

City: LAKE FOREST Zip: 92630

Phone: 949-971-9973

E-Mail: Dang1244@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

JULEE GROVERT

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Julee Grovert
Address: 40 Barberrry
City: Lake Forest Zip: 92630
Phone: 402-214-7979
E-Mail: Julee@Grovert.com
Comments: 😊 we need houses. 😊

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

LOUISE CHUNG

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Louise chung

Address: 36 Forster

City: LF Zip: 92630

Phone: ~~015~~

E-Mail: Louiseandwinston@gmail.com

Comments: more retailers, school is a must,
bigger lots

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

JAY LARA

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: JAY LARA

Address: 18 FUCUSIA

City: LAKE FOREST Zip: 92630

Phone: _____

E-Mail: jlara34@gmail

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

PK WANG

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: PK WANG

Address: 16 Goldenrod

City: Lake Forest Zip: 92630

Phone: 714-609-1680

E-Mail: _____

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

TAO

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: TAO

Address: 18 Juniper

City: Lake Forest Zip: 92620

Phone: _____

E-Mail: 505352172@QA.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

STINA WALANDER-SARKIN

Toll Brothers®

NAKASE PROPERTY

We invite you to share your comments and ideas for a new residential community in Lake Forest, CA.

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Stina Walander-Sarkin

Address: 31 LILAC

City: LAKE FOREST Zip: 92630

Phone: 562 506 6931

E-Mail: stina.walander@gmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

MICHELLE JIANG

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Michelle Jiang

Address: 36 Sorrel

City: Lake Forest Zip: 92630

Phone: 949-842-8662

E-Mail: _____

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

TIAN ZHAO

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: TIAN ZHAO

Address: 19 Manzanillo

City: Lake Forest Zip: 92630

Phone: 949 351 9091

E-Mail: xiutianzhao@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

SUNNY WU

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Sunny Wu

Address: 19 Manzanillo

City: Lake Forest Zip: 92630

Phone: _____

E-Mail: sywu_1999@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

VANESSA JACKSON

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: VANESSA JACKSON

Address: 82 FINCH

City: LAKE FOREST Zip: 92631

Phone: 302-494-4046

E-Mail: optimaltrainer@gmail.com

Comments: It appears as this build out will increase the value of all our homes.

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

MELISSA JACKSON

Toll Brothers

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Melissa Jackson

Address: 70 Clover

City: Lake Forest Zip: 92630

Phone: 949-538-6238

E-Mail: _____

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

TUAN DAO

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: TUAN DAO

Address: 18 BARBERY

City: LAKE FOREST Zip: 92630

Phone: _____

E-Mail: TUANDAO@LIVE.COM

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

ANDY MANALO

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: ANDY MANALO

Address: 22 BLUEBELL

City: LAKE FOREST Zip: 92630

Phone: 312 - 318 - 6880

E-Mail: AC @ MANALO . US

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

KIM WINBURN

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Kim Winburn

Address: 146 Wild Rose

City: Lake Forest Zip: 92630

Phone: _____

E-Mail: Kimwinburn@hotmail.com

Comments: _____

I support this project

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

JUSTIN HARSOWE

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Justin Harsowe

Address: 106 Agave

City: Lake Forest Zip: 92630

Phone: 626-548-9773

E-Mail: jharsow@ yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

JAMIE GOALD

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Jamie Gould

Address: 22345 Blueberry Ln

City: Lake forest Zip: 92630

Phone: 949-422-1753

E-Mail: svesheeme@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
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YUSHU FENG

Toll Brothers®

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Yushu Feng

Address: 36 Plumeria

City: Lake Forest Zip: 92630

Phone: 650-645-2087

E-Mail: tara.feng@hotmail.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLInfo@gmail.com

MIKE LEAVITT

Toll Brothers®

NAKASE PROPERTY

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- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Mike Leavitt

Address: 100 Fuchsia

City: Lake Forest Zip: 92630

Phone: 949-633-5862

E-Mail: m_leavitt1@yahoo.com

Comments: _____

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

SHERRY GAO

Toll Brothers®

NAKASE PROPERTY

We invite you to share your comments and ideas for a new residential community in Lake Forest, CA.

Please fill out the following information and return to us tonight.
Thank you for your input!

- I support the plans as presented. Please let me know how I can help.
- I am interested in attending the next workshop to help plan this new community. Please keep me informed.
- I would like to schedule a one-on-one meeting to discuss the community.
- I would like more information. Please call me.
- I would like exhibits shown tonight. Please e-mail me at the address below.

Name: Sherry Gao
Address: 26191 Nightengale Ct
City: Lake Forest Zip: 92630
Phone: 949-680-8448
E-Mail: catgao@yahoo.com
Comments: Love TB homes!

For more information visit NakaseLakeForest.com
or email NakaseLFinfo@gmail.com

DON LOESSBERG

November 6, 2019

RE: Support for Toll Brothers Nakase Property Development

Dear Mayor Tetterer:

I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name: Don Loessberg
Business: LAKE FOREST RESIDENT
Address: 21006 Ashley Lane Lake Forest ca 92630
E-mail: don.loessberg@usfoods.com

CARESSA DEQUARDO

October 23, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tetterer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name:

Caressa DeQuardo

Business:

Towne Centre Dental

Address:

45 Auto Centre Dr. Foethill Ranch CA 92610

E-mail:

caressadequardo@gmail.com

MEGAN DETRICK

October 23, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tettemer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name: Megan Detrick
Business: Towne Centre Dental Group
Address: 45 Auto Center Dr., Suite 11b, Foothill Ranch, CA 92610
E-mail: megan.detrick@pacden.com

TRAVIS BLANKENSHIP

October 23, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tetterer:

I am a local ^{resident} ~~business owner~~ and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.


The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name:

Travis Blankenship 

Business:

Address:

3 Balise Lane

E-mail:

traumasterb@gmail.com

SERGIO GARCIA

October 17, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tetterer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name:

Sergio Garcia

Business:

VIOC

Address:

26731 Rancho Pkwy Lake Forest, 92530

E-mail:

SGarcia@viox.net

RITCHIE PARK

October 17, 2019

RE: Toll Brothers Nakase Property Development

Dear Mayor Tetteimer:

I am a local business owner and I support Toll Brothers' plans to redevelop the Nakase nursery property into new homes, parks and a school site.

The Nakase project would address the housing shortage by providing new high-quality homes in a variety of sizes and price ranges near large employment centers, shopping and entertainment. Homes are preferred as they generate less traffic than the current zoning would, plus the traffic generated from homes is more desirable to local business. New homes mean new residents and a new customer base for local business, which translates into tax dollars for city needs.

Additionally, the whole community benefits from planning for a much-needed elementary school, the construction of senior affordable housing and new trails, parks, and open space, which all Lake Forest residents will be able to use.

The Nakase proposal represents a benefit to the nearby community and Lake Forest as a whole. I urge the Planning Commission and the City Council to certify the EIR and approve the General Plan and Zoning Change, Area Plan, and Tentative Map so this project can get underway.

Sincerely,

Name: Ritchie Park
Business: Smile On You Dentistry
Address: 26741 Rancho Pkwy Suite 105-A Lake Forest, CA 92630
E-mail: info@smileonyoudentistry.com

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3.2 RESIDENTS AGAINST REZONING NAKASE

On November 6, 2019, the City of Lake Forest (City) received a comment letter from Residents Against Rezoning. Approximately 250 residents signed this letter opposing rezoning of the Project site for residential uses. The following topics were raised in the comment letter: (1) Saddleback Valley Unified School District (SVUSD) has not committed to building a school on the Project site; (2) potential impacts to existing schools if a new elementary school is not constructed; (3) State-regulated School Mitigation Fees do not fully mitigate potential project impacts; (4) it would be imprudent of the City to approve the proposed Project given the shortage of K-6 seats; and (5) support for commercial development on the site (rather than residential).

Saddleback Valley Unified School District (SVUSD) has not committed to building a school on the Project site. Refer to Theme #1 in the Common Response to Comments and Questions regarding the Nakase School site. It is true that the SVUSD may not build a school on the Nakase site. Even if the City Council approves a version of the Project that includes a designated school site (not all alternatives include the school site), no new elementary school could be constructed on the Project site without further approvals from: (a) the SVUSD, and (b) the California Department of Education (CDE). The Applicant has merely proposed a site for a potential elementary school. However, approval of the proposed Project does not guarantee the construction of a school; that is outside the control of the Applicant and the City.

The proposed Project would result in impacts to existing school facilities if no new school is built. Refer to Theme #2 in the Common Response to Comments and Questions regarding the Nakase School site.

The Draft EIR, Section 4.14, Public Services, analyzes the Project's potential effects on existing schools, both if a new school is built *and* if a new school is not built.

If constructed, the proposed elementary school is expected to accommodate 1,000 students, which would reduce impacts on school services and facilities. As shown in Table 4.14.D, in Section 4.14, with dedication of the proposed school site, the SVUSD would have the ability to add 1,000 elementary school seats, thereby eliminating the shortage of 101 seats resulting from the proposed Project and providing additional seats available to SVUSD students.

However, if the SVUSD does not accept the dedication of the school site, the Applicant would pay school fees consistent with California Government Code Section 65995. With dedication of the proposed elementary school site or the payment of any school fees (as required by Regulatory Compliance Measure [RCM] PS-2), impacts to school facilities would be less than significant, and no mitigation is required.

Proposition 1A/Senate Bill (SB) 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act [...] involving [...] the planning, use, or development of real property" (Government Code 65996(b)). That is, satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Thus, under California law, the payment of school facility impact fees pursuant to Government Code Section 65995 reduces any potential impacts of new residential development on school services.

As described in Draft EIR Section 4.14, Public Services, the Project Applicant would dedicate land for the proposed elementary school site or be required to pay school impact fees as required by RCM PS-2. Therefore, the proposed Project would have less than significant impacts to school services and facilities, and no mitigation is required. The SVUSD would be responsible for determining how and where any school facility impact fees collected from the Applicant would be spent to upgrade or expand classroom space. How the money is spent is beyond the control of the Applicant and the City.

The comment opines that State-regulated School Mitigation Fees do not fully mitigate potential project impacts. The school impact fee amount is beyond the City's control. By law, the City may not require mitigation beyond the State-required impact fees.

Assembly Bill (AB) 2926 was enacted by the State in 1986. Among other things, AB 2926 added various sections to the Government Code which authorize school districts to levy school fees on new residential and commercial/industrial developments in order to pay for school facilities. In addition, AB 2926 provides for the following:

1. No city or county can issue a building permit for a development project unless such School Fees have been paid.
2. School Fees for commercial/industrial development must be supported by the finding that such School Fees "are reasonably related and limited to the needs for schools caused by the development."
3. School Fees for 1987 were limited to \$1.50 per square foot on new residential construction and \$0.25 per square foot for new commercial/industrial construction.
4. Every year, School Fees are subject to annual increases based on the statewide cost index for Class B construction, as determined by the State Allocation Board at its January meeting. (This provision was changed to every other year by AB 181.)

The provisions of AB 2926 have since been expanded and revised by AB 1600. AB 1600, which adopted Sections 66000 et seq. of the Government Code, was enacted by the State in 1987. AB 1600 requires that all public agencies satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval for a development project:

1. Determine the purpose of the fee.
2. Identify the facilities to which the fee will be put.
3. Determine that there is a reasonable relationship between the need for public facilities and the type of development on which a fee is imposed.
4. Determine that there is a reasonable relationship between the amount of the fee and the public facility or portion of the public facility attributable to the development on which the fee is imposed.

5. Provide an annual accounting of any portion of the fee remaining unexpended, whether committed or uncommitted, in the School District's accounts five or more years after it was collected.

In other words, AB 1600 limits the ability of a school district to levy school fees unless (i) there is a need for the School Fee revenues generated, and (ii) there is a nexus or relationship between the need for School Fee revenues and the type of development project on which the School Fee is imposed. (The requirements of AB 1600 as applied to school fees were clarified with the adoption of AB 2751 in 2006, which codifies the findings of *Shapell Industries vs. Milpitas Unified School District.*) The SVUSD prepared a Residential Development School Justification Study in 2018 in order to establish such a nexus. The Justification Study evaluated the number and cost of new facilities required to house students generated from future residential development within the SVUSD.

On January 24, 2018, the State Allocation Board (SAB) increased the maximum residential School Fee authorized by Section 17620 of the Education Code from \$3.48 to \$3.79 per residential building square foot for unified school districts. Based on the square footage of the average residential unit constructed within the SVUSD, the school fees would provide for less than 100 percent of the school facilities' cost impacts. Therefore, the Justification Study concluded that SVUSD is fully justified in levying the maximum residential School Fee of \$3.79 per square foot for all new non-mitigated residential development within its boundaries. Neither the City nor SVUSD can increase the fee beyond the maximum residential School Fee authorized for unified school districts by the SAB.

The payment of these fees by a developer serves to mitigate all potential impacts on school facilities that may result from implementation of a project to levels that are less than significant (see California Government Code Section 65996). Stated another way, payment of school fees provides full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other State or local laws.

Further, as noted above, Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act [...] involving [...] the planning, use, or development of real property" (Government Code 65996(b)). That is, satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Thus, under California law, the payment of school facility impact fees pursuant to Government Code Section 65995 reduces any potential impacts of new residential development on school services.

As described in Draft EIR Section 4.14, Public Services, the Project Applicant would dedicate land for the proposed elementary school site or be required to pay school impact fees as required by RCM PS-2. Therefore, the proposed Project would have less than significant impacts to school services and facilities, and no mitigation is required. The SVUSD would be responsible for determining how and where any school facility impact fees collected from the Applicant would be spent to upgrade or expand classroom space. How the money is spent is beyond the control of the Applicant and the City.

The comment opines that it would be imprudent of the City to approve the proposed Project given the shortage of K-6 seats. As noted above, Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any

“[...] legislative or adjudicative act [...] involving [...] the planning, use, or development of real property” (Government Code 65996(b)). That is, satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be “full and complete mitigation.” Thus, under California law, the payment of school facility impact fees pursuant to Government Code Section 65995 reduces any potential impacts of new residential development on school services.

As described in Draft EIR Section 4.14, Public Services, the Project Applicant would dedicate land for the proposed elementary school site or be required to pay school impact fees as required by RCM PS-2. Therefore, the proposed Project would have less than significant impacts to school services and facilities, and no mitigation is required. The SVUSD would be responsible for determining how and where any school facility impact fees collected from the Applicant would be spent to upgrade or expand classroom space. How the money is spent is beyond the control of the Applicant and the City.

The comment states that other commercial developers will buy the property if the Project is denied. The City can only consider the application that has been submitted. No other applications for development of the property have been submitted.

Residents Against Rezoning Nakase

Letter of Concern, List of Residents, and Supporting Documents



November 2019

Residents Against Rezoning Nakase

November 5, 2019

Marie Luna
Senior Planner, City of Lake Forest
25550 Commercecentre Drive
Lake Forest, CA 92630

Dear Ms. Luna,

I am writing you to express the concerns of over 250 residents of Lake Forest in regards to the Nakase / Toll Brothers project. Our concerns stem from the impact that the Nakase / Toll Brothers development will likely have on K-6 educational facilities in the city. At some point in the relatively near future, the City Council will be asked to vote on plans to rezone the Nakase Nursery parcel to Residential resulting in it being sold to Toll Brothers, Inc for a new 675-unit housing development. We are strongly opposed to rezoning the parcel to Residential and we urge you to keep our concerns in mind as you advise the Planning Commission and City Council.

Likelihood of New School Construction at Nakase Project

Although Toll Brothers has allocated 10 acres for a new elementary school, Saddleback Valley Unified School District has not committed to building a school on the site. In a letter to the city dated September 23, 2019 (Appendix A), the district stated *“The District has yet to determine if developing and operating this school is financially feasible. This is the reason the District requested that the City address a scenario where a school at this site is not completed or is delayed and students from the development would attend existing schools.”* In July of 2019, more than three years after being made aware of the potential Nakase development, the district finalized their 2019 – 2029 Long Range Facilities Master Plan. A detailed review of the plan reveals not a single reference to potential new school construction anywhere in the district. SVUSD is currently considering placing a \$495 million local school improvement bond measure on the March 2020 ballot. A careful review of the bond measure’s Fact Sheet (Appendix B), mailer (Appendix C), and FAQ (Appendix D) reveals not a single reference to potential new school construction. Tellingly, the last time the district built an elementary school was in 1998. To accommodate the tremendous population growth within its boundaries over the last two decades, the district has instead opted to absorb more students into existing facilities. In fact, when development began at Baker Ranch, the district decided to zone the entire 2,379-unit community’s students to Foothill Ranch Elementary instead of building a new school. Taken together, the preceding facts lead us to believe that it is highly unlikely that SVUSD will build a school on the Nakase site.

Impact on Existing Lake Forest Elementary Schools

In lieu of building a new school, the district has asked the city to consider the impact that the development would have on existing schools. In a letter to the city dated July 25, 2018 (Appendix E), the district stated *“The District requests that the Nakase Area Plan EIR address the ability of the District’s existing elementary, intermediate, and high schools to accommodate the additional students generated by the 675 dwelling units based on current enrollment and school capacities”*. Unfortunately, the EIR failed to address the impact resulting in the District sending a second letter to the City on September 23, 2019 (Appendix A) in which the District states *“However, without construction of new elementary school facilities – whether those of the proposed school or at an existing campus(es) – the District may not have adequate facilities to accommodate the project’s elementary school students (DEIR Table 4.14D).”* Alarming, the EIR reveals that Total Elementary School Capacity in the City of Lake Forest has a surplus of only 34 seats (Appendix F) while the Nakase project would generate 135 elementary school students (Appendix A) resulting in a shortage of 101 seats. The school nearest to the Nakase property, Foothill Ranch Elementary, has a capacity of 932 while enrollment is 1,194 resulting in a shortage of 262 seats (Appendix F). That shortage is today’s reality in spite of School Mitigation Fees that were paid by the developers of Baker Ranch, Camden Court, and El Paseo. In fact, Foothill Ranch Elementary has the highest number of enrolled students in the entire district, as can be seen in Appendix G. The schools nearest to Nakase that don’t have a shortage of seats, Portola Hills Elementary and Rancho Canada Elementary, have yet to absorb the full impact of students generated from Portola Center (Ironridge) and the 608-unit Serrano Summit developments, respectively. Looking to the future, the picture doesn’t get any better. As can be seen in Appendix H, SVUSD’s 2019 - 2029 Long Range Facilities Master Plan shows no plans for construction of new classroom space at any of the seven elementary schools in Lake Forest. Therefore, any additional students from the Nakase development would exacerbate the overcrowding at area schools beyond the breaking point. Concerned about the pattern we were seeing from the district, we asked the Assistant Superintendent of Facilities Operations and Technology for SVUSD, Robert Craven, if a new school on the Nakase site is not built could he assure us that students from the proposed development would not feed into impacted schools? His response was that he could not make that assurance.

School Mitigation Fees

Section 17620 of the California Education Code authorizes school districts to collect fees for mitigation of the impact of new development on enrollment. In theory, this provision should allow for the Nakase project to proceed without a new school being built and have no impact on the educational experience of Lake Forest children. But a closer examination of state capped maximum fee amounts and SVUSD facility costs reveals a significant shortfall. The state caps the maximum School Fee amount to \$3.48 per residential building square foot. SVUSD’s school facilities cost impacts are \$10.95 per square foot for Single Family Detached units and \$19.92 per square foot for Multi-family Attached units (Appendix H), which results in \$7.47 and \$16.44 per square foot shortfalls respectively. Combined with the budgetary challenges the District already faces, this means that even the maximum allowed School Mitigation Fees from the Nakase development would woefully fall short of mitigating the impact on student enrollment.

Applicant Considerations

It may seem unfair to deny Toll Brothers' project application because of SVUSD's inability to adequately plan for growth. But as the Lead Agency per CEQA guidelines, the City is responsible for approving or denying a project no matter what supporting agency is ultimately responsible for the environmental condition of the City. Approving this project in spite of the shortage of K-6 seats would be just as imprudent as approving a residential development in a flood plain just because Orange County Public Works is at fault for not building a flood control channel.

We recognize the vital role developers play in revitalizing a city and we hope that Toll Brothers will recognize that they have enjoyed our support at their Baker Ranch and Parkside developments in recent years. We also recognize that the Nakase brothers have been good neighbors and they're now nearing retirement and looking to sell their land. Fortunately, city staff have indicated that commercial developers have expressed interest in buying and developing the property if the current application to rezone is denied. It goes without saying that a commercial development would require no change to the current land use designation and would enjoy our full support as it would have no impact on area schools.

Conclusion

Taking into consideration SVUSD's history of absorbing students into existing schools, the current overcrowding at area schools, the meager amount that School Mitigation Fees actually offset, the district's own written assertions that they may not have adequate facilities for the project's elementary school students, a complete lack of planning for any potential new school construction or classroom construction in their Long Range Facilities Master Plan and 2020 bond measure, as well as their refusal to assure us that new students from the Nakase development will not be zoned to schools that are already impacted, we are left with no choice but to oppose the rezoning of the Nakase parcel to Residential.

At the root of our concerns are the children of Lake Forest, who have no voice of their own. We hope you will recognize the impact that the proposed development will likely have on them and advise the Planning Commission and City Council to deny changing the land use designation of the Nakase Nursery parcel.

Thank you for your service to our city.

Sincerely,

Residents Against Rezoning Nakase

Residents Against Rezoning Nakase

Yakira Aguilar

Abebaw Alem

Delia Alida Vilte

Angel Alvidrez

Rebecca Alvidrez

Lynn Anderson

Liz Arechiga

Katie Armbruster

Lelaina Arnold

Marcie Asbury

Nirav Badani

Denise Bailey

Michal Bar

Emily Barnell

Cindy Bates

Amrit Behl

Jennifer Beith

April Bodnar

Sean Bodnar

Diane Bodnar

Tera Broad

Steve Bui

Skylar Bullon-Smith

Yvonne Cabreta

Osvaldo Capdevila

Stephen Caro

Warner Carr

K Chablani

Saravanan Chandrasekar

Rachelle Chesnut

Wendy Cheung

Rebecca Chiang

Mary Chudzinski

Jenny Clark

Laura Closser

Zachary Closser

Linda Colten

Kalan Cope

Catherine Corral

Suzanne Cote

Michael Cribbin

Sheryl D. Green

Ivorn Danbara

Ajay Dandekar

Chi Dang

Rakhi Datta

Paul David Manhart

Mariella de Wilde

Ramon Del Rosario

Kamila Desai

Dawn Done

William Done

Sara Elliott

Wendy Elwell

Shay Esmaili

Siamack Esmaili

Sharon Esparza

Melanie Espinal

Alexi Estrada

Jacqueline Fairbanks

Brian Fitzgerald

Elizabeth Flynn

Abhishek Fnu

Kristen Fox

Andrew Fox

Craig Francis

Cecilia Franco
Cruz Frosch
Kate Fuentes
Christine G. Stafford
Linda Gale
Leanna Garrido
Gladys Gasca Garzon
Eric Gastelum
Robert George
Penny Giakos
Nancy Gomez
Melissa Goodman
Josh Gould
Trisha Goyal
Christopher Green
Karen Grimsley
Aimee Gustafson
Larissa Hacke
Jill Hamilton
Stefanie Hammond
Ryan Hammond
Alanzo Harris
Jessica Hart
Terry Hatcher
Kandice Hawes
Amanda Hernandez
Barbara Hernandez
Melanie Hershock
John Hershock
Noelle Hill
Elaine Ho
Richard Hodgson
Dawn Hoyt
Jihee Hwang
Stephanie Ingardia
Sonika Jain

Daniele Jenkins
Michael Jenkins
Jason Jimenez
Emily Johnson
Marissa Johnson
Craig Johnson
Laura Johnston
Madeleine Jonsson
Leslie Jordan
Russell Julian
Nancy Justus
Mimi K
Charlene Kaloper
Katherine Kaufman
Denise Keddy
Sharyn Kennedy
Irene Kha
Martha Kilfoy
Darin Kim
Lori King
Amanda Kitchen
Caden Klapperich
Janine Kloppenborg
Joshua Kloppenborg
Nisha Kolhatkar
Kathy Kosky
Steven Krisch
Mahesh Kumar
Mary Lai
Rob Lange
Sonia Latifzada
Geoff Lee
Joseph Lee
Kwok Liang Poo
Joshua Licht
Ping Liu

Lorraine Long
Josue Lopez
Joanna M Rice
Suman Majee
Neha Malik
Neven Marinkovich
Christine Martin
Kimberly Mathias
Brielle May
Sarah Mcdevitt
Melissa McGee
Kevin McGee
Jeri McGinty
Deborah McMahan
Carrie McNutt
David Melton
Brandon Menchaca
Ana Miller
Joanna Minton
Bryon Minton
Glen Mohn
Glen Mohn
Michele Morris
Jennifer Mulholland
Rosanna Narvaez
Evelyn Nazario
Maria Nelson
Awesome Ness
Marian O'Reilly
Andrew OConnor
James Orsbern
Jamie Ota
Kim P
Abhinay Pandey
Bennett Parani
Prital Patel

Radhika Patel
Sharal Pellegrini
Kim Pendergrass
Kim Pennachio
Jaydeep Pendse
Stephanie Perez
Kimberly Peterson
Marvin Pinzon
Junette Pitts
Maribeth Pool
Harjith Pradeep
Paul Purcell
Stuart Purrell
Hongyan Quiang
Maha Rahel
Sandra Ransom
Nancy Ratkowski
Colin Ratkowski
Avery Rice
Daryl Robinson
Rebecca Robinson
Doris Rodriguez
Coral Rosa
Jakob Santos
Jennifer Sarvis
Brian Schaar
Gage Scheiler
Jocelyn Schumacher
Eric Schwartz
Rajitha Selamkoti
Dipty Sheth
Hyejin Shim
Toni Shull
Christina Simon
Amit Singh
Anjali Singh

Jaspreet Singh
Steven Skinner
Katie Smith
Josh Smith
Vishal Soningra
Nydia Spates
Miranda Spirtos
Elizabeth Stein
Greg Stevenson
Cris Stoichin
Tamera Suckoo
Kathy Thibault
Dawn Thorson
Vanessa Tingey
Tracey Tingley
Mistie Tish
Carol Toney
Sean Tran
Delite Travis
Adam Tuliper
Kelly Turbeville
Jennifer Valenzuela
Wendy Vassilaros
Bo Wang
Christine Wayne
Holly Weatherly
Ray Wegener
Raelynn Wenge
Shelley Wettergren
Susan White
Charles Williams
Cindy Williams
Aaron Williams
Dirk Younkin
Dawn Zalfa
Holly Zderich

Brian Zderich
Reed Zderich
Wendy Zimmerman
Allison Zych
Todd Zych

Appendices

Appendix A	Letter from SVUSD to City of Lake Forest, September 23, 2019
Appendix B	SVUSD bond measure Fact Sheet
Appendix C	SVUSD bond measure Mailer
Appendix D	SVUSD bond measure FAQ
Appendix E	Letter from SVUSD to City of Lake Forest, July 25, 2018
Appendix F	Nakase / Toll Draft EIR
Appendix G	SVUSD 2019 – 2029 Long Range Facilities Master Plan
Appendix H	SVUSD 2019 – 2029 Long Range Facilities Master Plan
Appendix I	SVUSD Residential Development School Fee Justification Study

Appendix A

Source: Letter from SVUSD to City of Lake Forest, September 23, 2019

Highlights: District uncommitted to building school on Nakase site, lack of adequate existing elementary school facilities, projected number of elementary students from Nakase project



Board of Education

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

Crystal Turner, Ed.D.
Superintendent

September 23, 2019

Marie Luna
Senior Planner
City of Lake Forest
Community Development Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Comments on Draft Environmental Impact Report for the Proposed Nakase
Nursery/Toll Brothers Project

Dear Ms. Luna:

Saddleback Valley Unified School District is a Responsible Agency for the new elementary school proposed in Nakase Nursery/Toll Brothers project (Proposed Project). The District would be responsible for carrying out and approving the acquisition of the school site, its development, and its operation. We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed project and respectfully submit the comments herein.

Proposed Project

The Applicant (Toll Brothers) proposes development of a master-planned community on 122 acres south of the intersection of Bake Parkway and Rancho Parkway, within District boundaries. The proposed community would include up to 675 single- and multifamily residential units; up to 101 senior affordable apartment units; a public elementary school site accommodating up to 1,000 students; parks, open space, and habitat restoration area; an internal circulation system; and a multipurpose water quality basin. In lieu of paying school fees, the Applicant intends to dedicate 11.5 acres in the northwest portion of the community to the District for development of the proposed school ("proposed school site").

Project School Impacts

The proposed project would generate 282 primary and secondary students, including 135 elementary, 45 intermediate, and 102 high school students (DEIR Table 4.14C). According to current enrollments and capacities of nearby District schools (DEIR Table 4.14A), it is projected the District will have sufficient seating for the project's intermediate and high school students. However, without construction of new elementary school facilities—whether those of the proposed school or at an existing campus(es)—the District may not have adequate facilities to accommodate the project's elementary school students (DEIR Table 4.14D).

In its letter response to the City's Notice of Preparation for the project's DEIR, July 25, 2018, the District requested the DEIR include the following:

- » School siting investigations, pursuant to Section 14010 of the California Code of Regulations (CCR), Title 5, for the proposed school site and potential joint use areas, and
- » A scenario that assumes the proposed school is not developed (and/or its development is delayed).

ADEQUACY OF SCHOOL SITE

Prior to the District's consideration of the acquisition, development, and operation of the proposed school site, the EIR must determine the suitability of the property for school use and the action's effects on the environment.

California School Siting Criteria

The EIR adequately analyzes health and safety hazards related to public school development at the proposed school site. Although the impacts are less than significant after compliance with existing regulations and proposed mitigation, two school siting issues remain to be fully closed out:

- » **Powerline Setback Exemption.** Overhead transmission lines carrying 66 kV adjoin the proposed school site along Bake Parkway. Section 14010(c) of CCR Title 5 states that a distance setback of 100 feet is required for overhead powerlines with 50 kV to 130 kV lines. The California Department of Education (CDE) Power Line Setback Exemption Guidance, May 2006, provides that a 25-foot setback is required for undergrounded transmission lines with 60 kV to 133kV; the CDE May 2006 Guidance also provides for a setback exemption if safety is not compromised and if an electromagnetic field (EMF) field management plan is prepared.

An EMF study and field management plan (DEIR Appendix H) were prepared for the proposed school site and concluded that the existing EMF levels at the site are within the average values for California public schools; therefore, potential health risks related to EMF exposure are less than significant. Additionally, the project's proposal to underground the power lines further attenuates EMF levels, and the setback distance would be reduced from 100 feet to 25 feet. If the District acquires the property and if final design of the school encroaches within the 25-foot setback, the District may submit an exemption request to allow unrestricted use of the setback area.

- » **Site Approval and Clearance by CDE and DTSC.** A Phase I Environmental Site Assessment and Limited Phase II Subsurface Investigation Report were prepared for the entire 122-acre property. No recognized environmental concerns (REC) were identified on the proposed school site. However, similar to the rest of the property, the property was in agricultural production as early as the late 1930s. EIR Threshold 4.9.3 accurately states that the potential acquisition of the proposed school site for development and operation as a public school would require compliance with Education Code Sections 17213.1, 17213.2, and 17268, and would require oversight by the Department of Toxic Substances Control (DTSC) to ensure potential soil hazards are remediated to California school standards. Compliance with DTSC requirements

and receipt of a “No Further Action,” per DEIR Mitigation Measure 4.9.3, would reduce impacts from soil hazards at the proposed school site to less than significant.

Proposed School Construction and Operational Impacts

To the extent that details are known, construction and operational impacts caused by the proposed elementary school were analyzed throughout the DEIR, and our comments focus on potential traffic and parking impacts.

Traffic. The proposed school would house up to 1,000 elementary students, including 135 students from the proposed development. The remaining students would be from the surrounding communities.

- » **TRAF-1:** School TAZ 2 Project Peak Hour Trip Distributions identifies the proposed trip distribution anticipated for the proposed school. Do the trip distribution patterns and percentages take into consideration potential trips from communities of the existing impacted schools and projected future developments? If not, please explain the rationale for the current proposed patterns and distributions and/or update the distribution and traffic impact analysis accordingly.
- » **TRAF-2:** For students who do not live in the proposed planned community and who may walk or bike to school, please identify the safe routes that are proposed for access to the proposed school site? What off-site improvements, if any, will be implemented to ensure the proposed routes to the proposed school are safe?
- » **TRAF-3:** Will the sidewalk on the south side of Rancho Parkway, adjacent to the proposed school site, be constructed by the Applicant as a part of the proposed project?

Parking. CDE’s Guide to School Site Analysis and Development, 2000 Edition, recommends that 2.25 parking spaces be provided for each elementary teaching station to accommodate school employees and visitors. Assuming the proposed 1,000-seat school would be developed with 40 classrooms, the campus would require 90 off-street parking spaces. Due to the site’s narrow, L-shaped configuration, it may be difficult to accommodate all 90 off-street spaces. Consequently, “BB” Street may need to accommodate parking demands for normal school operations, as well as during special events and programs, such as the morning of the first day of school, back-to-school night, and open house.

- » **PARK-1:** DEIR Threshold 4.16.3 (page 4.16-23) states that BB Street adjacent to the school would accommodate student loading activities and on-street parking. Assuming both sides of BB Street would be available for parking outside the morning and afternoon bell periods, please confirm:
 - The number of parked vehicles BB Street would be able to accommodate.

- Whether the on-street spaces would be sufficient to accommodate special events and programs at the 1,000-seat school. If not, please identify how overflow parking can be accommodated for special events and programs.

NO DEVELOPMENT OF SCHOOL SITE

The DEIR adequately analyzes health and safety impacts under CCR Title 5, but does not fully address the District's second request, which was to consider the impacts if this school is not developed or its completion is delayed. To summarize the approach taken in the DEIR:

- » DEIR Section 3.3.3, "Elementary School," states that if the proposed school were not built, then "medium residential and neighborhood park uses would be permitted on the school site."
- » DEIR Threshold 4.14.1(iii) discusses the possibility that the proposed school is not built and states that none of the existing elementary schools that could serve the project's 135 elementary students would have adequate capacity. The analysis concludes that payment of developer fees—as provided by California Government Code Section 65995—would mitigate the project's school impacts.
- » DEIR Alternative 3, "No School Alternative," considers development of the Nakase Property Area Plan without the proposed school site.

Though District representatives have met with the Applicant, District decisionmakers have not approved acquisition and development of the proposed school site. The District has yet to determine if developing and operating this school is financially feasible. This is the reason the District requested that the City address a scenario where a school at this site is not completed or is delayed and students from the development would attend existing schools. The DEIR fails to provide a complete analysis. The summaries above show the DEIR analysis is limited to a change in land use from school to residential and neighborhood park.

Under the "no-school" scenario there are potential traffic, roadway safety hazards (such as safe-routes-to-school via bicycling and walking) air quality, noise, and parking impacts at the receiving schools that have not been addressed. Also, because there is not enough capacity at the receiving elementary schools, the District will be required to construct additional facilities to accommodate student growth, and these indirect impacts have not been addressed.

The DEIR's traffic, VMT, air quality, GHG, noise, and other topics all assume this neighborhood school is in place. The District respectfully requests that the DEIR be revised to address the potential that the District is unable to complete the school. The DEIR should address direct and indirect impacts at receiving schools and consider traffic/VMT, air quality, GHG, noise and other topics under a no-school scenario.

Conclusion

We appreciate the opportunity to comment on the Proposed Nakase Nursery/Toll Brothers Project DEIR and to continue working with the City of Lake Forest on this important project. Please feel free to contact the undersigned if you have questions or need clarification concerning our comments.

Sincerely,

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT

A handwritten signature in blue ink, appearing to read "Stella Escario-Doiron".

Stella Escario-Doiron

Chief of Facilities, Maintenance, Operations, Construction and Transportation

Appendix B

Source: SVUSD bond measure Fact Sheet

Highlights: No references to new school construction



Preparing Students for the Future

Saddleback Valley Unified School District (SVUSD) is committed to providing an innovative educational program that nurtures academic growth in a safe, modern learning environment. Thanks to our supportive community and dedicated parents, teachers and staff, student achievement is among the top in the state.

Upgrades for Safety and Student Achievement

Many of the District's schools were built more than 40 years ago and need to be repaired and upgraded. It's time to make essential repairs and improvements so our schools can serve our community for decades to come.

In order for our kids to succeed in college and careers, they must be skilled in the use of today's technologies and have a solid background in science, math, engineering and technology. Additionally, improvements would enhance school safety and security, and upgrade classrooms and labs to meet Next Generation instructional standards.



Dedicated Local Funding for School Improvements

The Saddleback Valley Unified School District Board of Education is considering placing a local bond measure on the March 2020 ballot that could generate up to \$495 million, which would cost the typical homeowner about \$130 per year, to repair and improve local schools. The Facilities Master Plan, which includes all District schools, will be used as a guide for upgrades and improvements. If approved by at least 55% of voters, a bond measure would:

- Provide the classrooms, facilities and technology to support instruction in science, technology, engineering and math
- Provide modern science labs, engineering labs, and career technical education facilities so students are prepared for college and in-demand careers in fields like health sciences, engineering, technology and skilled trades
- Provide the classrooms and facilities to support instruction in music and visual and performing arts
- Repair or replace deteriorating roofs, wood and support beams that have extensive termite damage and dry rot as well as replace plumbing, sewer lines and electrical systems
- Remove hazardous materials like asbestos and lead paint from school sites
- Upgrade older District schools so they meet the same academic and safety standards as newer District schools
- Create flexible, multi-use classrooms to support hands-on science instruction and learning-by-doing
- Upgrade student safety and campus security systems including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers

Mandatory Fiscal Accountability

A potential bond measure requires mandatory fiscal accountability, including:

- A project list detailing exactly how the bond funds will be used
- An independent citizens' oversight committee to help ensure bond funds are spent as voters approved
- All money raised by the bond measure will stay local to support District students and cannot be taken away by the State

We Want to Hear from You: Exploring our local funding options is a community-driven process. We welcome your feedback and questions as we consider this potential measure. Please visit www.svUSD.org or contact Mark Perez, Director of Communications, at mark.perez@svUSD.org or (949) 586-1234 with questions or comments.

Appendix C

Source: SVUSD bond measure Mailer

Highlights: No references to new school construction



Saddleback Valley
Unified School District



Planning for the Future

Planning for the Future OF SADDLEBACK VALLEY SCHOOLS



Dear Neighbor,

Here in Saddleback Valley Unified School District (SVUSD), we are proud to provide students with an innovative educational program, SV Innovates, to promote student success in safe, modern learning environments. SV Innovates focuses on intentional lesson design and engaging strategies for students, all supported through innovative practices to produce successful students now and in the future. Our hard-working students and dedicated teachers have helped keep our graduation rates far above both the county and state averages.

With the start of the new school year well underway, we are looking forward to planning for the future to ensure continued success of our students. Many SVUSD schools were built more than 40 years ago and need to be repaired and upgraded. It's time to make essential repairs and improvements so our schools can serve our community for decades to come.

We want students to graduate ready for success in college and careers, and this requires a solid background in science, math, engineering and technology, as well as a strong skillset using today's technology. We also want students to attend classes in safe and updated learning environments. Upgrades to our schools would enhance school safety and security as well as upgrade classrooms and labs to meet Next Generation instructional standards.

With these goals in mind, the SVUSD Board of Education is considering placing a local school improvement bond measure on the March 2020 ballot. Additional information about the potential bond measure is included in this brochure.

Exploring our local funding options is a community driven process, and we want to hear from you. Please reach out to Mark Perez, Director of Communications, at mark.perez@svusd.org with any questions or comments.

Sincerely,

Crystal Turner, Ed. D.
Superintendent, Saddleback Valley Unified School District



POTENTIAL LOCAL FUNDING FOR SCHOOL IMPROVEMENTS

The Saddleback Valley Unified School District Board of Education is considering placing a \$495 million local bond measure for school facilities projects on the March 2020 ballot. A measure would cost the typical SVUSD homeowner about \$130 per year to repair and improve District schools. The Facilities Master Plan, which includes all District schools, will be used as a guide for upgrades and improvements. If approved by at least 55% of SVUSD voters, a bond measure would:

- Provide the classrooms, facilities and technology to support instruction in science, technology, engineering and math
- Provide modern science labs, engineering labs and career technical education facilities so students are prepared for college and in-demand careers in fields like health sciences, engineering, technology and skilled trades
- Provide the classrooms and facilities to support instruction in music and visual and performing arts
- Repair or replace deteriorating roofs, wood and support beams that have extensive termite damage and dry rot as well as replace plumbing, sewer lines and electrical systems
- Remove hazardous materials like asbestos and lead paint from school sites
- Upgrade older SVUSD schools so they meet the same academic and safety standards as newer SVUSD schools
- Create flexible, multi-use classrooms to support hands-on science instruction and learning-by-doing
- Upgrade student safety and campus security systems including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers



STRICT FISCAL ACCOUNTABILITY WOULD BE REQUIRED

To ensure funds would be spent as promised, the following fiscal accountability safeguards would be required:

- A project list detailing how the bond funds will be used
- An independent citizens' oversight committee and annual audits to help ensure bond funds are spent as voters approved
- All money raised by the bond measure will stay local to support SVUSD students and cannot be taken away by the State

WE WANT TO HEAR FROM YOU

Exploring our local school facilities funding options is a community-driven process. To provide feedback on upgrading SVUSD schools, please fill out the attached survey or visit tinyurl.com/SVUSDFeedback



www.svusd.org
f /SaddlebackValleyUSD
SVUSDSchools

Please rate the importance of the following school priorities:

	HIGH	MEDIUM	LOW
Provide the classrooms, facilities and technology to support instruction in science, technology, engineering and math	■	■	■
Provide modern science labs, engineering labs and career technical education facilities so students are prepared for college and in-demand careers in fields like health sciences, engineering, technology and skilled trades	■	■	■
Provide the classrooms and facilities to support instruction in music and visual and performing arts	■	■	■
Repair or replace deteriorating roofs, wood and support beams that have extensive termite damage and dry rot as well as replace plumbing, sewer lines and electrical systems	■	■	■
Remove hazardous materials like asbestos and lead paint from school sites	■	■	■
Upgrade older SVUSD schools so they meet the same academic and safety standards as newer SVUSD schools	■	■	■
Create flexible, multi-use classrooms to support hands-on science instruction and learning-by-doing	■	■	■
Upgrade student safety and campus security systems including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers	■	■	■

Do you currently have children in SVUSD schools? Yes No
Comments/Questions:

Name: _____
Address: _____
Email: _____ Phone: _____

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT SCHOOL SITES

Elementary Schools	Intermediate Schools	High Schools	Alternative Schools
Cielo Vista	La Paz	El Toro	Esperanza Education Center
Cordillera	Rancho Canada	Laguna Hills	La Tierra Early Education Center
de Portola	Robinson	Mission Viejo	Silverado High School
Del Cerro	San Joaquin	Trabuco Hills	Virtual Academy K-12
Del Lago	Santiago		
Foothill Ranch	STEAM Magnet		
Gates	Trabuco		
Glen Yermo	Trabuco Mesa		
	Valencia		

Appendix D

Source: SVUSD bond measure FAQ

Highlights: No references to new school construction

Printable Copy of Fact Sheet

Frequently Asked Questions

— How is Saddleback Valley Unified School District (SVUSD) doing?

Saddleback Valley Unified School District (SVUSD) is a highly rated TK-12 public school district focused on providing all students with a high-quality education through innovative and interactive learning environments. Our schools have award-winning teachers who provide students with the resources they need to succeed, and our students leave SVUSD ready for college and careers.

SVUSD serves children from the cities of Laguna Hills, Laguna Woods and Lake Forest as well as some areas of Orange County and the cities of Aliso Viejo, Irvine, Mission Viejo and Rancho Santa Margarita.

SVUSD By the Numbers:

- 26,880 TK-12 students
- 93.7% Graduation Rate
- 1230 Average District SAT score
- 37 SVUSD sites

— What challenges are facing our schools?

While local students continue to excel, our facilities need to keep pace with the rising academic standards that ensure students have access to the education, technology and skills training they need to succeed in today's global economy.

Specifically, improving access to modern technology would help equip local students for success in high school, college and the challenges of our changing world. Additionally, fixing leaky roofs and updating deteriorating plumbing, sewer lines and electrical systems would allow local teachers and students to focus on academics and innovative programs in the classroom.

— How is the District planning to address these issues?

Over the past two years, SVUSD has been working with parents, community and staff stakeholders to update the Facilities Master Plan to identify the improvements needed to provide our students with up-to-date learning environments.

In order to fund projects identified in the 2019 Facilities Master Plan, the Saddleback Valley Unified School District Board of Education is considering placing a local school improvement bond measure on the March 2020 ballot. This measure will fund essential projects to support the current and future District education program that will ensure all students who plan to go to college are prepared to succeed, and those who don't plan to go to college receive the career training they need to compete for good-paying jobs. The Facility Master Plan, which includes all District schools, will be used as a guide for upgrades and improvements. Every penny would stay in our community and no funds could be taken away by the State.

— Specifically, how would funds from a local school improvement bond measure be used?

If passed by local voters, a school improvement bond measure would include, but is not limited to, the following repairs and improvements to our school sites:

- Providing the classrooms, facilities and technology to support instruction in science, technology, engineering and math
- Providing modern science labs, engineering labs, and career technical education facilities so students are prepared for college and in-demand careers in fields like health sciences, engineering, technology and skilled trades
- Providing the classrooms and facilities to support instruction in music and visual and performing arts
- Repairing or replacing deteriorating roofs, wood and support beams that have extensive termite damage and dry rot as well as replacing plumbing, sewer lines and electrical systems as needed
- Removing hazardous materials like asbestos and lead paint from school sites
- Upgrading older District schools so they meet the same academic and safety standards as newer schools
- Creating flexible, multi-use classrooms to support hands-on science instruction and learning-by-doing
- Improving student safety and campus security systems including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers

— Would the bond measure pay for teacher or administrators' salaries or pensions?

No, none of the money from this measure could be used for salaries, benefits or pensions for administrators or teachers.

— How do I know funds from a measure would be used responsibly?

A proposed bond measure would feature strict fiscal accountability provisions:

- Independent citizen oversight and annual audits would be required
- No money could be used for administrators' salaries
- All money raised by the measure would stay local to support our students and could not be taken away by the State
- Our local schools would be eligible to receive at least \$35 million in State matching money when it becomes available – money that otherwise would go to other school districts.

– How would a school improvement bond measure contribute to an innovative and next generation education for Saddleback Valley students?

In Saddleback Valley Unified School District, we know that a modern education is the key to our students' success in today's changing world. A bond measure would provide funding for updated classrooms, technology, facilities, labs and equipment for career and technology education classes as well as active learning spaces for instruction in math and science. These modernized facilities would enable the District to prepare our students for college and in-demand jobs in fields like health sciences, engineering, technology and skilled trades.

– When would my child's school benefit from this bond measure?

If voters approve this measure in March 2020, construction on projects funded by bond monies is anticipated to begin in the 2020 – 2021 school year. SVUSD will have more information about project implementation following the election in March 2020.

– Would every school in SVUSD receive improvements? Where can I find information on projects intended to be completed at each school site?

The Facilities Master Plan, which includes all SVUSD schools, will be used as a guide for upgrades and improvements throughout the District. This plan identifies projects at every school and was developed with input from students, parents, teachers and staff at each school while also seeking to meet SVUSD's goal of achieving an equally high standard of technology, classrooms, labs and innovative work spaces across all campuses.

Facilities Master Plan

– Has our community supported a bond measure before?

Yes, in 2004 voters in SVUSD passed Measure B, a \$180 million school improvement and repair bond, which was supplemented with an additional \$145 million from the State Facility Program matching funds for a total of \$325 million in facilities improvements of the past 12 years.

— What did Measure B fund?

In 2004, our schools were over 30 years old and, like old homes, were deteriorating with age and needed basic repairs throughout all of our classrooms and facilities. Measure B funds were spent on modernization projects at our schools as well as addressing the extensive repairs and maintenance needs. A complete listing of Measure B projects can be found on the District website at the button below. While Measure B allowed us to make significant repairs and upgrades in our schools, it is time again to invest in our school facilities and infrastructure to provide Next Generation learning environments in order to maximize student success.

Measure B Projects

— How much would this bond measure cost?

While no decision has been made, the cost of the bond measure would not exceed \$34 per \$100,000 in assessed value, not market value, and is estimated to cost the typical homeowner about \$130 per year, while bonds are outstanding. All funds from a local measure would stay in our community and no funds could be taken away by the State.

— Is there any other way to update and improve our schools?

Saddleback Valley Unified School District has very few options when it comes to making the necessary renovations and upgrades to our local schools. We can't rely on the State to complete these repairs. A local school facility improvement funding measure would provide the local control necessary to complete prioritized projects to provide a safe and modern learning environment for our students. In addition, our schools would qualify for \$35 million in State matching funds if the bond measure were to pass — funds that would otherwise go to other communities.

— I don't have any kids in schools. How does local education funding affect me?

Great schools support strong, safe communities. Whether or not you have school-age children, protecting high quality schools means protecting our quality of life and keeping our community a desirable place for young families raise their children.

— Would I be able to vote on the potential measure?

All registered voters living in the Saddleback Valley Unified School District would be eligible to vote on the potential measure.

— What level of support would this measure need to pass?

This measure would need to be supported by 55% of those who vote on the measure in order for it to pass.

— How can I register to vote or learn more about voting?

You can register to vote at registertovote.ca.gov. To find out more about voting in this election, please contact the Orange County Registrar of Voters at (714) 567-7600.

RegisterToVote.ca.gov

— How can I find out more?

For questions or comments, please contact Mark Perez, Director of Communications.

Send email to Mark Perez, Director of Communications

Questions?

Exploring our local funding options is a community-driven process. We welcome your feedback and questions as we consider this potential measure.

Please contact Mark Perez, Director of Communications, at mark.perez@svusd.org with questions or comments.

Send email to Mark Perez, Director of Communications

Appendix E

Source: Letter from SVUSD to City of Lake Forest, July 25, 2018

Highlights: District requesting EIR address ability of existing schools to accommodate Nakase development students



Board of Education

Amanda Morrell, President · Suzie R. Swartz, Vice President · Dr. Edward Wong, Clerk
Dennis Walsh, Member · Dolores Winchell, Member

July 25, 2018

Crystal Turner, Ed.D.
Superintendent

Marie Luna
Community Development Department
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Response to Notice of Preparation of the Nakase Property Area Plan
Environmental Impact Report

Dear Ms. Luna:

Thank you for the opportunity to comment on the NOP and Initial Study for the upcoming Nakase Property Area Plan Environmental Impact Report.

The Nakase Property Area Plan proposes to create a planned community consisting of single-family residential units in five distinct neighborhoods, affordable housing for senior citizens, an elementary school, parks and open space, an internal circulation system, and multipurpose water quality basin. The project would provide a maximum of 675 two- and three-story single-family residences and a maximum of 101 senior affordable housing units. The Area Plan also includes a school site and adjacent park designed to accommodate 1,000 K–6 students.

The District requests that the Nakase Area Plan EIR address the ability of the District’s existing elementary, intermediate, and high schools to accommodate the additional students generated by the 675 dwelling units based on current enrollment and school capacities. The analysis should address elementary school impacts following two scenarios: the first is based on completion of the elementary school as proposed, and the second is based on the potential for the elementary school to be delayed or not built so that K–6 students are housed at existing elementary schools.

Table 1 presents the student generation rates that should be applied to the 675 dwelling units in the Area Plan. Table 2 provides current enrollment and capacity data for district schools.

Table 1. Adjusted Student Generation Rates

SCHOOL LEVEL	STUDENT GENERATION FACTORS
Elementary School	0.1994
Intermediate School	0.0674
High School	0.1505
Total	0.4173

Source: Cooperative Strategies, SVUSD, Residential Development School Fee Justification Study, Table 5, page 11.

Table 2. Enrollment and Capacity Analysis

SCHOOL FACILITY	CAPACITY	ENROLLMENT	SURPLUS (SHORTAGE) OF SEATS
Foothill Elementary	932	1,194	(262)
La Madera Elementary	609	610	(1)
Lake Forest Elementary	755	864	(109)
Olivewood Elementary	455	519	(64)
Portola Hills Elementary	664	653	11
Rancho Canada Elementary	872	565	307
Santiago Elementary	520	368	152
Total Elementary School Capacity	4,807	4,771	34
Serrano Intermediate	1,458	1,169	289
Total Intermediate School Capacity	1,458	1,169	289
El Toro High School	2,754	2,435	319
Trabuco Hills High School	2,943	2,831	112
Total High School Capacity	5,697	5,266	431

Source: Cooperative Strategies, SVUSD, Residential Development School Fee Justification Study, Exhibit B.

The District requests that the Nakase Area Plan EIR address all relevant direct and indirect environmental impacts of the project on District schools. The major environmental issues for any receiving school include traffic, pedestrian and bike safety, parking, air pollution, and noise.

The District is especially interested in ensuring that the elementary school site proposed within the Area Plan is suitable from an environmental perspective. For the proposed school site, the EIR should address: 1) traffic conditions during peak hours; 2) vehicle queuing along “BB” Street and access points; 3) pedestrian/bike safety and safe routes to school; 4) noise levels along Bake Parkway and Rancho Parkway; 5) and air quality.

Please clarify whether vehicular access to Neighborhood 2 is limited exclusively via “A” and “B” streets, and “BB” street is intended for school and park access only.

The District also requests that the suitability of the selected school site be reviewed pursuant the State’s school siting requirements, which are addressed in detail below.

California School Siting Requirements

At the request of Saddleback Valley Unified School District, Toll Brothers engaged an environmental consulting firm to prepare a Geological and Environmental Hazards Assessment (GEHA) of the entire 12.83-acre Nakase property. The intent of the study was to inform the site planning process and ensure an appropriate site was selected for the school. The GEHA evaluates potential environmental hazards per the State’s school siting standards, Title 5 of the California Code of Regulations (CCR) Section 14010, and additional codes and regulations applicable to school facilities that are found in the Education, Government and Public Resources Codes (Ed. Code, Gov’t Code, and PRC, respectively).

Based on the GEHA, there are three detailed studies that are required to ensure the selected school site will satisfy the above-referenced standards and be eligible to receive approval of the California Department of Education (CDE):

- **Water Pipeline Risk Assessment (WPRA).** A WPRA is needed to address potential impacts from the 19 large volume (>12-inch diameter) pipelines within 1,500 feet of the project site. Although the school site appears to be more than 1,500 feet from two water tanks west of the site, confirmation that the tanks do not represent a hazard is recommended.
- **EMF Study.** The proximity of the school site to the 66-kV power line in Bake Parkway triggers the need to address EMF exposure and Title 5's 100-foot setback requirement.
- **Health Risk Assessment.** Based on the search conducted in 2017, there are 56 permitted or nonpermitted facilities within a quarter mile of the whole Nakase Area Plan. A refined search using a quarter-mile radius around the selected school site should be conducted and a Health Risk Assessment prepared covering the facilities within that radius. The HRA must also address emissions associated with the site's proximity to the SR-241 freeway.

Based on a review of Figures 2.7 and 2.8 in the Initial Study, the school and park are shown as separate and distinct. However, for the purposes of any review under Title 5 requirements, any measurements from the perimeter of the school boundaries to potential hazards must include both school and park. The school must comply with State requirements for school size, and it appears that the park would also be required to satisfy site size requirements. Additionally, if the park is to be operated under a joint-use agreement to satisfy the school's physical education requirements, CDE will require that the park satisfy all Title 5 requirements as well. For example, although the school site appears to be farther than 1,500 feet from the water tanks to the west, the park appears to be within that zone; if this is so, it triggers the requirement for a water tank inundation study.

The District requests that the EIR address the issues identified above to ensure that the school site will meet all state school site standards.

Thank you for the opportunity to comment on the scope of the upcoming Nakase Area Plan EIR. We look forward to reviewing the Draft EIR and working closely with the City to ensure development of a safe and environmentally-sensitive community.

If you have any questions or need clarification concerning our comments, please call the undersigned.

Sincerely,

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT



Stella Escario-Doiron

Chief of Facilities, Maintenance, Operations, Construction and Transportation

c: Crystal Turner, Ed.D, Superintendent
Connie Cavanaugh, Assistant Superintendent, Business Services
Mark Perez, Director, Communications & Administrative Services

Appendix F

Source: Nakase/Toll Draft EIR, page 4.14-5

Highlights: Total Elementary School Capacity, Foothill Ranch Elementary shortage

The Project site is not currently included within a specific school attendance boundary. Potential schools serving the Project site would include Portola Hills Elementary School, Lake Forest Elementary School, Foothill Ranch Elementary, Rancho Canada Elementary, Serrano Intermediate School, El Toro High School, and Trabuco Hills High School. Table 4.14.A below shows enrollment and capacity data for SVUSD schools. Foothill Ranch Elementary is the elementary school closest to the Project site (0.7 mi). However, there is an existing shortage of 262 seats at Foothill Ranch Elementary. Lake Forest Elementary is the next in proximity, 1.4 mi from the Project site. There is also an existing shortage of seats at Lake Forest Elementary. Portola Hills Elementary and Rancho Canada Elementary are almost equidistant from the Project site, 1.9 mi and 1.8 mi from the Project site, respectively. As shown in Table 4.14.A, Rancho Canada Elementary has a large surplus of 307 seats. Santiago Elementary is 2.7 mi from the Project site and is not likely to accommodate any students from the proposed Project. Serrano Intermediate School is 2.8 mi from the Project site and El Toro High School and Trabuco Hills High School are 2.3 mi and 1.2 mi, respectively, from the Project site. The intermediate and high schools serving the Project vicinity all have existing surpluses.

**Table 4.14.A: Saddleback Valley Unified School District
Enrollment Capacity**

School Facility	Capacity	Enrollment	Surplus (Shortage) of Seats
Foothill Ranch Elementary	932	1,194	(262)
La Madera Elementary	609	610	(1)
Lake Forest Elementary	755	864	(109)
Olivewood Elementary	455	519	(64)
Portola Hills Elementary	664	653	11
Rancho Canada Elementary	872	565	307
Santiago Elementary	520	368	152
Total Elementary School Capacity	4,807	4,771	34
Serrano Intermediate	1,458	1,169	289
Total Intermediate School Capacity	1,458	1,169	289
El Toro High School	2,754	2,435	319
Trabuco Hills High School	2,943	2,831	112
Total High School Capacity	5,697	5,266	431

Source: Correspondence, "Response to Notice of Preparation of the Nakase Property Area Plan Environmental Impact Report" (SVUSD 2018b).

SVUSD = Saddleback Valley Unified School District

Table 4.14.B shows the number of projected unhoused students from development projects in Lake Forest through calendar year 2027. As shown in Table 4.14.B, there are a total of 2,395 projected unhoused students.

The demand for public school facilities is driven by residential land use. As the Project site does not currently include residential land uses, the existing land use does not create any demand on public school facilities.

Appendix G

Source: SVUSD 2019 – 2029 Long Range Facilities Master Plan, page 39

Highlights: Foothill Ranch Elementary Total Enrollment ranking

Demographics

2017-2018 Enrollment by Grade

Saddleback Valley Unified Report (30-73635)														
Name	Total	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
Cielo Vista Elementary	776	25.4%	12.6%	13.5%	10.7%	11.0%	14.2%	12.6%	-	-	-	-	-	-
Cordillera Elementary	544	11.6%	14.9%	12.9%	16.0%	13.8%	17.6%	13.2%	-	-	-	-	-	-
De Portola Elementary	513	11.9%	14.4%	11.9%	15.6%	14.8%	11.5%	19.9%	-	-	-	-	-	-
Del Cerro Elementary	485	12.2%	12.8%	15.3%	14.4%	12.6%	15.3%	17.5%	-	-	-	-	-	-
Del Lago Elementary	503	10.9%	13.9%	12.9%	14.7%	17.3%	12.3%	17.9%	-	-	-	-	-	-
Foothill Ranch Elementary	1,195	17.8%	14.5%	13.0%	12.9%	14.8%	13.7%	13.3%	-	-	-	-	-	-
Gates Elementary	1,027	15.9%	12.6%	12.1%	14.3%	16.2%	15.6%	13.4%	-	-	-	-	-	-
Glen Yermo Elementary	484	32.4%	13.6%	12.8%	10.1%	9.9%	8.7%	12.4%	-	-	-	-	-	-
La Madera Elementary	627	13.6%	11.8%	11.0%	12.0%	17.9%	15.5%	18.3%	-	-	-	-	-	-
Lake Forest Elementary	862	16.2%	14.7%	11.9%	13.2%	14.8%	14.6%	14.4%	-	-	-	-	-	-
Linda Vista Elementary	343	14.9%	16.6%	12.5%	12.2%	13.4%	15.2%	15.2%	-	-	-	-	-	-
Lomarena Elementary	635	20.3%	12.9%	12.6%	14.2%	14.3%	12.4%	13.2%	-	-	-	-	-	-
Melinda Heights Elementary	996	13.3%	13.5%	14.3%	14.0%	15.6%	15.0%	14.6%	-	-	-	-	-	-
Montevideo Elementary	372	13.2%	14.8%	13.2%	13.4%	13.4%	14.2%	17.7%	-	-	-	-	-	-
Olivewood Elementary	518	18.1%	13.7%	16.4%	12.5%	13.9%	12.0%	13.3%	-	-	-	-	-	-
Portola Hills Elementary	653	11.8%	13.2%	13.5%	16.2%	13.9%	16.4%	15.0%	-	-	-	-	-	-
Rancho Canada Elementary	563	9.9%	14.2%	16.3%	15.6%	17.1%	13.7%	13.1%	-	-	-	-	-	-
Robinson Elementary	561	10.9%	14.4%	13.7%	14.1%	14.6%	15.3%	16.9%	-	-	-	-	-	-
San Joaquin Elementary	344	14.5%	15.7%	12.8%	11.9%	16.6%	13.7%	14.8%	-	-	-	-	-	-
Santiago Elementary	370	12.2%	12.4%	15.7%	14.9%	15.1%	13.5%	16.2%	-	-	-	-	-	-
Trabuco Elementary	69	20.3%	13.0%	13.0%	14.5%	11.6%	14.5%	13.0%	-	-	-	-	-	-
Trabuco Mesa Elementary	618	14.7%	12.9%	14.1%	14.2%	13.1%	16.3%	14.6%	-	-	-	-	-	-
Valencia Elementary	595	10.8%	11.9%	12.9%	9.2%	17.3%	19.3%	18.5%	-	-	-	-	-	-
SVUSD Virtual Academy	24	4.2%	8.3%	4.2%	4.2%	8.3%	12.5%	4.2%	20.8%	33.3%	-	-	-	-
Los Alisos Intermediate	843	-	-	-	-	-	-	-	49.9%	50.1%	-	-	-	-
La Paz Intermediate	867	-	-	-	-	-	-	-	46.8%	53.2%	-	-	-	-
Rancho Santa Margarita Intermediate	1,312	-	-	-	-	-	-	-	48.6%	51.4%	-	-	-	-
Serrano Intermediate	1,168	-	-	-	-	-	-	-	50.4%	49.6%	-	-	-	-
El Toro High	2,436	-	-	-	-	-	-	-	-	-	24.8%	26.2%	24.2%	24.8%
Laguna Hills High	1,599	-	-	-	-	-	-	-	-	-	24.6%	25.3%	24.3%	25.8%
Mira Monte High (Alternative)	50	-	-	-	-	-	-	-	-	-	2.0%	14.0%	22.0%	62.0%
Mission Viejo High	2,221	-	-	-	-	-	-	-	-	-	25.2%	23.4%	26.3%	25.2%
Silverado High	238	-	-	-	-	-	-	-	-	-	6.3%	7.6%	27.3%	58.8%
Trabuco Hills High	2,830	-	-	-	-	-	-	-	-	-	25.1%	25.6%	24.3%	25.0%
Nonpublic, Nonsectarian Schools	29	-	-	3.4%	-	6.9%	17.2%	3.4%	6.9%	3.4%	13.8%	10.3%	13.8%	20.7%
Esperanza Education Center	108	-	-	-	-	-	-	-	-	0.9%	4.6%	2.8%	8.3%	4.6%
Report Totals														
Saddleback Valley Unified	27,378	7.7%	6.8%	6.7%	6.7%	7.3%	7.3%	7.5%	7.5%	7.8%	8.4%	8.5%	8.5%	9.0%
Orange County	485,835	7.9%	6.8%	6.9%	6.9%	7.4%	7.4%	7.7%	7.8%	7.8%	8.2%	8.2%	8.3%	8.5%
Statewide	6,220,413	8.5%	7.3%	7.3%	7.2%	7.5%	7.6%	7.8%	7.7%	7.6%	8.0%	7.8%	7.6%	7.9%

This report displays the annual K-12 public school enrollment by grade level for the selected report level (state, county, district, or school) and year. Annual enrollment consists of the number of students primarily enrolled on Census Day (the first Wednesday in October). This information was submitted by local educational agencies (LEAs) and charter schools to the California Department of Education (CDE) as part of the annual Fall 1 data submission in the California Longitudinal Pupil Achievement Data System (CALPADS). These data were reviewed and certified in CALPADS as being accurate by authorized district or school personnel. In order to certify data in CALPADS, authorized district or charter school personnel are required to review the accuracy of all data associated with the applicable CALPADS submission. CALPADS certification is a two-step process with Level-2 certification reserved for the district superintendents, charter school administrators, or their designees. Please contact the district or school if you have any questions about their certified CALPADS data.

Source: These data were submitted and certified by LEAs and/or charter schools as part of the annual CALPADS Fall 1 submission.

Appendix H

Source: SVUSD 2019 – 2029 Long Range Facilities Master Plan, pages
163,164,181,182,187,188,217,218,223,224,229,230,247,248

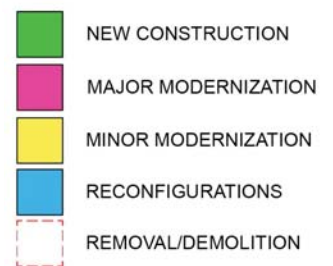
Highlights: No new classroom construction for any Lake Forest elementary school

FOOTHILL RANCH ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	CU CUSTODIAN / UTILITIES
M MULTI-PURPOSE ROOM	ATH ATHLETIC FACILITIES
F FOOD SERVICES	C CLASSROOMS
L LIBRARY	G GYM
CL COMPUTER LAB	T TOILETS
CL PORTABLES	

FOOTHILL RANCH ELEMENTARY SCHOOL - PROPOSED SITE PLAN



General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

- Essential projects to support the current and future District educational program.
- Projects that need to be addressed as soon as funding becomes available (ex. fire, life, safety, HVAC, roofing, asphalt/concrete & drainage).
- Major modernization of permanent facilities over 25 years old and not previously renovated or last modernization prior to 2005.

Priority 2

- Minor modernization of some permanent facilities in need of renovation.
- Major modernization of portable facilities over 20 years old not previously renovated.
- Projects that add to, provide new or renovate facilities to improve or update school site (ex. drinking fountains, marquee, landscaping, shade structure & way finding).

Priority 0

- Projects that enlarge facilities.
- New facilities that enhance the educational programming.
- Major modernization of portable facilities over 20 years old (declining enrollment sites).
- Option for portables to permanent construction in lieu of modernization.

- Life cycle costs and needs may occur in all phases and may have an impact on planned projects. An allowance has been considered for some critical projects and can be identified at the design phase based on District/School Site priority.
- New Buildings/New Construction locations are conceptual at the Master Planning stage and subject to change or be adjusted based on program development, detail design, detailed site survey/ site investigation, location of utilities, soils conditions, DSA, and other Agency requirements.

Refer to Facilities Master Plan – Financial Summary for cost of potential projects identified.

Projects have been reviewed for priority based on need as funding becomes available. See next page for a list of potential projects.

A program level master budget has been drafted based on 2019 industry costs. Each phase will need to be adjusted for escalation, inflation, and overall market conditions per year as that phase of projects are implemented. The financials can also be referred to as the master budget. The master budget establishes project costs in two priority phases and a third phase noted as "other" over the next 10 years to account for immediate and future needs as part of the road map for long-range facilities improvements.

LA MADERA ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	 CUSTODIAN / UTILITIES
M MULTI-PURPOSE ROOM	U ATHLETIC FACILITIES
F FOOD SERVICES	C CLASSROOMS
L LIBRARY	G GYM
C COMPUTER LAB	T TOILETS
P PORTABLES	

LA MADERA ELEMENTARY SCHOOL - PROPOSED SITE PLAN



General Notes:

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Priority 1

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- Projects that need to be addressed as soon as funding becomes available (ex. fire, life, safety, HVAC, roofing, asphalt/concrete & drainage).
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Priority 2

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LAKE FOREST ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	C CLASSROOMS
M MULTI-PURPOSE ROOM	G GYM
L LIBRARY	T TOILETS
C CUSTODIAN / UTILITIES	
G ATHLETIC FACILITIES	
F FOOD SERVICES	
P PORTABLES	

LAKE FOREST ELEMENTARY SCHOOL - PROPOSED SITE PLAN



General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

- Essential projects to support the current and future District educational program.
- Projects that need to be addressed as soon as funding becomes available (ex. fire, life, safety, HVAC, roofing, asphalt/concrete & drainage).
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Priority 2

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- Major modernization of portable facilities over 20 years old not previously renovated.
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Priority 0

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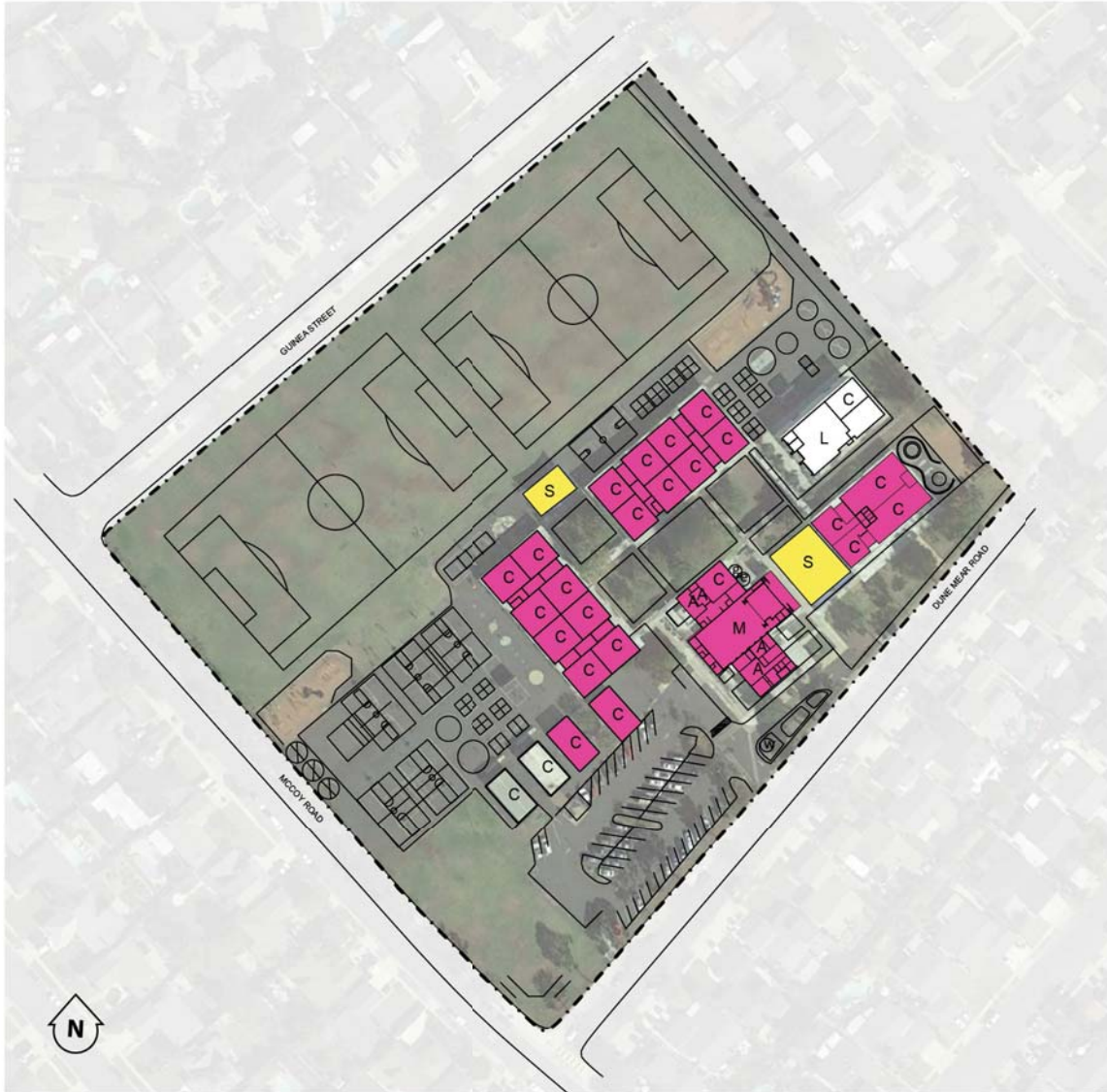
- NEW CONSTRUCTION
- MAJOR MODERNIZATION
- MINOR MODERNIZATION
- RECONFIGURATIONS
- REMOVAL/DEMOLITION

OLIVEWOOD ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	CU CUSTODIAN / UTILITIES
M MULTI-PURPOSE ROOM	AF ATHLETIC FACILITIES
F FOOD SERVICES	C CLASSROOMS
L LIBRARY	G GYM
CL COMPUTER LAB	T TOILETS
P PORTABLES	

OLIVEWOOD ELEMENTARY SCHOOL - PROPOSED SITE PLAN



General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

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Priority 0


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Refer to Facilities Master Plan – Financial Summary for cost of potential projects identified.












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	NEW CONSTRUCTION
	MAJOR MODERNIZATION
	MINOR MODERNIZATION
	RECONFIGURATIONS
	REMOVAL/DEMOLITION

PORTOLA HILLS ELEMENTARY SCHOOL - EXISTING SITE PLAN



 A	ADMINISTRATION	 CUSTODIAN / UTILITIES
 M	MULTI-PURPOSE ROOM	 ATHLETIC FACILITIES
 F	FOOD SERVICES	 C CLASSROOMS
 L	LIBRARY	 G GYM
 CL	COMPUTER LAB	 TOILETS
 P	PORTABLES	

PORTOLA HILLS ELEMENTARY SCHOOL - PROPOSED SITE PLAN



- NEW CONSTRUCTION
- MAJOR MODERNIZATION
- MINOR MODERNIZATION
- RECONFIGURATIONS
- REMOVAL/DEMOLITION

General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

- Essential projects to support the current and future District educational program.
- Projects that need to be addressed as soon as funding becomes available (ex. fire, life, safety, HVAC, roofing, asphalt/concrete & drainage).
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Priority 2

- Minor modernization of some permanent facilities in need of renovation.
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- Projects that add to, provide new or renovate facilities to improve or update school site (ex. drinking fountains, marquee, landscaping, shade structure & way finding).

Priority 0

- Projects that enlarge facilities.
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RANCHO CANADA ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	 CUSTODIAN / UTILITIES
M MULTI-PURPOSE ROOM	 ATHLETIC FACILITIES
F FOOD SERVICES	C CLASSROOMS
L LIBRARY	G GYM
C COMPUTER LAB	T TOILETS
P PORTABLES	

RANCHO CANADA ELEMENTARY SCHOOL - PROPOSED SITE PLAN



- NEW CONSTRUCTION
- MAJOR MODERNIZATION
- MINOR MODERNIZATION
- RECONFIGURATIONS
- REMOVAL/DEMOLITION

General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

- Essential projects to support the current and future District educational program.
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Priority 0

- Projects that enlarge facilities.
- New facilities that enhance the educational programming.
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SANTIAGO ELEMENTARY SCHOOL - EXISTING SITE PLAN



A ADMINISTRATION	 CUSTODIAN / UTILITIES
M MULTI-PURPOSE ROOM	 ATHLETIC FACILITIES
 FOOD SERVICES	C CLASSROOMS
L LIBRARY	G GYM
 COMPUTER LAB	 TOILETS
 PORTABLES	

SANTIAGO ELEMENTARY SCHOOL - PROPOSED SITE PLAN



- NEW CONSTRUCTION
- MAJOR MODERNIZATION
- MINOR MODERNIZATION
- RECONFIGURATIONS
- REMOVAL/DEMOLITION

General Notes:

The level of modernization can range from major to minor upgrades and has been identified as part of the prioritization process.

Priority 1

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- Projects that need to be addressed as soon as funding becomes available (ex. fire, life, safety, HVAC, roofing, asphalt/concrete & drainage).
- Major modernization of permanent facilities over 25 years old and not previously renovated or last modernization prior to 2005.

Priority 2

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Priority 0

- Projects that enlarge facilities.
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Refer to Facilities Master Plan – Financial Summary for cost of potential projects identified.

Projects have been reviewed for priority based on need as funding becomes available. See next page for a list of potential projects.

A program level master budget has been drafted based on 2019 industry costs. Each phase will need to be adjusted for escalation, inflation, and overall market conditions per year as that phase of projects are implemented. The financials can also be referred to as the master budget. The master budget establishes project costs in two priority phases and a third phase noted as "other" over the next 10 years to account for immediate and future needs as part of the road map for long-range facilities improvements.

Appendix I

Source: SVUSD Residential Development School Fee Justification Study, page 20

Highlights: \$10.95 / sq ft and \$19.92 / sq ft Facility Cost vs \$3.48 / sq ft Mitigation
Fee cap

Table 14
School Facilities Cost Impacts per Residential Square Foot (2016\$)

Land Use	School Facilities Cost Impacts per Non-Mitigated Residential Unit	Average Square Footage	School Facilities Cost Impacts per Square Foot
Single Family Detached	\$30,120	2,750	\$10.95
Multi-family Attached	\$35,853	1,800	\$19.92

I. Comparison of School Facilities Cost Impacts and School Fee Revenues per Residential Square Foot

On February 24, 2016, the SAB increased the maximum residential School Fee authorized by Section 17620 of the Education Code from \$3.36 to \$3.48 per residential building square foot for unified school districts. Based on the square footage of the average residential unit constructed within the School District, the School Fees would provide for less than 100 percent of the school facilities cost impacts. Therefore, the Study concludes that the School District is fully justified in levying the maximum residential School Fee of \$3.48 per square foot for all new non-mitigated residential development within its boundaries.

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3.3 ESSEX REALTY MANAGEMENT, INC.

On November 8, 2019, Essex Realty Management, Inc. (Essex) submitted a comment letter to the Lake Forest Planning Commission on behalf of the A.J. West Ranch Owners Association. The comment letter states that the City does not maintain area medians but rather A.J. West Ranch Owners Association maintains the medians as part of the area's historical zoning as a business park.

The comment letter expresses concerns regarding (1) median maintenance, particularly as it relates to proposed landscaping along Bake Parkway; (2) pedestrian traffic and path of travel for pedestrians accessing the school site; and (3) required light levels needed for safety and to prevent vandalism.

Median Maintenance. The Project Applicant and future Homeowners Association (HOA) for the Project site would be responsible for the installation and maintenance of all common area landscaping installed as part of the proposed Project. The Vesting Tentative Tract Map (VTTM) makes this a lettered landscape lot to be privately maintained by the Nakase Project HOA. This is a private lot now maintained by AJ West, and it remains a private lot, now under different ownership to be maintained by Nakase Project HOA.

Pedestrian Access. Figure 3.11, Bicycle Lanes and Trail Facilities, and Figure 3.12, Pedestrian Facilities, in Chapter 3.0, Project Description, of the Draft EIR, show the locations of the proposed on-site bicycle lanes and trail facilities, as well as the pedestrian facilities included in the proposed Project, respectively. The proposed Project does not include any off-site pedestrian or bicycle improvements and is not required to do so.

Required Lighting. The Lake Forest Municipal Code requires that street lighting along local streets be provided at illumination levels specified in plans that have been approved by the City Engineer. Additionally, the Lake Forest Municipal Code requires that all lights be designed and located so that direct light rays are confined to the site. Such regulations prevent direct views of light sources and reduce the potential for glare during the day. Mitigation Measure 4.1.1 in Section 4.1, Aesthetics, of the Draft EIR, requires the Project Applicant/Developer to prepare a comprehensive lighting plan and a *photometric survey* prior to construction to demonstrate that adequate lighting would be provided and that no spill lighting would occur in sensitive areas. With implementation of Mitigation Measure 4.1.1, the City will confirm that adequate lighting is provided for safety purposes and that Project-related impacts related to light and glare would be less than significant.

ESSEX REALTY MANAGEMENT, INC.



November 8, 2019

TO: City of Lake Forest Planning Commission
FROM: The A.J. West Ranch Board of Directors
RE: Nakase/ Toll Brothers Development

Dear Planning Commission,

The A.J. West Ranch Owners Association is currently responsible for median maintenance. It appears that there is no consideration nor remediation for the median maintenance and the traffic analysis given to Association when considering the impact of the increased traffic and the zoning changes, particularly with the proposed high density residential and the increased costs that will ensue from the foot and car traffic to maintain the medians. The City does not maintain these medians but has required this of A.J. West Rancho Owners Association as part of the historical zoning as business parks. If the zoning is going to change then the burdens of such zoning change should run with the benefit that Toll Brother is also receiving. As stated in the Kimley Horn Property Area Plan report:

" As shown in Exhibit 3B, the entrance into the project site from Rancho Parkway South would include a center median landscaped with landscaping including mature accent trees. Trees would line both sides of the roadway into the site with additional landscaping and monumentation at the on-site corner of the intersection of Rancho Parkway South at Bake Parkway"

" As shown in Exhibit 3B, the entrance into the project site from Rancho Parkway South would include a center median landscaped with landscaping including mature accent trees. Trees would line both sides of the roadway into the site with additional landscaping and monumentation at the on-site corner of the intersection of Rancho Parkway South at Bake Parkway"

The Association would like to see the median maintenance along Bake Parkway discussed.

Also, the Association has concerns regarding the increased pedestrian traffic since the zoning changes seem to call for additional parks and the Sheriffs comments seem to indicate no increased patrolling nor safety recommendations other than adequate lighting. We already have experienced vandalism along Rancho Parkway and do not see any light level specifications called out to define "adequate" for safety purposes. Nor, is it clear where the kids will be crossing for the elementary school?

The Association would like to see this how Toll Brothers will address these safety issues more clearly addressed.

Thank you for your consideration of these important issues.

The A.J. West Board of Director thanks you for your time and consideration of these issues.

Sincerely,

Genney Lyons Association Manager
As Agent For
The A.J. West Board of Directors

www.essexrealty.com | 949.586.9650
27001 La Paz Road | Suite 342 | Mission Viejo, CA 92691
Broker License # 00965485

3.4 STEVE NAKASE OF NAKASE BROTHERS WHOLESALE NURSERIES

On November 11, 2019, Steve Nakase of the Nakase Brothers Wholesale Nurseries submitted a comment to the Lake Forest Planning Commissioners and City Council members. The comment states that the Draft EIR thoroughly evaluates the Nakase Project site and the potential impacts associated with development of the Project site. It also confirms that in-ground cultivation is not occurring on the Project site and has not occurred while the site has been owned by the Nakase Brothers Wholesale Nurseries.

Mr. Nakase further states both his and his brother's intentions to retire and close the nursery; there are no plans to relocate to another site in Lake Forest or Orange County. He specifically states that "the cost to operate the business and to manage the property in the face of encroaching urban development has severely hampered our ability to do what we do best – operate a nursery. For that reason, we have decided that it is time for us to close our business."

Potential impacts to agricultural resources in Lake Forest and Orange County are evaluated in the Draft EIR in Section 4.2, Agricultural Resources. As stated in the Draft EIR, the Project conflicts with existing A-1 zoning and will convert 119.2 acres (ac) of Unique Farmland to non-agricultural uses, which would result in a significant impact to agricultural resources. Mitigation was considered to reduce the impact of the conversion of 119.2 ac of Unique Farmland to non-agricultural uses. However, the mitigation measures were not considered feasible; therefore, impacts pertaining to the conversion of Unique Farmland to a non-agricultural use from implementation of the proposed Project would be significant and unavoidable.

Nakase Brothers Wholesale Nursery

20621 Lake Forest Drive,

Lake Forest, CA 92630

November 11, 2019

Mayor Mark Tetteimer and Members of the City Council
City of Lake Forest
25550 Commerce Centre Drive Suite 100
Lake Forest, CA 92630

Re: Nakase Nursery

Honorable Mayor Mark Tetteimer and Members of the City Council:

I understand that the Planning Commission and City Council will be considering Toll Brothers' proposed Nakase Area Plan the future of our Nakase Nursery property during the next several weeks.

Questions have arisen regarding our family's future plans for our wholesale nursery and whether or not there are opportunities for us to relocate the nursery elsewhere within Orange County to offset the loss of agricultural resources the State of California purportedly designated on our property.

We believe that the Nakase Area Plan Draft Environmental Impact Report (EIR) thoroughly evaluates the Nakase site and the potential impacts associated with development of the Property. The Draft EIR explains that our family is currently operating a wholesale nursery with all products grown and/or sold in pots. In-ground cultivation is not occurring on site. It never has.

We have operated our nursery since 1977 (more than 4 decades) in Lake Forest and greatly appreciated all of our loyal customers and their business over the years. Nonetheless, my brothers and I decided several years ago we were ready to retire our business in light of the economic challenges of operating a retail nursery in Orange County.

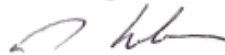
November 11, 2019
Page 2

We came to this decision, even before Toll Brothers put in an offer to re-develop the Property with a new residential development. Because we are closing our nursery, we do not have any plans to relocate it to another site in Lake Forest specifically, or in Orange County, generally.

We understand that closing our wholesale nursery will reduce the available nurseries in Lake Forest, but continuing to operate such a business is no longer feasible for our family. The cost to operate the business and to manage the property in the face of encroaching urban development has severely hampered our ability to do what we do best – operate a nursery. And for that reason, we have decided that it is time for us to close our business.

We wish to thank the City of Lake Forest community for your loyalty over the years, and we look forward to housing opportunities on the property as a new chapter in the future of Lake Forest.

Best regards,



Steve Nakase

cc: Chair Ludden and Members of the Planning Commission
Maria Huizar, City Clerk
Deborah Rose, City Manager
Gayle Ackerman, Director of Community Development
Marie Luna, Senior Planner
Takashi & Gary Nakase
Rick Nelson, Toll Brothers
David Ernst, Toll Brothers
Ilan Feingold, Toll Brothers

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3.5 JERRY VERPLANCKE

On November 12, 2019, Jerry Verplancke submitted a comment letter to the City of Lake Forest. Comments in the letter focus on two issue areas: (1) the location of a school adjacent to Bake Parkway and the potential for traffic accidents causing injury to children on the campus; and (2) the commenter opines that the data used to establish accepted parking are lower than what is needed.

School Location. Threshold 4.16.3 in Section 4.16, Transportation/Traffic, of the Draft EIR, evaluated the potential for the proposed Project to substantially increase traffic hazards due to a geometric design feature or incompatible uses. As discussed in that section, implementation of Mitigation Measure 4.16.1 would require large construction equipment to be delivered during off-peak times, which would reduce the potential for Project construction to result in incompatible uses that increase on-road hazards. With implementation of Mitigation Measure 4.16.3, which requires a sight distance analysis for all Project intersections, the Project's potential traffic safety impacts related to geometric design features during operation would be less than significant. The discussion under Threshold 4.16.3 in the Draft EIR also indicates that, with the incorporation of Mitigation Measure 4.16.4, which requires the installation of Rectangular Rapid Flashing Beacons (RRFBs) at two crosswalks near the proposed school site, the Project's potential impacts related to pedestrian safety would be less than significant. In addition, refer to the Common Response to Comments and Questions Regarding the Nakase School Site, Theme #3, regarding school siting requirements, the California Department of Education (CDE) requirements, and studies conducted as part of the environmental review process.

Parking Standards. As stated on page 3-32 of the Project Description in the Draft EIR, the City's Municipal Code (Chapter 9.168, Off-Street Parking) identifies applicable parking requirements for residential uses; the Project would be subject to the City's parking requirements. The proposed Project includes on-street parking to serve the Neighborhood Parks and Central Park. On-street parking would be permitted on a portion of only some residential streets, including a portion of "B" and "C" Streets, in accordance with an on-street parking exhibit to be submitted by the Applicant, and as permitted by the City's Planning Commission upon approval of the Area Plan. In addition, as described under Threshold 4.16.3 in Section 4.16, Transportation/Traffic, of the Draft EIR, the Area Plan would allow on-street parking along "BB" Street adjacent to the proposed school to accommodate student drop-offs and pick-ups. Although the Draft EIR includes a discussion of the proposed Project's compliance with City parking requirements, it should be noted that parking is not considered an environmental impact under CEQA.

From: Jerry Verplancke <jerry.ver@cox.net>
Sent: Tuesday, November 12, 2019 9:00 PM
To: Ackerman, Gayle <GAckerman@lakeforestca.gov>
Cc: Tom Ludden <luddenth@gmail.com>
Subject: Nakase Proposal on Thursday's Agenda

Ms. Gayle Ackerman, Director of Development Services

Mr. Tom Ludden, Chairman of Planning Commission

Hi Gayle and Tom,

I'm sending this to you as I have a prior commitment this Thursday evening and will be unable to appear before the Planning Commission to make comments on this proposed development in person.

Briefly, my comments are regarding the school location and the parking requirements.

1. School location: I've read the findings from the Toll Brother's website and clearly understand the traffic flows and agree with them. However, I have concerns with the school siding to such a busy street as Bake Parkway. The playground area is right next to this street and I believe poses a potential health hazard to young children. There could be a potential danger from accidents on Bake Pkwy. that might cause injury or death to children on the playground. For these reasons I believe an interior location is a better idea.

2. I remember parking requirement discussions when I was on the Planning Commission so I can't help but comment on this. It has been my opinion that the data used to establish accepted parking is lower than what is actually needed. I encourage the Commission to look very closely at this because once it is accepted and built it is too late to make corrections.

Kindest regards,

Jerry Verplancke

4.0 FINAL EIR (BOUND SEPARATELY)

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