



2.0 Introduction and Purpose



2.0 INTRODUCTION AND PURPOSE

2.1 PURPOSE OF THE SUBSEQUENT EIR

The City of Lake Forest (City) undertook analysis of the proposed Portola Center Area Plan 2008-01 and Tentative Tract Map Nos. 15353 and 17300 (the proposed project) and evaluated it against the standards set forth in Public Resources Code, Section 21166 and State California Environmental Quality Act (CEQA) Guidelines, Section 15162. That analysis is set forth in the Modified Initial Study attached hereto as Appendix 11.1, *Modified Initial Study and Notice of Preparation*. The City is the Lead Agency under CEQA and has determined that a Subsequent Environmental Impact Report (SEIR) is required for the proposed project (State Clearinghouse No. 2012061063). This SEIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for the implementation of CEQA, as adopted by the City. The principal CEQA Guidelines sections governing content of this document include Article 9 (*Contents of Environmental Impact Reports*) (Sections 15120 through 15132), and Section 15162 (*Subsequent EIRs and Negative Declarations*).

The purpose of this SEIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the proposed project. For more detailed information regarding the proposal, refer to Section 3.0, *Project Description*.

The City (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies, that may use this SEIR in the decision-making or permit process, will consider the information in this SEIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the CEQA Guidelines, if a public agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final SEIR and any other information in the public record for the project. This is termed, per Section 15093 of the CEQA Guidelines, a “statement of overriding considerations.”

This document analyzes the environmental effects of the project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This SEIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

2.2 CEQA DOCUMENT TIERING

The project site is part of the larger Opportunities Study Area (OSA) and is one of several properties, which were systematically analyzed by the City for land use changes from industrial,



business park, and commercial to residential uses. These land use changes (General Plan Amendment 2008-02 and Zone Changes 2008-01 through 2008-05) were approved by the City after the closure of the El Toro Marine Corps Air Station (El Toro MCAS). It is noted that these entitlement numbers refer to the entire OSA, while GPA 2008-02C and Zone Change 2008-03 refer specifically to the project site. Prior to approval of these land uses changes, the City initiated an Opportunities Study in order to examine the impacts and benefits of land use changes proposed by the City. The *City of Lake Forest Opportunities Study Final Program Environmental Impact Report* (OSA PEIR), dated May 23, 2008, was prepared to consider the potential environmental impacts that would result from implementation of General Plan Amendment 2008-02 and Zone Changes 2008-01 through 2008-05.

Per Section 15168(d) of the CEQA Guidelines, the Program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The Program EIR provides the basis in an Initial Study for determining whether the later activity may have any significant effects; and be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The OSA PEIR, which included analyses for General Plan Amendment 2008-02C and Zone Change 2008-03 for the project site (as Site 2), was certified in June 2008. The OSA PEIR is available in hard copy format at the City of Lake Forest and on the City's web site. General Plan Amendment 2008-02C and Zone Change 2008-03 were approved by the City Council in July and August 2008.

2.2.1 THE TIERING PROCESS

To avoid repetition, wasted time, and unnecessary speculation, a lead agency may “tier” EIRs for a sequence of actions so that the later EIRs incorporate and build on the information in the previous EIRs. (PRC Sections 21068.5, 21093; CEQA Guidelines Section 15152.) In particular, tiering may be used when the sequence of environmental review begins with an EIR prepared for a program, plan, policy, or ordinance, such as the OSA PEIR. (PRC Section 21094(a); CEQA Guidelines Section 15152(d).) The first-tier EIR may be followed by an EIR for another plan or policy of lesser scope, or a site-specific EIR for a specific project. (PRC Section 21094(a); CEQA Guidelines Sections 15152(b), 15385(a).

Once a first-tier EIR, such as the OSA PEIR, has been certified for a program, plan, policy, or ordinance, the significant environmental effects of a later plan or policy of lesser scope or a later development project must be examined using a tiered EIR. (PRC Section 21094(a).) The second-tier EIR, here the Subsequent EIR for the Project, is limited to significant environmental effects that were (1) not examined in the OSA PEIR, or (2) previously examined and that are susceptible to substantial reduction or avoidance through project revisions, mitigation measures, or other means. (PRC Section 21068.5, CEQA Guidelines Section 15152(d).)

The SEIR need not examine significant environmental effects that the City determined were either (1) mitigated or avoided as a result of findings adopted under PRC Section 21081(a)(1) for the OSA PEIR, or (2) examined in a sufficient level of detail in the OSA PEIR to allow it to be mitigated or avoided through revisions to the project, imposition of conditions, or other means when the later project is approved. (PRC Section 21094(a)(1).) Further, the City must determine whether the



Project may cause significant environmental effects that were not adequately addressed in the OSA PEIR. (CEQA Guidelines Section 15152(f).) The City may conclude that a significant environmental effect has been adequately addressed in the OSA PEIR if it determines, based on an initial study or other analysis, that either of these statutory standards is met. (CEQA Guidelines Section 15152(f)(3).)

Accordingly, as a second-tier EIR, the SEIR should not reexamine significant project-related environmental effects that would be mitigated or avoided through measures resulting from the OSA PEIR, or impacts that were examined in sufficient detail that they can be mitigated or avoided when the later project is approved. (PRC Section 21094(a)(1); CEQA Guidelines Section 15152(f)(3).) The discussion and analysis in the SEIR is therefore limited to significant environmental effects that were not examined in the OSA PEIR, and significant effects that were not examined in sufficient detail to allow mitigation measures to be devised, but that can be mitigated or avoided after further study. (PRC Section 21068.5; CEQA Guidelines Section 15152(d).) As such, where the OSA PEIR examined impacts at a general programmatic level and did not evaluate project-level impacts, the SEIR provides an independent analysis of the Project's significant environmental impacts. (*See e.g., In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1173.)

2.2.2 TIERING FROM THE OSA PEIR

Where appropriate, this SEIR tiers off the OSA PEIR. As discussed above, under CEQA Guidelines Section 15152, tiering is appropriate when the sequence of analysis follows from an EIR prepared for a general plan, policy, or program to an EIR of lesser scope, or to a site-specific EIR. Under CEQA, the OSA PEIR is considered a first tier document and this SEIR for the proposed project is considered a second tier document. Pursuant to CEQA Guidelines Section 15152(d)(1) and (2), the standard of review for an SEIR is defined as follows:

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or*
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.*

Accordingly, this EIR will focus its analysis on changes to the project or the surrounding circumstances that may have occurred since the City of Lake Forest certified the OSA PEIR. Under principals of tiering, if a first tier document found significant impacts, then the second tier EIR must require implementation of the first tier mitigation measures unless the analysis explains that the measures are not applicable or that other mitigation measures can replace the previous measures and similarly reduce the impacts to a level of insignificance. The OSA PEIR determined that the following significant and unavoidable impacts for Site 2 (the project site) would occur with implementation of the General Plan Amendment 2008-02C and Zone Change 2008-03:



- Light and glare;
- Threshold exceedances established by the SCAQMD and cumulative considerations for air quality;
- Cumulatively considerable incremental contribution to the worldwide increase in Greenhouse Gas emissions;
- Water quality of receiving waterbodies for pesticides only;
- Cumulative long-term (2030 General Plan buildout) conditions for noise; and
- Inducing substantial population growth.

All other impacts were found to be less than significant through the existing standards, regulations, and/or mitigation measures imposed under the OSA PEIR. As discussed previously, this SEIR is “tiered” from the OSA PEIR. As defined under *CEQA Guidelines* Section 15385, “tiering” refers to the analysis of general matters in broader, programmatic EIRs (such as the OSA PEIR) with subsequent narrower EIRs for individual projects that concentrate on site-specific issues and incorporate by reference the general discussions in the programmatic EIR. CEQA and the CEQA Guidelines encourage the use of tiered EIRs to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered EIRs by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference. The tiering of the environmental analysis for the proposed project allows this SEIR to rely on the OSA PEIR (incorporated by reference) for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were previously evaluated in sufficient detail in the OSA PEIR and for which there is no significant new information or changed circumstances that would require further analysis; and (4) cumulative impacts. For those impacts that were determined to be significant and unavoidable for Site 2 in the OSA PEIR, and which will remain significant and unavoidable with the implementation of the Project, the SEIR is not required to, and does not provide, duplicative analysis. Certain environmental analyses from the OSA PEIR are reiterated in this SEIR to provide a comprehensive analysis of the environmental factors, but the inclusion of such analyses is not intended to provide a basis for reconsidering the City’s certification of the OSA PEIR and its approval of the OSA General Plan Amendment.

2.3 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF DRAFT EIR

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, this Draft EIR will be circulated for a 45-day public review period. The public is invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final SEIR.



Comment letters should be sent to:

City of Lake Forest, Development Services Department
25550 Commercentre Drive, Suite 100
Lake Forest, California 92630
Attn: Ms. Carrie Tai, AICP, Senior Planner

FINAL EIR

This DSEIR is being circulated alone, without the OSA PEIR, for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the DSEIR to the City of Lake Forest address shown on the title page of this document. Upon completion of the 45-day review period, the City of Lake Forest will review all written comments received and prepare written responses for each comment. A Final SEIR will then be prepared incorporating all of the comments received, responses to the comments, and any changes to the Draft SEIR that result from the comments received. The OSA PEIR, as revised by the Final SEIR, will be considered by the City of Lake Forest for certification, consistent with CEQA Guidelines, Section 15163.

All persons who commented on the DSEIR will be notified of the availability of the FSEIR and the date of the public hearing before the City. The DSEIR is available to the general public for review at the locations listed below. It is also available for review on the City's website at: <http://www.lakeforestca.gov/portolacenterEIR>.

- Development Services Department
Lake Forest City Hall
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630
- Foothill Ranch Branch Library
27002 Cabriole
Lake Forest, CA 92610
- El Toro Branch Library
24672 Raymond Way
Lake Forest, CA 92630

2.4 EIR SCOPING PROCESS

NOTICE OF PREPARATION AND MODIFIED INITIAL STUDY

The City of Lake Forest adapted the standard Appendix G (Initial Study) checklist to address the factors in Public Resources Code, Section 21166 and State CEQA Guidelines, Section 15162. This checklist is known throughout this document as a "Modified Initial Study." After preparation of a Modified Initial Study for the proposed project, the City of Lake Forest determined that a



Subsequent analysis to the OSA PEIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Modified Initial Study on June 15, 2012 (refer to [Appendix 11.1](#)). Comments received during the public review period, which ended on July 16, 2012 and included a Scoping Meeting on July 10, 2012. This SEIR has taken into consideration all the comments received in response to the NOP. Copies of the comment letters that were received during the public review period for the Modified Initial Study and as part of the Scoping meeting can be found in [Appendix 11.1](#).

The NOP process was used to determine scope of the environmental issues to be addressed in this SEIR. Based on the NOP and the Modified Initial Study, certain environmental categories were identified as having the potential for significant environmental impacts over and above those found in the OSA PEIR. Issues identified as New Potentially Significant Impact in the Modified Initial Study are addressed in detail in this DSEIR. Issues identified as No New Impact/No Impact in the Modified Initial Study are not addressed beyond the discussion contained in the Modified Initial Study. Refer to the Modified Initial Study in [Appendix 11.1](#) to this SEIR for a discussion of how these initial determinations were made.

The Modified Initial Study considers two options for the sports park to be provided as a part of the proposed project. Consistent with the terms of the Development Agreement, Applicant had proposed to provide an onsite 8.0-acre Sports Park Site Component within the boundaries of the project site, or alternatively, to implement the Rados Park Site Option, where the Applicant would participate in the acquisition of the offsite Rados property (to be utilized for the City's sports park) and develop residential units where the onsite Sports Park Site Component would have been located. Since the issuance of the Modified Initial Study, the Applicant has determined to proceed with the Rados Park Site Option, which is the option that is evaluated in this SEIR.

2.5 FORMAT OF THE DRAFT EIR

Based upon the Modified Initial Study, City of Lake Forest staff determined that a SEIR should be prepared for the proposed project because there was new information of substantial importance that showed the proposed project would have one or more significant effects not discussed in the OSA PEIR or its Addendum. The scope of the SEIR was determined based upon the City of Lake Forest's Modified Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City of Lake Forest. Pursuant to Sections 15126.2 and 15126.4 of the State CEQA Guidelines.

The SEIR is organized into 11 sections, as follows:

- [Section 1.0, *Executive Summary*](#), provides a brief project description and summary of the environmental impacts and mitigation measures.
- [Section 2.0, *Introduction and Purpose*](#), provides CEQA compliance information.
- [Section 3.0, *Project Description*](#), provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.



- Section 4.0, *Basis for the Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, project impacts, recommended mitigation measures, and unavoidable adverse impacts for a number of environmental topic areas.
- Section 6.0, *Other CEQA Considerations*, discusses significant environmental changes that would be involved in the proposed action, should it be implemented. The project's growth-inducing impacts, including the potential for population growth, are also discussed.
- Section 7.0, *Alternatives to the Proposed Action*, describes a reasonable range of alternatives to the project or to the location of the project that could avoid or substantially lessen the significant impact of the project and still feasibly attain the basic project objectives.
- Section 8.0, *Effects Found Not to be Significant*, provides an explanation of potential impacts that have been determined not to be significant.
- Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, or local agencies, other organizations, and individuals consulted.
- Section 10.0, *Bibliography*, identifies reference sources for the SEIR.
- Section 11.0, *Appendices*, contains technical documentation for the project.

2.6 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to Sections 15381 and 15386 of the *CEQA Guidelines*, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)



Responsible and Trustee Agencies and other entities that may use this SEIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- San Diego Regional Water Quality Control Board;
- South Coast Air Quality Management District;
- Southern California Association of Governments;
- California Department of Fish and Wildlife;
- California Department of Transportation;
- State Water Resources Control Board;
- U.S. Army Corps of Engineers;
- Irvine Ranch Water District;
- Orange County Fire Authority;
- Nature Reserve of Orange County; and
- U.S. Fish and Wildlife Service.

2.7 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the *CEQA Guidelines*, which encourages incorporation by reference as a means of reducing redundancy and length of environmental reports. The following documents are hereby incorporated by reference into this SEIR. Information contained within these documents has been utilized for each section of this SEIR. These documents are available for review at the City of Lake Forest Development Services Department, located at 25550 Commercentre Drive, Suite 100, Lake Forest, California, 92630.

- *City of Lake Forest General Plan, dated June 21, 1994 and Amended on July 20, 2010.*¹ The City of Lake Forest General Plan (General Plan) serves as a policy guide for determining the appropriate physical development and character of the City of Lake Forest (City). The General Plan is founded upon the community's vision for the City and expresses the community's long-term goals. Implementation of the General Plan would ensure that future development projects are consistent with the community's goals and that adequate urban services are available to meet the needs of new development.

The General Plan contains goals, policies, and plans which are intended to guide land use and development decisions. The General Plan consists of a Land Use Policy Map and the following six elements or chapters, which together fulfill the State requirements for a General Plan:

- Land Use;
- Housing;
- Circulation;
- Recreation and Resources;

¹ The Housing Element was amended on September 21, 2010. While the General Plan and its supporting documents may be incorporated by reference and relied upon, pursuant to the Development Agreement (described, below) only the version of the General Plan in place as of June 1, 2008 applies to the project.



- Safety and Noise; and
- Public Facilities/Growth Management.

Seven supporting documents were produced during preparation of the General Plan, including the Lake Forest Master Environmental Assessment (Lake Forest MEA) and the General Plan Master Environmental Impact Report (Master EIR). These documents provide substantial background information for the General Plan. The General Plan and supporting documentation were used throughout this SEIR as sources of baseline data.

- City of Lake Forest Municipal Code (codified through Ordinance No. 202, passed January 19, 2010 [Supplement No. 13]).² The City of Lake Forest Municipal Code (Municipal Code) consists of all the regulatory, penal, and administrative ordinances of the City of Lake Forest. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. Title 9 of the Municipal Code, *City of Lake Forest Zoning Code* (Zoning Code), identifies land uses permitted and prohibited according to the zoning category of particular parcels. The Zoning Code is referenced throughout this SEIR for descriptions and requirements of the City's regulatory framework.
- Retaining Wall Design Guidelines. The *Retaining Wall Design Guidelines*, approved by the Lake Forest City Council on June 15, 2010, are an outgrowth of the goals and policies of the Land Use Element of the General Plan pertaining to ensuring that new development is compatible with the community and that a distinctive image and identity is created. The objective of the Guidelines is to ensure that proposed retaining walls are constructed in an aesthetically pleasing and high quality manner that fits within the character of the community. These Guidelines include recommended wall heights and setbacks (the higher the wall the larger the recommended setback), compatibility in context of the surrounding area, design features, visual interest, landscape considerations, as well as safety and maintenance considerations.

Although the *Retaining Wall Design Guidelines* were adopted after the approval of the Development Agreement, the Applicant and the City agreed in the June 2010 Implementing Agreement to "work cooperatively with Portola to review proposed retaining wall designs consistent with these Guidelines that allow for the unique conditions of the site, subject to Section 8.1 (Owner's Vested Right) and Section 8.3 (Governing Land Use Regulations) of the Development Agreement." Consistent with the June 2010 Implementing Agreement, the City's staff reviewed the proposed retaining wall designs, and the Applicant presented the proposed retaining wall designs to the Planning Commission in two workshops on September 27, 2012 and January 10, 2013. The proposed project and retaining walls were revised to incorporate input from staff, the public, and the Planning Commission; and these revised retaining walls are the retaining walls discussed and evaluated in this SEIR.

- Portola Hills Planned Community Development Plan and Supplemental Text (Amended by Ordinance 195, August 5, 2008). The *Lake Forest Planned Community Map* illustrates the City's planned communities and indicates the project site is located within Planned Community 9, *Portola*

² While the Municipal Code may be incorporated by reference and relied upon, pursuant to the Development Agreement (described, below) only the version of the Municipal Code in place on June 1, 2008 applies to the project.



Hills Planned Community.³ The project site encompasses approximately 195 acres within the southern portion of the 1,006-acre Portola Hills PC. The Portola Hills Planned Community Development Plan and Supplemental Text (Portola Hills Planned Community) constitutes the land use regulations under which development is governed for the Portola Hills Planned Community. The purpose of these regulations is to provide for the development of the Community as a coordinated, comprehensive project. These regulations provide for a “mixed use concept.” Provisions are included for submittal and review of projects that may contain a mix of residential, commercial, industrial, recreational, and open space uses.

The Portola Hills Planned Community text was amended as part of the OSA project to remove the business park and commercial zoning designation and replace it with a new residential planned community of up to 1,132 units and up to 178,720 square feet of commercial uses for Site 2, the project site. *ZC (Zone Change) 2008-02 Portola Center Map* depicts the current zoning and indicates the project site is zoned Single-Family, Multi-Family, Mixed-Use, Park, and Open Space.⁴

- *City of Lake Forest CEQA Significance Thresholds Guide*, dated November 20, 2001 (revised March 2009). The *City of Lake Forest CEQA Significance Thresholds Guide* was prepared for the review of projects, and in the preparation of environmental documents pursuant to CEQA. CEQA requires the analysis of discretionary projects to disclose their potential effects on the environment. The *City of Lake Forest CEQA Significance Thresholds Guide* is a tool that compiles information that is useful in the preparation of environmental documents, and improves the level of consistency, predictability, and objectivity of the City’s environmental documents. The Guide provides assistance in evaluating the significance of project impacts for six key topical issues in the City of Lake Forest: traffic, noise, air quality, land use, aesthetics, and water resources. For each topical issue the following information is provided: background information; discussion of relevant standards, planning guidelines, policies etc.; thresholds of significance; and potential mitigation.
- *City of Lake Forest Opportunities Study Final Program Environmental Impact Report* (dated May 23, 2008, certified June 3, 2008). The primary purpose of the *City of Lake Forest Opportunities Study (Opportunities Study)* was to amend the City’s General Plan and Zoning Code for seven properties consisting of approximately 838 acres from business park, commercial, and open space, to residential, mixed use, park (public facilities), and open space.⁵ These seven properties were encumbered by the El Toro MCAS noise contours, as well as lying within the “crash zone” (APZ 2) for El Toro MCAS, which limited potential uses on those sites to only nonresidential uses. These noise contours and crash zone encumbrances are no longer necessary, as the El Toro MCAS is no longer used for air station or airport uses (nor is this facility planned for future air station or airport uses).

³ City of Lake Forest Website, *Lake Forest Planned Community Map*, <http://www.lakeforestca.gov/civica/filebank/blobload.asp?BlobID=3595>, Accessed October 11, 2011.

⁴ City of Lake Forest Website, *Portola Hills Planned Community Development Plan & Supplemental Text ZC 2008-02 Portola Center [Map]*, <http://www.lakeforestca.gov/civica/filebank/blobload.asp?BlobID=3597>, Accessed October 11, 2011.

⁵ Although, the OSA involved seven properties, it involved only five participants.



The project analyzed in the OSA PEIR included a GPA and ZC of 838 acres of vacant lands in the OSA on seven parcels. The GPA and ZC considered development of 5,415 dwelling units (DUs), approximately 50 acres of neighborhood parks, up to 45 acres of public facilities (sports park and Community Center/Civic Center), and 648,720 square feet (SF) of commercial development.

The Notice of Preparation (NOP) identified potentially significant impacts associated with the construction and/or operation of the OSA project regarding the following issue areas:

- Aesthetics and Visual Resources;
- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology/Soils and Mineral Resources;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology/Water Quality;
- Land Use/Planning;
- Noise;
- Population/Housing;
- Public Services;
- Recreation;
- Transportation/Traffic; and
- Utilities/Service Systems.

The OSA PEIR addresses the issues referenced above and identifies potentially significant environmental impacts, including the OSA project-specific and cumulative effects, in accordance with the provisions set forth in CEQA and the *CEQA Guidelines*. In addition, the OSA PEIR recommends feasible mitigation measures, where possible, that would avoid or lessen adverse environmental effects of the OSA project. The OSA PEIR concluded that the following significant and unavoidable impacts would occur with implementation of the OSA project:

- Air Quality (Threshold exceedances established by the South Coast Air Quality Management District and cumulative considerations for air quality);
- Hydrology (Water quality of receiving water bodies for pesticides only);
- Cumulatively considerable incremental contribution to the worldwide increase in Greenhouse Gas emissions;
- Noise (Cumulative long-term (2030 General Plan buildout) conditions for noise); and
- Population and Housing (Inducing substantial population growth).

All other impacts were found to be less than significant through the existing standards, regulations, and mitigation measures imposed under the OSA PEIR.



The Portola Center project site, the subject of this SEIR, involves approximately 195 acres generally surrounding the intersection of Glenn Ranch Road and Saddleback Ranch Road, in the northeastern portion of the OSA. As indicated in OSA PEIR Table 2-3 and Figure 2-4, the project site is identified as Site 2 of the OSA, which consists of approximately 243 acres. The approximately 48-acre difference between Site 2, as analyzed in the OSA PEIR, and the currently proposed project site is due to several open space dedications that were made by the property owners, which reduced the size of the property from approximately 243 acres to 195 acres. Approximately 32 acres of the 48 acres of open space have been dedicated to satisfy a Minor Amendment to the Natural Community Conservation Plan and Habitat Conservation Plan for the County of Orange Central and Coastal Subregion (NCCP/HCP) (see below for a discussion of the Minor Amendment) and partially mitigated the project's impacts to covered habitat, including, but not limited to, mature and disturbed Coastal Sage Scrub and southern cactus scrub.

According to OSA PEIR Table 2-5, the OSA PEIR assumed development of a maximum of 1,132 DUs, 178,720 SF of commercial uses, 10.0 acres of Neighborhood Parks, and public facilities (including a transportation network) on Site 2.

Subsequent to public review of the OSA Draft PEIR, the City identified a new alternative (Alternative 7), which was a combination of several of the alternatives discussed in the OSA Draft PEIR and recirculated OSA Draft PEIR.⁶ From among the seven development alternatives analyzed in the OSA PEIR, the environmentally superior alternative was concluded to be Alternative 7 (Hybrid Alternative). According to OSA PEIR Table 7.4-1, Alternative 7 assumed a maximum of 930 DUs, 40,000 SF of commercial uses, and 8.0 acres of Neighborhood Park on Site 2 (the project site).⁷ Alternative 7's proposed land uses – residential, commercial, and Neighborhood Park – for Site 2 were approved by the City Council on July 1, 2008, as GPA 2008-02B, ZC 2008-02, and a Development Agreement. In addition, the OSA PEIR discussed the OSA's potential global climate change impacts and found them to be significant and unavoidable. It also included an updated impact analyses on Hydrology, Schools, Water Supply, and Traffic and Transportation in relation to the proposed development of Site 2.

This SEIR will rely on the first tier analysis conducted for Site 2 in the OSA PEIR, and will discuss any changed circumstances or new information that might alter the first tier analysis. The SEIR will also identify those environmental impacts that are new potentially significant or more severe than analyzed in the OSA PEIR.

- *Natural Community Conservation Plan and Habitat Conservation Plan for the County of Orange Central and Coastal Subregion.* The Natural Community Conservation Plan and Habitat Conservation Plan for the County of Orange Central and Coastal Subregion (NCCP/HCP) was reviewed and approved by the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS) in 1996. The Subregion is a 208,000-acre area that includes the central portion of Orange County, including the area from the coastline inland

⁶ The term "OSA PEIR" means the OSA Draft PEIR and the OSA Recirculated Draft PEIR.

⁷ The Development Agreement (discussed below) approves the development of a maximum of 930 DUs, 40,000 SF of commercial uses, 5 acres of Neighborhood Park and potentially 8 acres of Sports Park for Site 2.



to Riverside County, and from the mouth of the Santa Ana River (Costa Mesa) to the mouth of San Juan Creek (Dana Point). The City and project site are located within the NCCP/HCP's Central and Coastal Subregion, and more specifically located within the Central Subarea. The primary goal of the NCCP/HCP is to protect and manage habitat supporting a broad range of plant and animal populations that are found within the Central and Coastal Subregion. To accomplish this, the NCCP/HCP creates a subregional habitat Reserve System (Reserve) and implements a coordinated program to manage biological resources within the Reserve. Although the City is within the NCCP/HCP planning area, all of the OSA sites including the project site are located outside of the NCCP/HCP's Reserve.

- NCCP/HCP Boundary Adjustment for Portola Property, June 2009. In June 2009 the Nature Reserve of Orange County (NROC) approved a boundary adjustment to the NCCP/HCP Reserve to reconcile a mapping error along the southeastern boundary of the project site, thereby removing 28.3 acres from the Reserve. However, 12.07 acres of the project site remained with an "Existing Use" designation as defined by the NCCP/HCP.
- NCCP/HCP Minor Amendment for Portola Property Mitigation Fee Credit, Submitted by the City of Lake Forest, California, March 2010. The Minor Amendment allows for the development of the Existing Use area and provides for mitigation for the take of species and habitat covered under the NCCP/HCP for development of the property as defined in the Minor Amendment.

The mitigation includes paying a Mitigation Fee calculated based on the applicable NCCP/HCP methodology (Rate) and multiplying the Rate by the number of acres of occupied Coastal Sage Scrub (CSS) depicted on the 1997 Portola Center Biological Survey, subject to certain credits. The credits may include cactus transplantation and permanent preservation of CSS in open space and in the Fuel Modification Zone. In addition, a credit would be given for the dedication of approximately 32 acres of open space to the Reserve System, which may be adjusted accordingly by the City. The Minor Amendment also requires the Applicant prepare a management plan (Management Plan) for non-Reserve habitat, which will be reviewed and approved by the Wildlife Agencies prior to issuance of a Grading Permit for the project. The Management Plan is required to include provisions that ensure conservation of the non-Reserve lands in perpetuity and is also required to establish management obligations for the non-Reserve habitat including identifying a land manager. A *Preconceptual Southern Cactus Scrub Revegetation Plan* was part of the Minor Amendment and according to the terms of the Minor Amendment, would constitute the majority of the Management Plan.

- Development Agreement Between the City of Lake Forest and USA Portola Properties, LLC, Recorded August 1, 2008. The Development Agreement Between the City of Lake Forest and USA Portola Properties, LLC (Development Agreement) addresses the following:
 - Permits residential uses on the Property as opposed to the commercial and industrial uses permitted under the previous Portola Hills Planned Community.



- Ensures that the property owner has provided funding sufficient to provide the adequate and appropriate infrastructure and public facilities required by the development of the Property, and that this infrastructure and the public facilities will be available no later than when required to serve demand generated by development of the Property. Specifically, the Owner agrees to contribute to the development of the following public facilities owned by the City and School District:

City Facilities

- Sports Park, City Hall, and Community Center;
- Dedication or acquisition of a park site (Portola Center Park Site, consisting of an on-site 8.0-acre Sports Park and an on-site 5.0-acre Neighborhood Park, Rados Park Site Option, consisting of the Rados site and an on-site 5-acre Neighborhood Park, or Alternative Off-Site Park Site Option, consisting of an off-site park site and an on-site 5.0-acre Neighborhood Park);
- Dedication of neighborhood park land at a rate of 3 net usable acres per 1,000 residents, which shall include the on-site 5.0-acre Neighborhood Park, described above;⁸ and
- Lake Forest Transportation Mitigation (LFTM) Improvements.

School Facilities

- School Facilities funding and mitigation.
- Assures that development of the Property occurs in accordance with the City's General Plan, as amended by General Plan Amendment 2008-02.
 - Allows for a maximum of 930 DUs, 40,000 SF of commercial uses, and 5 acres of Neighborhood Park and potentially, 8 acres of Sports Park on Site 2 or acquisition of off-site property in lieu of the on-site Sports Park component.
- Implementing Agreement, June 9, 2010. The 2010 Implementing Agreement (2010 IA) addresses the following:
 - Confirms the City's determination that the development of the Project, including any development on the Existing Use Area and that portion of the Property that was previously designated as "Proposed NCCP Reserve" is consistent with the NCCP/HCP and is in compliance with the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). Further, the IA confirms the City's determination that development of the project, including development on the currently designated "Existing Use Area" and the previously mapped "Proposed NCCP Reserve," is allowable without any further action by the City with respect to the NCCP/HCP, or the FESA and CESA. It confirms Portola's agreement to the

⁸ Under the Development Agreement, an on-site 8.0-acre Sports Park and an on-site 5.0-acre Neighborhood Park may be developed on the project site. Accordingly, the Modified Initial Study analyzes the potential impacts associated with development of up to 20 acres of parkland.



City's determination and recordation of certain Irrevocable Offers to Dedicate and Lot Line Adjustments for certain open space to be added to the Reserve System.

- Effectuates Portola's agreement to locate residential lots according to a defined "Development Area."
- Effectuates the City's agreement to use its best efforts to support Portola with respect to the following:
 - A revised land use plan, which will add up to twenty (20) residential lots to the planning area north of Glenn Ranch Road, but the total residential lots shall not exceed what is allowed by the Development Agreement.
 - Proposed retaining walls, including working cooperatively with Portola to review the proposed retaining wall designs consistent with guidelines adopted by the City that allow for the unique conditions of the project site subject to the Development Agreement. The IA notes that City Staff will work cooperatively with Portola to review proposed retaining wall designs consistent with these Guidelines that allow for the unique conditions of the site, subject to Sections 8.1 (Owner's Vested Right) and Section 8.3 (Governing Land Use Regulations) of the Development Agreement.
 - Implementation of appropriate fuel management zones as authorized by the Orange County Fire Authority.
- Pursuant to the Development Agreement, confirms the project may develop between 10,000 and 40,000 square feet of commercial space in the project and be in compliance with the Development Agreement.
- Implementing Agreement, June 2013. The 2013 Implementing Agreement (2013 IA) addresses the following:
 - Acknowledges City's proceedings to condemn the Rados Park Site, confirms Portola's obligations with respect to the Sports Park Site Component under the Development Agreement, and establishes a schedule for Portola's payment of the Fair Market Value of the Rados Park Site and Condemnation Costs and for City's granting of City Facilities Fees credits.⁹
 - Confirms Portola's obligations to provide or to facilitate the production of affordable housing under the Affordable Housing Implementation Plan, include Portola's ability to provide Second Units.

⁹ The terms with initial capital letters utilized in this summary are defined in the 2013 IA or the Development Agreement.



- Confirms Portola's obligations with respect to the neighborhood parkland, including neighborhood parkland credits for improved parkland, public and private, and clarifies Portola's ability to build an improved public trail and receive credits for such trail.

2.8 DISAGREEMENT AMONGST EXPERTS

This EIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be disagreements with these conclusions. The CEQA Guidelines and, more particularly, case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the SEIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their action.

It is also possible that evidence will be presented during the Draft SEIR review which might create disagreement. This evidence may be considered by the decision makers during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most conservative, environmentally protective or liberal viewpoint. They may give more weight to more than one expert than another, and need not resolve a dispute among experts. In their proceedings, they must consider the comments received and address objections but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.