Appendix A

Notice of Preparation and NOP Comments
NOTICE OF PREPARATION AND SCOPING MEETING
CITY OF LAKE FOREST

DATE: THURSDAY SEPTEMBER 5, 2019

SUBJECT: NOTICE OF PREPARATION (NOP) AND SCOPING MEETING FOR THE LAKE FOREST GENERAL PLAN UPDATE ENVIRONMENTAL IMPACT REPORT

TO: STATE CLEARINGHOUSE, STATE RESPONSIBLE AGENCIES, STATE TRUSTEE AGENCIES, OTHER PUBLIC AGENCIES, INTERESTED ORGANIZATIONS, MEMBERS OF THE PUBLIC, AND THE COUNTY CLERK

LEAD AGENCY: CITY OF LAKE FOREST, DEVELOPMENT SERVICES DEPARTMENT

PROJECT TITLE: CITY OF LAKE FOREST GENERAL PLAN UPDATE

NOTICE IS HEREBY GIVEN that the City of Lake Forest will prepare an Environmental Impact Report (EIR) for the City of Lake Forest General Plan Update. The City is the lead agency for the project. The purpose of this notice is (1) to serve as a Notice of Preparation (NOP) of an EIR pursuant to the State CEQA Guidelines § 15082, (2) to advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project, and (3) to notice the public scoping meeting.

The City determined that the proposed project would require preparation of a full-scope EIR; thus, an Initial Study was not prepared in conjunction with this Notice of Preparation (NOP). Consistent with § 15168 of the State CEQA Guidelines, the City will prepare an EIR to address the environmental impacts associated with the project at a programmatic level. The proposed project is a long-term plan consisting of policies that will guide future development activities and City actions. No specific development projects are proposed as part of this General Plan Update. However, the program EIR can serve to streamline environmental review of future projects.

Notice of Preparation 30-Day Comment Period: The City of Lake Forest, as Lead Agency, requests that responsible and trustee agencies, and the Office of Planning and Research, respond in a manner consistent with § 15082(b) of the CEQA Guidelines. Pursuant to Public Resources Code § 21080.4, responsible agencies, trustee agencies and the Office of Planning and Research must submit any comments in response to this notice no later than 30 days after receipt. In accordance with the time limits established by CEQA, the NOP public review period will begin on September 5, 2019 and end on October 4, 2019.

In the event that the City does not receive a response or request for additional review time from any Responsible or Trustee Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency or Trustee Agency has no response to make (State CEQA Guidelines Section 15082(b)(2)).

Comments in response to this notice must be submitted in writing at the address below by the close of the 30-day NOP review period, which is 6:00 PM on October 4, 2019:

Gayle Ackerman, AICP, Director of Community Development
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630
Scoping Meeting: The City will hold a scoping meeting in conjunction with this NOP in order to present the project and the EIR process and to provide an opportunity for agency representatives and the public to assist the lead agency in determining the scope and content of the environmental analysis for the EIR. The date, time and place of the meeting is as follows:

Tuesday September 24, 2019
6:00 p.m. to 7:00 p.m.
Lake Forest City Hall
25550 Commercentre Drive
Lake Forest, CA 92630

Project-Related Documents: Extensive outreach has been conducted with the Lake Forest community as part of the General Plan Update process, including coordination with the City’s General Plan Advisory Committee (GPAC). Additionally, the Lake Forest City Council has received six quarterly public briefings regarding the General Plan Update. Lake Forest’s existing General Plan documents and materials for the General Plan Update and Program EIR, including the Existing Conditions Report, Issues and Challenges Report, Land Use Themes Report, Vision and Values Summary Report, Community Vision Statement, GPAC meeting materials, and City Council Briefing presentations are available at: https://lakeforest.generalplan.org/.

Signature: _________________________________________________
Gayle Ackerman

Name: Gayle Ackerman, AICP, Director of Community Development

PROJECT LOCATION

As shown on Figure 1, the City of Lake Forest is located in the heart of South Orange County and the Saddleback Valley, approximately 47 miles southeast of Los Angeles. Lake Forest was incorporated as a city in 1991 to help ensure that it will always be an ideal place for business to prosper and people to live, work and play. Since being incorporated, Lake Forest has expanded its limits to include the communities of Foothill Ranch and Portola Hills. These newer communities are master planned developments that brought homes and commercial centers to the Eastern boundary of Lake Forest throughout the 1990s. The total land area of Lake Forest is approximately 16 square miles.

Lake Forest is bordered by the Santa Ana Mountains/County of Orange to the northeast, the City of Mission Viejo to the east, the City of Laguna Hills to the south, and the City of Irvine to the west. The city is accessed by Interstate 5 (I-5) and the Foothill Transportation Corridor/State Route 241 (SR-241).

PROJECT DESCRIPTION

The City of Lake Forest is in the process of preparing a comprehensive update to its existing General Plan. The update is expected to be completed in 2020 and will guide the City’s development and conservation for the next 20 years to 2040. As shown on Figure 2, the City limits and its Sphere of Influence (SOI) are contiguous, and together comprise what is referred to as the “Planning Area” for the General Plan.

State law requires that a general plan contain eight elements: land use, circulation, housing, open space, noise, safety, environmental justice, and conservation. The contents of these elements are outlined in
state law. At the discretion of each jurisdiction, the general plan may combine these elements and may add optional elements relevant to the physical features of the jurisdiction. The Lake Forest General Plan will include all of the State-mandated elements, as well as optional elements, including Community Design (combined with the Land Use Element), Public Facilities, Economic Development, and Community Health and Wellness.

The following objectives are identified for the General Plan Update:

1. Reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders;
2. Address issues and concerns identified by city residents, businesses, decision-makers, and other stakeholders;
3. Protect Lake Forest’s family-oriented environment, character, and sense of community;
4. Provide a range of high-quality housing options;
5. Attract and retain businesses and industries that provide high-quality and high-paying jobs so that residents can live and work in Lake Forest;
6. Expand retail shopping opportunities to provide better local services and increased sales tax revenues;
7. Continue to maintain the road network and improve multimodal transportation opportunities;
8. Maintain strong fiscal sustainability and continue to provide efficient and adequate public services; and
9. Address new requirements of State law.

GENERAL PLAN BUILDOUT SUMMARY

The EIR will evaluate the anticipated development that could occur within the Planning Area if every parcel developed at the densities and intensities expected under the General Plan. While no specific development projects are proposed as part of the General Plan Update, the General Plan will accommodate future growth in Lake Forest, including new businesses, expansion of existing businesses, and new residential uses; the land uses proposed for the Planning Area are illustrated on Figure 3, Benchmark Land Use Plan.

The buildout analysis utilizes a 20-year horizon, and 2040 is assumed to be the buildout year of the General Plan. Table 1 provides a statistical summary of the buildout potential associated with the Benchmark Land Use Plan compared to existing on-the-ground conditions and the currently adopted General Plan.

**Table 1  Buildout Statistical Summary**

<table>
<thead>
<tr>
<th></th>
<th>Housing Units</th>
<th>Population</th>
<th>Nonresidential Square Footage</th>
<th>Jobs</th>
<th>Jobs per Housing Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Conditions (8/1/19)</td>
<td>28,928</td>
<td>81,888</td>
<td>15,315,700</td>
<td>38,039</td>
<td>1.31</td>
</tr>
<tr>
<td>Current General Plan</td>
<td>36,700</td>
<td>108,998</td>
<td>26,077,229</td>
<td>48,209</td>
<td>1.31</td>
</tr>
<tr>
<td>Benchmark Land Use Map</td>
<td>51,334</td>
<td>152,462</td>
<td>27,726,585</td>
<td>52,241</td>
<td>1.02</td>
</tr>
<tr>
<td>New Growth Potential Over Existing Conditions</td>
<td>22,406</td>
<td>70,574</td>
<td>12,410,885</td>
<td>14,202</td>
<td>-</td>
</tr>
<tr>
<td>New Growth Potential Over Current General Plan</td>
<td>14,634</td>
<td>43,464</td>
<td>1,649,356</td>
<td>4,032</td>
<td>-</td>
</tr>
</tbody>
</table>

PUBLIC AGENCY APPROVALS

The City Council is the final decision-making body for the General Plan Update. Before the City Council considers the proposed project, the Planning Commission will review it and make recommendations to City Council. While other agencies may be consulted during the General Plan Update process, their
approval is not required for adoption of the General Plan Update. However, subsequent development under the General Plan Update may require approval of state, federal and responsible trustee agencies that may rely on the programmatic EIR for decisions in their areas of expertise.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could potentially affect the following environmental factors, and each will be addressed in the EIR:

» Aesthetics
» Air Quality
» Agricultural & Forest Resources
» Biological Resources
» Cultural Resources
» Energy
» Geology/Soils
» Greenhouse Gas Emissions
» Hazards and Hazardous Materials
» Hydrology/Water Quality
» Land Use and Planning

» Mineral Resources
» Noise
» Population and Housing
» Public Services
» Parks and Recreation
» Transportation and Traffic
» Tribal Cultural Resources
» Utilities and Service Systems
» Wildfires
» Mandatory Findings of Significance

ATTACHMENTS

» Figure 1: Regional Location
» Figure 2: Aerial Photograph
» Figure 3: Benchmark Land Use Plan (Planning Area)
Figure 1. Regional Location

Legend

- Orange County
- City of Lake Forest

Source: City of Lake Forest, California. Map date: August 23, 2018.
Figure 2. Aerial Photograph

Legend

City of Lake Forest

Sources: City of Lake Forest; Caltrans; ArcGIS Online World Imagery Map Service. Map date: August 27, 2018.
Figure 3. Benchmark Land Use Plan

Legend
- LOW DENSITY RESIDENTIAL
- LOW-MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- COMMERCIAL
- MIXED-USE 32
- MIXED-USE 43
- MIXED-USE 60
- BUSINESS PARK
- MIXED-USE - OFFICE
- PROFESSIONAL OFFICE
- LIGHT INDUSTRIAL
- URBAN INDUSTRIAL 25
- URBAN INDUSTRIAL 43
- PUBLIC FACILITY
- COMMUNITY PARK/OPEN SPACE
- REGIONAL PARK/OPEN SPACE
- OPEN SPACE
- LAKE
- TRANSPORTATION CORRIDOR

Source: City of Lake Forest, California. Map date: August 23, 2018.
October 3, 2019

Gayle Ackerman
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Dear Ms. Ackerman,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the General Plan Update for 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.

The General Plan update is expected to be completed in 2020 and will guide the City’s development and conservation for the next 20 years to 2040. The City of Lake Forest is in proximity to the State Highway System (SHS). Caltrans is a responsible/commenting agency on this project and upon review, we have the following comments:

Office of Planning and Research 2017 General Plan Guidelines

1. As of 2017, the Governor’s Office of Planning and Research (OPR) updated its General Plan Guidelines (GPG) as statutorily required by Government Code Section 65040.2. The GPG is used as a resource to assist communities and accomplish its community goals and priorities while meeting the goals and practices of the State. The updated GPG includes a free General Plan Mapping Tool which incorporates requirements for the mandatory elements and provides Geographic Information Systems tools necessary for cities and counties to use when drafting a General Plan. Social inequities are intimately tied to the environment. Therefore, the updated GPG also expands the equity and environmental justice section including new sections on healthy communities, equitable and resilient communities, economic development, and climate change. For information on the major changes, please refer to OPR website for more information:

http://www.opr.ca.gov/planning/general-plan/

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”
Traffic Impact Study

2. In the next environmental document, please include a Traffic Impact Study (TIS) that analyzes short-term and long-term impacts to the SHS including on-ramps, off-ramps, and freeway mainline specifically for State Route 241 and Interstate 5.

Please include the following:

- Existing and Build-out Annual Average Daily traffic volumes.
- Existing and Build-out AM and PM Peak Hour traffic volumes.
- A discussion of trip generation methodology including any counts, traffic modeling and forecasting tools, distribution and assignments, justification of modal splits, etc.
- A discussion of any Transportation Demand Management measures including potential funding to support longevity of these measures.
- Traffic impact analysis methodology used and any specific assumptions used that are unique to the City of Lake Forest.
- Ninety-five percent queue information for all off-ramps on the SHS under the Build-out condition.
- Potentially significant adverse impacts and its associated mitigation measures. Any impacts to the SHS should not be deemed 'Significant and Unavoidable' without consultation with Caltrans to mitigate these impacts in the early development stages of the environmental document.

Multimodal Planning

3. Moving toward the State's SB 743 goals includes supporting infill land use, reducing greenhouse gas emissions, and supporting active transportation. Caltrans suggests that the General Plan Update includes a Vehicle Miles Travels (VMT) based transportation analysis that assesses impacts and mitigates with transportation demand management (TDM), multimodal, and operational efficiency projects.

4. In addition, the General Plan Update should also include an analysis of existing multimodal transportation system. Under the Complete Streets Act of 2008, Assembly Bill (AB) 1358, cities and counties are required to integrate multimodal transportation network policies into the circulation elements of its General Plans. These networks should allow for all citizens to effectively travel by motor vehicle, foot, bicycle, and transit to reach

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destinations throughout the city. Prioritizing and allocating space to efficient modes of travel can allow streets to transport more people in a fixed amount of right-of-way. The goal is to encourage connectivity within the local and regional bicycle network. Poor connectivity can result in higher speed of traffic along local roads and a more hostile environment for pedestrians.

Freight

Please consider including the following in the General Plan where it would be deemed appropriate:

5. Please consider overnight parking and well-lit parking lots to accommodate truckers rather than empty lots or side streets. Ensure adequate truck parking is onsite for trucks or that there are nearby areas for trucks to stage and park while they are waiting for pick-ups/drop offs.

6. In order to reduce conflicts with traffic and bicycles, please consider directing deliveries to loading docks away from curbside. Please also consider redesigning outdated loading docks to accommodate new freight truck design. Utilize alley space, if available, to take trucks off street curbs.

7. For all freight designated on-street parking, ensure that the width of the parking lane is wide enough for freight trucks, so parked trucks do not take up space in bicycle lane or street lane. Designate on-street freight-only parking and delivery time windows and appropriate signage if building loading docks are not accessible or non-existent and ensure that this parking is close to business entryway to reduce distance needed to travel from the truck to business.

8. Please consider designing freight parking spaces to accommodate loading ramp and ensure that the maximum length of ramp (typically 40') will not interfere with vehicle parking, pedestrian paths, or bicycle lanes/bicycle parking.

9. We recommend commercial and residential developments to offer pick-up point services or automated parcel systems to allow for deliveries that can be made with one truck stop instead of multiple stops to individual residences.

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10. Bicycle parking especially designed for cargo bikes, especially food delivery services, should be installed to encourage and facilitate the growing use of food delivery services and parcel deliveries.

11. Establish freight pick up and drop off times that do not coincide with peak commute hours.

**Climate Change Reductions**

12. Further, AB 32, also known as the California Global Warming Solutions Act of 2006 mandates Greenhouse Gas (GHG) emissions reduction in California. Senate Bill (SB) 375, also known as the Sustainable Communities and Climate Protection Act of 2008, capitalizes on the need for reducing GHG by directing the California Air Resources Board to set regional targets for reducing GHG emissions. SB 375 builds on AB 32 in coordinated efforts to address transportation and land use planning needs with an overall goal of promoting more sustainable communities. SB 375 sets emission reduction standards for the years 2020 and 2035. Consistent with the goals brought forth by AB 32, SB 375 encourages plans/projects consistent with to-be regional plan that achieves GHG reductions as those highlighted in the Southern California Association of Governments' (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As noted by the updated GPG, it is important to address these environmental impacts.

13. It is our recommendation for the city of Lake Forest to incorporate these recommended practices and policies within the Lake Forest General Plan Update. By addressing impacts at the General Plan level, Caltrans and the City can ensure that those impacts are mitigated or avoided, while also providing streamlining benefits at the project level.

**Americans with Disabilities Act**

14. The Americans with Disabilities Act of 1990 (ADA) provides comprehensive rights and protections to individuals with disabilities. Please consult available accessibility Guidelines for public rights-of-way to implement the goal of ADA compliance.

**Encroachment Permits**

15. Please be advised that any project work proposed in the vicinity of the State Highway System (SHS) will require an Encroachment Permit and all environmental concerns must be adequately addressed. If the

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environmental documentation for the project does not meet Caltrans' requirements, additional documentation would be required before the approval of the Encroachment Permit. For specific details for Encroachment Permits procedure, please refer to the Caltrans' Encroachment Permits Manual. The latest edition of the Manual is available on the web site:
http://www.dot.ca.gov/hq/traffops/developserv/permits/

Please continue to keep us informed of this project and any future developments which could potentially impact the SHS. If you have any questions, please do not hesitate to contact Joseph Jamoralin, at (657) 328-6276 or Joseph.Jamoralin@dot.ca.gov.

Sincerely,

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

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"
October 2, 2019

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 Notice of City of Lake Forest Projects Subject to CEQA Near SR 73, Lake Forest Drive, and/or 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, Lake Forest Drive, and/or El Toro Road, for which an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration will be prepared. This request for notice also applies to the currently pending Lake Forest General Plan Update environmental review and adoption process for which a Notice of Preparation of a Draft EIR was recently released.

As an agency with jurisdiction over major local arterials that may be significantly impacted by development activities, Laguna Beach seeks inter-agency consultation with Lake Forest concerning each of the above-referenced proposed projects, pursuant to the CEQA statute and consistent with Lake Forest’s Local Guidelines for Implementing CEQA.¹ More specifically, this request for notice and timely consultation is made pursuant to Public Resources Code, sections 21083.9, 21092.2, and 21092.4. Even though annual renewal of requests for notice is ordinarily required under Lake Forest’s Local Guidelines for Implementing CEQA, because inter-agency consultation is required, please consider this request perpetual. Please confirm that annual renewal of this request is not necessary under the circumstances.

Pursuant to Public Resources Code, section 21092.2(a), such notice may be provided via e-mail, addressed to both me and Greg Pfost, Director of Community Development. Our respective e-mail addresses are: cjohnson@lagunabeachcity.net and gpfost@lagunabeachcity.net. In addition, please send a hard copy of such notice to:

City Manager’s Office
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

¹ See Local Guidelines for Implementing CEQA, pp. 7-3, 7-8 - 7-10.
Please let me know if you have any questions or concerns regarding this request for notice and consultation. Thank you in advance for your cooperation.

Sincerely,

[Signature]

Christa Johnson
Assistant City Manager
September 10, 2019

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

RE: SCH# 2019090102, City of Lake Forest General Plan Update Project, Orange County

Dear Ms. Ackerman:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, “tribal cultural resources” (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
   a. A brief description of the project.
   b. The lead agency contact information.
   c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
   d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. **Begin Consultation Within 30 Days of Receiving a Tribe’s Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
   a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. **Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.
   c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
   a. Avoidance and preservation of the resources in place, including, but not limited to:
      i. Planning and construction to avoid the resources and protect the cultural and natural context.
      ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
   b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
      i. Protecting the cultural character and integrity of the resource.
      ii. Protecting the traditional use of the resource.
      iii. Protecting the confidentiality of the resource.
   c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
   d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
   e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
   f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
   a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
   b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
   c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf
SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor’s Office of Planning and Research’s “Tribal Consultation Guidelines,” which can be found online at: https://www.opr.ca.gov/docs/09-14-05_updated_guidelines_922.pdf.

Some of SB 18’s provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a “Tribal Consultation List.” If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a)(2)).

2. **No Statutory Time Limit on SB 18 Tribal Consultation**: There is no statutory time limit on SB 18 tribal consultation.

3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §§ 5097.9 and §§ 5097.993 that are within the city's or county’s jurisdiction. (Gov. Code §65352.3 (b)).

4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
   a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
   b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and “Sacred Lands File” searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

**NAHC Recommendations for Cultural Resources Assessments**

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or baring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
   a. If part or all of the APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have already been recorded on or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
   b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Staff Services Analyst

cc: State Clearinghouse
October 4, 2019

Ms. Gayle Ackerman
Director of Community Development
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: City of Lake Forest General Plan Update Notice of Preparation

Dear Ms. Ackerman:

Thank you for providing the Orange County Transportation Authority (OCTA) with the Notice of Preparation for the City of Lake Forest General Plan Update (Project). The following comments regarding the Master Plan of Arterial Highways (MPAH) are provided for your consideration:

- On May 8, 2017, the OCTA Board of Directors (Board) conditionally approved a MPAH amendment to reclassify Santiago Canyon Road from the State Route 241 northbound off-ramps to Live Oak Canyon Road from a Primary Arterial (four-lane, divided) to a collector (two-lane, undivided). The Board's approval remains conditional until OCTA has received documentation that the City of Lake Forest and the County of Orange have amended their general plans and complied with the requirements of the California Environmental Quality Act.

- On July 23, 2012, the OCTA Board approved a MPAH amendment 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.

• Please note that consistency with the MPAH is a prerequisite for local agencies to be eligible for Measure M2 Net Revenues as well as programs – including the Orange County Comprehensive Transportation Funding Program. For any potential changes to the Circulation Element in relation to arterials on the MPAH please take the following steps:
  o initiate an MPAH amendment request with OCTA,
  o coordinate with impacted agencies, and
  o conduct a traffic analysis using an OCTA certified model.

More information and the MPAH guidelines may be accessed online: http://www.octa.net/News-and-Resources/Open-Data/MPAH-Overview/.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs

Attachment
MEMORANDUM OF UNDERSTANDING NO. C-2-1592

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITIES OF IRVINE, LAGUNA HILLS, LAGUNA WOODS, LAKE FOREST,
AND COUNTY OF ORANGE

FOR

AMENDMENT OF THE MASTER PLAN OF ARTERIAL HIGHWAYS

THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as "MOU") is effective this 21st day of January, 2013, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92663-1584 (hereinafter referred to as "AUTHORITY"), and the City of Irvine, the City of Laguna Hills, the City of Laguna Woods, the City of Lake Forest, and the County of Orange (hereinafter collectively referred to as "AGENCIES" and individually as "AGENCY"). AUTHORITY and each AGENCY are sometimes referred to collectively in this MOU as the "PARTIES" and individually as "PARTY."

RECITALS

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

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

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/}

Page 1 of 17
WHEREAS, the City of Irvine in association with the City of Laguna Hills, the City of Laguna Woods, the City of Lake Forest, the County of Orange, and AUTHORITY initiated the MPAH Cooperative Study Process; and

WHEREAS, traffic analyses conducted as part of the MPAH Cooperative Study Process determined that the Amendment to the MPAH would result in projected changes to future traffic patterns; and

WHEREAS, these projected changes in future traffic patterns resulted in a determination that appreciable impacts would occur at the intersections of 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); and

WHEREAS, an appreciable impact is defined in the AUTHORITY's Guidance for Administration of the Orange County MPAH, as an increase in Intersection Capacity Utilization ("ICU") of 0.01 for intersections exceeding Level of Service "D" or the General Plan standard adopted by the respective jurisdiction; and

WHEREAS, Exhibit A titled "SUMMARY OF MPAH AMENDMENT APPRECIABLE IMPACTS and TRAFFIC SHARE", provides a summary of the appreciable impacts occurring as a result of the Amendment to the MPAH; and

WHEREAS, improvements have been identified to mitigate appreciable impacts and maintain the operational integrity of the MPAH system; and

WHEREAS, AUTHORITY's Board of Directors approved this Amendment to the MPAH on July 23, 2012, contingent upon full execution of this MOU, as well as amendments to appropriate AGENCIES' general plans including California Environmental Quality Act requirements; and

WHEREAS, all PARTIES wish to enter into an MOU to identify the roles, responsibilities and commitments of the PARTIES in processing the Amendment to the MPAH and mitigating the related appreciable impacts; and

/
NOW, THEREFORE, it is mutually understood and agreed by the PARTIES as follows:

ARTICLE 1. COMPLETE AGREEMENT:

A. This MOU, including all exhibits and documents incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the term(s) and condition(s) of the MOU between the PARTIES concerning the Amendment to the MPAH and supersedes all prior representations, understandings and communications between the PARTIES. The invalidity, in whole or part, of any term or condition of this MOU shall not affect the validity of other term(s) or condition(s) of this MOU. The above referenced Recitals are true and correct and are incorporated by reference herein.

B. AUTHORITY'S failure to insist on any instance(s) of any AGENCY'S performance of any term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of AUTHORITY's right to such performance or to future performance of such term(s) or condition(s), and AGENCY'S obligation in respect thereto shall continue in full force and effect.

C. Any AGENCY'S failure to insist on any instance(s) of AUTHORITY's performance of any term(s) or condition(s) of this MOU shall not be construed as a waiver or relinquishment of AGENCY'S right to such performance or to future performance of such term(s) or condition(s), and AUTHORITY's obligation in respect thereto shall continue in full force and effect.

ARTICLE 2. RESPONSIBILITIES OF AUTHORITY:

AUTHORITY agrees to the following responsibilities:

A. AUTHORITY shall administer the MPAH, including updating the MPAH to reflect the Amendment to the MPAH, upon fulfillment of all of the following conditions:

1. AUTHORITY's Board of Directors conditional approval of the Amendment to the MPAH. The AUTHORITY's Board of Director approval of the Amendment to the MPAH will not become final until conditions 2 and 3 below have been satisfied; and

2. Receipt of an original, fully executed MOU (signed by all PARTIES); and

3. Receipt of documentation that the Cities of Irvine, Laguna Hills,
Laguna Woods, and County of Orange have amended their general plans to reflect the Amendment to the MPAH.

B. AUTHORITY shall file a Notice of Exemption from the provisions of the California Environmental Quality Act in support of the amendment to the MPAH.

ARTICLE 3. RESPONSIBILITIES OF CITY OF IRVINE:

The CITY of Irvine agrees to the following responsibilities:

A. The CITY of Irvine acknowledges that the AUTHORITY has determined the amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

B. The CITY of Irvine shall implement one of the two mitigation measures identified below.

1. Bake Parkway/Research Drive: conversion of a westbound through lane on Research Drive to shared through/second right-turn lane; or

2. Bake Parkway/Research Drive: addition of a second westbound right-turn lane on Research Drive.

C. This mitigation measure is to be implemented before the ICU at this intersection reaches the pre-Amendment to the MPAH ICU of 0.94. These improvements are not meant to be prescriptive. If the CITY of Irvine is able to identify alternative improvements which meet the overall objective of achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be considered acceptable alternatives and shall be implemented as substitute solutions.

D. The CITY of Irvine shall amend the Circulation Element of its General Plan to reflect the Amendment to the MPAH, and in doing so, shall comply with the requirements of the California Environmental Quality Act.

E. The CITY of Irvine enters into this MOU in order for the above mitigation measure to be implemented.

F. The Share Cost Allocation for this mitigation, as identified in Exhibit B titled "IMPACTED INTERSECTIONS SHARE COST ALLOCATION," will be funded through the County of Orange's
Coastal Area Roadway Improvements and Traffic Signal Program (hereinafter referred to as the "CARITS Program").

ARTICLE 4. RESPONSIBILITIES OF CITY OF LAGUNA HILLS:

The CITY of Laguna Hills agrees to the following responsibilities:

A. The CITY of Laguna Hills acknowledges that the AUTHORITY has determined the amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

B. The CITY of Laguna Hills shall implement the mitigation measures identified below.

1. Paseo de Valencia/Avenida de la Carlota: restripe the southbound approach on Paseo de Valencia to provide 2.5 left-turn lanes, 1.5 through lanes and no right-turn lane, and construct a third eastbound receiving lane on Avenida de la Carlota for the third southbound left-turn lane; and

2. El Toro Road/Avenida de la Carlota: restripe the westbound approach on Avenida de la Carlota to provide a shared left-turn/through lane and two right-turn lanes, retaining the existing westbound right-turn overlap with the southbound left-turn movement.

C. These mitigation measures are to be implemented before the ICU at these intersections reaches the pre-Amendment to the MPAH ICU of 1.01 for the Paseo de Valencia/Avenida de la Carlota intersection and 1.02 for the El Toro Road/Avenida de la Carlota intersection, respectively. These improvements are not meant to be prescriptive. If the CITY of Laguna Hills is able to identify alternative improvements, which meet the overall objective of achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be considered acceptable alternatives and shall be implemented as substitute solutions.

D. The CITY of Laguna Hills shall amend the Circulation Element of its General Plan to reflect the Amendment to the MPAH, and comply with the requirements from the California Environmental Quality Act.

E. The CITY of Laguna Hills enters into this MOU in order for the above mitigation
measures to be implemented.

F. The Share Cost Allocation for this mitigation is identified in Exhibit B, and will be funded through the CARITS Program.

ARTICLE 5. RESPONSIBILITIES OF CITY OF LAGUNA WOODS:

The CITY of Laguna Woods agrees to the following responsibilities:

A. The CITY of Laguna Woods acknowledges that the AUTHORITY has determined the amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

B. The CITY of Laguna Woods shall amend the Circulation Element of its General Plan to reflect the Amendment to the MPAH, and comply with the requirements from the California Environmental Quality Act.

ARTICLE 6. RESPONSIBILITIES OF CITY OF LAKE FOREST:

The CITY of Lake Forest agrees to the following responsibilities:

A. The CITY of Lake Forest acknowledges that the AUTHORITY has determined the amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

B. The CITY of Lake Forest shall implement the following mitigation measure identified below.

1. Ridge Route Drive/Rockfield Boulevard: narrowing of the existing raised median on Ridge Route Drive to four feet in both the northbound and southbound directions to create left turn pockets, and also provide de facto right turn lanes in both directions.

C. This mitigation measure is to be implemented before the ICU at this intersection reaches the pre-Amendment to the MPAH ICU of .98. This improvement is not meant to be prescriptive. If the CITY of Lake Forest is able to identify alternative improvements which meet the overall objective of achieving and/or maintaining the pre-Amendment to the MPAH ICU, then those improvements shall be considered acceptable alternatives and shall be implemented as substitute solutions.
D. The CITY of Lake Forest enters into this MOU in order for the above mitigation measure to be implemented.

E. The Share Cost Allocation for this mitigation is identified in Exhibit B and will be funded through available CITY of Lake Forest non-general fund and/or grant sources.

ARTICLE 7. RESPONSIBILITIES OF COUNTY OF ORANGE:

The COUNTY of Orange agrees to the following responsibilities:

A. The COUNTY of Orange acknowledges that the AUTHORITY has determined the amendment to the MPAH to be exempt from the California Environmental Quality Act, and that the AUTHORITY has caused a Notice of Exemption to be filed, posted, and recorded.

B. The COUNTY of Orange, contingent upon the finalized Amendment to the MPAH, will reprogram CARITS Program mitigation funds originally identified for the intersection of Bake Parkway/Laguna Canyon Road as part of the Aliso Creek Road MPAH amendment (now being deleted as a result of the Amendment to the MPAH).

C. These CARITS funds, when reprogrammed, will be allocated to the Share Cost Allocations for improvements at the intersections of Bake Parkway/Research Drive (City of Irvine), Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills), and El Toro Road/Avenida de la Carlota (City of Laguna Hills) as identified in Exhibit B.

D. The COUNTY of Orange shall amend the Transportation Element of the County of Orange General Plan, including the Circulation Plan to reflect the Amendment to the MPAH, and comply with the requirements from the California Environmental Quality Act.

E. The COUNTY of Orange enters into this MOU in order for the above mitigation measures to be implemented.

F. Upon receipt of evidence of the finalized MPAH Amendment, the COUNTY, within 60 days, will make reprogrammed CARITS funding available to the eligible jurisdictions identified in this MOU.
ARTICLE 8. DELEGATED AUTHORITY:

The actions required to be taken by the CITIES of Irvine, Laguna Hills, Lake Forest, and Laguna Woods in the implementation of this MOU are delegated to each CITY's City Manager, or designee. The actions required to be taken by COUNTY in the implementation of this MOU are delegated to its Chair of the Board, or designee. The actions required to be taken by AUTHORITY in the implementation of this MOU are delegated to AUTHORITY's Chief Executive Officer, or designee.

ARTICLE 9. INDEMNIFICATION:

A. Each AGENCY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the negligent acts, omissions or willful misconduct by each AGENCY, its officers, directors, employees or agents in connection with or arising out of the performance of this MOU.

B. AUTHORITY shall indemnify, defend and hold harmless each AGENCY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the negligent acts, omissions or willful misconduct by AUTHORITY, its officers, directors, employees or agents in connection with or arising out of the performance of this MOU.

C. AGENCIES shall indemnify, defend and hold harmless each AGENCY, its officers, directors, employees and agents from and against any and all claims (including attorney's fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, worker's compensation subrogation claims, damage to or loss of use of property, arising from the negligent acts, omissions or willful misconduct by AGENCIES, their officers, directors, employees or agents in connection with or arising out of the performance of this MOU.
D. Indemnification and defense obligations of this MOU shall survive its expiration or termination.

ARTICLE 10. MUTUAL RESPONSIBILITIES OF ALL AGENCIES:

A. Each PARTY to this MOU agrees to cooperate and coordinate with the other PARTIES to this MOU and their respective staff, contractors, consultants, and vendors, etc. providing services required under this MOU to the extent practicable.

B. All PARTIES to this MOU agree to work diligently together, and in good faith, toward the resolution of any unforeseen issues and disputes arising out of the performance of this MOU.

ARTICLE 11. ADDITIONAL PROVISIONS

The PARTIES agree to the following:

A. **Termination:** This Agreement shall continue in full force and effect through June 30, 2032. This MOU shall not be terminated without the written consent of all PARTIES.

B. This MOU may be amended in writing at any time by the consent of all PARTIES. No amendment shall have any force or effect unless executed in writing by all PARTIES.

C. **AUTHORITY and AGENCIES** shall comply with all applicable federal, state, and local laws, statues, ordinances and regulations in the performance of this MOU.

D. **Successors in Interest:** This MOU shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns.

E. **Attorney’s Fees:** In the event any action is brought between the parties hereto relating to this MOU or the breach thereof, the prevailing party in such action shall be entitled to recover from the other party reasonable expenses, attorneys’ fees and costs in connection with such action or proceeding.

F. **Legal Authority:** Each of the undersigned represents and warrants that they are authorized to execute this MOU on behalf of said PARTIES and that, by so executing this MOU, the PARTIES hereto are formally bound to the provisions of this MOU.

/
G. **Severability:** If any term, provision, covenant or condition of this MOU is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this MOU shall not be affected thereby, and each term, provision, covenant or condition of this MOU shall be valid and enforceable to the fullest extent permitted by law.

H. **Counterparts of Agreement:** This MOU may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.

I. **Force Majeure:** Any PARTY shall be excused from performing its obligations under this MOU during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by any other PARTY; when satisfactory evidence of such cause is presented to the other PARTIES, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the PARTY not performing.

J. **Assignment:** Neither this MOU, nor any PARTY's rights, obligations, duties, or authority hereunder may be assigned in whole or in part by any PARTY without the prior written consent of all other PARTIES in their sole and absolute discretion. Any such attempted assignment shall be deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

K. **Obligations To Comply with Law:** Nothing herein shall be deemed nor construed to authorize or require any PARTY to issue bonds, notes or other evidence of indebtedness under terms, in amounts, or for purposes other than as authorized by local, state or federal law.

L. **Governing Law:** The laws of the State of California and applicable local and federal laws, regulations and guidelines shall govern this MOU.

M. **Notices:** Any notices, requests, or demands made between the PARTIES pursuant to this MOU are to be directed as follows:
MEMORANDUM OF UNDERSTANDING NO. C-2-1592

<table>
<thead>
<tr>
<th>To CITY OF IRVINE:</th>
<th>To AUTHORITY:</th>
</tr>
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<tbody>
<tr>
<td>City of Irvine</td>
<td>Orange County Transportation Authority</td>
</tr>
<tr>
<td>P.O. Box 19575</td>
<td>550 South Main Street</td>
</tr>
<tr>
<td>Irvine CA 92623</td>
<td>P. O. Box 14184</td>
</tr>
<tr>
<td></td>
<td>Orange, CA 92863-1584</td>
</tr>
<tr>
<td>Attention: Manuel Gomez</td>
<td>Attention: Meena Katakia,</td>
</tr>
<tr>
<td>Director of Public Works</td>
<td>Manager, Capital Programs</td>
</tr>
<tr>
<td>Tel: (949) 724-7509</td>
<td>Tel: (714) 560-5694</td>
</tr>
<tr>
<td>Email: <a href="mailto:mgomez@cityofirvine.org">mgomez@cityofirvine.org</a></td>
<td>Email: <a href="mailto:mkatakia@octa.net">mkatakia@octa.net</a></td>
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<tr>
<th>To CITY OF LAGUNA HILLS:</th>
<th>To CITY OF LAGUNA WOODS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Laguna Hills</td>
<td>City of Laguna Woods</td>
</tr>
<tr>
<td>24035 El Toro Road</td>
<td>24264 El Toro Road</td>
</tr>
<tr>
<td>Laguna Hills, CA 92653</td>
<td>Laguna Woods, CA 92637</td>
</tr>
<tr>
<td>Attention: Bruce Channing</td>
<td>Attention: Lesile A. Keane</td>
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<tr>
<td>City Manager</td>
<td>City Manager</td>
</tr>
<tr>
<td>Tel: (949) 707-2610</td>
<td>Tel: (949) 639-050</td>
</tr>
<tr>
<td>Email:</td>
<td>Email:</td>
</tr>
</tbody>
</table>
To CITY OF LAKE FOREST:  
City of Lake Forest  
25550 Commercecentre Drive, Suite 100  
Lake Forest, CA 92630  
Attention: Robert Dunek  
City Manager  
Tel: (949) 461-3400  
Email:  

To COUNTY OF ORANGE:  
County of Orange  
300 N. Flower Street  
P.O. Box 4048  
Santa Ana, CA 92702  
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.
MEMORANDUM OF UNDERSTANDING NO. C-2-1592

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.

CITY OF IRVINE

By: [Signature]
Manuel Gomez
Director of Public Works

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: [Signature]
Will Kempton
Chief Executive Officer

ATTEST:

By: [Signature]
Sharie Apodaca
City Clerk

APPROVED AS TO FORM:

By: [Signature]
Phil Kohn
City Attorney

APPROVED AS TO FORM:

By: [Signature]
Kennard R. Smart, Jr.
General Counsel

APPROVAL RECOMMENDED:

By: [Signature]
Kia Mortazavi
Executive Director, Planning

Dated: 9/4/12

Dated: 1-9-13

Attachments:

Exhibit A: Summary of MPAH Amendment, Applicable Impacts and Traffic Share

Exhibit B: Impacted Intersections Share Cost Allocation

Exhibit C: MPAH Amendment Map
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.

CITY OF LAGUNA HILLS

By: [Signature]
Bruce Channing
City Manager

APPROVED AS TO FORM:

By: [Signature]
Gregory E. Simonian
City Attorney

Dated: October 11, 2012
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.

CITY OF LAGUNA WOODS

By: ❄️

Leslie A. Keane
City Manager

APPROVED AS TO FORM:

By: ❄️

David B. Cosgrove
City Attorney

Dated: 10-15-12
MEMORANDUM OF UNDERSTANDING NO. C-2-1592

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.

CITY OF LAKE FOREST

By:  
Robert Dunek  
City Manager

APPROVED AS TO FORM:

By:  
Scott Smith  
City Attorney

Dated: 10-17-2012

ATTEST:

By:  
Stephanie D. Smith, CMC  
City Clerk
MEMORANDUM OF UNDERSTANDING NO. C-2-1592

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: [Signature]
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: [Signature]
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: [Signature]
Deputy

Date: 11/1/12
EXHIBITA: SUMMARY OF MPAH AMENDMENT APPRECIABLE IMPACTS and TRAFFIC SHARE

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Jurisdiction</th>
<th>Peak Hour</th>
<th>ICU</th>
<th>LOS</th>
<th>ICU</th>
<th>LOS</th>
<th>Difference in LOS (Level of Applicable Impact)</th>
<th>Share¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bake Parkway/Research Drive</td>
<td>Irvine</td>
<td>PM</td>
<td>0.94</td>
<td>E</td>
<td>0.96</td>
<td>E</td>
<td>0.02</td>
<td>5%</td>
</tr>
<tr>
<td>Paseo de Valencia/Avenida de la Carlota</td>
<td>Laguna Hills</td>
<td>PM</td>
<td>1.01</td>
<td>E</td>
<td>1.04</td>
<td>F</td>
<td>0.03</td>
<td>15%</td>
</tr>
<tr>
<td>El Toro Road/Avenida de la Carlota</td>
<td>Laguna Hills</td>
<td>PM</td>
<td>1.02</td>
<td>F</td>
<td>1.03</td>
<td>F</td>
<td>0.01</td>
<td>15%</td>
</tr>
<tr>
<td>Ridge Route/Rockfield Boulevard</td>
<td>Lake Forest</td>
<td>PM</td>
<td>.98</td>
<td>F</td>
<td>1.01</td>
<td>F</td>
<td>0.03</td>
<td>7%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Impacted Intersection</th>
<th>Total Improvement Cost</th>
<th>Share</th>
<th>Share Cost Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bake Parkway/Research Drive (City of Irvine)</td>
<td>$1,184,000</td>
<td>5%</td>
<td>$1,184,000 * .05 = $59,200</td>
</tr>
<tr>
<td>Paseo de Valencia/Avenida de la Carlota (City of Laguna Hills); and El Toro Road/Avenida de la Carlota (City of Laguna Hills)</td>
<td>$2,349,560</td>
<td>15%</td>
<td>$2,349,560 * .15 = $352,434</td>
</tr>
<tr>
<td>Ridge Route Drive/Rockfield Boulevard (City of Lake Forest)</td>
<td>$190,000</td>
<td>7%</td>
<td>$190,000 * .07 = $13,300(^1)</td>
</tr>
</tbody>
</table>

\(^1\) 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.