

CHAPTER 9 Responses to Comments on Chapter 7

INTRODUCTION

Following the close of the public comment period on the Draft PEIR, the City began the process of preparing responses to all of the comments received on the Draft PEIR. Those responses are contained in Chapter 8. In addition, the City also continued discussions with the participating landowners regarding the proposed obligations regarding the various public facilities identified in the Opportunities Study Area (“OSA”) and described in the Draft PEIR, and the appropriate development densities for the OSA area. During these discussions, the City identified a new alternative. This new alternative is a combination of several of the alternatives discussed in the Draft PEIR, and therefore is referred to as the “hybrid alternative.” In order to provide the public the opportunity to review and comment on this “hybrid alternative,” the City decided to prepare an analysis of the “hybrid alternative” and to circulate it for review and comment. As the prior public comment period on the Draft PEIR ended in March, 2006, the City decided to include in this document information that updated the prior Draft PEIR with respect to changes that had occurred since that time.

The City has therefore prepared a new Chapter 7 for the PEIR that described the “hybrid alternative” and provided additional information on significant changes or new information that have occurred since circulation of the prior Draft PEIR. This new Chapter 7 was circulated for 45 days, from January 4, 2008, to February 19, 2008, at 5:00 p.m. Responses to comments received on Chapter 7 are contained in this Chapter.

COMMENTS RECEIVED

Chapter 7 was distributed to agencies, individuals and representatives of neighborhood associations who personally asked for a copy and to all agencies, organizations and persons who commented on the Draft PEIR. The following comment letters were received during the review period for Chapter 7:

Table 9-1
List of Commenters on the Recirculated Draft PEIR

Letter Number	Commenter	Date
1	California Regional Water Quality Control Board, Santa Ana Region	2/19/2008
2	City of Irvine	2/19/2008
3	Irvine Ranch Water District	2/13/2008
4	Autumnwood Homeowners Association	2/18/2008
5	Golden Rain Foundation - Law Office of Robert C. Hawkins	2/15/2008
6	Lake Forest Community Council	2/19/2008
7	State of California - Public Utilities Commission	2/19/2008
8	Lewis Investment Co.	2/19/2008
9	Portola Hills II	2/7/2008
10	Vince and Lorena Hernandez	2/19/2008
11	Dennis Barry	1/14/2008
12	Diane Eisner	2/1/2008
13	Stuart Moss	2/2/2008
14	Elizabeth Wallace	2/18/2008
15	Elizabeth Wallace	2/19/2008
16	Jill Reichle	2/19/2008
17	Douglas Dahncke	1/25/2008
18	Pat Keenan	2/8/2008
19	Mary Ellen Tiedge	1/28/2008
20	Mike V. Desai	2/5/2008
21	Morse Travers	2/13/2008
22	Scott Minami	2/14/2008
23	The same comment letter was received from: Anthony and Carol Rimland Darla Miller Bill Adamo David Minns Erin and Jim Keeby Heather Banner Kelly Turbeville Lydia and Anthony Scialabba Natalie Miles Nita Desai Victor and Sharon Pinsker Mark and Sandy Peterson	2/7/2008 2/11/2008 2/7/2008 2/7/2008 2/9/2008 2/12/2008 2/11/2008 2/5/2008 2/18/2008 2/1/2008 2/19/2008 2/19/2008
24	Ken and Stacey Chai	2/7/2008
25	Stan and Irene Shimizu	2/7/2008
26	Uwe and Shannon Ligmond	2/19/2008
27	Jinx Hydeman	2/5/2008
28	Nancy Wooldridge	2/2/2008



**California Regional Water Quality Control Board
Santa Ana Region**



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

February 19, 2008

Cheryl Kuta, Senior Planner
City of Lake Forest
Development Services Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

RECEIVED

FEB 19 2008

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

Chapter 7 and Recirculated Sections of the Draft Program Environmental Impact Report, City of Lake Forest Opportunities Study General Plan Amendment and Zone Change, Orange County, State Clearinghouse No. 2004071039

Dear Ms. Kuta:

Staff of the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) has considered new Chapter 7 and the recirculated portions of the City of Lake Forest (City) Draft Environmental Impact Report (the Recirculated DEIR) for the Opportunities Study Program (Program). Please consider the following comments before finalizing the Recirculated DEIR:

Hydromodification

We do not agree with the Recirculated DEIR's discussion regarding runoff to Borrego Canyon Wash, Serrano Creek, in the Santa Ana Region, and Aliso Creek, in the San Diego Region. As noted in our prior comments, rapid and improperly mitigated urbanization in areas tributary to Serrano Creek and Borrego Canyon Wash has increased the volume and velocity of stormwater runoff to those drainages, resulting in dramatic channel instability, including bed scour, downcutting and bank collapse. This erosion has is causing and threatens to cause loss of beneficial uses of these drainages and violations of their water quality standards, identified in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). This erosions leads to the discharge of substantial sediment and contaminant loads that eventually reach Upper Newport Bay, interfering with Upper Newport Bay's beneficial uses and water quality standards. The correction and reduction of this hydromodification is a priority of the RWQCB. Furthermore, we note that this hydromodifcation also threatens private property and public health and safety.

1-1

The Recirculated DEIR still does not adequately analyze the baseline hydrological condition for any of the three watersheds. In our prior comments, we requested that the DEIR adequately discuss the history of development along these three drainages and in their watersheds, and adequately describe the existing condition of the three watersheds. This critical information, necessary to fully understand and evaluate the

1-2

California Environmental Protection Agency



Cheryl Kuta, City of Lake Forest

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Draft Program EIR - City of Lake Forest Opportunities Study General Plan Amendment and Zone Change

Program's potential impacts on hydrology and water quality, and other environmental factors, is absent from the Recirculated DEIR. The Recirculated DEIR does not include any new discussion of the baseline condition of any of the three drainages. Both the Orange County Flood Control District and the RWQCB, among other agencies, have extensive information and literature on the history of these three drainages.

1-2

The Recirculated DEIR still does not contain an adequate cumulative impacts analysis. As noted in our prior comments, both Serrano Creek and Borrego Canyon Wash are currently unstable. Any change in the volume, velocity and/or timing of release of stormwater flows from the subject project sites is likely to have a cumulatively significant impact, and the potential to exacerbate the current undesirable conditions in these drainages. The Recirculated DEIR appears to side step engaging in a cumulative impacts analysis by imposing a mitigation measure that each individual project will be required to demonstrate no net increase in peak stormflow rates. However, the Recirculated DEIR does not support this mitigation measure with any analysis discussing how implementing the measure will avoid further significant impacts to these drainages. There is no analysis showing how this mitigation measure will cumulatively effect the hydromodification of the drainages. There is no discussion of the magnitude or duration of peak storm events. There is no discussion of the feasibility of building storm water runoff retention or detention facilities sized to retain peak storm flows on the various parcels that are the subject of the DEIR. There is no discussion of the volume, velocity, timing, duration or other management of the release of the retained /detained storm flows. There is no modeling of the cumulative impacts of the various facilities on the total flows in any of the three drainages.

1-3

Total Maximum Daily Loads (TMDLs)

Under section 303(d) of the Clean Water Act, the California Water Code, and related authorities, the RWQCB has adopted TMDLs into the Basin Plan for a number of contaminants for impaired water bodies into which Serrano Creek and Borrego Canyon Wash are tributary, including Lower Newport Bay, Upper Newport Bay, San Diego Creek Reach 1 and San Diego Creek Reach 2. TMDLs adopted by the RWQCB have the force of law. Implementation of the sediment TMDL requires that all dischargers in the watersheds of these impaired waters reduce sediment discharges. Under the TMDL program, the City has significant obligations to reduce excessive sediment discharges from Serrano Creek and Borrego Canyon Wash.

1-4

The Recirculated DEIR does not discuss any of the TMDLs, and there is no analysis as to whether the various mitigation measures proposed in the Program are consistent with achieving the TMDLs.

Urban Storm Water Runoff NPDES Permit

Under section 402(p) of the Clean Water Act, the California Water Code, and related authorities, the RWQCB adopted Order No. R8-2002-0010 (NPDES No. CAS618030), Waste Discharge Requirements for the County of Orange, Orange County Flood

1-5

California Environmental Protection Agency

Cheryl Kuta, City of Lake Forest

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Draft Program EIR - City of Lake Forest Opportunities Study General Plan Amendment and Zone Change

Control District and The Incorporated Cities of Orange County Within the Santa Ana Region - Areawide Urban Storm Water Runoff (Orange County), a consolidated a municipal separate storm sewer system (MS4) permit. This MS4 permit expired in 2007 and it has been administratively extended, pending its renewal.

In discussions with City staff on the pending MS4 permit renewal, RWQCB staff has expressed substantial concerns about the effects of urban runoff, municipal storm water flows and other flows covered by the MS4 permit on Serrano Creek and Borrego Canyon Wash.

1-5

The Recirculated DEIR fails to discuss the existing MS4 permit, fails to discuss what the likely outcome of the renewed MS4 permit will be with respect to the City's obligations under the MS4 permit, and fails to analyze whether approving the DEIR is consistent with the City's current and likely future MS4 permit obligations.

Conclusion

RWQCB staff believes that a comprehensive plan for the long-term protection and restoration of Serrano Creek and Borrego Canyon Wash (and Aliso Creek) must precede the Program. The Program can provide an opportunity to implement restoration measures identified in such a plan. The City should exercise extreme caution when making major changes in planned land uses within its boundaries, without first developing an understanding of the roles the various parcels might play in contributing to correction of the major water quality problems that are plaguing in the drainages that pass through the City.

1-6

The RWQCB looks forward to receiving an extensively revised draft EIR incorporating both these comments and our prior comments, and requests that the revised draft be recirculated for public comment before the City decides whether to certify the EIR for the project. Please contact me at 951-782-3234 or madelson@waterboards.ca.gov, or Glenn S. Robertson of this office, at 951- 782-3259 or grobertson@waterboards.ca.gov with any questions.

1-7

Sincerely,



Mark G. Adelson, Chief
Regional Planning Program Section

cc: State Clearinghouse – Scott Morgan
County of Orange Watersheds Program – Mary Anne Skorpanich

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California Environmental Protection Agency



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■ Letter 1 - Response to California Regional Water Quality Control Board

RTC 1-1

Please see Responses to Comments RTC WQCB-1 to WQCB-9.

Hydromodification, and resulting channel instability and sedimentation, is a cumulative problem that has occurred on a regional scale. As noted in the Recirculated Portions of the Draft PEIR (Recirculated DPEIR), the City is cooperating in several regional efforts to address runoff to Borrego Canyon Wash, Serrano Creek and Aliso Creek. For example, the City Forest is already addressing sediment issues through its participation in the sediment Total Maximum Daily Load (TMDL) program. The City has engaged with the other stakeholders in monitoring and reducing sediment reaching San Diego Creek and Newport Bay pursuant to the TMDL strategy. Additionally, the City participated with the Irvine Ranch Water District, County of Orange, Orange County Flood Control District and the Autumnwood Homeowners Association in efforts to achieve short-term stabilization of Serrano Creek that eroded. This and other regional efforts to improve Serrano Creek were described on page 7-9 of the Recirculated DPEIR.

While a project must mitigate its incremental contribution, if cumulatively considerable, to a cumulative impact, CEQA does not require project proponents to eliminate existing cumulative conditions. Indeed, all mitigation required of a project must be “roughly proportional” to the impact actually caused by a project. (State CEQA Guidelines, § 15126.4(a)(4)(B).) (Please see Topical Responses 1, 5 and 6). The analysis contained in the Draft PEIR shows that the proposed project will not exacerbate existing adverse conditions and will in fact improve upon existing conditions by reducing stormflows from the OSA as a whole. In addition, Mitigation Measure 3.8-5 requires no net increase in flows from the project sites.

The Orange County Flood Control District (OCFCD) was established to protect private property and public health and safety from flood-related hazards.

RTC 1-2

It is important to note that the comments address drainages that are not City facilities. The Court in the United States Bankruptcy Court Case No. S.4 94-22272 JR, Claim No. 3486 (Orange County Bankruptcy) stated that regional flood control is the responsibility of the County, unless a City specifically agreed to undertake that role. The City has not. OCFCD, on the other hand, was set up specifically to manage regional flood control problems. The Court further explained that regional flood control is not appropriately a City responsibility because it does not have the resources, expertise, or the jurisdiction to manage that kind of problem. Finally, the Court's order indicates, "Because the City never made an express assumption of regional flood responsibilities of Serrano Creek as a term or condition of its incorporation, it did not take on any regional flood responsibilities."

The Draft PEIR addresses the question of whether this project would exacerbate existing flooding, erosion and sedimentation problems. As detailed in Topical Response 1, the Draft PEIR provides sufficient baseline information for an assessment of program-level impacts. (State CEQA Guidelines, § 15125(a) (“the

environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives”).) There are a number of documents which address existing conditions. As noted in the comment, both the OCFCD and the RWQCB have extensive information and literature on the history of these three drainages.

The City’s 1999 Serrano Creek Collaborative Use Plan represents the consensus among the City’s technical experts and participating Lake Forest residents on the improvements necessary to address the erosion issue in the Serrano watershed. These concepts have been further evaluated by the OCFCD in “Fluvial Study of Serrano Creek Channel Stabilization: Trabuco Road to Rancho Parkway (Facility No. F19),” February 2008, prepared by Howard H. Chang for Public Works / Flood Control Division, County of Orange (“Chang Study”). Both reports address baseline conditions in Serrano Creek. The proposed project will not in any way interfere with the ability to implement any of the improvements defined in the Chang Study for Serrano Creek as it does not include any design elements at the program level that would interfere with implementation of the recommended improvements.

The Borrego Canyon Wash watershed has also been the subject of extensive study, and a feasibility study of potential improvements will soon be similarly addressed in a study funded by the Santa Ana Regional Water Control Board. A contract for that study is anticipated to be awarded by the Orange County Board of Supervisors in June. This study will address and define baseline conditions in Borrego Canyon Wash as well as alternative solutions to hydrological conditions in this wash. Baseline conditions for Borrego Canyon Wash are also addressed in the County of Orange’s Alton Parkway Extension Project EIR (SCH No. 2002121105). The Alton Parkway EIR studied several alternatives for reconstructing Borrego Canyon Wash. As explained on page 7-11 of the Recirculated DEIR, of the County selected a preferred alternative for Borrego, which is one of the alternatives to be studied as part of the grant for the Borrego Canyon Wash Study.

To ensure that the future developments within the Opportunities Study area do not interfere with future efforts to address drainage facility- related issues, the City has required that the proposed developments not increase flows into these drainage facilities. Mitigation Measure 3.8-5 requires that prior to issuance of a grading permit for any development within the Opportunities Study area, the applicant must conduct a detailed hydrology and hydraulics study. A grading permit would not be issued unless it could be demonstrated that the development project (with any needed mitigation) would not result in post-construction stormflows in excess of pre-construction stormflow rates. Of course, all individual projects would still have to be consistent with any applicable NPDES permits, including the newly revised MS4 permit once adopted.

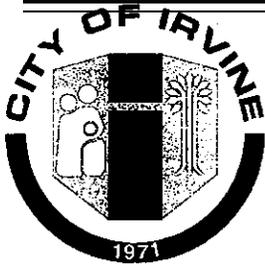
RTC 1-3

Please see Response to Comment WQCB-3. The more detailed analysis of cumulative impacts suggested by the RWQCB is not possible at this time because doing so would require comparing the existing hydrograph for each site to the hydrograph for developed conditions. Such information will not be available until individual projects are proposed. As explained more fully in Topical Response 2, this EIR is a program

EIR that analyzes information that is available at this time regarding the program as a whole. Based on the program-level analysis included in the Draft PEIR and Recirculated DPEIR, the proposed project will decrease flows from the project area (see Topical Response 6). Also, developments within the Opportunities Study area will be required to ensure no increase in stormflows in excess of pre-condition stormflows by Mitigation Measure 3.8-5, or they will not receive a grading permit.

- RTC 1-4 Please see Response to Comment WQCB-5 to WQCB-9 which address TMDLs and Topical Response 3 which details the City's existing standard conditions of approval with regard to hydrology (3.8 of Response 3), which will be required of the proposed project. As detailed in Response to Comment WQCB-5 and WQCB-6 additional language regarding TMDLs has been added to the Final EIR.
- RTC 1-5 The standard conditions of approval specified in section 3.8 of Topical Response 3 will be required for the proposed project. These standard conditions are designed to ensure that all projects comply with regulatory requirements, including MS4 permit requirements. The timing of individual development approvals within the Opportunities Study area will determine which MS4 will apply to the individual development projects. It is not the role of the EIR to speculate on the likely obligations under any new MS4. The City is committed to complying with MS4 permit requirements in what ever form is ultimately adopted as required by law, and that these requirements will be applied to developments subject to the MS4.
- RTC 1-6 The proposed project would improve the current situation in Serrano Creek and the Borrego Canyon Wash, because as detailed in the Draft PEIR and Recirculated DPEIR, the proposed project would reduce flows from the sites. This is consistent with the conclusion in a recent study of the San Diego Creek watershed that total sediment loads have decreased as development has increased compared to pre-TMDL levels. ("Historical Sediment Load Examination: San Diego Creek Watershed," WRC Consulting Services, for the County of Orange, June 28, 2006.) As discussed in Response to Comment 2, above, the proposed project does not contain any features that would interfere, with improvements to the two creeks.
- Also, it is important to note that development of a watershed or regional management program is one option to comply with the requirements of the MS4 permit, but it is not the only option. Development of project-based treatment control BMPs is another and equally appropriate water quality control option. (Orange County Stormwater Program, Exhibit 7.II – Model Water Quality Management Plan.) Thus, development of comprehensive plans for Serrano Creek and Borrego Canyon Wash need not precede the program being reviewed in this EIR. As regional efforts described above progress, it may be appropriate for individual projects to participate in regional mechanisms that may be created. Such issues will be addressed in later, project-specific environmental review.
- RTC 1-7 This comment letter and the Regional Water Quality Control Board's prior letter will be included in the Final EIR, along with responses to these comments. None of the information included in the comments or response to comments indicated that the project would result in any new or substantially more severe impacts than were already

addressed in the DEIR and Recirculated DPEIR. Therefore, recirculation is not required.



City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575

(949) 724-6000

February 19, 2008

Ms. Cheryl Kuta
Senior Planner
Development Services Department
City of Lake Forest
25550 Commercentre Drive
Lake Forest, CA 92630
Sent Via USPS & E-mail to: Opportunities_Info@ci.lake-forest.ca.us

Subject: City of Lake Forest – Portions of the Draft Program Environmental Impact Report (PEIR) for the Opportunities Study

Dear Ms. Kuta:

The City of Irvine staff has reviewed the recirculated portions of the Draft PEIR for the proposed Lake Forest Opportunities Study. The City of Irvine has the following comments.

As a general comment, staff understands that you will be considering our original comments from March 2006 (Attachment 1) in addition to the new comments in this letter. Staff would also request that the comments in this letter be applied to the six original alternatives as well as this new seventh alternative, including our March 2006 prior comments regarding traffic, air quality and noise methodology.

2-1

Chapter 7

1. Page 7-12: The Site Specific Traffic Studies section refers to "secondary intersections" and the determination of the developer's fair-share of these improvements at the project-level traffic study, but these secondary intersections are not clearly defined. Please clarify what is meant by "secondary intersections."

2-2

2. Page 7-12: The last paragraph states that it is the City of Lake Forest's goal to ensure that a funding mechanism is in place to pay for the system-wide improvements. The City of Irvine is interested in knowing how the City of Lake Forest will be implementing this program, and we look forward to working with you to meet both jurisdictions' goals in the area. In addition, please confirm that

2-3

any traffic improvements installed pursuant to the LFTM Program will be subject to separate environmental analyses, as more details concerning the specifics of those improvements becomes known.

2-3

3. Page 7-27: Please note that the Santa Ana Regional Water Quality Control Board (SARWQCB) is tentatively scheduled to adopt the fourth term MS4 permit in 2008. Projects that do not have their entitlements by the date (as yet undetermined) set by SARWQCB may fall under the provisions of this fourth term permit. In addition, the draft of the state general construction permit is available for review. Local jurisdictions and developers that are currently constructing projects that involve the disturbance of one acre or more of soil should become familiar with the draft permit and its potential impacts to current and future projects.

2-4

4. Page 7-53, Table 7.4-2: It appears that the table seeks to compare the trips generated by Alternative 7 in comparison to the trips generated by the City's Preferred Alternative. If this is intended, provide an exhibit/table of the land uses and trips generated by the City's Preferred Alternative as it is currently not clear. Currently only the Alternative 7 land uses and trips are shown, and the lump-sum net reduction of trips from the City's Preferred Alternative is shown.

2-5

5. Pages 7-54 through 7-55, Table 7.4-3: It appears that a three-way comparison of impacts caused by Alternative 7, the Current General Plan and the City's Preferred Alternative is intended. Footnote "a" and the use of different colored highlighting appears to provide the comparison between Alternative 7 and the City's Preferred Alternative. If so, provide additional columns in the table for the City's Preferred Alternative ICU/LOS analysis to help understand this comparison.

2-6

6. Page 7-55, Table 7.4-3: Provide a description of footnote "b" that is referenced at Intersection 113, Jeffrey Road at Irvine Boulevard, because it is missing from the table.

2-7

Traffic Study

7. Page 4: The third paragraph states that six intersections are significantly impacted by Alternative 7 "(one less than the City Preferred Plan impacts with Intersection 41, Alton Parkway and Towne Centre Drive, no longer impacted)." To be consistent with the Draft PEIR as shown on page 7-56, revise the text in the parenthesis to reflect, "(two less than the City Preferred Plan impacts with Intersection 41, Alton Parkway and Towne Centre Drive and Intersection 39, El Toro and Avenida Carlota, no longer impacted)".

2-8

8. Tables 2 and 5: Provide additional columns in these tables for the City's Preferred Alternative ("Proposed Project") ICU/LOS analysis to provide clarity.

2-9

Ms. Cheryl Kuta

February 19, 2008

Page 3

Since both the Draft PEIR - Chapter 7 and related Traffic Study compare Alternative 7 with the Proposed Project, it would be beneficial to include the traffic conditions under the Proposed Project in both documents for reference.

2-9

- 9. Page 22: Revise the following description to be consistent with Page 7-56 of the Draft PEIR: "Lake Forest Drive at I-5 Southbound Ramps/Avenida De La Carlota" should reflect "El Toro at I-5 Southbound Ramps/Avenida De La Carlota."

2-10

Thank you for the opportunity to review the recirculated portions of the Draft PEIR for the proposed Lake Forest Opportunities Study. The City of Irvine looks forward to continuing to work with your city as this project moves forward.

Please contact Michelle Drouse, Associate Planner at (949) 724-6314, or by email at mdrouse@ci.irvine.ca.us if you have any questions or comments regarding this matter.

Sincerely,



BILL JACOBS, AICP
Principal Planner

Attachment:

- 1. City of Irvine Comment Letter, Dated March 27, 2006

- cc:
- Sean Joyce, City Manager
 - Doug Williford, Director of Community Development
 - Manuel Gomez, Director of Public Works
 - Brian Fisk, Manager of Planning and Redevelopment Services
 - Cindy Krebs, Manager of Transportation and Transit
 - Kerwin Lau, Project Development Administrator
 - Sun-Sun Murillo, Supervising Transportation Analyst
 - Michelle Drouse, Associate Planner



City of Irvine, 1971

City of Irvine

City of Irvine, One Civic Center Plaza, 92614, Southern California 92623-9575 949-724-6300

March 27, 2006

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

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (EIR):
LAKE FOREST OPPORTUNITIES STUDY PROGRAM**

Dear Ms. Ackerman:

The City of Irvine has reviewed the Draft EIR for the proposed Lake Forest Opportunities Study Program. Based on its review, the City of Irvine has the following comments:

Agricultural Resources

1. The Draft EIR fails to acknowledge that 90 acres have been designated as "Agriculture" in the Great Park Land Use Plan. The Draft EIR fails to discuss potential impacts relating to the viability of long-term agricultural use pursuant to the Great Park Land Use Plan adjacent to residential uses within Site 1.

Air Quality

2. Impact 3.3-3, pg 3.3-23: The version of the URBEMIS model used in the DEIR is outdated. The current version of URBEMIS is 8.7. It is important to use the latest version of the URBEMIS emissions inventory model because there have been changes to the methodology and emission rates. The current version of the URBEMIS model will produce different emissions estimates than the outdated version used in the DEIR. The

Ms. Gayle Ackerman
March 27, 2006
Page 2 of 4

DEIR needs to implement the current version of the emissions inventory model.

3. Impact 3.3-3, pg 3.3-23: The impact threshold identified in this impact statement asks if the project would expose sensitive receptors to substantial pollutant concentrations. The SCAQMD thresholds identified under this impact statement are regional emissions thresholds in pounds per day emitted within the South Coast Air Basin and are not concentrations. Concentrations are defined as mass per unit volume of air. Impact 3.3-2, on page 3.3-19, identifies localized concentrations of carbon monoxide and aptly applies to this threshold question, while the impact threshold under 3.3-2 aptly applies to the air quality standard, in pounds per day, identified by the SCAQMD. The impact analysis under each impact threshold needs to be revised to reflect the correct threshold question asked in the respective threshold statement. In addition, Table 3.3-8, Summary of Impacts, on page 3.3-30, and Table ES-2, Summary of Environmental Effects and Mitigation Measures, needs to reflect these changes and revised significance findings.
4. Appendix D Air Quality: Appendix D needs to provide the emission factor output used in the CO hotspot modeling.
5. Appendix D Air Quality: Based on Appendix D of the EIR, the carbon monoxide analysis did not follow methodology established by Caltrans' Transportation Project Level Carbon Monoxide Analysis Protocol. The protocol established by Caltrans provides updated methodology and guidelines for the quantification of potential CO impacts. The Caltrans protocol establishes sensitive receptor locations 10 feet (3 meters) from the edge of the roadway and not 25-100 feet as used in the analysis within the DEIR. The closer the sensitive receptor locations to the congested roadways, the higher the concentrations of carbon monoxide. Modeling of sensitive receptors 25-100 feet away from roadways does not represent the worst-case potential CO exposures from people 10 feet from congested roadways such as people waiting for buses or people at the front yards of their residences. As such, the DEIR analysis did not evaluate the worst-case as required under the Caltrans' protocol.
6. Appendix D: (In text: Impact 3.3-3, Table 3.3-7, pg 3.3-25): Air quality modeling for the project changed the default summer temperature from 90°F and used a summer temperature of 75°F. While the Western Regional Climate Center for the Tustin Irvine Ranch Monitoring Station shows the average annual high around 75.6°F, the average summer temperatures are substantially higher than the average annual temperatures, which include maximum winter, fall and spring months. According to the Tustin Irvine Ranch Monitoring Station, average

Ms. Gayle Ackerman
March 27, 2006
Page 3 of 4

maximum temperatures during the summer months range from 79.0°F to 85.5°F. As the maximum average summer temperature reaches as high as 85.5°F in the month of August in the project vicinity, a temperature of 85°F would better reflect worst-case summer emissions.

7. Impact 3.10-4, page 3.10-16: The DEIR's evaluation of cumulative traffic noise identified significant noise impacts due to substantial noise increases at eight locations. In response to this significant cumulative noise impact, the DEIR states on page 3.10-20, "Therefore, given the potential for a significant impact, MM 3.10-2 shall require further CEQA review with the submittal of each area plan or tentative map for the Proposed Project, reducing this potential impact at the program stage to a less-than-significant level." The finding of less than significant cumulative noise impacts is based on mitigation measure 3.10-2 which states, "Prior to issuance of a Site Development Permit and/or Use Permit for site-specific developments within the Project Area, the City shall conduct a tiered site-specific analysis under CEQA to determine whether the individual project will expose sensitive receptors to either a substantial increase in ambient noise resulting from increased traffic volumes generated by that project or excessive groundborne vibration or groundborne noise levels. Where significant impacts are identified, appropriate mitigation shall be required." This mitigation measure requires an analysis at an individual project level. This individual project level analysis would not change the finding of a CUMULATIVE noise impact that was already identified in the DEIR. The DEIR identified a cumulative noise impact from all individual projects that comprise the City of Lake Forest Opportunities Study Program EIR and this finding would not change when the noise study focuses on cumulative impacts associated with individual components of the project. In addition, mitigation measure 3.10-2 states that if impacts occur, "appropriate mitigation shall be required". This mitigation measure calls for other non-specified mitigation measures that do not ensure that significant cumulative noise impacts would be avoided.

Traffic/Transportation

8. We note that the LFTM Program has been included as part of your project description and has been referenced in the traffic section of the EIR. Please explain how LFTM works, what its purpose is, and how it will achieve that purpose. In addition, please confirm that any traffic improvements installed pursuant to the LFTM Program will be subject to separate environmental analyses, as more details concerning the specifics of those improvements become known.

Ms. Gayle Ackerman
March 27, 2006
Page 4 of 4

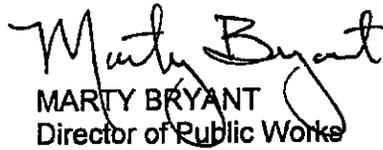
Thank you for the opportunity to review the Draft EIR for the proposed Lake Forest Opportunities Study. The City of Irvine looks forward to continuing to work with your city as this project moves forward, particularly regarding the relationship between the proposed Lake Forest Transportation Mitigation Program and the City of Irvine's North Irvine Transportation Mitigation Program.

Please feel free to contact Barry Curtis, Principal Planner, at (949) 724-6354 or bcurtis@ci.irvine.ca.us if you have any questions or comments regarding this matter.

Sincerely,



TINA CHRISTIANSEN, AIA
Director of Community Development



MARTY BRYANT
Director of Public Works

cc: Sean Joyce, City Manager
Brian Fisk, Manager of Planning Services
Manuel Gomez, Deputy Director of Public Works
Barry Curtis, Principal Planner
Jon Toolson, City Project Development Administrator
Kerwin Lau, Supervising Transportation Analyst
Amy Mullay, Associate Planner
Lisa Thai, Associate Transportation Analyst

■ Letter 2 - Response to City of Irvine

RTC 2-1 For responses to comments on the City's letter of the Draft PEIR, please see responses to comments COIR. Please also note that, as explained on page 7-4 of the Recirculated DPEIR and as permitted by section 15088.5(f)(2) of the State CEQA Guidelines, responses to comments on the Recirculated DPEIR are limited to comments on that document.

RTC 2-2 As detailed in Topical Response 7, the Draft PEIR evaluates 39 intersections in the Study Area and an additional 31 intersections in the Extended Study Area, for a comprehensive review of the potential transportation impacts of the proposed project. In addition, while the analysis of project level intersections is not part of the program-level analysis (See Topical Response 2, Program Level vs Project Level EIR), the Lake Forest Traffic Mitigation Program (LFTM) is a project component. The LFTM Program requires analysis of intersections to the extent of the City's thresholds of significance related to each of the sites as part of project-level review, as well as analysis of a specific list of twenty intersections (called "secondary intersections") at the project level, as part of a project level traffic study. The 18 secondary intersections are:

- El Toro Road at Glenn Ranch Road,
- Saddleback Ranch Road at Malabar Road,
- Saddleback Ranch Road at Millwood Road,
- Marguerite Parkway at El Toro Road,
- Marguerite Parkway at Los Alisos Boulevard,
- Marguerite Parkway at Santa Margarita Parkway, and
- Los Alisos Boulevard at Santa Margarita Parkway
- Bake Parkway & Baffin Bay (if access is taken via Baffin Bay) – (Shea/Baker)
- Bake Parkway & Rancho Parkway (Shea/Baker)
- Bake Parkway & Ranch Parkway South (Shea/Baker)
- Biscayne Bay & Commercentre Drive (IRWD)
- Dimension Drive & Commercentre Drive (IRWD)
- Indian Ocean & Commercentre Drive (IRWD)
- Bake Parkway & Dimension Drive (IRWD)
- Osterman Road & Regency Lane (Whisler)
- Lake Forest Drive & Regency Lane (Whisler)
- Peachwood & Tamarisk (Pacific Heritage)
- Peachwood & Trabuco Road (Pacific Heritage)

The project level traffic study will determine what improvements are necessary to the intersections within the project area and will determine the developer's fair share of the improvements to the secondary intersections.

- RTC 2-3 Any traffic improvements installed pursuant to the LFTM Program will receive appropriate CEQA review in connection with project specific review of the individual sites. The LFTM program is included in the Development Agreements which will be adopted to implement the proposed project. The City of Lake Forest will be happy to meet with the City of Irvine to discuss coordination with Irvine's NITM Program and implementation of the LFTM program, after the proposed project is approved.
- RTC 2-4 This information has been provided to the developers of the proposed project sites. Additionally, as noted in section 3.8 of Topical Response 3, standard conditions of approval, including compliance with the applicable MS4 permit, will be required for each proposed project.
- RTC 2-5 The presentation of information regarding Alternative 7's trip generation, as compared to the proposed project, is consistent with the presentation in the remainder of the alternatives section of the Draft PEIR. A table of the trips generated and the land uses included in the preferred project is provided on page 3.14-34 of the Draft PEIR (see Table 3.14-12). The recirculated portion of the Draft PEIR will become Chapter 7 of the Final EIR. Analysis of the project and Alternative 7 will both be included in the Final EIR, facilitating comparison. A comparison of the individual contributors to Alternative 7's total trip generation to those of the proposed project is not necessary to allow an informed comparison of the comparative merits of the alternatives to the proposed project.
- RTC 2-6 Adding additional columns to Table 7.4-3 will make the table cumbersome. The following footnoted is added to Table 7.4-3 to direct the reader to the comparable table for the proposed project.

For information on the ICU and LOS values projected at each intersection under the project scenario, please see Table 3.14-14, beginning on page 3.14-46 of the PEIR

This footnote is also added to Tables 4-11, 4.12, 4-40, and 4-41.

The last paragraph on page 7-53 is modified to read:

A detailed in new Appendix N which contains the traffic analysis for this Alternative, and shown in Tables 7.4-3 and 7.4-4, which compare Alternative 7 levels of service to those under existing General Plan Buildout, Alternative 7 would result in fewer impacted intersections within the Project Area and within the extended Project Area compared to the Proposed Project (see Table 3.14-14 which similarly compares proposed project level of service to those under the existing General Plan Buildout).

- RTC 2-7 The following footnote is added to Table 7.4-3:

(b) ICUs at this City of Irvine location include a .05 Advanced Transportation System Management System (ATMS) credit.

RTC 2-8 The Traffic Study on page 4 will be changed to reflect the language on page 7-56 of the Recirculated DPEIR:

The following sentence on page 22 of the Traffic study is replaced: ~~“When compared with the results of the City Preferred Plan traffic impact analysis completed in July 2005, two intersections, Lake Forest Drive at I-5 Southbound Ramps/Avenida De La Carlota and Alton Parkway at Towne Centre Drive, are not impacted in Alternative 7 as they are in the City Preferred Plan.”~~

The new sentence is:

When compared with the results of the City Preferred Plan traffic impact analysis completed in July 2005, two intersections, #39-El Toro and Avenida Carlota, which the project does not significantly impact by .02 or more in ICU and #41-Alton Parkway and Town Centre Drive, which is performing at acceptable level under Alternative 7 conditions, are not impacted in Alternative 7 as they are in the City Preferred Plan.

RTC 2-9 Please see Response to Comment RTC 2-6, above.

RTC 2-10 The Traffic Study on page 22 will be changed to reflect the language on page 7-56 of the Recirculated DPEIR:

The following sentence on page 22 of the Traffic study is replaced: ~~“When compared with the results of the City Preferred Plan traffic impact analysis completed in July 2005, two intersections, Lake Forest Drive at I-5 Southbound Ramps/Avenida De La Carlota and Alton Parkway at Towne Centre Drive, are not impacted in Alternative 7 as they are in the City Preferred Plan.”~~

The new sentence is:

When compared with the results of the City Preferred Plan traffic impact analysis completed in July 2005, two intersections, #39-El Toro Road and Avenida de la Carlota, which the project does not significantly impact by .02 or more in ICU and #41-Alton Parkway and Towne Centre Drive, which is performing at acceptable level under Alternative 7 conditions, are not impacted in Alternative 7 as they are in the City Preferred Plan.

Letter 3



IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 463-5300

RECEIVED

FEB 19 2008

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

February 13, 2008

Ms. Cheryl Kuta
Senior Planner
City of Lake Forest
2550 CommerCentre Drive, Suite #100
Lake Forest, CA 92630

Subject: Re-circulated portions of the Draft Program Environmental Impact Report –
Lake Forest Opportunities Study

Dear Ms. Kuta:

Irvine Ranch Water District (IRWD) has received and reviewed the re-circulated portion of the Draft Program Environmental Impact Report (DEIR) for the Lake Forest Opportunity Study, and offers the following comments. The DEIR correctly identifies IRWD as the potable water, nonpotable water, and wastewater service provider.

Please note that Table 7.2.7-1: Total Potable Water Demands (gpd) are not representative of IRWD water demand estimates for the project. To correct this error, please include the column for irrigation demands included in the IRWD demand calculations. While IRWD will supply irrigation demands with recycled water in areas where it is available, some areas all or a portion of the irrigation demands may be met with potable water. The total water demands need to include both the potable demands and the irrigation demands. Therefore, the demands presented in the EIR are lower than IRWD's water demand estimates and should be adjusted.

3-1

Regarding mitigation measures addressing global climate change, GCC4 states: "The City shall identify energy efficient street lights and water and wastewater pumps and treatment systems which are currently available..." IRWD assumes that this refers to pumps and treatment systems other than those included in the IRWD water and wastewater systems.

3-2

In reference to the Wastewater section on pg 7-57, the language used to describe wastewater discharge should be clarified. It is assumed that this section refers to urban runoff, which is covered under the City of Lake Forest's NPDES Municipal Separate Storm Sewer System (MS4) Permit. For clarity, please separate IRWD wastewater discharge permit information from the City's permit requirements.

3-3

Ms. Cheryl Kuta, Senior Planner
City of Lake Forest
February 13, 2008
Page 2

IRWD prepares Sub Area Master Plans (SAMP) to fully analyze impacts for new and revised land uses. The SAMP will be prepared by IRWD when tract level planning documents are available from the developers. Developers should be instructed to contact IRWD when these documents are available to initiate the SAMP process. Please contact Michael Hoolihan at (949) 453-5553 regarding SAMP preparation and schedule.

3-4

Sincerely,



Gregory P. Heiertz, P.E.
Director of Engineering & Water Resources

GH/NRL

F:/gmn/wrd/dept70/ni/2008/OSA recirc.doc

cc: Mike Hoolihan
Kellie Welch

■ Letter 3 - Response to Irvine Ranch Water District

RTC 3-1

The Draft PEIR Section 3.15 and Table 3.15-6 listed the anticipated potable water demand for the Proposed Project. The analysis of each Alternative quantified the difference in potable water demand as compared to the Proposed Project. The water demand calculations in the Draft PEIR were based on a Utility Study (Draft PEIR Appendix J) which used water demand factors to forecast water demand.

The Irvine Ranch Water District (IRWD) is the water utility that serves the Opportunities Study Area. IRWD provided a revised water demand estimate in November 2007. Table 7.2.7-1 provides the revised water demand estimate provided by IRWD. At IRWD's request, this information provides estimates of total water demand, including potable water and irrigation. IRWD will supply irrigation demand with recycled water in areas where it is available, however, in some areas all or a portion of irrigation demand will be met with potable water. Therefore, the irrigation demands are shown in the Revised Table 7.2.7-1 as a worst case scenario. This new information does not alter the conclusions of the Draft PEIR. IRWD has indicated that water supplies will be sufficient to provide water for the Project and other projected demand.

	Draft PEIR	IRWD 11/2007	Difference	% change
Proposed Project	2,034,728	1,853,055	-181,673	-9%
Alternative 1	597,990	757,148	159,158	27%
Alternative 2	1,891,928	1,597,661	-294,267	-16%
Alternative 3	1,873,228	1,680,304	-192,924	-10%
Alternative 4	1,887,478	1,639,804	-247,674	-13%
Alternative 5	2,376,298	1,982,794	-393,504	-17%
Alternative 6	2,207,978	1,916,734	-292,244	-13%
Alternative 7	1,748,530	1,642,109	-106,421	-6%

Revised Table 7.2.7-1			
Total Water Demand (gpd)			
	<i>Potable</i>	<i>Irrigation</i>	<i>Total</i>
Proposed Project	1,853,055	603,390	2,456,445
Alternative 1	757,148	974,075	1,731,223
Alternative 2	1,597,661	604,570	2,202,231
Alternative 3	1,680,304	598,970	2,279,274
Alternative 4	1,639,804	600,970	2,240,774
Alternative 5	1,982,794	507,955	2,490,749
Alternative 6	1,915,734	682,650	2,598,384
Alternative 7	1,642,109	531,190	2,173,299
Source: IRWD 11/16/2007			

- RTC 3-2 This is a correct assumption. Mitigation identified in the EIR would apply only to projects developed pursuant to the program, and would not apply to landowner operations in other areas or to IRWD facilities.
- RTC 3-3 The commenter is correct. The discussion of stormwater is covered by the City's MS4 requirements and should not be confused with sanitary sewer systems owned, operated and maintained by the IRWD. The discussion mirrors the language contained in the analysis of alternatives in the Draft PEIR. The Draft PEIR includes explanations of regulatory responsibility related to wastewater on pages 3.15-16 to 3.15-17 and related to water quality on pages 3.8-11 to 3.8-24. Because there is a detailed explanation of regulatory responsibilities in the Draft PEIR and because the requested change would not alter the conclusions in the RDPEIR, they have not been made.
- RTC 3-4 The information provided in the comment is correct and has been provided to the developers of the proposed project sites.

Letter 4

AUTUMNWOOD HOMEOWNERS ASSOCIATION

**c/o TSG Independent Property Management, Inc.
27129 Calle Arroyo, Suite 1802
San Juan Capistrano, CA 92675**

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FEB 19 2008

February 18, 2008

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

Cheryl Kuta
Senior Planner
Development Services Department
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Re: Chapter 7 and Recirculated Sections of the Draft Program Environmental Impact Report, City of Lake Forest Opportunities Study General Plan Amendment and Zone Change, Orange County, State Clearinghouse No. 2004071039

Dear Ms. Kuta:

The Autumnwood Homeowners' Association ("Autumnwood") appreciates the opportunity to comment on the Chapter 7 and Recirculated Sections ("Recirculated EIR") of the Draft Program Environmental Impact Report, City of Lake Forest Opportunities Study General Plan Amendment and Zone Change, Orange County, State Clearinghouse No. 2004071039 ("Draft EIR").

In summary, the Recirculated EIR fails to address the substantive comments made by Autumnwood or the Regional Water Quality Control Board, Santa Ana Region ("RWQCB") on the Draft EIR. Autumnwood requests that the City revise the entire Draft EIR and recirculate it in its entirety. Autumnwood further requests that the City take no action on the Opportunities Study General Plan Amendment and Zone Change ("Project") without first resolving the critical public health and safety issues presented by the current operation of Serrano Creek.

4-1

Inadequate Baseline Description

The Recirculated EIR still fails to describe adequately the baseline condition of Serrano Creek. An adequate discussion would include the following key points:

- Prior to the winter storms of 1997-1998, the bed of Serrano Creek as it passes through Autumnwood was just below the level of the Autumnwood homes.
- Serrano Creek experienced major erosion in the winter of 1997-98 and again in 2004-05.
- The bed of Serrano Creek as it passes through Autumnwood is now as much as forty feet below the homes of Autumnwood.

4-2

AUTUMNWOOD HOMEOWNERS ASSOCIATION

Cheryl Kuta
 February 18, 2008
 Page 2

- The 2005 agreement between the Irvine Ranch Water District, the County of Orange, the Orange County Flood Control District, the City of Lake Forest and Autumnwood regarding erosion control in Serrano Creek only covers short-term, limited toe of slope protection. This agreement (a copy of which is attached) does not provide for a long-term solution to erosion in Serrano Creek.
- There is no evidence that the underlying causes of erosion in Serrano Creek have been adequately addressed. To the contrary, planning documents published by the U.S. Army Corps of Engineers ("Corps") indicate that Serrano Creek is still geomorphically unstable in the area of Autumnwood.

4-2

There is ample literature on Serrano Creek. Autumnwood is aware that the Corps released a Baseline Conditions Report in 2001. In 2005, the Corps released a draft Upper Newport Bay/San Diego Creek Watershed Feasibility Study. The Corps' website states that the Final Feasibility Report was completed in June 2006.

This literature needs to be reviewed and included in a new draft EIR.

Inadequate Cumulative Impacts Analysis

The Revised EIR still does not contain an adequate cumulative impacts analysis regarding the impact of the Project on Serrano Creek. The purpose of a cumulative impacts analysis is to assess whether cumulative damage as a whole is greater than the sum of its parts. Anyone who walks the banks of Serrano Creek has ample visual evidence of the cumulative effects of the prior approvals of upstream development projects.

4-3

A leading secondary source on the California Environmental Quality Act states that the City should undertake a two-step analysis in the draft EIR. (Remy et al, Guide to CEQA (11th ed 2006) Section XI.B.2.i.iv, at pp. 467-468.) The first question is whether the combined effects from both the Project and other projects would be cumulatively considerable. The answer to this question regarding discharges to Serrano Creek is clearly in the affirmative; existing discharges to Serrano Creek are already causing a significant impact. The follow-up question is whether the Project's incremental effects are cumulatively considerable.

4-4

The EIR ducks this analysis by imposing a mitigation measure that the stormwater flows from the Project sites will be less than existing stormflows. But the imposition of the mitigation measure does not relieve the City from its obligation to complete the cumulative impacts analysis. This analysis could quite possibly shed substantial light on the actual volume, velocity and timing of releases of stormwater flows from each Project site that must be achieved in order to avoid any cumulative impacts, and whether the mitigation measure to be imposed can feasibly be performed on each Project site.

4-5

AUTUMNWOOD HOMEOWNERS ASSOCIATION

Cheryl Kuta
February 18, 2008
Page 3

Inadequate Analysis of the Feasibility of the Mitigation Measure

When public agencies impose performance standards as mitigation measures, the agencies must demonstrate some evidence that the mitigation measure can actually be achieved. The mitigation measure set forth in the Recirculated EIR that is intended to mitigate for Project impacts to Serrano Creek would appear to require that the Project sites be able to retain very substantial stormwater flows on site. The City must not simply assume that the mitigation measures are achievable.

4-6

Instead, the City should develop models on the volume, velocity and timing of the existing discharges into Serrano Creek in order to understand how these flows cause erosion in Serrano Creek. Once a model is developed for the entire streamcourse, and described in an EIR, the City can then impose a performance standard mitigation measure.

Inadequate Alternatives Analysis

Restoring Serrano Creek and coming into compliance with the RWQCB's sediment Total Maximum Daily Load ("TMDL") will be a serious challenge for the City. One alternative that should be analyzed in the EIR for the Project is using the various Project sites to detain the stormwater flows that are causing the erosion. Instead of deferring the development of a solution for Serrano Creek to yet another environmental impact report, the City should analyze whether the Opportunities Study sites can contribute to the solution.

4-7

Conclusion

The City has avoided dealing with Serrano Creek for too long. The Opportunities Study EIR provides the appropriate vehicle for analyzing and developing a solution. Autumnwood looks forward to reviewing a new, complete draft EIR from the City that includes an adequate discussion of the problems presented by Serrano Creek and the usefulness of the various sites being studied in that EIR in contributing to a solution.

4-8

Sincerely,

Autumnwood Homeowners Association


Jay Krupp, President


James Moreland, Director

Enclosure

AGREEMENT BETWEEN THE IRVINE RANCH WATER DISTRICT, COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, CITY OF LAKE FOREST, AND AUTUMNWOOD HOMEOWNERS ASSOCIATION TO COORDINATE A SHORT-TERM, LIMITED TOE OF SLOPE PROTECTION FOR A PORTION OF SERRANO CREEK

This AGREEMENT is made and entered into as of the 13th day of December, 2005, (Effective Date) between Irvine Ranch Water District (IRWD), County of Orange (COUNTY), Orange County Flood Control District (OCFCD), City of Lake Forest (CITY), and Autumnwood Homeowners Association (AHOA), for the purpose of implementing a short-term limited toe of slope protection and erosion prevention project in Serrano Creek and reducing sediment loading to Serrano Creek and the downstream Newport Bay watershed. IRWD, COUNTY, OCFCD, CITY and AHOA may hereinafter be sometimes jointly referred to as PARTIES or individually as PARTY.

RECITALS

A. Serrano Creek is a natural unimproved watercourse, generally referred to as Facility F19, in the San Diego Creek and Newport Bay watershed that traverses private property owned by AHOA in CITY. IRWD owns property on the opposite side of the creek from the AHOA property. COUNTY owns property immediately downstream of AHOA's property for open space purposes. OCFCD holds an easement for flood control purposes over a reinforced concrete box (F19S02) that joins Serrano Creek upstream of the AHOA property.

B. In 2000, COUNTY, AHOA, and certain property owners within the Autumnwood development entered into an agreement (D00-084) regarding cooperation in preventing erosion in Serrano Creek at AHOA. The intent of the agreement was for the parties to cooperate in finding interim solutions to prevent further inordinate erosion while further studying a more permanent solution in collaboration with the Army Corps of Engineers (ACOE).

C. In 2001, OCFCD, IRWD and CITY entered into an agreement (D00-079) for Serrano Creek Reach 2, from Trabuco Road to the Foothill Transportation Corridor. The study, undertaken by OCFCD to recommend conceptual design of repairs to Serrano Creek Reach 2 was cancelled to avoid conflict with a proposed ACOE study for Serrano Creek.

D. In 2001, COUNTY, OCFCD, IRWD, and CITY entered into an agreement (D01-114) regarding coordination with AHOA on stabilizing the creek and preventing erosion within AHOA right of way and potential damage to public facilities and properties. At that time, AHOA had encountered regulatory difficulties in implementing planned stabilization work in the creek. IRWD was undertaking stream restoration work immediately downstream in order to protect a trunk sewer line. IRWD agreed to include the AHOA reach in its project to accomplish near-term restoration and stabilization while the parties continued to seek a more permanent solution.

E. The ACOE study effort has been slow due to low federal levels of appropriation, and the PARTIES therefore need urgently to readdress the erosion at this site, while renewing efforts to develop a more permanent solution.

F. The COUNTY, OCFCD, the cities of Irvine, Lake Forest, Newport Beach and Tustin and The Irvine Company (TMDL PARTNERS) have entered into an agreement (D98-034) to fund programs to comply with the total maximum daily load (TMDL) for sediment that the Santa Ana Regional Water Quality Control Board has established for the Newport Bay watershed. The goal of the sediment TMDL is to reduce sediment loading to San Diego Creek and Newport Bay in order to protect beneficial uses.

G. This PROJECT (as further defined in Section 3 below) will benefit CITY, COUNTY and OCFCD who are part of the TMDL PARTNERS, by reducing the source of sediment to a waterbody designated as impaired by the State of California. The PROJECT may also provide some protection of properties owned by AHOA and IRWD.

H. In 2004-05, Serrano Creek again experienced significant erosion in the vicinity of AHOA. The erosion presents a risk to public safety in the AHOA development, a risk of degradation of the Serrano Creek stream system, in particular the habitat areas immediately downstream of AHOA, and a degradation of water quality by the introduction of high levels of sediment into Serrano Creek, ultimately contributing to sediment loadings in Upper Newport Bay.

I. The PARTIES desire to collaborate to provide short-term, limited toe of slope protection in Serrano Creek to minimize further damage to existing slope and to reduce the sediment loading from the AHOA property to Serrano and San Diego Creeks.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

Section 1: Site

The site for the proposed work is illustrated in Exhibit A. This project site is located in Serrano Creek, within CITY, within the Autumnwood Homeowner's Association property, approximately 2,300' south of Dimension Drive, parallel to Sharmila. The adjacent properties include 20991 Sharmila, 21001 Sharmila, 21011 Sharmila, 21021 Sharmila, 21031 Sharmila, and 21041 Sharmila.

Section 2: Term

The term of this AGREEMENT shall commence upon execution by all of the PARTIES of this AGREEMENT and execution by individual property owners in AHOA whose property abuts Serrano Creek of right of entry, of hold harmless, and indemnification documents that COUNTY will provide, and, with the exception of Sections 6.b, 6.e, 6.h, 6i, 7.2, 13, 16, 17, 18, 19 and 25 shall terminate upon completion

of the short-term, limited toe of slope protection work unless terminated subject to the "SECTION 24: SURVIVABILITY" below.

Section 3: Project Description

The purpose of the work being performed under this AGREEMENT is to provide short-term, limited toe of slope protection to alleviate further stream bank toe erosion to Serrano Creek within property owned by AHOA. Detailed plans and specifications will be prepared cooperatively by the PARTIES. Before any construction can commence all necessary permits required to perform the work will need to be secured from the necessary regulatory and governmental agencies and requirements of the California Environmental Quality Act (CEQA) will be met. The design, permitting and construction of necessary improvements will be referred to hereinafter as the PROJECT. PROJECT includes any on-site mitigation on proposed fill area.

The PROJECT is not intended to permanently and fully remedy the existing slope instability concerns due to the geologic conditions of the AHOA slope. The PROJECT will not fully stabilize the slope. In addition, PROJECT will not alleviate stream bank erosion from all future storm events, and intent of PROJECT is for short-term, limited toe of slope protection purposes and to prevent further inordinate erosion from the small and frequent storm events. Additional work is needed to fully stabilize Serrano Creek streambed and slopes in this area.

Section 4: COUNTY/OCFCD will:

- a. Reimburse IRWD for all actual costs, except IRWD staff PROJECT management costs and biological surveys as stated in Section 5d, for the sole purpose of implementing PROJECT. COUNTY shall reimburse IRWD for costs within 90 days of the date of invoice accompanied by adequate supporting documentation. Any outstanding balance shall accrue interest at IRWD's internal rate of return, from the ninety-first (91st) day after the date of the invoice until paid;
- b. Coordinate with the TMDL PARTNERS on cost-sharing for the PROJECT with the goal of receiving full credit for the COUNTY/OCFCD's share of cost of the PROJECT toward the COUNTY and OCFCD's TMDL cost contributions;
- c. Provide in kind technical assistance in furtherance of the purposes of this AGREEMENT where possible, in order to minimize the requirement of the PARTIES for cash contribution;
- d. Provide existing topographic contours and base map of existing conditions;
- e. Provide IRWD with design, plans and construction details to be provided in IRWD's construction documents;
- f. Provide pertinent and available data to IRWD or its contractors and consultants;
- g. Prepare, review and approve plans, specifications and construction details.

Section 5: IRWD will:

- a. Provide PROJECT management at no cost to the PARTIES in this AGREEMENT;
- b. Contract for the construction of PROJECT with funds provided per this AGREEMENT, and use the funds only for this purpose. The work will be performed in accordance with plans and specifications that have been approved by COUNTY, OCFCD, CITY and AHOA;
- c. Coordinate execution of the PROJECT with COUNTY, OCFCD, CITY, and AHOA including, award of construction contract, construction supervision, final inspection, and installation of any required habitat mitigation;
- d. Provide the required biological survey that will serve as the baseline survey. Subsequent surveys will be provided by others;
- e. Assist AHOA in obtaining all required permits necessary including but not limited to Fish & Game Section 1603, ACOE Section 404 permits and Regional Water Quality Control Board Section 401 Certification;
- f. Assist AHOA in awarding mitigation and monitoring contracts if necessary to fulfill permit requirements, and assist AHOA in managing construction and performance for a one-year period. IRWD staff costs will not be reimbursed to IRWD by PARTIES. IRWD will not incur any other costs for this work. All costs, except IRWD staff costs and biological survey as stated in Section 5d, associated with this work will be incurred and paid by COUNTY, OCFCD, CITY and AHOA;
- g. IRWD will invoice OCFCD for all reimbursable costs.

Section 6: AHOA will:

- a. Contribute \$20,000 toward the PROJECT, payable to OCFCD;
- b. Defend, indemnify and hold harmless the COUNTY, OCFCD, IRWD and CITY, and each of their directors, officers, agents and employees from any and all liabilities, claims, penalties, forfeitures, fines, suits, costs and expenses (including cost of defense, experts, settlement and reasonable attorneys fees), which they may hereinafter incur, become responsible for or pay out as a result of actions or omissions in the work performed under this AGREEMENT, except that the foregoing indemnification shall not apply to the extent of any gross negligence or intentional act or omission of the indemnified PARTIES;
- c. Grant the COUNTY, OCFCD, IRWD, CITY, and their contractors and agents permission to enter property necessary to perform work on the PROJECT. If it is necessary to secure permission from individual property owners within the AHOA development, AHOA will secure the required permission from those individual property owners;
- d. Obtain and provide to PARTIES executed right of entry, hold harmless, and indemnification documents from member property owners whose lots abut Serrano Creek acceptable to all PARTIES prior to the construction of PROJECT. Such rights of entry, hold harmless and indemnification documents shall evidence that they are legally binding upon the member property owners' successors and assigns and that they are required to be

- disclosed to prospective buyers of the member property owners' properties as part of each real estate sale disclosure;
- e. If any regulatory agency requires ongoing monitoring of any mitigation constructed as part of the PROJECT, AHOA will provide subsequent surveys, all maintenance and monitoring of the PROJECT and mitigation areas until PARTIES agree otherwise;
 - f. Obtain and be named as Permittee for all permits;
 - g. Review and approve plans, specifications and construction details;
 - h. Inform all current and future property owners along this stretch of Serrano Creek of these terms and conditions;
 - i. Cooperate in the development of a long term solution for erosion along the AHOA development.

Section 7: CITY

Section 7.1: CITY will:

- a. Contribute a total of \$20,000 toward the PROJECT, payable to OCFCD;
- b. Receive full credit for CITY's pro-rated contribution for PROJECT, as a Sediment TMDL partner, in the subsequent year's Sediment TMDL PARTNERS cost share budget;
- c. Prepare a Statutory Exemption Certificate for PROJECT and act as Lead Agency for CEQA compliancy.

Section 7.2

Nothing herein shall create any additional expectations or obligations beyond those obligations specified herein on the City of Lake Forest to provide additional support, supply further funding, or take any further actions beyond those specified in this Agreement with regard to the proposed work to the site as specified herein or to Serrano Creek as a whole. However, the parties acknowledge that in the event that additional work is contemplated in the future so that this matter may be permanently resolved, said future work must be separately negotiated and approved by the parties and shall be completely exclusive from this Agreement, and nothing in this Agreement shall obligate the City to participate in, or contribute to, said future additional work.

Section 8: ADMINISTRATION

- a. COUNTY/OCFCD representative for all matters pertaining to this AGREEMENT shall be the Director, Resources Development and Management Department or Designee (DIRECTOR).
- b. AHOA's and individual property owners' representative for all matters pertaining to this AGREEMENT shall be the current President of the Board of Directors of AHOA or a designee selected by the Board of Directors of AHOA (AHOA REPRESENTATIVE).
- c. IRWD representative for all matters pertaining to this AGREEMENT shall be the General Manager

- d. CITY representative for all matters pertaining to this AGREEMENT shall be the City Manager

Section 9: INSURANCE REQUIREMENTS

IRWD shall require its designated contractor, if any, (Contractor) for work pursuant to this AGREEMENT to obtain and maintain at all times during the term of the work pursuant to this AGREEMENT workers' compensation insurance coverage and general liability insurance coverage and to include COUNTY, OCFCD, CITY and AHOA as additional insureds on all insurance policies that IRWD requires the Contractor to provide. As evidence of such insurance coverage, IRWD will provide the PARTIES on request with certificates of insurance obtained from the Contractor and insurance endorsements in forms that are reasonably acceptable to the PARTIES.

SECTION 10: NOTICES

- a. Notices or other communications which may be required or provided under the terms of the AGREEMENT shall be given as follows:

COUNTY and OCFCD: Director, Resources Development and
Management Department (RDMD)
County of Orange
PO Box 4048
Santa Ana, CA 92702-4048
(714) 834-3144 Telephone
(714) 834-2395 Facsimile

IRWD: General Manager
Irvine Ranch Water District
PO Box 57000
Irvine, CA 92619-7000
(949) 453-5310 Telephone
(949) 453-1228 Facsimile

CITY: City Manager
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630
(949) 461-3410 Telephone
(949) 461-3510 Facsimile

AHOA: President, Board of Directors
Autumnwood Homeowners Association
(Jay Krippes)
21031 Monisha
Lake Forest, CA 92630
(949) 859-0132 Telephone

TSG Independent Property Management Company
27129 Calle Arroyo, Suite 1802
San Juan Capistrano, CA 92675
Attn: Ms. Tina Gustave

b. All notices shall be in writing and deemed effective when delivered in person or deposited in the United States mail, first class, postage prepaid and addressed as above. Notwithstanding the above, the PARTIES may also provide notices by facsimile transmittal, and any such notice so given shall be deemed to have been given upon receipt during normal business hours, or in the event of receipt after normal business hours, on the following business day. Any notices, correspondence, reports and/or statements authorized or required by this AGREEMENT, addressed in any other fashion, shall be deemed not given.

c. PARTIES may change addresses to which notices are to be sent by giving notice of such change to the other PARTIES.

SECTION 11: TERMINATION

a. PARTIES may terminate this AGREEMENT if other PARTIES do not proceed with their responsibilities as described herein.

b. Any PARTY may terminate this AGREEMENT upon sixty calendar days notice, provided that PARTY reimburses other PARTIES for any cost incurred up until date notice of termination was given.

c. Notice of Termination shall be in writing and shall state the date upon which such termination is effective. Notice shall be served as per "SECTION 10: NOTICES" above.

SECTION 12: INDEPENDENT CONTRACTOR STATUS

This AGREEMENT is by and between the COUNTY, OCFCD, IRWD, CITY, and AHOA and is not intended and shall not be construed so as to create the relationship of agent, servant, employee, partnership, joint venture or association, as between the PARTIES.

SECTION 13: SUCCESSORS AND ASSIGNS

This AGREEMENT shall be binding on the successors and assigns of the PARTIES hereto. AHOA will ensure that this AGREEMENT is recorded for each of the property owners whose individual lots abut Serrano Creek.

SECTION 14: NO THIRD PARTY BENEFICIARIES

Nothing expressed or mentioned in this AGREEMENT is intended or shall be construed to give any person, other than the PARTIES hereto, and any successors or assigns, any legal or equitable right, remedy or claim under or in respect of this AGREEMENT or any provision herein contained. This AGREEMENT and any conditions and provisions hereof, is intended to be and is for the sole and exclusive benefit of the PARTIES hereto and the others mentioned above, and for the benefit of no other person.

SECTION 15: REFERENCE TO CALENDAR DAYS

Any reference to the word "day" or "days" herein shall mean calendar day or calendar days, respectively, unless otherwise expressly provided.

SECTION 16: WAIVER OF RIGHTS

The failure of the PARTIES to insist upon strict performance of any of the terms, covenants or conditions of this AGREEMENT shall not be deemed a waiver of any right or remedy that the PARTIES may have and shall not be deemed a waiver of the right to require strict performance of all the terms, covenants and conditions of this AGREEMENT thereafter, nor a waiver of any remedy for the subsequent breach or default of any term, covenant or condition of this AGREEMENT.

SECTION 17: GOVERNING LAW AND VENUE

This AGREEMENT has been negotiated and executed in the State of California and shall be governed by and construed in accordance with the laws of the State of California. In the event of any legal action to enforce or interpret this AGREEMENT, the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California, and the PARTIES hereto agree to and do hereby submit to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394.

The PARTIES specifically agree that by soliciting and entering into and performing services under this AGREEMENT, the PARTIES shall be deemed to constitute doing business within Orange County from the time of initiation of work, through the period when all work under this AGREEMENT is completed, and continuing until the expiration of any applicable limitations periods. Furthermore, the PARTIES have specifically agreed, as part of the consideration given and received for entering into

this AGREEMENT, to waive any and all rights to request that an action be transferred for trial to another county under Code of Civil Procedure Section 394.

SECTION 18: SEVERABILITY

If any part of this AGREEMENT is held, determined or adjudicated to be illegal, void or unenforceable by a court of competent jurisdiction, the remainder of this AGREEMENT shall be given effect to the fullest extent reasonably possible.

SECTION 19: ATTORNEY FEES/COSTS

Should litigation be necessary to enforce any terms or provisions of this AGREEMENT, then each PARTY shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.

SECTION 20: EXHIBITS

This AGREEMENT incorporates by reference the following exhibits, which are attached hereto and incorporated herein:

- a. Exhibit A – Site Location Map

SECTION 21: WAIVER AND INTERPRETATION

Titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way define, limit, extend, or describe the scope of this AGREEMENT or any provision hereof. No provision in this AGREEMENT is to be interpreted for or against a PARTY because that PARTY or his legal representative drafted such provision.

SECTION 22: AUTHORITY

The PARTIES to this AGREEMENT represent and warrant that this AGREEMENT has been duly authorized and executed and constitutes the legally binding obligation of their respective organization, entity or individuals, enforceable in accordance with its terms.

SECTION 23: AMENDMENTS

It is mutually understood and agreed that no addition to, alteration of, or variation of the terms of this AGREEMENT, nor any oral understanding or AGREEMENT not incorporated herein, shall be valid unless made in writing and signed and approved by all necessary PARTIES.

SECTION 24: ENTIRE AGREEMENT

This document sets forth the entire AGREEMENT between PARTIES concerning the PROJECT and may be modified only by further written amendment between the PARTIES hereto, in accordance with section 22 above (AMENDMENTS).

SECTION 25: SURVIVABILITY

When the AGREEMENT terminates for any reason the following obligations shall survive and continue:

- a. indemnification obligations under Section 6b;
- b. monitoring obligations under Section 6e;
- c. AHOA obligations to inform property owners of the terms and conditions of this Agreement under Section 6h;
- d. development of a long term solution for erosion under Section 6i;
- e. all provisions under Section 7.2;
- f. AHOA obligations to property owners successors and assigns under Section 13;
- g. the waiver of rights provisions under Section 16;
- h. the governing law and venue provisions under Section 17;
- i. the severability provisions under Section 18;
- j. the attorney fee provisions under Section 19;
- k. all provisions included under Section 25.

SECTION 26: COUNTERPART SIGNATURES

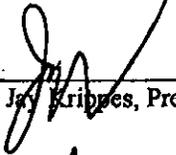
This AGREEMENT may be executed in one or more counterparts, and all the counterparts shall constitute but one and the same agreement, notwithstanding that all PARTIES are not signatories to the same or original document.

IN WITNESS WHEREOF, each PARTY hereto has executed this AGREEMENT by its duly authorized representative on the dates opposite their respective signatures:

///

**AUTUMNWOOD HOMEOWNERS
ASSOCIATION**
a California Corporation

Date: 4/1/06

By: 
Jay Krippes, President

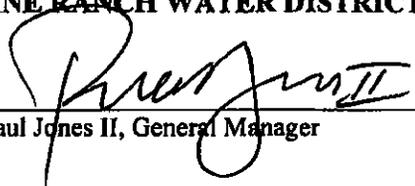
Date: 4/1/06

By: 
Secretary

Agreement No. D05-094

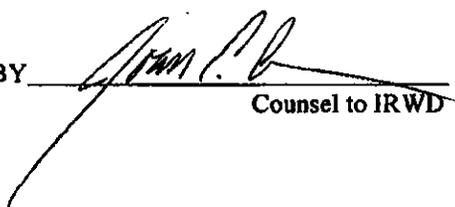
IRVINE RANCH WATER DISTRICT

Date: 4.18.06

By 
Paul Jones II, General Manager

Date: 4-18-06

APPROVED AS TO FORM:

BY 
Counsel to IRWD

CITY OF LAKE FOREST

Date: 03/23/06

By Robert C. Dunek
Robert C. Dunek, City Manager

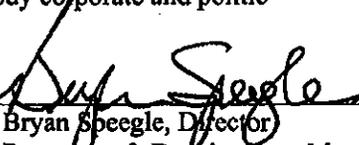
Date: 03/23/06

APPROVED AS TO FORM:

BY [Signature]
City Attorney
MD 12/20/05CC

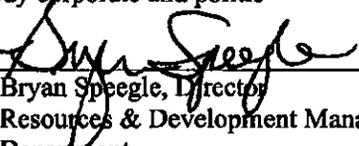
**ORANGE COUNTY FLOOD
CONTROL DISTRICT,**
a body corporate and politic

Date: 5-3-06

By: 
Bryan Speegle, Director
Resources & Development Management
Department

COUNTY OF ORANGE,
a body corporate and politic

Date: 5-3-06

By: 
Bryan Speegle, Director
Resources & Development Management
Department

Date: 5/3/2006

APPROVED AS TO FORM:

COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

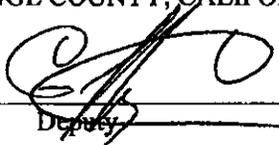
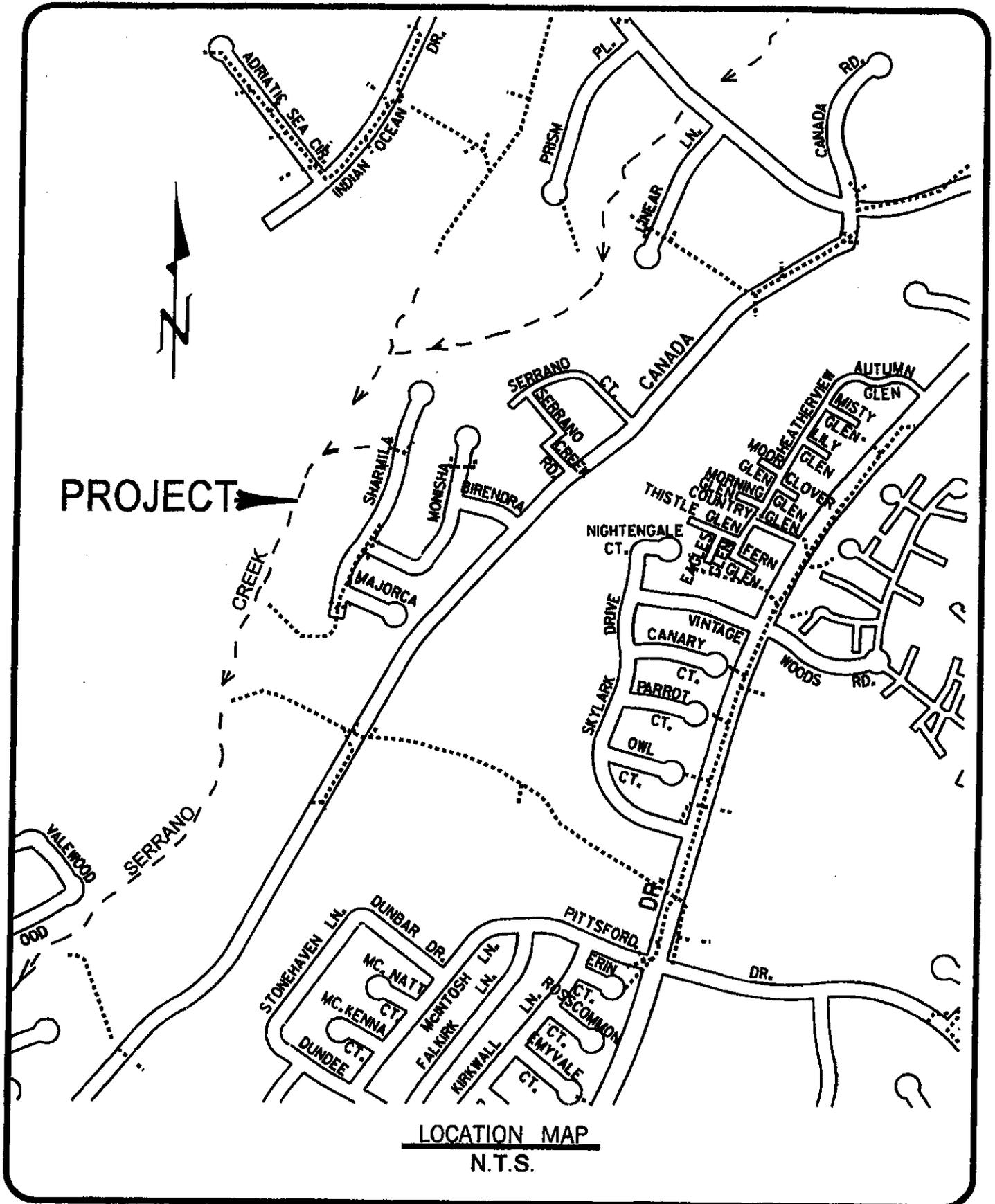
By: 
Deputy

EXHIBIT A

Chapter 9 Responses to Comments on Chapter 7

Agreement D05-094



LOCATION MAP

N.T.S.

■ Letter 4 - Response to Comments: Autumnwood Homeowners Association

RTC 4-1 Comments received on the Draft PEIR including comments from the Autumnwood Homeowners Association and the Regional Water Quality Control Board, and responses to those comments will be included in the Final PEIR. The Final PEIR will also contain all comments received on the Recirculated DPEIR (Chapter 7) and responses to those comments. As explained on pages 7-1 to 7-2, the Recirculated DPEIR was not intended as a response to comments received on the Draft PEIR, but rather contained analysis of a new alternative developed since publication of the Draft PEIR, and provided information on events that have occurred since publication of the Draft PEIR as well as some additional information on hydrology, schools, Great Park development in Irvine, Alton Parkway, Portola Hills, global climate change and water supply.

As detailed in CEQA Guidelines Section 15088.5, if the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. Therefore, because recirculation of the Draft PEIR was for a limited purpose, the entire Draft PEIR did not require revision, and only Chapter 7 needed to be recirculated for public review.

While the City recognizes the importance of addressing the hydromodification of Serrano Creek, doing so is outside the scope of this EIR because hydromodification resulted from past development. As detailed in Topical Responses 1, 5 and 6 hydromodification of Serrano Creek and other watersheds is an existing condition that would be unaffected by the proposed project. This EIR therefore properly focuses on this project's potential incremental contribution to existing impacts to Serrano Creek. As demonstrated in the Draft PEIR and Recirculated DPEIR, the project as a whole would likely have a beneficial impact as stormflows to Serrano Creek and other watersheds would be reduced as compared to the area's existing, unimproved condition.

Issues raised by Autumnwood are related to flood control deficiencies. These facilities are under the jurisdiction of the Orange County Flood Control District (OCFCD), which has the responsibility of addressing facility deficiencies. The Court in the United States Bankruptcy Court Case No. S.4 94-22272 JR, Claim No. 3486 (Orange County Bankruptcy) stated that regional flood control is the responsibility of the County, unless a City specifically agreed to undertake that role. The City has not. OCFCD, on the other hand, was set up specifically to manage regional flood control problems. The Court further explained that regional flood control is not appropriately a City responsibility because it does not have the resources, expertise, or the jurisdiction to manage that kind of problem. Finally, the Court's order indicates, "Because the City never made an express assumption of regional flood responsibilities of Serrano Creek as a term or condition of its incorporation, it did not take on any regional flood responsibilities."

The OCFCD contracted with Chang Consultants Inc. for "Fluvial Study of Serrano Creek Channel Stabilization Trabuco Road to Rancho Parkway (Facility No., F19).

This study is a three dimensional channel modeling study that looks at whether the improvements recommended in the City's Serrano Creek Collaborative Use Plan, adopted by the City in 1999 are feasible and would result in the design of flood control structures that would meet OCFCD requirements. This study is currently being used as the source document for County grant applications to fund some of the identified improvements. The next steps toward stabilization of Serrano Creek would be design of the recommended improvements and environmental permitting.

The City of Lake Forest continues to support grant applications submitted by the County and OCFCD to improve Serrano Creek and has worked to help to identify potential improvement through its efforts such as the Serrano Creek Collaborative Use Plan. However, as noted by the Bankruptcy Court, the City does not have the resources, expertise or jurisdiction to manage larger flood control issues.

It is important to note that if the City selects the No Project alternative, it would have no affirmative duty to fix Serrano. Approval of the proposed project or one of the other alternatives which similarly improves upon existing conditions by reducing stormflows from the project sites, would not create a new affirmative duty to improve Serrano Creek beyond existing conditions.

RTC 4-2

The Draft PEIR addresses the question of whether this project would exacerbate existing conditions. As detailed in Topical Response 1, the Draft PEIR provides sufficient baseline information for an assessment of program-level impacts. There are a number of documents which address existing conditions, including those sources cited in the comment. Additionally, both the OCFCD and the RWQCB have extensive information and literature on the history of this drainage. Summarizing that information in the Recirculated DPEIR, however, would not alter the conclusions in the Draft PEIR.

The City's 1999 Serrano Creek Collaborative Use Plan represents the consensus between the City's technical experts and participating City residents on the improvements necessary to address the erosion issue in the Serrano watershed. These concepts have been further evaluated by the OCFCD in "Fluvial Study of Serrano Creek Channel Stabilization: Trabuco Road to Rancho Parkway (Facility No. F19)," February 2008, prepared by Howard H. Chang for Public Works / Flood Control Division, County of Orange ("Chang Study"). Both reports address baseline conditions in Serrano Creek. The proposed project will not in any way interfere with the ability to implement any of the improvements defined in the Chang Study for Serrano Creek as no design features are included and the plan level that would preclude the proposed improvements.

RTC 4-3

The purpose of a cumulative impact analysis is to determine if a proposed project's impact is cumulatively considerable. As specified in CEQA Guidelines Section 15130:

(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency

need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Guidelines Section 15065(a)(3) provides:

“Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

As detailed in the Draft PEIR and recirculated Draft PEIR, the proposed project will result in a net decrease in stormflows from the project sites. The incremental effect of the proposed project on Serrano Creek is a decrease in damage potential compared to existing conditions. The impact of the project is therefore not cumulatively considerable, and the need not provide a detailed analysis of background cumulative hydrological conditions but need only briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

RTC 4-4 Please see Response to Comment 3, above.

RTC 4-5 Please see Topical Response 2 which explains the analytic difference between a project and program level EIR. As detailed in Topical Response 6 and in the Recirculated DPEIR, the analysis shows that proposed project (before mitigation) would result in a net decrease in runoff to Borrego Canyon Wash, Serrano Creek and Aliso Creek. This is the basis of the conclusion that the project’s impacts to these watersheds would be less than cumulatively considerable. Mitigation Measure 3.8-5 has been added to the PEIR to provide the public with further assurances of this fact. The program level analysis contained in the PEIR which shows that there should be a net decrease in runoff with the proposed project provides support for the feasibility of Mitigation Measure 3.8-5. Applicants for development projects within the Opportunities Study area will be required to provide a detailed hydrological study demonstrating compliance with this mitigation measure, prior to issuance of grading and construction permits. Since any approved project level mitigation is required to result in no net increase, there would be cumulative impacts from the development projects or the program as a whole.

RTC 4-6 See Response to Comment 5 above. In the event that one of the individual development projects does not comply with Mitigation Measure 3.8-5 (i.e. in the event that the detailed hydrology study for the individual development project does not show that post-project stormflows will not exceed pre-project stormflows) then a grading permit for the development will not be issued. Detailed hydraulic modeling of Serrano Creek is not necessary to make that determination. The City is not simply assuming that the mitigation measure is achievable. If it is not demonstrated that the performance standard can be met, pursuant to the mitigation measure, the permit will not be issued. The mitigation measure requires that the hydrological study be conducted and the demonstration that the performance standard can be met be made

once the kind of detailed project-level information necessary for such a study is available.

RTC 4-7

The proposed project involves changes in existing land use designations and zoning to allow residential and mixed-use commercial in place of existing business park designations. The project has been designed to ensure that existing conditions are not made worse by development related to the project. Remediation of Serrano Creek is not the purpose of the project and therefore this is not an EIR for such a remediation project. As explained in Response to Comment 4-1 above, the Orange County Flood Control District (OCFCD) is the responsible jurisdiction for this facility. While the City has and will continue to work with the OCFCD towards a solution to Serrano Creek, responsibility for the solution rests with the OCFCD. The EIR, as required by CEQA addresses alternatives that would feasibly attain most of the objectives of the project and avoid significant impacts caused by the project. As explained above, the project would not result in a significant impact regarding Serrano Creek, therefore, consideration of a Serrano Creek restoration alternative is not necessary.

Please see Response to Comment 1-1 which addresses TMDL compliance. As described more fully in that response, hydromodification, and resulting channel instability and sedimentation, is a cumulative problem that has occurred on a regional scale. As noted in the Recirculated Portions of the Draft PEIR (Recirculated DPEIR), the City is cooperating in several regional efforts to address runoff to Borrego Canyon Wash, Serrano Creek and Aliso Creek. For example, the City Forest is already addressing sediment issues through its participation in the TMDL program. The City has engaged with the other stakeholders in monitoring and reducing sediment reaching the Bay pursuant to the TMDL strategy. Additionally, the City participated with the Irvine Ranch Water District, County of Orange, Orange County Flood Control District and the Autumnwood Homeowners Association in efforts to achieve short-term stabilization of Serrano Creek that has been eroded. This and other regional efforts to improve Serrano Creek were described on page 7-9 of the Recirculated DPEIR.

RTC 4-8

Please see Response to Comment 4-1, above. Existing degraded conditions in Serrano Creek requires a regional solution. The City has neither the resources nor the expertise to devise a solution on its own, and any such solution would far exceed the scope of the project under review.

The commenter attached an Agreement between the Irvine Ranch Water District, County of Orange, OCFCD, the City and the Autumnwood Homeowners Association to Coordinate a Short-Term, Limited Toe-to-Slope Protection for a Portion of Serrano Creek. That Agreement demonstrates (1) that the City has already engaged in long-term collaboration with other agencies and private parties responsible for Serrano Creek and (2) that the parties agreed that the City's obligation was limited to compliance with the TMDL program. As described on page 7-9 of the Recirculated DPEIR, that slope protection project was completed in October 2006.

RECEIVED**LAW OFFICES OF ROBERT C. HAWKINS**

FEB 19 2008

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

February 15, 2008

Via e-mail (gackerman@ci.lake-forest.ca.us)
and Federal Express

Ms. Gayle Ackerman, Director
Development Services Department
City of Lake Forest
25550 Commercentre Drive
Lake Forest, California 92630

Re: **The City of Lake Forest's (the "City" or "Lake Forest") Revised and Recirculated Draft Environmental Impact Report ("Revised and Recirculated DEIR" or "RRDEIR") for the proposed the proposed Lake Forest Opportunities Study and General Plan and Zoning Code Amendments for seven properties currently zoned for industrial and commercial to the proposed residential and related zoning (the "Project")**

Dear Ms. Ackerman:

As you know, this firm represents the Golden Rain Foundation ("GRF") in connection with the captioned RRDEIR. As we indicated in our March 27, 2006 comments on the original DEIR for the Project, GRF is a California non-profit corporation, which oversees the management and maintenance of the property, facilities and services within the senior community of Laguna Woods Village, erroneously referred to in the DEIR as "Leisure World." GRF manages property, facilities and infrastructure including roads and streets within the Laguna Woods Village and in the vicinity of the Project.

On behalf of GRF, we offer the following summary of our comments, a detailed discussion of our comments, and recommendations and conclusions for the DEIR as originally circulated and as revised and recirculated.

I. Summary of Concerns: the RRDEIR Still Requires Further and Complete Recirculation; the "Portions Approach" is Inadequate.

- A. The revised and recirculated DEIR is internally inconsistent, fails to describe the changes that require recirculation of the DEIR, and fails to satisfy the requirements of CEQA Guidelines section 15088.5.

5-1

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Fax: (949) 650-1181

- B. The baseline for the traffic analysis for the new hybrid alternative is incorrect; the revised and recirculated DEIR proposes to use the existing General Plan entitlement to compare the traffic impacts of the proposed new alternative. CEQA requires that the baseline be the existing conditions, not some hypothetical buildout.
- C. The revised and recirculated DEIR improperly delays environmental analysis of the Project's impacts on hydrology and impermissibly defers mitigation for Project impacts on hydrology.
- D. The Alternative 7—the Hybrid Alternative—Fails and Shows the Failure of the DEIR's and the revised and recirculated DEIR's Program/Project Analysis.

5-1

In addition, the revised and recirculated DEIR states that, in July 2007, "[a] hybrid alternative is developed and City Council directs staff to conduct environmental review on this alternative." RRDEIR, 7-3. However, our review of the City Council's agendas and minutes has uncovered no such action or consideration of such action. The revised and recirculated DEIR must itself be revised to explain how the City Council made direction with no meeting. The public needs to be involved in all aspects of this important Project.

5-2

II. The Revised and Recirculated DEIR is Inadequate, Internally Inconsistent and Fails to Satisfy the Requirements of Guidelines Section 15088.5.

The revised and recirculated DEIR cites CEQA Guidelines section 15088.5 as the rationale for its revision and recirculation. However, it fails to satisfy the requirements of section 15088.5.

Section 15088.5(a) states in pertinent part:

"A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation include, for example, a disclosure showing that:

5-3

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“(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

“(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

“(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.

“(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).”

5-3

Although it is crystal clear that the DEIR was “so fundamentally and basically inadequate and conclusory . . .”, the revised and recirculated DEIR does not identify Section 15088.5(a)(4) as the reason for the revision and recirculation. Rather the RRDEIR states that it is really relying on Section 15088.5(a)(3) as the rationale for revision and recirculation:

“During these discussions, the City identified a new alternative for locating the public facilities. This new alternative is a combination of several of the alternatives discussed in the Draft PEIR, and therefore is referred to as the ‘hybrid alternative.’ In order to provide the public the opportunity to review and comment on this ‘hybrid alternative,’ the City decided to prepare an analysis of the ‘hybrid alternative’ and to circulate it for review and comment.”

5-4

RRDEIR, 7-1. However, the revised and recirculated DEIR does not state that “the project’s proponents decline to adopt it.” Indeed, because the revised and recirculated DEIR finds that the “hybrid alternative” has fewer impacts, it could have been approved in the DEIR with its fully impactful Project and alternatives.

5-5

Moreover, the revised and recirculated DEIR notes that there are a myriad of other changes that occurred since the March 2006 circulation of the original DEIR. For instance, it notes that additional information and other changes in hydrology, schools, various area projects including the Great Park and Alton Parkway, and, of course, global warming, that is, the requirements of AB 32.

5-6

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This is inadequate for several reasons. First, as we commented on the original DEIR, the DEIR fails to appreciate or recognize the impacts of the Irvine Company project in connection with the City of Irvine's approvals of the Irvine Company's residential development in planning areas 18/39 which the City approved in June 2006. Second, the various changes recognized by the revised and recirculated DEIR are insignificant and ultimately are not found to be significant, except for the global warming analysis. It was only the City's delay that required the global warming analysis.

5-7

Third, the revised and recirculated DEIR is internally inconsistent. As indicated above, the City decided to prepare a revised and recirculated DEIR because "the City identified a new alternative for locating the public facilities." Although this specificity is laudable, the revised and recirculated DEIR notes that:

5-8

"The analysis for potential impacts of the project is 'programmatic' and a project-level analysis and mitigation will be required when specific projects are proposed for any of the sites identified programmatically in this Draft PEIR."

RRDEIR, 7-9. (By "Draft PEIR," the RRDEIR means a Draft Program EIR.) Although helpful, the alternative appears to be more specific than the revised and recirculated DEIR contemplated. Indeed, the specificity of the alternative conflicts with the programmatic character of the DEIR. This internal inconsistency—the new location for public facilities and the alleged programmatic character of the DEIR—undercut the validity of the DEIR and the RRDEIR.

Moreover, as we indicated in our March 27, 2006 Comments, the DEIR suffers from its lack of specificity. As we indicated there, the DEIR attempts to move between programmatic analysis and project level analysis. As indicated above, the revised and recirculated DEIR suffers the same fate. This feeble attempt at CEQA compliance is troubling: the City is not attempting to analyze the full Project related impacts. It is impermissibly deferring such analysis for the project level discussion. However, when that analysis takes place, the City will likely attempt to avoid CEQA compliance and rely instead on related documents which analyze only a portion of the true impacts. The revised and recirculated DEIR should be once again revised and recirculated to perform a full blown analysis of all Project related impacts on a project level.

5-9

Fourth, the revised and recirculated DEIR fails to comply with the technical requirements of the CEQA Guidelines. First, although we were assured that we were on all distribution lists, we did not receive a copy of the revised and recirculated DEIR. Rather, we received the one page Notice of Completion and Notice of Availability **without the document**. CEQA requires distribution of the document itself. Rather than comply, the City noticed that it had posted the revised and recirculated DEIR on its website. Our calls for the document yielded only a CD many days late.

5-10

Further, the revised and recirculated DEIR fails to comply with CEQA Guidelines section 15222 which requires that the revised and recirculated DEIR "... shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues." The

5-11

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revised and recirculated DEIR is simply called Chapter 7 and contains a hodge podge of items with indexing or a table “to assist readers in finding the analysis of different subjects and issues.”

5-11

Moreover, the revised and recirculated DEIR fails to comply with other content requirements of the Guidelines, e.g. a summary, a full project description, a full discussion of the environmental setting and the existing current condition of the properties affected, and so on. Indeed, the revised and recirculated DEIR is not an EIR at all but simply revisions to portions of the DEIR. This is not the best practice and fails to comply with the requirements of CEQA Guidelines section 15088.5(c) which allows recirculation of only a portion or a chapter when the revisions are small. However, here, the revised and recirculated DEIR fails to discuss all defects, contains numerous changes which require changes to the core of the DEIR, and includes significant changes.

5-12

Because of all of these problems and others discussed below, the DEIR must be revised and recirculated again, must comply with the requirements of CEQA, must identify all impacts and provide adequate mitigation for all such impacts.

5-13

III. Although the Revised and Recirculated DEIR Recognizes the Appropriate Baseline for Much of the Impacts’ Analysis, It Uses an Improper Baseline for Traffic Impacts.

Several sections of the revised and recirculated DEIR refer to existing conditions and compares the Project and various alternatives with these existing conditions. See e.g. RRDEIR 7-6, 7-8, 7-17, 7-26. However, the traffic analysis stands in stark contrast: our March 27, 2006 comments urged the City to comply with the requirements of CEQA and compare the Project’s traffic impacts, not with the General Plan buildout, but with existing; the revised and recirculated DEIR persists this failed analysis of traffic impacts by continuing to compare and assess Project traffic with General Plan buildout. As indicated above and before, the comparison should be with existing conditions.

5-14

CEQA requires use of the existing conditions as the baseline to compare and analyze Project impacts. Indeed, CEQA requires that:

“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”

County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 952; CEQA Guidelines sections 15125(a) provides:

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, **as they exist at the time** the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.”

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Further, Guidelines section 15126.2(a) provides:

“An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to **changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published**, or where no notice of preparation is published, at the time environmental analysis is commenced.”

5-16

The Final Alternative 7 Traffic Study shows the extent of this confusion and failure to analyze the Project impacts on existing traffic levels. For instance, the Traffic Study states:

“Figure B-1 illustrates the intersections that were analyzed in this study. This is followed by AM and PM peak hour intersection capacity utilization (ICU) worksheets for **existing and future traffic conditions.**”

5-17

If the Traffic Study carried through on this promise, the DEIR would comply with CEQA but would also show significant traffic impacts. Unfortunately, the ICU worksheets do not as promised compare “existing and future traffic conditions.” Rather, the ICU worksheets compare General Plan buildout at 2030 with Project traffic. This is inadequate.

In Environmental Planning and Information Council v. County of El Dorado (1982) 131 Cal. App. 3d 350, 358-59, the Court of Appeal considered EIRs for two residential projects. As with the DEIR, the County’s EIRs compared the proposed residential projects and its impacts with the General Plan allotments. The Court rejected this approach.

“The comparisons [in the challenged EIRs], we have seen, are always between the existing general plan and the proposed amendments.”

5-18

The Court observed:

“The deficiency of the EIRs is manifest when the existing environment is compared to the general plan. The existing general plan designates population capacities of over 63,000 for the Camino-Fruitridge area and over 70,000 for the Greenstone area. In contrast, the proposed amendments designate population capacities of 22,440 for the Camino-Fruitridge area, and 5,800 for the Greenstone areas, both substantial reductions. The comparisons, however, are illusory, for the current populations of those areas are approximately 3,800 for the Camino-Fruitridge area and 418 for the Greenstone area. The proposed plans actually call for substantial increases in population in each area rather than the illusory decreases from the general plan.”

Id. The Court concluded:

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“The comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts which would result. There are no extensive, detailed evaluations of the impacts of the proposed plans on the environment in its current state. Accordingly, the EIRs fail as informative documents.”

5-18

Id.

The DEIR and the revised and recirculated DEIR suffers the same fate. The DEIR and the revised and recirculated DEIR fail to properly assess the baseline, that is, the existing conditions on the ground, and evaluate the Project and its impacts against that baseline.

5-19

GRF has retained RK Engineering Group, Inc. to review the Traffic Study. Attached hereto as Attachment “A” is their report. Mr. Kahn of RK Engineering notes:

“[T]he entire analysis has been based upon comparing the Hybrid Plan to the Current General Plan for City buildout conditions. **This masks many significant impacts of the full development of the project when compared to existing conditions.** The Alternative 7 (Hybrid Alternative) generates nearly 90,000 daily trips, which would have a **very significant impact to existing operating conditions** throughout the study area and extended study area into the Laguna Village Woods area. An assessment of this change from existing conditions has not been included in the traffic evaluation since it only looks at City build out conditions in the future. Since many of the roadways and intersections in the study area and extended area are currently at or approaching capacity, this additional 90,000 daily trips could have a significant impact in this area.”

5-20

RK Engineering Report, page 3 (Emphasis added.) This failing seriously undercuts the DEIR’s original traffic analysis and further weakens the Traffic Study for the revised and recirculated DEIR. As indicated above, the Traffic Study and the DEIR must assess the Project’s impacts on traffic when compared to the existing condition, not some hypothetical General Plan trips but real on the ground today trips. Because the revised and recirculated DEIR fails to do this, it is fatally defective and must again be revised and recirculated to comply with the requirements of CEQA.

IV. The Revised and Recirculated DEIR Continues to Defer its Hydrology Analysis and Mitigation.

As indicated in our March 27, 2006 Comments on the DEIR, the DEIR fails to analyze Project impacts correctly, fails to provide adequate and enforceable mitigation, and improperly defers mitigation. True to form, the revised and recirculated DEIR continues these failings.

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The revised and recirculated DEIR begins with a misstep: it divides the drainage system into subareas and analyzes each of the subareas. It concludes that, based upon this division, the Project will have no impacts on hydrology and water quality. However, this fallacy of composition provides no support for the revised and recirculated DEIR's conclusion. Although the parts may be insignificant, their cumulative impacts may be considerable and significant.

5-22

Moreover, the revised and recirculated DEIR implausibly concludes that the Project will have lesser hydrology impacts than the General Plan baseline.

“A comparison of the change in runoff from Opportunities Study Sites in Table 3.8-2 indicates that implementation of the Proposed Project would likely lower the overall runoff within the San Diego and Aliso Creek Watersheds. This is because the existing landscapes are steep, with low-infiltration soils, and poor vegetative cover. Development of these parcels, however, would require grade modifications (less steep slopes) and landscaping (more infiltration and good vegetative cover), which would lower the overall runoff rate. Lower runoff, because of the Proposed Project, means that there would be no net increase in bank erosion or bedload sediment transport compared to existing conditions.”

5-23

This analysis suffers from many problems.

First, it waffles between two baselines: existing conditions and the General Plan buildout. Table 3.8-2 uses the General Plan buildout which itself is a developed condition. The low-infiltration soils, steep slopes and poor vegetative cover likely will be eliminated with the General Plan buildout and the hydrology would likely improve over the Project.

5-24

Second, the revised and recirculated DEIR then moves to a discussion of erosion and sediment and concludes that there will be no net increase compared to “existing conditions.” Table 3.8-2 does not analyze existing conditions. Indeed, the revised and recirculated DEIR uses “existing conditions” ambiguous to refer to the General Plan buildout and/or the actual on the ground today existing conditions.

5-25

Moreover, the revised and recirculated DEIR fails to appreciate the character of the Project when compared to the existing conditions, that is vacant land with native vegetation and no drainage channels. To suggest that the Project with the substantial increase in pervious surfaces, irrigation, and drainage channels will have similar hydrologic impacts to existing is laughable and impossible.

5-26

Third, as indicated above, the revised and recirculated DEIR cannot legally use the General Plan buildout as the Project baseline; CEQA requires that the DEIR compare the Project with existing conditions. The DEIR fails to do this for hydrology.

5-27

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In addition, the revised and recirculated DEIR includes a new, but ambiguous, unenforceable, and improperly deferred mitigation measures.

MM 3.8-5 Prior to issuance of a grading permit, the applicant shall conduct a hydrology and hydraulics study to determine potential stormwater runoff rates and peak flows for the City of Lake Forest and County of Orange design storms, as well as the 100-year storm for both existing and Proposed Project conditions. Sufficient detail shall be provided to develop the existing conditions and Proposed Project conditions potential hydrograph and timing of peak flows. Studies shall be completed by a qualified professional and be consistent with standard engineering practices for the region, including the use of the criteria of the Orange County Hydrology Manual. The studies shall demonstrate that the effect of stormwater discharge to any City-, County-, or Other Agency-owned drainage or flood control facility as mitigated shall be designed and implemented to prevent post-construction stormflows from exceeding preconstruction stormflow rates.”

5-28

RRDEIR, 7-8. This is problematic for several reasons. First, as indicated above, the revised and recirculated DEIR uses the phrase “existing conditions” and “pre-construction” ambiguously to refer to the General Plan buildout condition. This mitigation measure should be revised to refer to only existing on the ground today. Second, this mitigation measure is unenforceable: what happens when the study shows that Project stormflows exceed existing on the ground today conditions? The mitigation measure is silent on the issue.

Third, as indicated above, the revised and recirculated DEIR slips ambiguously between programmatic analysis and project level analysis. The revised and recirculated DEIR states:

“The analysis for potential impacts of the project is ‘programmatic’ and a project-level analysis and mitigation will be required when specific projects are proposed for any of the sites identified programmatically in this Draft PEIR. Therefore, any potential analysis as it relates to future projects would be provided in detail within project-level environmental documents.”

5-29

PDEIR, 7-9. The revised and recirculated DEIR is unclear what other project level environmental documents would be required. The General Plan changes already occur if the Project and the revised and recirculated DEIR are approved. What other approvals and/or environmental documents and mitigation would the City require? Likely, none. This is ruse and the City is improperly deferring the analysis and mitigation.

Under CEQA, such deferral is improper. “By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process.” Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 308. See Bozung v. Local Agency Formation Com.(1975) 13 Cal.3d 263, 282 (holding

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that “the principle that the environmental impact should be assessed as early as possible in government planning.”); Mount Sutro Defense Committee v. Regents of University of California (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process “where genuine flexibility remains”).

5-30

The revised and recirculated DEIR also addresses the Project’s impacts on the restoration efforts in connection with Serrano Creek. The revised and recirculated DEIR states:

“A Memorandum of Understanding between the County of Orange, Orange County Flood Control District, City of Lake Forest, and Irvine Ranch Water District (IRWD) was executed in December 2006 to establish a framework for a cooperative effort aimed at the stabilization of Serrano Creek between Trabuco Road and Rancho Parkway.” Piecemealing: feasibility study; City and IRWD one of the Opportunities Study parcel owners.

5-31

RRDEIR, 7-9. This MOU is really part of the Project to ensure that the Project will not adversely affect Serrano Creek: two of the MOU partners are part of the Project: the City and IRWD, one of the parcel owners.

Since its inception, CEQA has forbid “piecemeal” review and analysis of the significant environmental impacts of a project. Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 391, fn. 2. This prohibition stems in part from CEQA itself: Public Resources Code section 21002.1(d) requires that an environmental document “consider[] the effects, both individual and collective, of all activities involved in [the] project.” Courts have recognized that:

“A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”

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Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011, 1023 [280 Cal.Rptr. 478], original italics; Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182, 201.

Further, CEQA Guidelines Section 15165 provides that:

“Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental

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effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168”

Under the Guidelines, the term “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment” *Id.* at CEQA Guidelines section 15378(a). At the other end of the spectrum, long-range planning proposals are exempt from EIR requirements: “A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR” CEQA Guidelines section 15262.

5-32

Here, the Project and the MOU regarding Serrano Creek are part of the same project for the City and IRWD. Both projects– the Project and the MOU for Serrano Creek–are part of the same project, and, under CEQA, they must be analyzed in the same EIR. Neither the DEIR nor the revised and recirculated DEIR analyze both projects.

V. Section 7.2.6’s Global Warming Analysis is Problematic and Should be Revised.

Section 7.2.6 provides another reason that the revised and recirculated DEIR was recirculated: it now includes a section discussing the Project’s impacts on global climate change also known as global warming. Section 7.2.6 initially notes that currently the Guidelines do not require a climate change analysis. However, it further notes legislative actions which make it clear that such analysis will be required. Out of an abundance of caution, the revised and recirculated DEIR includes such an analysis. Unfortunately, the approach–an abundance of caution– infects the entire analysis and renders it unworkable and incorrect.

5-33

In its Impacts Analysis, Section 7.2.6 compares the Project with existing conditions on the ground today and with the General Plan buildout. This is a refreshing change from its analysis almost everywhere else where the revised and recirculated DEIR compares the Project only with the General Plan buildout. As indicated above, such plan to plan comparisons are improper.

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Interestingly, the Impacts Analysis which provides comparisons between the Project and both the existing on the ground today conditions with the General Plan buildout is inadequate because it lacks specifics. Indeed, the analysis fails to contain any analysis that the Project will itself contribute to global warming or to climate change in any significant way. Rather, the revised and recirculated DEIR relies on state determinations:

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“[T]he State of California has concluded that increasing GHG emissions is a significant cumulative environmental impact.”

RRDEIR 7-28. However, it is unclear what the Project’s contributions to “increasing GHG [greenhouse gases]” really is. Moreover, given other global sources of GHG which are increasing

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exponentially, e.g. China and India, it is unclear that the Project's contribution is cumulatively significant. This is especially true because the revised and recirculated DEIR cannot determine whether the increases are individually significant. Notwithstanding, the revised and recirculated DEIR states:

"Additionally, because it is impossible to know to what degree the Project's contributions are cumulatively considerable, the City cannot state with certainty that the implementation of any particular mitigation measures, including those proposed below, would reduce the Project's contribution of GHG to less than cumulatively considerable levels. Thus, the City concludes that the Project's contributions of GHG emissions are significant and unavoidable."

5-35

RRDEIR, 7-28-29. This is not analysis; it is simply holding the line established by the State: the Project will increase GHG somewhat, so its impacts will be **cumulatively** significant. This finding of a cumulative impact does not relieve the revised and recirculated DEIR from determining what the Project's impacts on global climate change, if any, are. As indicated above, given the multiple sources of such GHG, it is unlikely that the Project's contribution will be significant. Nonetheless, the revised and recirculated DEIR must address the issue.

5-36

Likewise, the revised and recirculated DEIR's discussion of mitigation measures is poor and inadequate. The first mitigation measure shows some of these problems:

"GCC1: The City shall comply with the future requirements for implementation of AB 32 and SB 97 once those implementation requirements are developed."

RRDEIR, 7-29. Although the delay is understandable, as indicated above, such delay improperly defers the mitigation. Indeed, it lays the mitigation of Project impacts off on the state. CEQA requires more: more analysis to understand the impacts; more mitigation to ensure that, if feasible, the impact can be mitigated.

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The revised and recirculated DEIR must be revised and recirculated again to discuss fully the potential Project impacts, if any, to global climate change, and, if appropriate, provide adequate mitigation.

VI. Alternative 7--the Hybrid Alternative--Fails and Shows the Failure of the DEIR's Program/Project Analysis.

Section 7.4 of the revised and recirculated DEIR addresses a new alternative for the Project: the reduced and Hybrid Alternative. The revised and recirculated DEIR states:

"Alternative 7 is a reduced density alternative that reduces the total number of residences and commercial uses and increases the amount of public facilities as

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compared to the Proposed Project. This alternative would allow up to 4,738 residential units, 360,000 square feet of commercial uses, and 73 acres of public facilities. This alternative includes the Proposed Project development on Sites 1, 5, and 6 as described in the Draft PEIR and assumes the following for the remaining sites:

- Site 2: 930 dwelling units, 40,000 square feet of commercial uses, 8 acres of neighborhood park
- Site 3: 833 dwelling units, 7 to 10 acres of public facilities
- Site 4: 50 acres of public facilities
- Site 7: No change to existing conditions
- Site 9: 13 acres of public facilities”

5-38

RRDEIR, 7-37.

Unfortunately, the Hybrid Alternative suffers from the same defects as the Project described in the DEIR. Most significantly, revised and recirculated DEIR compares the Hybrid Alternative and its analysis with the General Plan buildout baseline. Note that the above quotation states that Site 7 will have “[n]o change to existing conditions.” Again, the revised and recirculated DEIR means that “existing conditions” are the General Plan buildout. See, e.g., Figure 7.4.1.

5-39

Because the Hybrid Alternative is smaller than the Project, the revised and recirculated DEIR concludes that it will have fewer impacts on transportation than the Project. As indicated above and in the RK Engineering report attached hereto as Attachment “A,” the DEIR and the revised and recirculated DEIR impermissibly understate and under estimate the Project’s and its alternatives traffic impacts because the DEIR and the revised and recirculated DEIR consider only the impacts as compared with the General Plan buildout. See, e.g., Table 7.4-3 which compares the Hybrid Alternative with the General Plan buildout. As indicated above and in the RK Engineering report, this approach conflicts with the requirements of CEQA and understates the Hybrid Alternative’s traffic impacts. Both the Project and all of its alternatives including the Hybrid Alternative will have significant and unmitigated traffic impacts when compared to the existing on the ground today conditions.

5-40

Further, the revised and recirculated DEIR finds that the Hybrid Alternative is the environmentally superior alternative:

“Therefore, from among the seven development alternatives analyzed in the Draft PEIR and Recirculated Draft PEIR, the environmentally superior alternative would be Alternative 7, as it reduces Proposed Project impacts to the greatest extent by reducing project trip generation and overall development.”

5-41

RRDEIR, 7-68.

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However, as indicated above, the revised and recirculated DEIR fails to fully address the Hybrid Alternative's traffic impacts because it does not compare those with the existing conditions on the ground today. Rather, it uses the hypothetical General Plan buildout which itself has significant traffic impacts when compared to the existing conditions on the ground today.

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VII. Conclusion: the DEIR and the Revised and Recirculated DEIR Must Again be Revised to Address These and Other Issues

As indicated above and in our earlier comments, the DEIR and the revised and recirculated DEIR contain many substantive errors which have yet to be addressed. Most significantly, both documents use the wrong baseline which creates the mistaken impression that the Project will have few traffic impacts. When compared to existing conditions today on the ground—vacant land, the Project has the potential to create numerous significant adverse traffic impacts.

In addition, the revised and recirculated DEIR must be revised to address the true hydrologic impacts of the Project as well as other issues.

5-42

Again, thank you for the opportunity to comment on the captioned document for the captioned Project. We look forward to participating in the public hearing process, receiving responses to these and other comments, and commenting on those responses at the appropriate public hearings. Please include us on all mailings and notices for such hearings and documents.

Of course, should you have any questions, please do not hesitate to contact us.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS


By: Robert C. Hawkins

RCH/kw

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ATTACHMENT "A"
GRF Comments
RK Engineering Report
January 29, 2008



Attachment "A"
GRF Comments

transportation planning • traffic engineering
acoustical engineering • parking studies

January 29, 2008

Mr. Robert C. Hawkins
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**Subject: City of Lake Forest Vacant Land Opportunities Phase III Alternative 7
(Hybrid Alternative) Traffic Study Review**

Dear Mr. Hawkins:

Introduction

On behalf of the Laguna Woods Village Association, RK ENGINEERING GROUP, INC. (RK) has been retained to review the City of Lake Forest Vacant Land Opportunities Phase III Alternative 7 (Hybrid Alternative) traffic study, dated November 2007, prepared by Austin-Foust Associates, Inc. This is a follow up traffic study to the previous traffic study included in the City of Lake Forest Draft EIR for the proposed Lake Forest Opportunities Study and General Plan and Zone Code Amendment which was previously reviewed by RK in June 2006. The updated report analyzes Future Year 2030 levels of service for both the City's Current General Plan and an alternative, which is now being referred to as the Alternative 7 or Hybrid Alternative.

The location of the project site analyzed in the study is included in the attached Appendix A and is identified as Figure 1. These properties include the Shea/Baker, Portola Center, IRWD, Baker, Whisler/Greystone, Peachwood/Pacific Heritage, Nakase and Rados properties. The project land uses and trip generation summary for the Current General Plan, City Preferred Plan and the Alternative 7 (Hybrid Alternative) are included in the attached Appendix B. It appears that there have been some changes since the original traffic study, which was reviewed in 2006. The land use summary included in Appendix B appears to include all of the project areas, including both participating and non-participating land owners in the General Plan Amendment. The primary difference between Alternative 7 and the Current General Plan is the replacement of 6.726 million square feet of business park uses and 764,180 square feet of commercial uses in the General Plan with 4,738 residential units. In the City's Preferred Plan, 5,415 residential units replace 7.209 million square feet of business park uses and 475,460 square feet of commercial uses that were previously included in the Current General Plan.

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As shown in Table 1 (included in Appendix B), the new Alternative 7 (Hybrid Alternative) generates approximately one half of the daily trips as the Current General Plan. It also generates about 10 percent less daily trips than the City Preferred Plan. AM/PM peak hour trips are also reduced with the Alternative 7 (Hybrid Alternative).

The traffic study followed a similar process as the previous study which was reviewed in 2006. The traffic baseline for this analysis and the earlier analysis was the General Plan full buildout. Although the traffic study shows that numerous intersections will operate at a poor level of service in Year 2030, only nine (9) are suggested for mitigation as a part of the project. These mitigation measures are shown in Table 6 included in Appendix C. Since the City's Current General Plan assumptions indicated a number of intersections failing, the project mitigation is only supplied to those intersections where the ICU (Intersection Capacity Utilization) results indicate that Hybrid Alternative will have a negative impact (more than a 0.01 ICU in change) in comparison to the Current General Plan. This greatly reduces the full impact of the development proposal, if compared to existing conditions.

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Traffic Analysis

Austin-Foust Associates, Inc. conducted a similar traffic analysis to the study that was presented in the previous draft EIR traffic study. They primarily looked at study area intersections and roadway segments in both the study area and an expanded study area that included additional intersections within the Cities of El Toro, Lake Forest, Laguna Hills and the east end of the City of Irvine. The traffic study also utilized the same type of significance evaluation as previously presented. A change of 0.01 or greater in the ICU (Intersection Capacity Utilization) in comparison to the Current General Plan would indicate if the project had a significant impact.

In cases where an intersection failed and the change was 0.01 or less, no mitigation was suggested as part of this evaluation. This occurs at three (3) locations in the vicinity of the Laguna Woods Village Association. The intersection of Ridge Route Road at Moulton Parkway did not show a significant impact during the PM peak hour although it failed (LOS F) for the PM peak hour future conditions; therefore, mitigation by the project was not suggested. For the intersection of Santa Maria Avenue at Moulton Parkway, the intersection is projected to operate at LOS E during the AM/PM peak hour conditions. This is less than the desirable Level of Service D; however, according to the traffic study, the project did not exceed an ICU change of greater than 0.01. Therefore, no mitigation is suggested. The intersection of El Toro Road at Moulton Parkway is projected to operate at LOS F during the AM/PM peak hours with the Alternative 7 (Hybrid Alternative). Again, the traffic study shows that the General Plan Amendment would not make a significant impact change of greater than 0.01 in comparison to the Current General Plan. Therefore, no additional mitigation measures are suggested.

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A summary of impacted intersections and potential mitigation measures for Alternative 7 (Hybrid Alternative) is included in Table 6 (Appendix C) for reference. The only intersection mitigation in the vicinity of the Laguna Woods Village Association was the intersection of

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Paseo De Valencia at Carlota where a minor re-striping was suggested as a mitigation measure. Again, no mitigation measures were suggested for those intersections that failed in the vicinity of the Laguna Village Association, because with the project (Alternative 7/Hybrid Alternative) would not cause a change greater than 0.01 to the ICU (significant impact) in comparison to the Current General Plan during the critical AM/PM peak hour.

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According to Table 6, it appears that either the Lake Forest Transportation Mitigation Program (LFTM) or the North Irvine Transportation Mitigation program (NITM) is being used to fund the mitigation measures included in Table 6, which are referenced in the attached Appendix C.

5-46

As previously mentioned, the entire analysis has been based upon comparing the Hybrid Plan to the Current General Plan for City buildout conditions. This masks many significant impacts of the full development of the project when compared to existing conditions. The Alternative 7 (Hybrid Alternative) generates nearly 90,000 daily trips, which would have a very significant impact to existing operating conditions throughout the study area and extended study area into the Laguna Village Woods area. An assessment of this change from existing conditions has not been included in the traffic evaluation since it only looks at City buildout conditions in the future. Since many of the roadways and intersections in the study area and extended area are currently at or approaching capacity, this additional 90,000 daily trips could have a significant impact in this area.

5-47

Conclusions

The City of Lake Forest Vacant Land Opportunities Phase III Alternative 7 (Hybrid Alternative) represents a reduction in trips in comparison to the Current General Plan and the City Preferred Plan previously considered by the City of Lake Forest. The primary reason for the major reduction in trip generation is the elimination of a large amount of business park and light industrial land uses, which were previously considered in the City's Current General Plan. These have been replaced by a substantial increase in single-family detached, condominium and apartment land uses. In addition, the Alternative 7 Plan includes a park, community facilities, government facilities and a sports park.

The traffic analysis has been completed based upon a General Plan evaluation of the change in land uses. No short-term evaluation of potential impacts have been evaluated as part of this study and it would be assumed that this would occur at a later date as development occurs. However, the impact of the nearly 90,000 daily trips on existing conditions has not been evaluated in the traffic study. Based upon existing conditions the construction of Alternative 7 (Hybrid Alternative) would have a significant affect on the study area and extended study area intersections, which are already approaching capacity.

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The traffic study indicates that every intersection in the vicinity of the Laguna Village Woods Association will be failing by the Year 2030. Since the proposed General Plan Amendment does not change the level of service in comparison to the Current General Plan, mitigation measures are not suggested for intersections without a significant impact. The problem with this assumption is that the Current General Plan has such a large trip

5-49

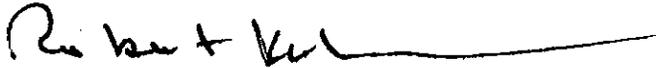
generation and causes such significant impacts to intersections in the vicinity of the Laguna Woods Village Association that the reduced plan only shows a slight reduction in total impacts to the area. If the proposed project was compared to existing conditions, a more appropriate significant impact may be shown and therefore, some additional responsibility for these off-site intersections would be justified. The Current General Plan has such large traffic impacts that it is very difficult to show that the Alternative 7 (Hybrid Alternative), which generates fewer trips than the Current General Plan, would have a significant impact and therefore would be responsible for any of these additional improvements.

5-49

RK appreciates this opportunity to work with the Law Office of Robert C. Hawkins on this project. If you have any further review that you would like of the traffic study, please let me know.

If you have any questions regarding this study, please call me at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.



Robert Kahn, P.E.
Principal

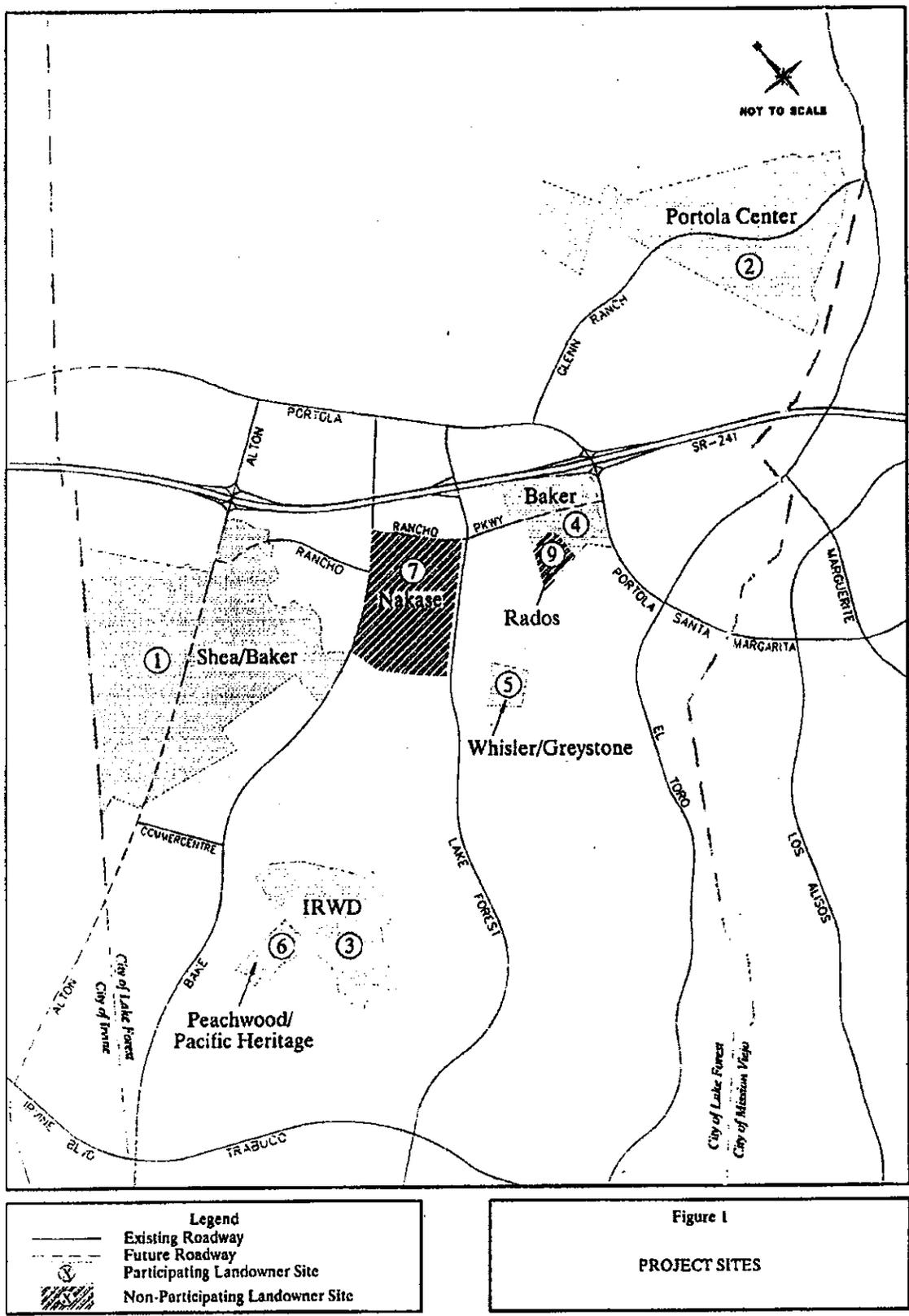
Attachments

xc: Mr. James David, Professional Community Management, Inc.
Ms. Cris Trapp, Professional Community Management, Inc.

Appendices

Appendix A

Project Site



Appendix B
Project Area Land Use
And Trip Generation Summary

Table 1								
PROJECT AREAS LAND USE AND TRIP GENERATION SUMMARY								
Land Use	Units	AM Peak Hour			PM Peak Hour			ADT
		In	Out	Total	In	Out	Total	
Current General Plan								
Commercial (EQ)	924.18 TSF	610	389	999	1,739	1,884	3,623	41,653
Office (EQ)	186.33 TSF	263	36	301	49	241	290	2,154
Open Space	47 Acre	0	0	0	0	0	0	0
Park	17 Acre	0	0	0	0	0	0	27
Mining/Utility	23 Acre	36	21	57	14	17	31	573
Business Park	8,768 TSF	10,521	2,017	12,538	2,631	8,680	11,311	111,880
Light Industrial	415.91 TSF	2,591	532	3,123	665	2,354	3,019	21,544
Mini Storage	26 Acre	36	36	72	52	48	100	1,011
Total Current General Plan		14,059	3,031	17,090	5,150	13,224	18,374	178,842
City Preferred Plan								
Single Family Detached	1,574 DU	298	881	1,179	1,007	582	1,589	15,063
Condominium	2,042 DU	347	1,023	1,370	919	674	1,593	16,642
Apartment	1,799 DU	180	738	918	719	396	1,115	12,090
Commercial (EQ)	448.72 TSF	386	248	634	1,102	1,194	2,296	26,389
Government Facility	88 TSF	173	21	194	77	173	250	2,457
Park	51 Acre	0	0	0	1	1	2	80
Business Park	1,559 TSF	1,871	359	2,230	468	1,543	2,011	19,892
Sports Park	39 Acre	0	0	0	133	160	293	2,098
Total City Preferred Plan		3,255	3,270	6,525	4,426	4,723	9,149	94,711
Alternative 7 (Hybrid Alternative)								
Single Family Detached	1,530 DU	290	857	1,147	994	551	1,545	14,642
Condominium	1,793 DU	304	898	1,202	807	591	1,398	14,613
Apartment	1,415 DU	141	581	722	566	311	877	9,509
Commercial (EQ)	160 TSF	167	107	274	475	515	990	11,388
Community Facility	44 TSF	36	7	43	100	108	208	2,002
Government Facility	44 TSF	87	11	98	39	87	126	1,228
Park	44 Acre	0	0	0	1	1	2	71
Business Park	2,041.7 TSF	2,450	470	2,920	613	2,021	2,634	26,052
Sports Park	63 Acre	1	0	1	214	258	472	3,389
Total Alternative 7 (Hybrid Alternative)		3,476	2,931	6,407	3,809	4,443	8,252	82,894

Appendix C

Proposed Traffic Mitigation Measures

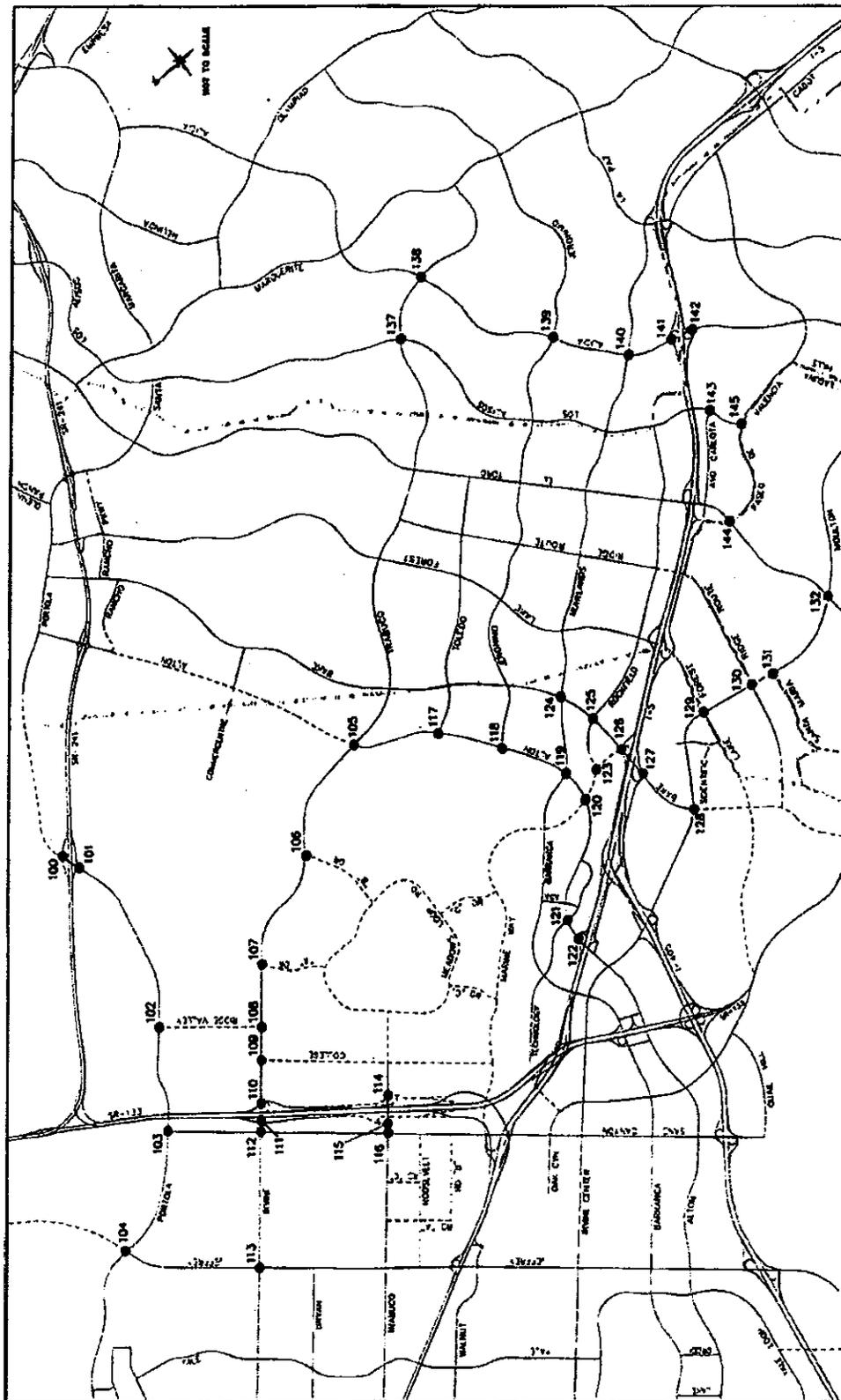


Figure 10
**INTERSECTION LOCATIONS ANALYZED WITHIN
 THE EXTENDED STUDY AREA**

Legend
 - - - City of Lake Forest Limits
 . . . Future Roadway

Austin-Hout Associates, Inc.
 689KR8rpt3Fig10.dwg

City of Lake Forest Vacant Land Opportunities Phase III
 Alternative 7 (Hybrid Alternative) Traffic Study

Table 5
2030 ALTERNATIVE 7 (HYBRID ALTERNATIVE) INTERSECTION LOS SUMMARY WITHIN EXTENDED STUDY AREA

Intersection	Current General Plan						Alternative 7 (Hybrid Alternative)							
	AM Peak Hour		PM Peak Hour		LOS		AM Peak Hour		PM Peak Hour		LOS		Difference	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	AM	PM
100. Portola Pkwy. at SR-241 NB Ramps	.63	B	.70	B	.60	A	.74	C	-.03	.04				
101. Portola Pkwy. at SR-241 SB Ramps	.57	A	.47	A	.56	A	.52	A	-.01	.05				
102. Ridge Vly. at Portola Pkwy.	.60	A	.86	D	.57	A	.90	D	-.03	.04				
103. Sand Cyn. Av. at Portola Pkwy.	.76	C	.68	B	.74	C	.71	C	-.02	.03				
104. Jeffrey Rd. at Portola Pkwy.	.83	D	.68	B	.76	C	.62	B	-.07	-.06				
105. Alton Pkwy. at Irvine Bl. (a)	.92	E	.98	E	.90	D	1.01	F	-.02	.03				
106. B Dr. at Irvine Bl.	.83	D	.79	C	.81	D	.75	C	-.02	-.04				
107. A Dr. at Irvine Bl.	.85	D	.85	D	.81	D	.84	D	-.04	-.01				
108. Ridge Vly. at Irvine Bl.	.76	C	.82	D	.74	C	.80	C	-.02	-.02				
109. College Dr. at Irvine Bl.	.78	C	.67	B	.76	C	.66	B	-.02	-.01				
110. ETC E. Leg NB Ramps at Irvine Bl.	.88	D	.74	C	.85	D	.73	C	-.03	-.01				
111. ETC E. Leg SB Ramps at Irvine Bl.	.84	D	.57	A	.79	C	.61	B	-.05	.04				
112. Sand Cyn. Av. at Irvine Bl.	.87	D	.81	D	.85	D	.78	C	-.02	-.03				
113. Jeffrey Rd. at Irvine Bl. (b)	.83	D	.89	D	.83	D	.87	D	.00	-.02				
114. SR-133 NB Ramps at Trabuco Rd.	.61	B	.53	A	.59	A	.53	A	-.02	.00				
115. SR-133 SB Ramps at Trabuco Rd.	.56	A	.50	A	.57	A	.50	A	.01	.00				
116. Sand Cyn. Av. at Trabuco Rd.	.82	D	.81	D	.84	D	.82	D	.02	.01				
117. Alton Pkwy. at Toledo Wy. (a)	.73	C	.84	D	.72	C	.92	E	-.01	.08				
118. Alton Pkwy. at Jeronimo Rd.	.63	B	.71	C	.72	C	.77	C	.09	.06				
119. Alton Pkwy. at Muirlands Bl.	.77	C	.83	D	.81	D	.87	D	.04	.04				
120. Marine Wy. at Alton Pkwy.	.77	C	.84	D	.87	D	.87	D	.10	.03				
121. Alton Pkwy. at Technology Dr.	.83	D	.87	D	.82	D	.84	D	-.01	-.03				
122. Alton Pkwy. at I-5 NB Ramps	1.00	E	.59	A	.97	E	.58	A	-.03	-.01				
123. Marine Wy. at Rockfield Bl.	.51	A	.57	A	.53	A	.56	A	.02	-.01				
124. Bake Pkwy. at Muirlands Bl.	.73	C	.85	D	.82	D	.85	D	.09	.00				
125. Bake Pkwy. at Rockfield Bl. (a)	.66	B	.89	D	.69	B	.92	E	.03	.03				
126. Bake Pkwy. at I-5 NB Ramps	1.00	E	.94	E	.99	E	.93	E	-.01	-.01				
127. Bake Pkwy. at I-5 SB Ramps	.91	E	.89	D	.87	D	.97	F	-.04	.03				
128. Bake Pkwy. at Irvine Center Dr.	.43	A	.45	A	.42	A	.45	A	-.01	.00				

City of Lake Forest Vacant Land Opportunities Phase III
Alternative 7 (Hybrid Alternative) Traffic Study

Table 5 (cont.)
2030 ALTERNATIVE 7 (HYBRID ALTERNATIVE) INTERSECTION LOS SUMMARY WITHIN EXTENDED STUDY AREA

Intersection	Current General Plan						Alternative 7 (Hybrid Alternative)					
	AM Peak Hour		PM Peak Hour		LOS		AM Peak Hour		PM Peak Hour		Difference	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	AM	PM
129. Lake Forest Dr. at Irvine Center Dr.	.71	C	.81	D	.73	C	.82	D	.82	D	.02	.01
130. Ridge Route at Moulton Pkwy. (a)	.56	A	1.13	F	.58	A	1.12	F	.99	E	.02	-.01
131. Santa Maria Av. at Moulton Pkwy. (a)	.98	E	.99	E	.99	E	.99	E	.99	E	.01	.00
132. El Toro Rd. at Moulton Pkwy. (a)	1.17	F	1.02	F	1.18	F	1.02	F	1.02	F	.01	.00
137. Los Alisos Bl. at Trabuco Rd. (a)	.94	E	.79	C	.94	E	.79	C	.94	E	.00	.00
138. Trabuco Rd. at Alicia Pkwy. (a)	.78	C	.94	E	.74	C	.94	E	.74	C	-.04	.60
139. Jeronimo Rd. at Alicia Pkwy.	.74	C	.77	C	.74	C	.78	C	.78	C	.00	.01
140. Alicia Pkwy. at Muirlands Bl. (a)	.91	E	1.00	E	.98	E	.98	E	.98	E	.01	-.02
141. I-5 NB Ramps at Alicia Pkwy.	.42	A	.72	C	.39	A	.73	C	.73	C	-.03	.01
142. I-5 SB Ramps at Alicia Pkwy.	.71	C	.75	C	.70	B	.76	C	.76	C	-.01	.01
143. Los Alisos Bl. at Avd. de la Carlota	.51	A	.75	C	.53	A	.73	C	.73	C	.02	-.02
144. El Toro Rd. at Paseo de Valencia	.64	B	.70	B	.64	B	.68	B	.68	B	.00	-.02

Abbreviations: ICU – intersection capacity utilization

LOS – level of service

NB – northbound

SB – southbound

(a) This location is forecast to operate deficiently in the AM and/or PM peak hour (i.e., the forecasted LOS is worse than the adopted LOS performance standard). Shaded entries denote locations where ICUs are worsened by the project (i.e., adverse project impacts).

(b) ICUs at this City of Irvine location include a .05 Advanced Transportation Management System (ATMS) credit.

Table 6
SUMMARY OF IMPACTED INTERSECTIONS AND POTENTIAL MITIGATION MEASURES (ALTERNATIVE 7/HYBRID ALTERNATIVE)

Intersection (NS & EW)	2030 Peak Hour ICU								Source
	Current General Plan		Alternative 7/Without Mitigation		Alternative 7/Hybrid Alternative		Mitigation Measures	Source	
	AM	PM	AM	PM	AM	PM			
2. Bake & Portola	.72	1.03	.74	1.05	.66	.94	.62	.95	LFTM Program
14. Bake & Irvine/Trabuco	1.07	1.09	1.13	1.05	.90	.87		.87	NITM Program
22. Bake & Jeronimo	.94	.82	1.02	.87	.90	.87		.87	LFTM Program
30. Los Alisos & Muirlands	1.03	1.08	1.02	1.11	.89	.90		.90	NITM Program
32. Ridge Route & Rockfield	.76	1.19	.85	1.25	.80	1.12		1.12	NITM and LFTM Programs
37. Paseo De Valencia & Carlota	.67	.98	.65	1.01	.61	.88		.88	Added to LFTM Program if Alternative 7 is selected.
105. Alton & Irvine	.92	.98	.90	1.01	.76	.93		.93	NITM and LFTM Programs and Laguna Hills
117. Alton & Toledo	.73	.84	.72	.92	.67	.87		.87	LFTM Program
125. Bake & Rockfield	.66	.89	.69	.92	.68	.89		.89	LFTM Program

Abbreviations: ICU – Intersection Capacity Utilization LFTM – Lake Forest Transportation Mitigation Program NITM – North Irvine Transportation Mitigation Program

¹ Includes construction of a third eastbound receiving lane for the third southbound left-turn lane.

Note: A "defacto" right-turn is where a curb lane is wide enough to separately serve both through and right-turn traffic (typically with a width of 19 feet or more from curb to outside of through-lane with parking prohibited during peak periods). A defacto right-turn is treated the same as a striped right-turn lane during the ICU calculations.

■ Letter 5 - Response to Law Offices of Robert C. Hawkins

- RTC 5-1 This comment provides a summary of the key comments contained in this letter. Responses to these points are provided in the comments below. As a general comment, however, the City notes that the Recirculated DPEIR is fully consistent with State CEQA Guidelines section 15088.5.
- RTC 5-2 The quoted section of the Recirculated DPEIR contains a misstatement. No City Council direction was required to recirculate the Draft PEIR. Sections 1.04 and 7.26 of the City's Local CEQA Guidelines provide that the Community Development Director has the authority to determine whether an EIR shall be recirculated.
- RTC 5-3 This comment contains a quote of portions of CEQA Guidelines Section 15088.5. As noted above, the Recirculated DPEIR is consistent with section 15088.5.
- RTC 5-4 The Draft PEIR was adequate as an informational document and, therefore, CEQA Guidelines Section 15088.5(a)(4) is not the reason that the City chose to recirculate a portion of the Draft PEIR. The commenter has provided no evidence in either this letter or his original comment letter (see Letter GRFO and responses to those comments) that the Draft PEIR is "so fundamentally and basically inadequate and conclusionary in nature that meaningful public review and comment were precluded." In fact the numerous comments on the Draft PEIR and the limited non-significant changes to the Draft PEIR needed to address those comments provide evidence to the contrary.
- The City elected to prepare the recirculated portion of the Draft PEIR to inform the public of changes in circumstances which have occurred since circulation of the Draft PEIR, and to provide an opportunity to comment on a new hybrid alternative (Alternative 7) developed since publication of the Draft PEIR.
- RTC 5-5 The commenter is correct that the addition of the new hybrid alternative does not require recirculation of the Draft PEIR because Alternative 7 has lesser impacts than the proposed project. Although the City was not required by CEQA to provide the public with an opportunity to comment on this alternative through recirculation, the City opted to provide its citizenry with a greater opportunity to comment than required by CEQA.
- RTC 5-6 The commenter is correct in that updated information on hydrology, schools, the Great Park project, Alton Parkway and the addition of a climate change section are also listed as information the City included in the recirculated Draft PEIR chapter.
- RTC 5-7 Please see Response to Comment GRFO-14 and GRFO-25 which note that the Notice of Preparation (NOP) for the Opportunities Study was issued on July 7, 2004. The NOP for the projects in Irvine by the commenter (PA 18/39) was issued August 17, 2005. As specified in CEQA Guidelines Section 15125, for purposes of EIR analysis, existing conditions are defined as conditions at the time of issuance of the NOP. The addition of the recently approved land uses in PA 18/39 would represent

an overall decrease in the number of trips on the system because, similar to the Opportunities Study, the PA 18/39 project redesignated business park and industrial areas for residential uses.

The commenter is correct that the updated information provided in the recirculated Draft PEIR regarding hydrology, schools, Great Park Development in Irvine, Alton Parkway, Portola Hills issues, and water supply would not require recirculation under CEQA. Although the City was not required by CEQA to provide the public with an opportunity to comment on this updated information through recirculation, the City opted to provide its citizenry with a greater opportunity to comment than required by CEQA.

The commenter incorrectly implies that City delay resulted in the requirement to recirculate to address global climate change. While climate change analyses were not typical in EIRs at the time the Draft EIR was circulated for public review, as demonstrated on page 7-3 of the Recirculated DPEIR, many events occurred following the release of the Draft PEIR for public review. During that time, greater attention became focused on global climate change in CEQA documents. The City's decision to recirculate the Draft PEIR with additional information on the new Alternative 7, global climate change and other topics is fully consistent with CEQA's policies supporting public involvement in the decisionmaking process and disclosure of potential environmental impacts.

RTC 5-8 Consistent with section 15126.6 of the State CEQA Guidelines, the Recirculated DPEIR provides sufficient detail regarding Alternative 7 to allow a meaningful comparison with the proposed project. CEQA encourages providing the level of review that matches the level of project information available. Please see Response to Comment GRFO-1 for a more detailed discussion CEQA guidance on analytic specificity. As noted in that more detailed response, in general, given the program-level of information available about the project, the analysis in the EIR is generally of a program-level of detail. In this way, the PEIR has complied with CEQA and OPR guidance regarding the level of specificity in an EIR.

RTC 5-9 Project-level information is not yet available. Consistent with the analytic structure established in CEQA, the City has conducted environmental review at the earliest feasible time in the decision-making process, at the program level. The commenter incorrectly assumes that the City will seek to avoid CEQA compliance on the specific development proposals designed by developers within the Opportunities Study Area. Later site-specific developments will use this EIR to determine what level of additional review is required, consistent with State CEQA Guidelines sections 15152 and 15168.

RTC 5-10 CEQA Guidelines Section 15088.5(f)(3) states:

(3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the lead agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the EIR or on the entire EIR in order to be considered by the agency.

Neither the CEQA Guidelines nor the applicable Public Resources Code Sections (PRC Sections 21092, 21092.1, and 21153) require a Lead Agency to mail a copy of the document along with the notice.

As noted in the City's notice regarding the availability of the recirculated Draft PEIR, an electronic version of the environmental documents was available on the City's Opportunities Study website at: <http://www.city-lakeforest.com/opportunitiesstudy>

- RTC 5-11 State CEQA Guidelines section 15222 addresses the preparation of joint EIR/EIS documents. Section 15122 requires that an EIR contain a Table of Contents, not that a recirculated chapter contain a Table of Contents. Section 15088.5 which governs recirculation does not specify the need for a Table of Contents. Nevertheless, page 7-2 of the Recirculated DPEIR summarizes and specifies the location of the information contained in the chapter.
- RTC 5-12 The commenter is correct, the Chapter 7, the recirculated material is "not an EIR at all but simply revisions to portions of the DEIR" as permitted by CEQA Guidelines Section 15088.5(c). The comment provides no support for its contention that the Recirculated DPEIR contains information that requires substantial revisions to the Draft PEIR.
- RTC 5-13 As detailed in the above responses, the recirculated portion of the Draft PEIR complies with CEQA. The comments provide no information that would justify any additional public review pursuant to State CEQA Guidelines section 15088.5. Therefore, the City rejects the suggestion that the EIR undergo further recirculation.
- RTC 5-14 The existing traffic setting is described in Section 3.14.2 (pages 3.14-2 to 3.14-21) of the Draft PEIR. Table 3.14-1 provides the existing LOS at the study intersections. Please note that the traffic studies for the Draft PEIR and the Recirculated DPEIR were prepared in accordance with the methodologies suggested in the Caltrans' Guide for the Preparation of Traffic Impact Studies (December 2002) ("Caltrans Guide"). That guidance suggests that traffic impact studies for general plan amendments should address existing conditions as well as future build-out conditions, both with and without the proposed amendment. Future build-out conditions without the proposed amendments must assume implementation of the existing General Plan. Notably, Caltrans, the agency with traffic impact analysis expertise, reviewed the Draft PEIR and provided its comments on that document. (Letters from Robert Joseph to Gayle Ackerman, March 23 and 26, 2006.) Those comments did not indicate that the City's traffic analysis considered an incorrect baseline; rather, those comments noted that the Draft PEIR addressed planning level impacts, and subsequent environmental review would address project-level impacts as individual sites are proposed for development. Therefore, the City may presume that Caltrans has no comment to make or concerns regarding the methodology in the traffic impact analysis.

Consistent with State CEQA Guidelines section 15126.6 and with the alternatives analysis in the Draft PEIR, the analysis of new Alternative 7 focuses on how the

impacts of the alternative compare to those of the proposed project. CEQA Guidelines Section 15126.6 specifies the purpose of the alternatives analysis as follows:

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The analysis of Alternative 7 is consistent with this purpose. Additionally, subsections (a) and (e) of that section both make clear that the alternative's impacts are to be compared to the proposed project.

Please also see Response to Comment 5-15.

- RTC 5-15 Please also see Response to Comment 5-14. Section 15126.2 refers to the contents of an EIR, not an alternatives analysis. The Draft PEIR includes a setting section for each of the environmental issue areas that provides a description of the relevant conditions at the time the NOP was published.
- RTC 5-16 Consistent with State CEQA Guidelines section 15125(e), the Draft PEIR provides analysis of how the proposed project would result in changes in the existing conditions as well as the conditions anticipated with buildout under the existing General Plan. Please see Response to Comment 14 and 15, above, regarding the proper methodology for analyzing future impacts of general plan amendments. The alternatives analysis, consistent with State CEQA Guidelines section 15126.6(d), focuses on how the alternatives compare to the proposed project. There is no basis to claim that impacts of the project will be significant because the project's potentially traffic was judged against applicable thresholds. Also, please note that the project, and all alternatives, includes the LFTM and its associated roadway improvements.
- RTC 5-17 Please see Responses to Comments 14-16. The alternatives analysis and the Traffic Study for Alternative 7 focuses on how the alternatives compare to the proposed project consistent with CEQA Guidelines Section 15126.6(b).
- RTC 5-18 This comment quotes from a court ruling. Please note that this EIR is not comparable to the EIR invalidated in that case. The EIR in that case contained no discussion of existing conditions. Here, consistent with State CEQA Guidelines section 15125(e), this EIR addresses both existing conditions and general plan buildout.
- RTC 5-19 The commenter confuses the alternatives analysis with the project impacts analysis. The project analysis contained in the Draft PEIR addresses impacts in relation to existing conditions. The analysis of Alternative 7 contained in the Recirculated DPEIR addresses alternative impacts in relation to project impacts as provided in State CEQA Guidelines section 15126.6(e).

- RTC 5-20 See Response to Comment 19, above. The Traffic Analysis which RK Engineering Group Reviewed is for an alternative, not the proposed project. Please also see Response to Comment 14 and 15, above, which explains that the methodology of the traffic studies for both the Draft PEIR and Recirculated DPEIR are consistent with Caltrans guidance. Additionally, the comment fails to acknowledge that the traffic impacts of the project and its alternatives were analyzed against applicable thresholds that gauge roadway and intersection performance. The comment also fails to acknowledge that LFTM is a project component of both the proposed project and all alternatives. Thus, improvements necessary to ensure that local roadways and intersections affected by the project will perform at acceptable levels will be implemented as part of the project.
- RTC 5-21 Specific comments are addressed above and below. Both the Draft PEIR and Recirculated DPEIR are consistent with CEQA.
- RTC 5-22 The PEIR addresses the impacts of the proposed project on key drainages. These drainages are distinct and the effects of the project on each drainage are not additive with the other drainages. It is appropriate to consider impacts on a watershed or sub-watershed level. (Shilling, F., S. Sommarstrom, R. Kattelmann, B. Washburn, J. Florsheim, and R. Henly. California Watershed Assessment Manual: Volume I. May, 2005. Prepared for the California Resources Agency and the California Bay-Delta Authority.)
- RTC 5-23 This comment quotes from the recirculated portion of the Draft PEIR. As explained above, and in the quoted paragraph, the proposed project would reduce runoff from the OSA as a whole.
- RTC 5-24 Table 3.8-2 provides the reader with a comparison of project runoff to existing conditions (column 2) and to projected general plan conditions (column 3). The analysis considers the type and density of development under existing, project and General Plan conditions. Negative numbers indicate a reduction from existing conditions or from General Plan conditions. Given the much higher density of development and differences in land use types, runoff would be higher under the existing General Plan. Section 7.2.1 explains which runoff would be less under Alternative 7 than under existing conditions.
- RTC 5-25 Table 3.8-2 clearly provides a column with the change in proposed project runoff conditions compared to existing conditions. Moreover, the Recirculated DPEIR consistently uses the phrase “existing conditions” to refer to the existing environmental baseline.
- RTC 5-26 The Draft PEIR does not state that the proposed project will have similar hydrologic conditions as the existing conditions. Rather, based on project-induced changes in slope, vegetative cover, and soil infiltration, the proposed project and alternatives are likely to result in less runoff from the OSA as a whole. It should be noted that the majority of the project sites do not contain native vegetation. Most are cleared.

To ensure this result on a project-level, Mitigation Measure 3.8-5 requires that a hydraulic analysis once project-level information is available and prohibits issuance of a grading permit unless it can be demonstrated at a project-level that post-project stormflows will not exceed pre-project flows.

RTC 5-27 The hydrological analysis is clearly based on a comparison of the proposed project to existing conditions as shown in Table 3.8-2 (column 2). Additionally information comparing the proposed project to General Plan conditions is provided (column 3), however, this is supplemental information and is specifically permitted pursuant to State CEQA Guidelines section 15125(e).

RTC 5-28 Mitigation measure 3.8-5 clearly refers to existing conditions, not projected General Plan Buildout conditions. The mitigation measure requires demonstration that post-construction stormflows will not exceed preconstruction stormflows. If this can not be demonstrated, then the grading permit would not be issued. To make this explicit, the following language is added at the end of mitigation 3.8-5:

If it can not be demonstrated that post-construction stormflows to any City, County or other agency-owned drainage or flood control facilities as mitigated will not exceed preconstruction stormflow rates, a grading permit shall not be issued.

This mitigation is not improperly deferred; rather, it establishes a performance standard that will govern later hydrologic and hydraulic analyses. This type of mitigation is appropriate in a first-tier environmental document. (State CEQA Guidelines, § 15152(c).)

RTC 5-29 Project-level environmental review will be required for any development project within the Opportunities Study area once an application for the specific development is filed. Individual development projects will be required to comply with the mitigation measures specified in the PEIR, some of which mandate specific studies, as well as any project-level mitigation measures identified through project-level review. In addition, they will be required to comply with the City's standard conditions of approval specified as part of project approval. (See Topical Response 3). The State CEQA Guidelines encourage lead agencies to use this tiered analytical structure for long-term programs such as the proposed project. (State CEQA Guidelines, § 15152(b).) Where, as here, the development of specific mitigation for later program phases is not feasible at the first-tier stage, the first-tier EIR may formulate a performance standard with which later projects will comply. (State CEQA Guidelines, § 15152(c).) Here, specific stormwater control measures cannot be formulated until precise development plans are drafted. Thus, the EIR has not improperly deferred any analysis or mitigation.

RTC 5-30 Please see Response to Comment 5-29, above. The City is not improperly deferring hydrological mitigation. Rather, the City has specified the standard which must be met and provided that a grading permit will not be issued unless it can be demonstrated at

the project-level that the standard can be met. (See mitigation measure 3.8-5 and Response to Comment 5-28).

- RTC 5-31 The discussion of the MOU to establish a framework aimed at the stabilization of Serrano Creek is provided as background information. This regional effort is not a part of the proposed project, but is instead part of a broad range of actions being taken to address region-wide growth and hydromodification. The City's and IRWD's participation in the MOU does not make those separate and independent actions part of this project. Please see Draft PEIR, Chapter 2 (Project Description). As detailed in Responses to Letter 1 from the Regional Water Quality Control Board, Serrano Creek is not a City facility and the City has no responsibility for its remediation. As detailed in the Draft PEIR, the proposed project will not impact Serrano Creek regardless of whether any Creek remediation is conducted by the County.
- RTC 5-32 The commenter is incorrect, the proposed project and the MOU regarding a framework for addressing Serrano Creek are not part of the same project. The proposed project in no way assumes or depends on Serrano Creek improvements. The cases cited in the comment, therefore, have no application to this EIR.
- RTC 5-33 This is an (inaccurate) editorial comment. Comments related to the analysis of climate change are addressed below.
- RTC 5-34 The comment does not accurately characterize the analysis in the Recirculated DPEIR. Comparisons between existing conditions and project build-out are provided in each of the issue area discussions contained in the Draft PEIR.
- RTC 5-35 The climate change analysis quantifies the project's greenhouse gas emissions to the extent possible. No methodology is currently available to quantify to project's cumulative contribution to global greenhouse gas levels or to determine whether the project's contribution is individually significant, and the commenter has suggested no such thresholds. The Recirculated DPEIR acknowledged these uncertainties in the quantitative analysis. (Recirculated DPEIR, at pp. 7-23 to 7-25.) It then evaluated qualitative factors, such as increased VMT, energy use, and the state's efforts to reduce existing greenhouse gas emissions, and conservatively concluded that the project as a whole may contribute to global climate change. This approach is consistent with the goals of informing the public and decision-makers of the potential impacts caused by the proposed project. The lack of absolute certainty does not invalidate the analysis in the EIR. (State CEQA Guidelines § 15151.)
- RTC 5-36 See Response to Comment 5-35. The Recirculated DPEIR analyzes global climate change to the extent feasible. Based on the qualitative factors described above, the EIR conservatively concluded that the proposed project's incremental contribution would be significant.

- RTC 5-37 Mitigation Measure GCC1 establishes a standard which must be met at the project level. Mitigation GCC1 is one of eight mitigation measures included in the Recirculated DPEIR to address climate change concerns, many of which mandate very specific actions and project-level design features. Moreover, GCC1 does not avoid the development of mitigation measures; rather, it states that future project development pursuant to this program must be consistent with the State's ultimate plan for greenhouse gas reductions.
- RTC 5-38 This comment restates the description of Alternative 7.
- RTC 5-39 The commenter is incorrect in stating that on Site 7 no change in existing conditions means no change from General Plan buildout conditions under Alternative 7. No change means that the project will not result in any change in either the existing zoning or uses on Site 7. This is reflected in the analysis of all issue areas. In the case of the 2030 cumulative traffic impacts analysis, buildout of Site 7 consistent with the land use and zoning designations for the site is assumed as reasonable and foreseeable. (State CEQA Guidelines, § 15144.)
- RTC 5-40 The Draft PEIR provides a comparison of the 2030 project scenario to existing conditions in Table 3.14-12 and the Traffic Analysis for the proposed project contained in Appendix I of the Draft PEIR includes an existing plus project analysis in Section 5-12. However, due to the buildout horizon of the proposed project, the timing of planned funded and unfunded improvements to the MPAH system, the timing of cumulative projects in the area, and the anticipated growth in background traffic which will occur annually, future project conditions were compared to future without project conditions. According to the Caltrans Guide, a general plan amendment should compare the project's future traffic against future traffic under the existing general plan.
- Beginning at page 5-12 of the Traffic Report contained in Appendix I to the Draft PEIR, an analysis is presented which meets the CEQA requirements for a comparison of the project to existing conditions (i.e., no existing traffic generation from the project area). That section shows the traffic volumes obtained by adding traffic from the proposed project (City Preferred Plan) to existing traffic, irrespective of the proposed project's buildout timeframe. The Traffic Report also explained, however, that any comparative traffic analysis of full buildout of the proposed project versus existing traffic conditions would be hypothetical because of the actual buildout time frame of the project (eight to ten years). Hence the analysis is consistent with CEQA requirements by disclosing the volume comparison arising from this hypothetical scenario.
- For the purpose of determining appropriate mitigation for future impacts, however, the EIR also includes an analysis of the impacts of the project measured against future growth as envisioned in the existing General Plan. Because the existing General Plan's

circulation element was designed to accommodate the growth projected in the land use element, the Draft PEIR (an analysis of an amendment to the General Plan) to determine appropriate changes in the circulation system necessary to accommodate the changes in land use in the proposed project. Thus, by comparing project and without project buildout, and applying appropriate thresholds, the Draft PEIR and Recirculated DPEIR adequately analyze all potential traffic impacts of the project and the studied alternatives.

This is why the Draft PEIR, at pages 3.14-29 to 3.14-33, includes a discussion of the typical traffic engineering analysis performed when dealing with changes in allowable General Plan designations and zoning in order to determine identify future deficiencies in the roadway system anticipated with and without the proposed project, and to identify ways to address these deficiencies, i.e. to develop the LFTM program which is included as part of the proposed project.

Although the Draft PEIR includes the CEQA existing plus project scenario, as explained above, this scenario has little use value in identifying meaningful mitigation measures in the long-term cumulative context. The City has used the proposed project as an opportunity to identify a strategy for funding the long-term 2030 needed improvements to the traffic system to address both project and cumulative development, applying specific performance based thresholds, and to incorporate those improvements into the project in the form of the LFTM. The LFTM thus ensures that improvements occur as the project builds out.

The lower traffic generation of the Proposed Project and Alternative 7 and the LFTM improvements would result in a 2030 future with fewer intersection operating at LOS E or F than buildout under the existing General Plan, which would result in 16 intersections in the study area operating at LOS E or F in 2030 after implementation of both the committed and non-committed MPAH improvements. In comparison, the 2030 Proposed Project (with LFTM) Scenario (which includes project development in the Opportunities Study area, buildout of remaining portions of the City consistent with the General Plan, and cumulative development as detailed in Chapter 1 of the Draft PEIR and the Traffic Study included in Appendix I of the Draft PEIR) would only have three intersections operating at LOS E or F, with implementation of only the committed MPAH improvements. As to those three intersections, the project would not cause those intersections to perform at those levels; rather, non-project growth causes those operating deficiencies. Neither the Proposed Project nor Alternative 7 (which include the LFTM) would result in any intersection impacts. Rather, both the Proposed Project and Alternative 7 would result in a 2030 future with substantially less intersections operating at LOS E or F, than what would occur with buildout consistent with the existing General Plan.

Please also see Response to Comment 47, below.

- RTC 5-41 Please see Responses to Comments 5-40 and 5-14. Please note that the comment incorrectly claims that the Draft PEIR does not compare the project to existing, on the ground conditions. An analysis of the No Project / No Development Alternative is provided at pages 4-6 to 4-9 of the Draft PEIR.
- RTC 5-42 Please see Responses to Comments 5-1 to 5-41. The Draft PEIR and Recirculated DPEIR are both consistent with CEQA.
- RTC 5-43 Please see Response to Comment 5-40.

The main body of the Traffic Study contains the type of analysis typically done when considering long-range General Plan amendments. The comparison of the proposed project to existing conditions is addressed in an appendix to the Traffic Study for the proposed project contained in Appendix I to the DEIR. While a comparison of a proposed project to existing conditions works well for most of the CEQA issue areas, it is a comparatively meaningless analysis when it comes to traffic, as it results in only mitigation of a project's impacts compared to existing conditions, without consideration of cumulative impacts or planned improvements. The reality is that most EIR traffic mitigation is mitigation for a project's contribution to cumulative impacts, rather than just project impacts, both because a project is more likely to result in a cumulatively considerable contribution to cumulative traffic impacts and because mitigating a project's cumulative impacts is more likely to keep the roadway system at or near standards. The following example illustrates why:

In this example you have an intersection that is operating at LOS C (0.80) under existing conditions. The hypothetical project would have a less than significant impact even though it adds a lot of traffic to the intersection, raising the LOS value to D (0.90). However, cumulative traffic in the area would raise the existing LOS C to LOS D (0.90) without the proposed project (also less than significant alone). However, when project traffic is added to the cumulative scenario the LOS D changes to an LOS E (1.0), i.e. the project has had a significant cumulative impact and mitigation is required.

This example would hold true for the proposed project, as shown in the Table contained in RTC 5-44. For this reason, the Traffic Study for the proposed project focuses on the cumulative analysis. It also focuses on the question of whether the proposed project would result in greater or lesser future deficiencies that would occur on the adopted General Plan, and on how best cure any anticipated system-wide deficiencies. Please also see RTC 5-40.

- RTC 5-44 As shown in the following table, the proposed project's affect that the intersections of concern to the commenter is no greater than a 0.01 change in LOS value – a change essentially within the margin of forecasting error of most traffic studies. This is because of the distance of the proposed project to these intersections (see Figure

3.13-1). These three intersections would essentially be operating the same in the future with or without Alternative 7. The project results in a less than significant improvement to intersection #130 in the PM and a less than significant impact to intersections #131 and #132 in the AM. This is why no mitigation is suggested. (It should also be noted that any mitigation of these intersections is outside the jurisdiction of the City of Lake Forest and is under the jurisdiction of Laguna Woods).

Intersection Effects			
Intersections	Existing	General Plan	Alternative 7
130. Ridge Route Road at Moulton Parkway	.58 A/.72C	.56A/1.13F	.58A/1.12F
131. Santa Maria Avenue at Moulton Parkway	.50A/.67B	.98E/.99E	.99E/.99E
132. El Toro Road at Moulton Parkway	.79C/.82D	1.17F/1.02F	1.18F/1.02F

RTC 5-45 This is correct.

RTC 5-46 This is correct.

RTC 5-47 Please see RTC 5-40, 5-43 and 5-44.

One of the assertions in this comment letter is that the 2030 analysis did not include a “ground-to-plan” analysis. Only a “plan-to-plan” evaluation was carried out. However, the average daily traffic (ADT) volumes in the existing-plus-project were compared to the existing volumes to identify where impacts would occur. A threshold of 500 daily trips was used since this is a threshold where measurable peak hour trips of an intersection occur (an increase of more than one percent.)

This threshold was not exceeded south of I-5 except at Avenida Carlota. Impacts were identified there and mitigation proposed (these were discussed with and agreed upon by the City of Laguna Hills.)

The attached diagram shows the difference in ADT volumes between existing and existing-plus-project. It illustrates the finding that with the above exception, no impacts occur south of I-5.

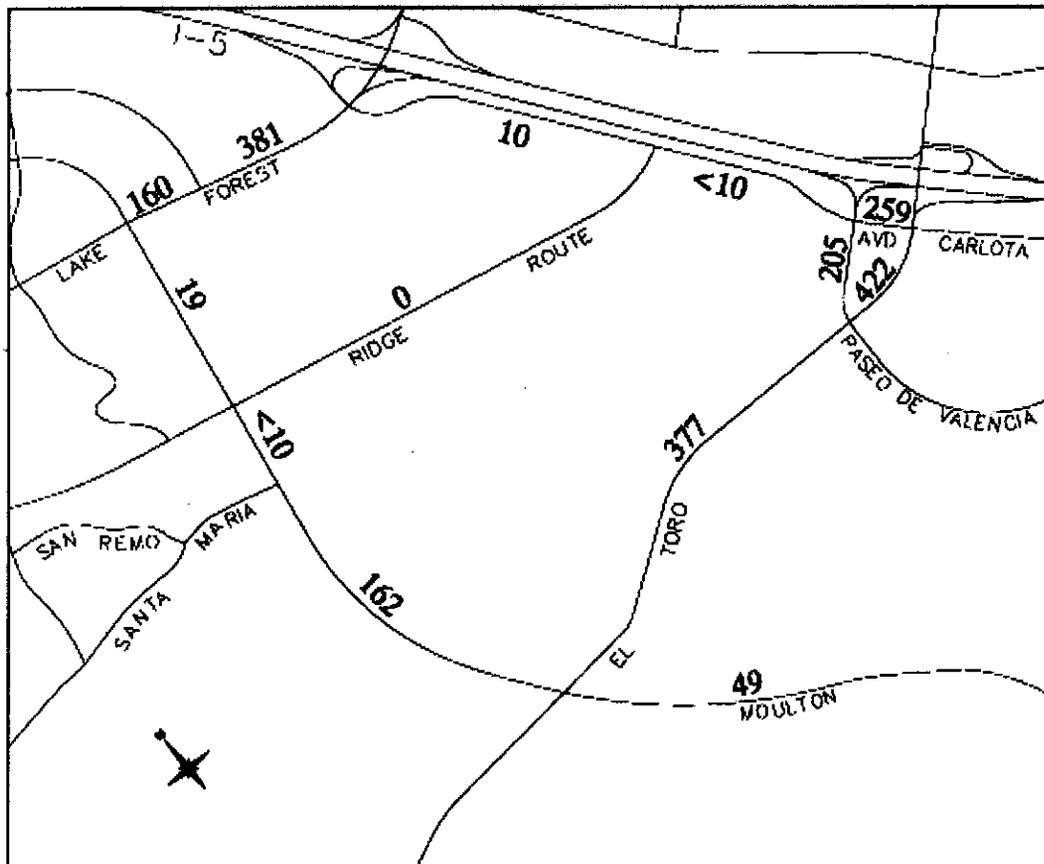


Figure 1
ADT VOLUME DIFFERENCES
- EXISTING-PI-US-PROJECT

RTC 5-48 The analysis contained in the DPEIR and RDPEIR is program-level and is necessarily a long-term analysis as the buildout dates of the various site-specific developments within the Opportunities Study area is unknown at this time. Project-level environmental review will be prepared for individual development proposals at the time applications are submitted to the City. Should additional intersection impacts be identified at that time, mitigation will be included.

The DPEIR and RDPEIR analyze the intersections which would be impacted by the proposed project and Alternative 7. The commenter assumes, but provides no evidence to support the contention that additional intersections would be classified as impacted under a project to existing conditions analysis.

RTC 5-49 Please see RTC 5-40 to 5-48.

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Letter 6

FEB 19 2008



CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Lake Forest Community Council

24861 Via Del Rio, Lake Forest, Ca. 92630
Phone/Fax: (949) 458-8402
<http://members.aol.com/lfcpc>

February 19, 2008

Ms. Gayle Ackerman
Developmental Services Director
City of Lake Forest
25550 Commercentre Dr.
Lake Forest, CA. 92630

Delivered 2-19-09

Subject: Opportunities Study EIR

Dear Ms. Ackerman:

The representatives of the Lake Forest Community Council, which comprises approximately 30% of the homes in our City, have substantial concerns with the additional traffic congestion that will be generated within the City of Lake Forest as a result of the proposed additional development in the Opportunities Study area.

The EIR identifies two primary issues of concern for Lake Forest residents:

- Fourteen (14) Lake Forest intersections will have Level of Service (LOS) ratings of E and F (failed) during AM or PM peak hours, even with the reduced housing volumes in Alternative 7 (Table 2 of the Traffic Study portion of the EIR).
- The potential mitigation measures for these intersections, identified in Table 6, involve mostly re-stripping of lanes and intersections, which at best can be identified as a minimal approach to improving the flow of traffic in these intersections.

6-1

While we realize that development of the Opportunities Study area will occur at some level, we have the following requests and questions regarding the EIR, in consideration of the above primary issues of concern:

- Has the City considered reducing the number of homes to a substantially lower number so as to reduce traffic and other impacts within the City? If not, why not?
- Have the additional traffic volumes of the proposed Musick Jail expansion been included in the traffic volume projections and intersection impacts, especially at Bake and Irvine Blvd.?
- The EIR does not consider the additional traffic impacts of the Great Park and the construction of additional housing in the Irvine area near the Great Park. Why aren't estimates of this increased traffic volume included in the EIR? Failure to include a reasonable estimate of this substantially increased traffic volume appears to negate the entire purpose of the EIR Traffic Study.

6-2

6-3

6-4

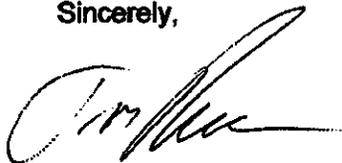
Lake Forest Community Council

Forest Gardens HOA, Lake Forest II MHA, Lake Forest Drive Association,
Serrano Park HOA, El Toro Mobile Estates HOA, Lake Forest Community Association, Serrano Highlands MHA

- Connecting Portola Parkway between Foothill Ranch and Irvine will enable traffic to bypass Bake, Lake Forest, and El Toro Road. Can the City delay some of the housing and commercial development in the Opportunities Study area until this Portola Parkway connection is completed? 6-5
- Regarding the proposed mitigation measures identified in Table 6, will the City implement the following additional mitigation measures? If not, why not?
 - Widen Bake Parkway to 3 lanes on both sides from Irvine Boulevard to Foothill Ranch 6-6
 - Widen, wherever possible, the 14 intersections to include separate and additional right turn and through lanes. 6-7
 - Improve signal timing at each individual intersection, and coordinate signal timing between the impacted intersections. 6-8
 - What intersection mitigations is the City considering, if any, other than those identified in Table 6? 6-9

While we appreciate the City's efforts to reduce traffic and other impacts via the various alternatives compared to the General Plan, the residents of the City of Lake Forest will suffer from additional traffic congestion as a result of development in the Opportunities Study. We ask the City to consider a greater effort to reduce the impact of the increased traffic volumes via the above suggestions and other new and innovative ideas, rather than just the re-striping of a few intersections.

Sincerely,



Jim Richert
President

Lake Forest Community Council

Forest Gardens HOA, Lake Forest II MHA, Lake Forest Drive Association,
Serrano Park HOA, El Toro Mobile Estates HOA, Lake Forest Community Association, Serrano Highlands MHA

■ Letter 6 - Response to Lake Forest Community Council

RTC 6-1

The Lake Forest Community Council has identified the following two issues: (1) that fourteen intersections will have LOS E or F in 2030 even with the reduced volumes of Alternative 7 and (2) that the mitigation measures listed in Table 6 of the Recirculated Draft PEIR mainly involve restriping, which the commenter considers minimal mitigation.

LOS values in Table 7.4-3 for the 2030 MPAH Alternative 7 scenario assume improvements included in the Master Plan of Arterial Highways (MPAH) specified in Tables 3.14-4 and 3.14-5 of the Draft PEIR (see page 4 of the Traffic Study included in Appendix N). The LOS values in Table 7.4-3 are pre-implementation of the LFTM improvements and the improvements specified for Alternative 7 (see Table 6 in Appendix N). Under Alternative 7, 14 study area intersections would operate at LOS E or F before: (1) implementation of the measures specified on Table 6 of the Traffic Study for this alternative which address intersections 2, 14, 22, 30, 32, 37, 105, 117, and 125; and (2) implementation of the improvements for the remaining LFTM intersections specified in Table 3.14-15 of the Draft PEIR (i.e. improvements for intersections 10, 12, 17, 23, 26, 31, 34, 36, 39, and 41). In total 19 intersections would receive improvements (beyond those included in the MPAH) under Alternative 7.

The lower traffic generation of the Proposed Project and Alternative 7 (including the LFTM improvements) would result in a 2030 future with fewer intersection operating at LOS E or F than buildout under the existing General Plan, which would result in 16 intersections in the study area operating at LOS E or F in 2030 after implementation of both the committed and non-committed MPAH improvements. In comparison, the 2030 Proposed Project (with LFTM) Scenario (which includes project development in the Opportunities Study area, buildout of remaining portions of the City consistent with the General Plan, and cumulative development as detailed in Chapter 1 of the Draft PEIR and the Traffic Study included in Appendix I of the Draft PEIR) would only have three intersections operating at LOS E or F, with implementation of only the committed MPAH improvements. Neither the Proposed Project nor Alternative 7 (which both include the LFTM) would result in any intersection impacts. Although there would be some intersections operating at LOS E or F in the future under either the Proposed Project or Alternative 7, this would be the result of cumulative development and not the Proposed Project or Alternative 7. Rather, both the Proposed Project and Alternative 7 would result in a 2030 future with substantially less intersections operating at LOS E or F, than what would occur with buildout consistent with the existing General Plan.

The mitigation measures identified in Table 6 of the Traffic Study for Alternative 7 (which are included in the LFTM under this alternative) mitigate the impacts of the Alternative. Mitigation is not measured by how extensive the physical changes are, but by whether impacts of the proposed action or alternative are less than significant with the specified improvements. The identified mitigation is sufficient to ensure that impacted intersections operate at acceptable levels of service.

- RTC 6-2 Private land owners currently have the right to develop their property consistent with the land use designations specified in the City's General Plan (and corresponding zoning) and existing development agreements. As detailed in Response to Comment 1, both the Proposed Project and Alternative 7 would result in a change in allowable land uses within the Opportunities Study area. This proposed change in land uses would reduce the number of intersections operating at LOS E or F compared to conditions anticipated to occur by 2030 with buildout based on what is currently allowed under the General Plan, as detailed in Response to Comment 1.
- The Opportunities Study thus represents the City's effort to reduce the traffic impacts of future development. The Proposed Project substitutes less trip-generating uses for what currently allowed under the City's General Plan and thus would result in a reduction of 79,974 daily trips, compared to the trip generation from the uses currently allowed within the Opportunities Study area by the existing General Plan. Alternative 7 reduces the amount of housing, from what would be allowed under the Proposed Project and would thus result in an additional reduction of 11,817 daily trips compared to the Proposed Project. Further, traffic impacts caused by the project will be mitigated through the implementation of the LFTM Program. Other impacts related to the proposed project, and the alternatives, will be mitigated to the extent feasible as described in the Draft PEIR.
- RTC 6-3 The County of Orange analyzed the expansion of the Musick Facility in Final EIR No. 564, which the County certified in 1996. The cumulative development included in the 2030 General Plan, Proposed Project and Alternative 7 scenarios is detailed in Tables 1-1 and 1-2 of the Draft PEIR. Musick has already been included in local traffic models since it was approved in the 1990s. The analysis includes all past, present and reasonably foreseeable projects as of the date the NOP for the Opportunities Study EIR was issued, as required by CEQA.
- RTC 6-4 See Response to Comment 3. The Community Reuse Plan for MCAS El Toro is cumulative project number IR-A, included in the Traffic Analysis. Please also see Section 7.2.3 for a discussion of Great Park Development in Irvine.
- RTC 6-5 As noted in Chapter 3.0, the MPAH system assumed in this traffic analysis includes new roadway and roadway improvements in the City of Lake Forest that are not currently committed (i.e., funded). They are the extension of Portola Parkway from just west of Alton Parkway to SR-241, the extension of Ridge Route Drive from just west of Rockfield Boulevard to Avenida de la Carlota, and the widening and grade separation of Ridge Route Drive at the railroad crossing between Jeronimo Road and Muirlands Boulevard. The time frame for implementing these unfunded improvements is currently unknown, and also future MPAH amendments could affect the implementation of some or all of the improvements mentioned here. Accordingly, the LFTM Program addresses a future scenario that did not include these new roadway links in the LFTM implementation time frame. The intent was to ensure adequate levels of service without these links so that a fully funded implementation program could be established that addresses the 2030 traffic demands in the City of Lake Forest. For this reason, it is not necessary to delay development in the Opportunities Study area until the Portola Parkway extension is completed.

- RTC 6-6 The commenter suggests requiring the widening of Bake Parkway to 3 lanes on both sides from Irvine Boulevard to Foothill Ranch as an additional mitigation measure. The suggested measure is not necessary to address any project impacts; therefore, this measure is rejected. (State CEQA Guidelines, § 15126.4(a)(3).)
- RTC 6-7 The commenter suggests requiring the widening of 14 intersections to include separate and additional right turn and through lanes as additional mitigation measures. Such measures are not necessary to address any project impacts; therefore, this measure is rejected. (State CEQA Guidelines, § 15126.4(a)(3)). Furthermore, as detailed in RTC 6-1, with the proposed project, which includes the LFTM, only three intersections within the City would operate at LOS E or F by 2030 with the proposed project (with the non committed MPAH improvements), compared to 16 intersections under the existing General Plan (with both the committed and non-committed MPAH improvements). Remaining deficiencies are the result of cumulative development and not the proposed project.
- RTC 6-8 The commenter suggests requiring improvements to signal timing at individual intersections and coordinating signal timing between impacted intersections as additional mitigation measures. The Traffic Analysis is based on intersection capacity assumptions that do not assume optimal signal timing and the nature of the model is such that signal timing improvements are not used as mitigation. Over time the City adjusts signal timing to address changing conditions. The City will continue to do this as a standard practice. Because signal timing is not necessary to address any project impacts, this proposed mitigation measure is rejected.
- RTC 6-9 Please see Response to Comment 1. The LFTM improvements included as part of the Proposed Project are shown in Table 3-14-15.
- Alternative 7 includes improvements for intersections 2, 14, 22, 30, 32, 37, 105, 117 and 125 specified in Table 6 of the Traffic Study for Alternative 7 included in the Recirculated DPEIR and the LFTM improvements to the remaining intersections specified in Table 3.14-15 of the Draft PEIR.

PUBLIC UTILITIES COMMISSION

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320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

FEB 20 2008



Letter 7

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

February 19, 2008

Cheryl Kuta
City of Lake Forest
25550 Commercentre Drive,
Lake Forest, CA 92630

Dear Ms. Kuta:

Re: SCH# 2004071039; Lake Forest Opportunities Study

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

Commission staff is in receipt of the *Notice of Completion & Environmental Document Transmittal-Recirculated Portions of the Draft PEIR* from the State Clearinghouse. As the state agency responsible for rail safety within California, we recommend that the City add language to the General Plan so that any future planned development adjacent to or near the Metrolink's Orange County Line right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Mitigation Measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosa Muñoz", written over a horizontal line.

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Rob Harris, SCRRA

■ Letter 7 - Response to Public Utilities Commission

- RTC 7-1 The City notes the Public Utilities Commission's (PUC's) jurisdiction over the safety of highway-rail crossings. Please note that no highway-rail crossings exist within the project area, nor would the project result in any impacts to such crossings.
- RTC 7-2 The proposed project would not result in any significant impacts to highway-rail crossings as no development is proposed adjacent to or near the Metrolink's Orange County Line as part of this project. The suggested changes to the City's General Plan are outside the scope of the proposed project, but will be considered by the City as part of any future update to the City's General Plan.
- RTC 7-3 The City notes the PUC's suggested mitigation measures. However, as noted in RTC 7-1, no impacts to highway-rail crossings are anticipated to result from the proposed project. The proposed mitigation is, therefore, rejected. The suggested mitigation measures are noted as options for any future projects within the City should they be shown to impact highway-rail crossings.

Letter 8

Lewis Investment Co.

1156 North Mountain Avenue / P.O. Box 670 / Upland, California 91785-0670
909/949-6737 FAX: 909/912-8126

February 19, 2008

City of Lake Forest
25550 Commercentre Dr.
Lake Forest, CA 92630
Attn: Gayle Ackerman

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FEB 19 2008

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Re: Opportunities Study Program
DEIR – Alt. 7

Dear Gayle:

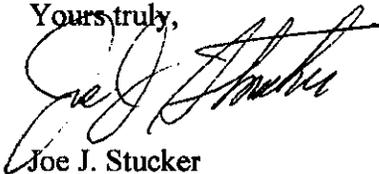
On behalf of IRWD, we have reviewed the latest Draft Environmental Impact Report, Chapter 7. We find that there are a few sections that require modification in order for the report as a whole to remain consistent. We pass along these comments for your review in the order that they appear in the report:

1. Page 7-18: In the third paragraph on Jobs Housing Balance the Proposed Project is still shown as 5,415 rather than the new number of 4,738. } 8-1
2. On the same page, in the table, the 2035 jobs for the Proposed Project drops considerably from the Current General Plan number without any explanation. We presume that it is caused by the drop in industrial/commercial uses, which should be pointed out in order to understand the basis for the table. } 8-2
3. Page 7-26: The first paragraph under Vehicle Miles Traveled estimates a major increase in CO2e seemingly without considering new technology, alternative fuel mandates, and increased use of mass transit. } 8-3
4. Page 7-36: The title to section 7.4 appears to not recognize the Public Facilities overlays on Sites 1, 3, and 4 (only Site 9 mentioned). } 8-4
5. Page 7-37: Previous documentation has consistently referred to the “total” amount of Community Center square footage as 44,000. At one point the expectation was that all 44,000 square feet would be built adjacent to the City Hall site. More recently it has been proposed that only the Senior Center would adjoin the City Hall site, and the more active Community Center would be on the Sports Park site. Yet the second paragraph refers to the 44,000 square foot Community Center being on Site 3 and the next paragraph proposes another 30,000 square feet on Site 4 with the Sports } 8-5

- Park. If the later is accurate, it would appear that only 14,000 square feet of Community Center should be shown for Site 3. The reference to a 3 acre Community Center (with 30,000 square feet of building) on Site 4 is restated on page 7-49 under Population/Housing. 8-5
6. Page 7-37: In the fourth paragraph when discussing the Public Facilities overlay, the sentence that starts "The underlying land use designation..." should add at this point in the sentence "...on the General Plan Amendment" ... 8-6
7. Page 7-39: On the table when referencing Site 3 it lists both the 10 acres of Public Facilities (which in previous sections is said to include 3 acres of park) and 7 acres of park. This is not consistent with page 7-37. On page 7-37 it lists 8 acres of "neighborhood park" for Site 2, but none for Site 3. On that same page under Aesthetics it should say sports park "and community center" to be consistent with other sections. 8-7
8. Page 7-51: Under Recreation, in the bullet points it says 10 acres of public facilities (Community Center, City Hall, and active park). Yet in the paragraph below this it states that IRWD will have 7-10 acres of parkland. Need to clarify. 8-8
9. Page 7-53: In the table it lists 160,000 and 2,042,000 square feet of Commercial and Business Park uses, yet in the table on 7-39 it shows only 360,000 square feet. Also under Park in the table it shows 44 acres, while on 7-39 it shows 40 acres. 8-9
10. Page 7-57: In the last paragraph before Wastewater there is a typo in the water demand number. 8-10

We appreciate the chance to provide our comments and look forward to completing the review process and certification of the EIR. Should you have any questions about our comments please give me a call.

Yours truly,



Joe J. Stucker
V.P. Land Sales & Disposition

Cc: Terry Loomis-IRWD
John Young-Lewis

■ Letter 8 - Response to Lewis Investment Co.

- RTC 8-1 The dwelling unit figure of 5,415 is used throughout the global warming and other analyses to be consistent with the description of the Proposed Project from the 2006 Draft PEIR. As analyzed in the Recirculated DPEIR, Alternative 7 could include up to 4,738 dwelling units. The analysis of Alternative 7 includes a comparison to the Proposed Project for the purposes of determining whether impacts would greater than or less than the Proposed Project.
- RTC 8-2 The commenter correctly notes that the difference in the number of jobs under the proposed project, as compared to the existing general plan, is caused by the difference in land uses proposed, i.e., the commercial and industrial land uses allowed under the current General Plan would generate more jobs than the proposed residential and mixed use development under the proposed Opportunities Study General Plan Amendment. The improvement in the jobs/housing balance under the proposed project is relevant to the global climate change analysis as it is one factor that partially mitigates the project's new greenhouse gas emissions.
- RTC 8-3 On page 7-24 the Recirculated DPEIR recognizes that it provides a conservative "worst-case" scenario because estimates of VMT do not currently account for future technology changes. Specifically, the Recirculated DPEIR states,
- "...the analysis below is based on methodologies and information available to the City of Lake Forest at the time the RDPEIR was prepared. The estimation of GHG emissions in the future do not account for changes in technology that may reduce such emissions; therefore, the estimates are based on past performance and represent a scenario that is worse than that which is likely to be encountered."*
- RTC 8-4 The Public Facilities Overlay is discussed further in the 4th paragraph of section 7.4 and is illustrated on Figure 7.4.1 on sites 1, 3, 4, and 9. The titles of the Alternatives are merely intended to briefly describe how each alternative differs from the proposed project.
- RTC 8-5 The Draft PEIR and Recirculated DPEIR assume a worst case scenario. During Phase 2 of the Opportunities Study, the City conducted a needs analysis to determine the appropriate size for a community center and city hall based on the projected population at buildout of the City. The needs assessment indicated that a City the size of Lake Forest would need a 44,000 sf community center and a 44,000 sf city hall to house all of the services desired by the community. Most of the analyses performed for the Opportunities Study assumed that the City Hall, Community Center and Sports Park would be located on the same site. Alternative 7, however, separates the sports park site and community/civic center site. In that Alternative, the City would propose to put an active community center (such as a gymnasium) at the sports park site because of the symmetry of uses that could be achieved. That analysis further

assumed two 44,000 sf facilities (community center and city hall) on Site 3 as a worst case scenario. By analyzing over 100,000 sf of community facilities in the two possible locations the Draft PEIR analysis covers the potential traffic generation and other impacts related to the proposed community facilities at various locations.

RTC 8-6

Pursuant to the commenter's suggestion, the fourth paragraph on page 3-37 will be revised as follows:

In order to implement Alternative 7, the City will create a General Plan overlay on Sites 4 (Baker) and 9 (Rados) and portions of Sites 1 (Shea Baker) and 3 (IRWD). The Public Facilities Overlay designation applies to areas on Sites 3, 4 and 9 which may be acquired by the City for public facilities and on Site 1 which may be acquired by Saddleback Valley Unified School District for school use. The underlying land use designation with the proposed General Plan Amendment represents the planned uses of the land should public facilities not occur at these locations in whole or in part. The public facilities overlay is placed on properties with General Plan Land Use designations that would allow public facilities and parks. The intent of this overlay is to indicate potential sites for future public facilities, government buildings, schools, and community parks. The DEIR analysis assumes the following areas will receive the Public Facilities Overlay, as shown on **Figure 7.4-1**.

RTC 8-7

The Community/Civic Center would be on an approximately 7 acre site and up to 3 additional acres would be used for neighborhood park.

Table 7.4-1 is modified to specify 3 acres of park and 7 acres of public facilities on site 3. Table 7.4-1 on page 7-39 of the RDPEIR is replaced with the following:

Site	Gross Site Area	Total Net Site Area	Max. # of Units	Total Comm'l SF	Total Industrial SF	Park (acres)	Public Facilities
Site 1	387	329	2,815	320,000	0	25	0
Site 2	243	164	930	40,000	0	8	0
Site 3	82	49	833	0	0	<u>3</u>	<u>7</u>
Site 4	50	45	0	0	0	0	50
Site 5	13	12	75	0	0	In-lieu fees	0
Site 6	18	18	85	0	0	In-lieu fees	0
Site 9	13	10	0	0	0	0	13
Subtotal	806	627	4,738	360,000	0	40	73

This typographical change to the table to reduce park and public facilities acreage in Site 3 does not alter the conclusions in the PEIR.

RTC 8-8 On page 7-51 of the recirculated Draft PEIR the following typographical change has been made so that the narrative is consistent with the bulleted description:

Thus, development under this alternative would result in 25 acres of parkland on the Shea/Baker site, 8 acres on the Portola site, ~~7-10~~ 3 acres of parkland on the IRWD site, 47 gross acres of sports park on the Baker Ranch site, and 13 gross acres of sports park on the Rados site. It is assumed at this program level of analysis that the Whisler and Pacific Heritage sites would not contain any parkland and that in-lieu fees would be paid; however, neighborhood park facilities may be added at the project level. In addition, trails would be provided that connect to existing trails, connecting the northern portions of the City with southern portions of the City as well as the City to the Great Park, Aliso Beach, and the Pacific Ocean. Thus, this alternative would result in an additional 100 acres of parkland and public facilities within the City of Lake Forest.

This typographical change to the table does not alter the conclusions in the PEIR.

RTC 8-9 The differences in commercial and business park uses between Tables 7.4-1 and 7.4-2 relate to how the trip generation for the traffic study is done. In order to make the trip generation for Alternative 7 consistent with the assumptions used for all of the other alternatives, the traffic study includes all 8 of the sites that are considered throughout the alternatives. Also, the trip generation is done by TAZ, and the TAZ which contains the Baker site (Site 4) contains additional business park uses.

RTC 8-10 The commenter is correct. The text should indicate that the total water demand for Alternative 7 is 1,748,530 gpd. The text is missing a digit and indicates 1,78,530 gpd. Correction will be made on page 7-57 as follows:

Thus, the total difference applicable to this analysis in development scenarios between the Proposed Project and Alternative 7 consist of a decrease in 677 residential units and 288,720 sf of commercial and the additional parkland. Using the same water demand factors as presented in Table 3.15-6, development under Alternative 7 would result in a water demand that is approximately ~~1,748,530~~ 1,748,530 gpd or 286,198 gpd less than the Proposed Project. (This number is based on the calculation method used in the Draft PEIR. See Section 7.2.7 for IRWD calculation.) As discussed under Impact 3.15-2, and Section 7.2.7, IRWD can adequately supply water to the Proposed Project. Also, as discussed in Impact 3.15-1, the existing water treatment facilities can adequately provide service for the Proposed Project. Since Alternative 7 would generate less water demand than the Proposed Project, development under this alternative would not generate additional demand or require additional water treatment

facilities or expansion of existing facilities. Impacts related to water demand and water treatment facilities would be less than under the Proposed Project and would be less than significant.

**PORTOLA
HILLS II**

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FEB 11 2008

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

February 7, 2008

Portola Hills II Homeowners Association
c/o Villageway Management
P.O. Box 4708
Irvine, CA 92616

SENT VIA FIRST-CLASS MAIL

Gayle Ackerman
Director of Development Services
City of Lake Forest
25550 Commercentre Dr., Suite 100
Lake Forest, CA 92679

Re: Lake Forest Opportunity Study Program Draft Environmental Impact Report

Dear Ms. Ackerman:

The Portola Hills II Homeowners Association represents a planned unit development of 692 homes in Portola Hills. The Portola Hills community was established in 1986 by a development agreement between the County of Orange and The Baldwin Company.

After completion of the development, the Baldwin Company offered the slope areas bounding the outside of Portola Hills II to the County of Orange free and clear, but the County refused ownership and the ownership became the responsibility of the Association.

The County was unable to solve the problem of landslides when Portola Hills was originally developed, leaving a legacy of high costs to Portola Hills II property owners who are now residents of The City of Lake Forest.

As you are probably aware, ancient landslides underlie Portola Hills. The PH II Association undertook litigation with Baldwin's subcontractors for improperly grading the slopes behind Willow Brook and Jasper Hill Road. The Portola Hills II Homeowners Association was awarded \$500,000 as a result of the litigation.

The PH II Association is currently contracting the repair of the slope behind Jasper Hill Road to be completed in the winter of 2008. In addition, the PH II Association pool is shifting due to soil compaction problems in an area of 80-foot deep fill. The soils geologist concluded that the pool must have grout injected underneath to shore up the site. Repairs are estimated to take six months to complete.

Villageway Management, Inc.
(949) 450-1515 • Fax (949) 585-0146
P.O. Box 4708 • Irvine, CA 92616

We are concerned that the development of Portola Center may destabilize the homes residing on the slopes above the site. The construction and vibration caused by the development of Portola Center may undermine the stability of resident property on Malabar Road and threaten the safety of our current homeowners.

The developer has stated that 75 percent of the grading for the remaining 243 acres of Portola Hills was completed at the same time that our association lands were graded. If the Portola Center site was graded to the same standards as the Portola Hills II slopes, future residents of Portola Center may have to bear high expenditures as their slopes also fail. Landslide hazards exist on the Portola Center parcels beneath Malabar Road and also flank both sides of Glenn Ranch Road.

9-2

In addition, the development of Portola Center will require areas of deep fill similar to those that exist in our association property. Will these areas of fill be stable? Or will these fill areas also experience settling as has occurred under our association pool and under the three closed buildings of Portola Hills Elementary. Has the City of Lake Forest studied the landslide hazards regarding Site 2? If so, please provide this association with the site specific plans to mitigate the landslide problem.

Part of our due diligence as the PH II Homeowners Association Board is to support good planning and a safe environment for our homeowners. We ask that the City require the developers of Portola Center be conditioned to conduct detailed geotechnical analysis with an independent third party engineering geologist that is acceptable to both parties, to determine if the Portola Center project grading (existing and proposed) could result in impacts to existing community slopes. The geologist should also identify any remedial grading required to mitigate any potential impacts to Portola Hills II slopes.

9-3

Additionally, the City should require the developer of Portola Center to bond for any future slope repairs required by Portola Hills II in this area. These conditions will likely require a series of borings and trenches on Portola Hills II properties. We request that this be a condition of approval for the Portola Center project.

9-4

In addition, we would like to see plans that maintain proper egress and ingress onto Saddleback Ranch Road from the homes that will flank the road. The Orange County Fire Authority requires a minimum of two roads for the development of 150 or more residential units. The developers' concept plan included in the DEIR shows only one access road from each of the three pads being developed. The Portola Hills II Homeowners Association is in a Fire Hazard Zone and our residents must have access to safe emergency egress from this neighborhood if necessary.

9-5

We are concerned that the intersection of Saddleback Ranch Road and Glenn Ranch Road was omitted from the draft EIR's traffic and noise studies. How will traffic congestion be mitigated at the intersection Saddleback Ranch Road and Glenn Ranch Road? We understand that the Portola Center project will generate approximately 19,200

9-6

Average Daily Trips. How will the increased traffic and noise level this project generates in our neighborhood be mitigated?

9-6

We look forward to the resolution of the geologic, safety and traffic issues presented in this letter and in working together with the City of Lake Forest to ensure that the development of Portola Center is compatible with our existing community.

9-7

Sincerely,

PORTOLA HILLS II HOMEOWNERS ASSOCIATION

**cc: Mayor Richard Dixon
Mayor Pro Tem Mark Tetterer
City Council Member Peter Herzog
City Council Member Marcia Rudolph
City Council Member Kathryn McCullough**

■ Letter 9 - Response to Portola Hills II

- RTC 9-1 The City notes the commenter’s discussion of the history of slope stability issues in Portola Hills.
- RTC 9-2 Please see Topical Response 10 which addresses landslides and Section 3.6 of Topical Response 3 which details the City’s Standard Conditions of approval for geology, soils and mineral resources. Site-specific geotechnical studies will be required prior to development in the Portola Hills area as part of project-level environmental review. Standard Condition of Approval G3 states:
- G3 Prior to approval of the final design plans and issuance of a grading permit, the applicant shall conduct a site-specific geotechnical investigation for the entire site and prepare a report that fully assesses the geologic and soil conditions of the site. As part of the report preparation, soil sampling and any geotechnical testing will be completed at each location where structures are to be erected. The report shall provide grading and structural design recommendations for avoiding liquefaction, subsidence or collapse for each of the proposed structures. The recommendations shall be implemented by the Project Applicant.
- Future development will also be required to comply with seismic safety design and other criteria contained in the City’s Building Code. As explained in the Draft PEIR, compliance with statutory requirements will ensure that impacts are less than significant.
- RTC 9-3 Please see Response to Comment 9-2. Any geotechnical firm used to prepare site-specific geotechnical studies for developments in the Opportunities Study area must be acceptable to the City, which will review the geotechnical report prior to approval of the final design plans and issuance of any grading permit, pursuant to the City’s Standard Condition of approval. The study would recommend any mitigation necessary to address project-specific impacts.
- RTC 9-4 The necessity for any slope repair, and the specific details regarding any such measures, would be addressed in the geotechnical report that would be prepared at a project-specific level.
- RTC 9-5 Site design and access will be addressed at the project-level of review. Section 3.12 of Topical Response 10 lists the City’s Standard Conditions of approval regarding project-level review of development proposals by the Fire Chief. Once more detailed site plans are developed, and as part of project-level review of development proposals within the Opportunities Study area, fire safety and access issues will be addressed. Please note that the concept plan to which the comment refers is conceptual, and is not intended to illustrate final circulation and access plans.

- RTC 9-6 Please see Topical Response 9. The Draft PEIR is a first tier level of environmental review. As a first tier document, it is focused on program-level and cumulative impacts, as provided in State CEQA Guidelines section 15168(b). Saddleback Ranch Road/Glenn Ranch road, which is located completely within the Portola Center site, will be examined as part of project-level review of the Portola Center project submittal. Complete analysis of that intersection at this time would be speculative given that the location of proposed residential and commercial land uses within the site and site layout are not known at this time. Project-specific traffic, noise and other impacts will be addressed in second-tier, project-specific environmental review.
- RTC 9-7 The City thanks the Portola Hills II Homeowners Association for its comments and continued involvement in the Opportunities Study process.

Letter 10

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FEB 19 2008

February 19, 2008

Vince and Lorena Hernandez
6 San Andres
Rancho Santa Margarita, CA 92688

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

**RE: APN 606-161-10
Comments in response to the Revised Draft Environmental Impact Report**

Ms. Gayle Ackerman, Development Services Director
Ms. Cheryl Kuta, Senior Planner
Building/Planning/Public Works Department
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Dear Ms. Ackerman and Ms. Kuta:

My wife and I are the fee simple owners of the property with APN #606-161-10 in the City of Lake Forest.

My representatives and I have met with you and your representatives on a number of occasions, most recently this morning.

Please accept this letter as my comments concerning the proposed development of Site 2 as identified in the PEIR, and more particularly Section 7.2.5, which directly affects my property as an adjacent landowner.

- I am reserving all my rights to develop my parcel pursuant to the Portola Hills Planned Community zoning and uses as set forth in Orange County Ordinance Number 3613, approved by the County Board of Supervisors on December 17, 1986, and consistent with the Planned Community District regulations of the City of Lake Forest Municipal Code. 10-1
- The zoning of my parcel is Business Park pursuant to O.C. Ordinance 3613 and as indicated on The City of Lake Forest zoning map (see City of Lake Forest Zoning Map, Exhibit "1", which has been and continues to be published by the City of Lake Forest). 10-2
- The allowable uses include all those uses identified in O.C. Ordinance 3613, including those identified within Section X, pages 41 – 48, of the Portola Hills Planned Community Development Plan & Supplemental Text, including without limitation, and more particularly, items a7 through a14 and a16 through a23 (See Exhibit "2"). 10-3

RE: APN 606-161-10

Comments in response to the Revised Draft Environmental Impact Report

Ms. Gayle Ackerman, Development Services Director
Ms. Cheryl Kuta, Senior Planner
Building/Planning/Public Works Department
City of Lake Forest
February 19, 2008
Page 2

- Site 2 has Business Park zoning and the same uses as my parcel (Exhibits "1" and "2"). 10-4
- My parcel has a 40 foot wide access over and through Site 2 and/or to the nearest Public Street from my parcel (See Exhibit "3").
- There are no biological concerns precluding development of Site 2 or my adjacent parcel that either need mitigation or that cannot be mitigated (PEIR). 10-5
- There are presently no geological inconsistencies between Site 2 and my adjacent parcel, nor any geological issues precluding development of Site 2 or my adjacent parcel. 10-6
- All proposed Site 2 traffic planning should include planning for traffic type and volume to my adjacent parcel consistent with and pursuant to all of the above, including the existing zoning, uses, and access rights to my adjacent parcel. 10-7

I am currently drafting plans to submit together with a pre-application, as suggested by Ms. Ackerman this morning, or I may simply proceed with a building permit application along with a full set of plans. 10-8

I am open to discussing with the City of Lake Forest how any rezoning of Site 2 might include the rezoning of my parcel with like ~~and~~ kind zoning/use. 10-9
V. H.

Should you have any questions or concerns, you may contact me in writing at the address above or feel free to call me at 949-632-1958.

Very Truly Yours,


Vince Hernandez

EXHIBIT “1”

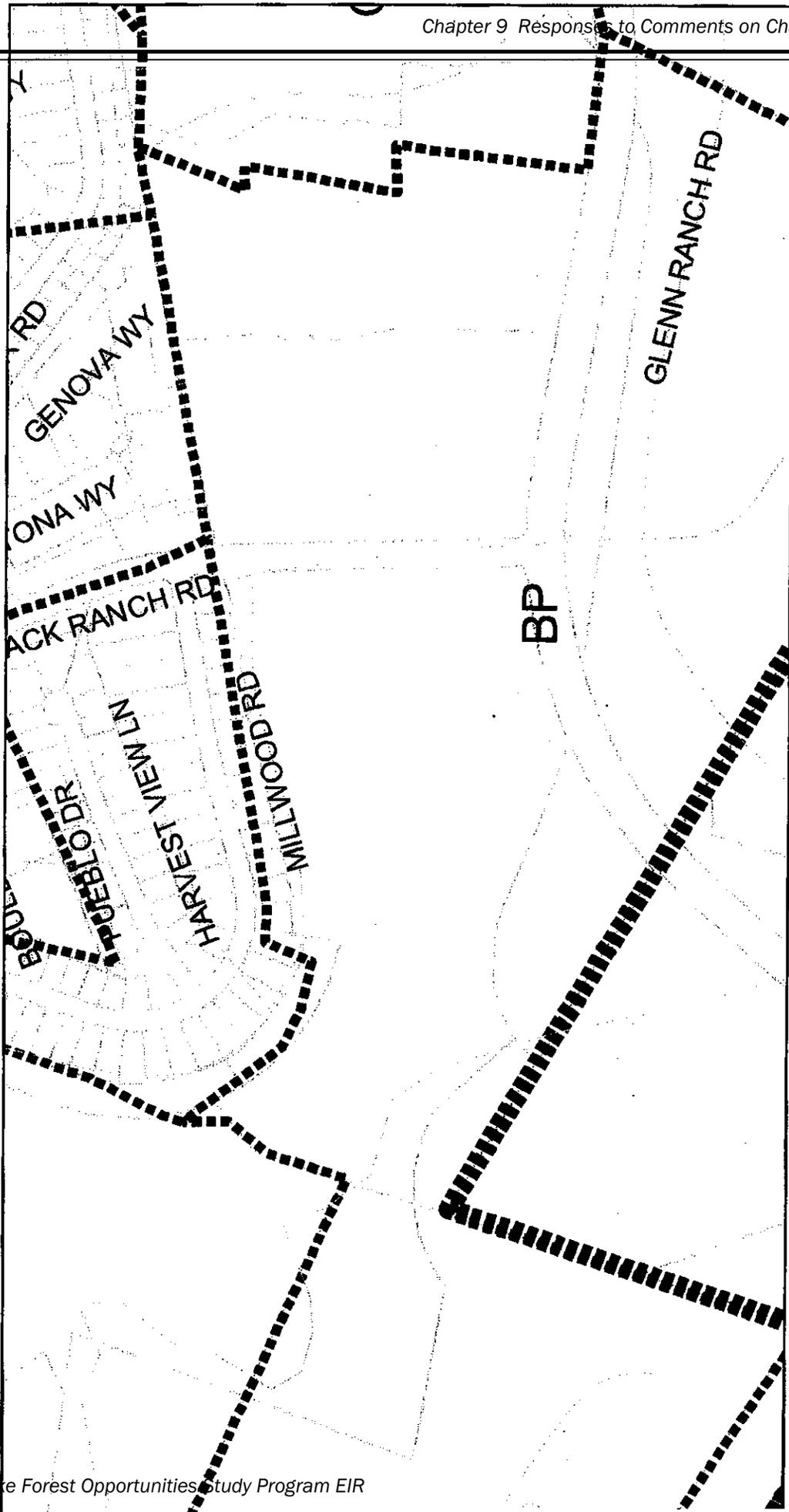


EXHIBIT “2”

86-655182

**SECTION X
BUSINESS PARK SITE DEVELOPMENT STANDARDS**

**A. USES PERMITTED SUBJECT TO AN APPROVED AREA PLAN AND SITE PLAN
AS PROVIDED IN SECTIONS XVII AND XVIII**

Prior to clearance for issuance of a building or grading permit, an Area Plan shall be approved covering the entire Planned Community. Site Plans for individual uses shall be approved in accordance with the approved Area Plan, prior to clearance for issuance of building or grading permits.

The following uses are permitted in Business Park Planning Areas:

1. Manufacturing plants and facilities.
2. Assembly plants and facilities.
3. Research laboratories and facilities.
4. Product development facilities.
5. Testing laboratories and facilities.
6. Service industries including but not limited to the following:
 - a. Repair, maintenance or servicing of appliance, component parts, etc.
 - b. Tooling and small machine shops.
 - c. Testing shops.
 - d. Photofinishing and photographic processing facilities.
 - e. Blueprinting, reproduction and copying services, photo-engraving, printing, publishing and bookbinding.
 - f. Drycleaning and laundry plants.
 - g. Any other similar use which is found compatible with the purpose and objectives of Section IX and which is indicated on an Area Plan or Site Plan approved by the Planning Commission.
7. Industries engaged in distribution, storage and warehousing.
8. Wholesale businesses.
9. Construction industries such as general contractors and specialty contractors, etc., together with their accessory and incidental office uses.

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10. Caretakers' quarters (one per building site), subject to County noise standards.
11. Storage facilities, including but not limited to the following:
 - a. Boat storage.
 - b. Recreation vehicle storage.
 - c. Mini-warehouse storage facilities.
 - d. New automobile storage.
12. Motion picture, video, television and recording studios.
13. Administrative, professional and business offices.
14. Service commercial, as support for the permitted industrial uses, including but not limited to the following:
 - a. Banks and other financial institutions.
 - b. Barber shops.
 - c. Beauty salons.
 - d. Restaurants, food service facilities and cocktail lounges.
 - e. Health and athletic facilities.
 - f. Travel agencies.
 - g. Office furniture, equipment and supplies.
 - h. Employment and temporary help agencies.
 - i. Advertising services.
 - j. Blueprinting, reproduction and copying services, photo-engraving, printing, publishing and bookbinding.
 - k. Janitorial services.
 - l. Hotels and motels, subject to County noise standards.
 - m. Any other similar use which is found compatible with the purpose and objectives of Section IX and which is indicated on an Area Plan or Site Plan approved by the Planning Commission.
15. Heavy retail and heavy service commercial, including but not limited to the following:
 - a. Rental and sales agencies for automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith.
 - b. Automobile repair garages, fender and body repair and paint shops.
 - c. Tire recapping facilities.
 - d. Rental and sales agencies for garden and home equipment.

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- e. Rental and sales agencies for agricultural, industrial and construction equipment, and service in connection therewith.
 - f. Wholesale and/or retail lumber yards, plumbing supplies and general home improvement centers.
 - g. Wholesale and/or retail nurseries and garden shops.
 - h. Warehouse and sales outlets for furniture, carpets, appliances, etc.
 - i. Any other similar use which is found compatible with the purpose and objectives of Section IX and which is indicated on an Area Plan or Site Plan approved by the Planning Commission.
16. Commercial recreation uses.
17. Historical, religious and charitable organizations and structures.
18. Public utilities buildings, structures, and facilities including the following:
- a. Communication facilities and offices.
 - b. Electrical distribution facilities and offices.
 - c. Wastewater treatment plants and facilities.
 - d. Sewage and solid waste treatment plants and disposal or resource recovery facilities.
 - e. Water reclamation facilities.
 - f. Production, distribution, storage or treatment facilities for electricity, water, sewage, telephone or telegraph.
 - g. Any other similar use which is found compatible with the purpose and objectives of Section IX and which is indicated on an Area Plan or Site Plan approved by the Planning Commission.
19. Executive apartment accessory to an office or business use.
20. Heliports or helistops.
21. Community facilities as provided in Sections XIII and XIV.
22. Accessory uses customarily incidental or ancillary to the main uses.
23. Any other industrial or commercial use which is found to be consistent with the purpose and objectives of Section IX, and which is indicated on an approved Area Plan or Site Plan approved by the Planning Commission.

B. SITE DEVELOPMENT AND PERFORMANCE STANDARDS

The following standards shall apply except as otherwise established by the approved Area Plan or Site Plan.

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1. Land use mix. The following uses shall be limited to the percentage of developable area indicated.

Land Use	Minimum Percentage of Developable Area	Maximum Percentage of Developable Area
Service Commercial	-	20%
Heavy Commercial	-	30%
Office	10%	40%
Business Park	20%	80%

For purposes of assessing compliance of mixed use developments with the maximum and minimum percentages specified above, mixed use developments may be counted as any one of the land uses at the discretion of the developer.

2. Building site area. No minimum.
3. Building height limit. As established by the Area and Site Plan process.
4. Building line regulations. All setbacks shall be measured from the ultimate right-of-way line and interior property lines.
- a. Adjacent to a residential street. Buildings shall be located at least forty (40) feet from the curb line along any street abutting a residential area with the exception that structures of less than twenty (20) feet in height may encroach into the required setback area no more than twenty (20) feet and may cover no more than fifty (50) percent of the required setback area.
 - b. Adjacent to a nonresidential arterial highway. Along any highway abutting a nonresidential planning area, buildings shall be setback a minimum of thirty (30) feet from the curb line, except that unsupported roofs, sun-screens, or architectural element serving energy or aesthetic needs may project six (6) feet into the required setback area.
 - c. Adjacent to local nonresidential street. Along any local street abutting a nonresidential planning area, buildings shall be setback a minimum of fifteen (15) feet from the curb line, except that unsupported roofs or sun-screens may project six (6) feet into the required setback area.
 - d. Adjacent to an industrial parcel. Along property lines that separate industrial uses there shall be no required minimum setback.

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- e. Adjacent to a residential parcel. Abutting a Residential Planning Area there shall be a setback minimum of forty (40) feet or a distance equal to the height of the building, whichever is greater.
5. Site coverage. No minimum.
 6. Signs. Signs shall be permitted in accordance with Section XVI.
 7. Off-street parking. Off-street parking shall be provided in accordance with Section XV.
 8. Lighting. All lighting, interior and exterior, shall be designed and located to minimize power consumption and to confine direct rays to the premises.
 9. Loading. All loading shall be performed on the site. Loading platforms and areas shall be screened from view from adjacent streets, highways and Residential Planning Areas.
 10. Trash and storage areas. All storage, including cartons, containers, materials, products or trash, shall be shielded from view within a building or area enclosed by a solid masonry wall not less than six (6) feet in height. No such area shall be located within fifty (50) feet of any Residential Planning Area unless it is fully enclosed.
 11. Enclosed uses. All uses permitted together with their resulting products shall be contained entirely within a completely enclosed structure, except for off-street parking, loading, and nursery stock sale areas, outdoor dining, automobile washing areas, or other similar uses indicated on an approved Site Plan.
 12. Screening. (Required screening is not counted as part of Net Usable Acres.)
 - a. Abutting Residential Planning Areas. An opaque screen shall be installed along all site boundaries where the premises abut Residential Planning Areas. Except as otherwise provided, the screening shall have a total height of not less than six (6) feet nor more than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation.
 - b. Streets and intersections. Screening along all streets shall have a height of not less than thirty-six (36) inches nor more than forty-two (42) inches within twenty (20) feet of the point of intersection of:
 - (1) A vehicular accessway or driveway and a street.

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- (2) A vehicular accessway or driveway and a sidewalk.
- (3) Two or more vehicular accessways, driveways or streets.
- c. Parking areas abutting highways. An opaque screen shall be installed along all parking areas abutting a highway. Except as otherwise provided, the screening shall have a total height of not less than thirty-six (36) inches and not more than forty-two (42) inches. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation.
- d. Notwithstanding the requirements listed above, where the finished elevation of the property at the boundary line, or within five (5) feet inside the boundary line is lower than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this section.
- e. Outdoor storage. All outdoor storage of materials and products shall be screened from view from adjacent streets and highways and Residential Planning Areas in the Portola Hills Planned Community.
- f. A screen as referred to in a., b. and c. above shall consist of one or any combination of the following:
 - (1) Walls including retaining walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of six (6) inches thick.
 - (2) Berms: A berm shall be constructed of earthen materials and it shall be landscaped.
 - (3) Fences, solid: A solid fence shall be constructed of wood or other materials a minimum nominal thickness of two (2) inches and it shall form a solid screen.
 - (4) Landscaping: Vegetation, consisting of evergreen or deciduous trees or shrubs.
- g. Mechanical equipment. Mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust shall be screened from view from any abutting street or highway and any abutting area zoned for residential uses within the Portola Hills Planned Community.

13. **Landscaping.** Landscaping, consisting of a combination of evergreen or deciduous trees, shrubs, ground cover, or hardscape shall be installed and maintained subject to the following standards (required landscaping is not counted as a part of Net Usable Acres):
- a. **Boundary landscaping abutting arterial highways** is required to an average depth of fifteen (15) feet and a minimum depth of five (5) feet.
 - b. **Boundary landscaping along public streets, other than arterial highways,** is required to an average depth of ten (10) feet and a minimum depth of five (5) feet.
 - c. **Side and rear setback areas.** All unpaved, non-work areas not utilized for parking or storage shall be landscaped.
 - d. **An additional amount of landscaping area, equal to at least five (5) percent of the net usable area of the parcel, is required and a minimum of fifty percent (50%) of such landscaping shall be located in the area devoted to parking.**
 - d. **Separation.** Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least four (4) inches higher than the adjacent vehicular area or shall in some manner be protected from vehicular damage.
 - e. **Watering.** Permanent automatic watering facilities shall be provided for all landscaped areas.
 - f. **Maintenance.** All landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.
14. **Environmental pollution control.** Any permitted business or industrial use shall be performed or carried out entirely within a building that is designed and constructed so that the enclosed operations and uses do not cause or produce a nuisance to adjacent sites, such as but not limited to the following: radio frequency interference; sound, vibration, electro-mechanical disturbance, electromagnetic disturbance, radiation, air pollution, dust, emission of toxic or nontoxic odors, or toxic or nontoxic matter or liquids.

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15. Residential developments (executive apartments) on separate building sites shall be developed in accordance with the appropriate residential development standards contained in Section IV.
16. Residential developments (executive apartments) combined with other permitted uses on the same building site shall be developed in accordance with the Business Park Site Development Standards.

EXHIBIT “3”

4 PARCELS
999.043 ACRES

PARCEL MAP 1

IN THE UNINCORPORATED TERRITORY OF
STATE OF CALIFORNIA

BEING A DIVISION OF A PORTION OF LOT
CANADA DE LOS ALISOS AS PER MAP F
PAGES 290 AND 291 OF MISCELLANEOUS
ANGELES COUNTY, CALIFORNIA.

BLOCK	MODULE
5458	91
5557	56, 87
5558	43

THOMAS C. CLARKE, R.C.E.
DATE OF SURVEY, JULY

OWNER'S CERTIFICATE

ENGINEER

We, the undersigned, being all parties having any record title interest in the land covered by this map, do hereby consent to the preparation and recordation of said map, as shown within the colored border line.

This map
filed in
Map Act
July, 19
to the

~~We hereby state that the conveyance of title of any of the parcels created by this map shall include a 40 foot wide vehicular access easement to an existing public road, and shall be binding on all successors, heirs, and assigns thereof.~~

VILLAGE PROPERTIES, a partnership, owner

James P. Baldwin
James P. Baldwin, Partner

Alfred E. Baldwin
Alfred E. Baldwin, Partner

COUNTY

This map
local
Date th

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation,
Trustee under deed of trust recorded in Book 4792, page 134, Official
Records.

C.R. No.
County

James E. O'Keefe
JAMES E. O'KEEFE, VICE PRESIDENT

Leonard J. Ivorra
LEONARD J. IVORRA, ASST. SECRETARY

TITLE INSURANCE AND TRUST COMPANY, a California Corporation, Trustee
under deed of trust recorded in Book 13901, page 324, Official Records.

160 31

SHEET 1 OF 4 SHEETS

MAP NO. 81-120

34684

UNINCORPORATED TERRITORY OF ORANGE COUNTY
OF CALIFORNIA.

AUG 28 1981

A PORTION OF LOTS 6 AND 7, RANCHO
SANTA ANA AS PER MAP FILED IN BOOK 3,
OF MISCELLANEOUS RECORDS OF LOS
ANGELES COUNTY, CALIFORNIA.

160 31

FILED AT 4:28 P.M.
OFFICE OF THE COUNTY CLERK
AT LOS ANGELES, CALIFORNIA
BY A. BROWN, COUNTY CLERK

S. C. CLARKE, R.C.E. 9757
OF SURVEY, JULY 1980

25.00

ENGINEER'S CERTIFICATE

Interest
line.

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinances at the request of VILLAGE PROPERTIES in July, 1980. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

*created
to be
and.*

Thomas C. Clarke
Thomas C. Clarke R.C.E. 9757

via
Partner

COUNTY SURVEYOR'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Date this 26th day of AUGUST, 1981.

Official

C.R. Nelson
County Surveyor

By *Paul A. Cuomo*
Deputy

TARY

■ Letter 10 - Response to Vince and Lorena Hernandez

- RTC 10-1 Comment Noted. This comment does not address the Draft PEIR. Any development within the City is subject to the requirements of the zoning, the City's General Plan and any other applicable regulations, ordinances and/or land use plans in place at the time an application for development is filed with the City.
- RTC 10-2 Comment Noted. This comment does not address the Draft PEIR. Any development within the City is subject to the requirements of the zoning, the City's General Plan and any other applicable regulations, ordinances and/or land use plans in place at the time an application for development is filed with the City.
- RTC 10-3 Comment Noted. This comment does not address the Draft PEIR. Any development within the City is subject to the requirements of the zoning, the City's General Plan and any other applicable regulations, ordinances and/or land use plans in place at the time an application for development is filed with the City.
- RTC 10-4 Existing and proposed General Plan designations for Site 2 are provided in Table 2-3 of the Draft PEIR. Existing General Plan Land Use Designations are shown on Figure 2-3 of the Draft PEIR, and Figure 2-4 shows proposed Land Use Designations under the proposed project. Those figures only depict land use designations.
- RTC 10-5 Parcel Map 81-120, attached as Exhibit 3 to commenter's letter, does not provide for any access to or from any of the parcels created by that map or the commenter's parcel. Parcel Map 84-121, a subsequent parcel map, created 17 parcels, one of which includes the commenter's property, and identifies a 40-foot wide reciprocal access easement for the 17 parcels. The location of the 40-foot wide reciprocal access easement is consistent with the existing roads for that area, including Glenn Ranch Road, and does not include a 40-foot wide access through Site 2 to the commenter's parcel. The commenter has provided no other information supporting the statement that the commenter's property is entitled to a 40-foot wide access through Site 2.
- RTC 10-6 Biological resources present on Site 2 were identified on pages 3.4-4 to 3.4-5, and potential impacts to those resources were analyzed in Section 3.4.9 of the Draft PEIR. The commenter's parcel is not part of Site 2 or the Opportunities Study Area. Any development proposed on the commenter's parcel would be subject to its own CEQA review. The potential of such development to result in biological resource impacts would be assessed as part of the CEQA review of the development proposal. No biological resource study for the commenter's parcel has been provided to the City for review.
- RTC 10-7 No geological study has been provided to support the opinion contained in the comment. Any development proposed on the commenter's parcel would be subject to its own CEQA review and its own geotechnical study. The potential of such development to result in geotechnical impacts would be assessed as part of the CEQA and development proposal review.

- RTC 10-8 The traffic analysis contained in the Draft PEIR was a program-level analysis based on land use. Detailed development plans for Site 2 do not exist at this time. Access and circulation issues for Site 2 would be addressed in project-specific environmental review.
- RTC 10-9 This comment does not address the Draft PEIR. The commenter's plans to draft and submit a development application for his property is noted.
- RTC 10-10 Comment noted. The Draft PEIR and Recirculated DPEIR only address development at the intensities and general locations noted in the EIR. Proposals for development outside the Opportunities Study Area would undergo their own environmental review once proposed.

Letter 11

From: Barry, Dennis [mailto:Dennis.Barry@PacifiLife.com]
Sent: Monday, January 14, 2008 3:40 PM
To: Ackerman, Gayle
Subject: Draft PEIR Comments/Questions

Dear Ms. Ackerman -

Please accept my comments and questions regarding Draft Program Environmental Impact Report (Draft PEIR) published January 2008:

1. On page 11 of the PEIR there seems to be no resolution as to the amount of mitigation fee rather the following paragraph provides an out - please comment.

As explained in the Draft PEIR, if no mitigation agreement can be reached between SVUSD and the landowners, the landowners will pay the statutory school fees. Government Code Section 65995(h) provides that payment of the statutory school fees is full mitigation under CEQA. Similarly, the statutory structure establishes performance standards. Thus, because the ultimate mitigation agreement may exceed statutory fees, impacts of the Project will remain less than significant.

11-1

2. What does "committed to assisting SVUSD in fixing issues..." encompass? What is the scope of the landowners involvement?

Geotechnical, soil and structural experts identified necessary corrective measures and the Portola Center landowner is committed to assisting SVUSD in

11-2

fixing issues at the school as identified by the studies

3. Section 7.2.5, on page 14 the DPEIR discusses secondary interesections to be included in the project level study. One critical intersection that will be adversely impacted by any residential unit additions is the intersection of Saddleback Ranch and Fawn Ridge. Will this intersection, directly in front of Portola Hills Elementary, be included in the study? If not, why not?

In addition, while the analysis of project level intersections is not part of the program-level analysis, the Lake Forest Traffic Mitigation Program (LFTM) requires analysis of intersections within each of the sites as part of project-level review, as well as analysis of a specific list of twenty intersections (called "secondary intersections") at the project level, as part of the project level traffic studies required at the next level of analysis. Seven intersections are specified for the Portola Center applicant to study as part of the project level traffic study. The seven required intersections for Portola Center are:

11-3

- El Toro Road at Glenn Ranch Road,
- Saddleback Ranch Road at Malabar Road,
- Saddleback Ranch Road at Millwood Road,
- Marguerite Parkway at El Toro Road,
- Marguerite Parkway at Los Alisos Boulevard,
- Marguerite Parkway at Santa Margarita Parkway, and
- Los Alisos Boulevard at Santa Margarita Parkway

4. Section 7.3.2 Alternatives Considered and Rejected. Public Facilities are assumed to be City Hall - Did we ever have the consideration of NOT constructing a city hall/public facility? Can the city use the current facilities under lease? Could the existing facilities be purchased, used as city hall and have an economic benefit for the city?

11-4

[no quote here]

If I am reading this correctly the second paragraph on page 38 describes 74,000 square feet of community center on sites 3, 4 & 9. Additionally, in Section 7.4.2, Existing Conditions on Site 9 - the area is described as a gravel mining operation. I'm not sure how to put this in politically correct ease but Given the fact that Saddleback Church is immediately to the north and it contains a 55,000 square foot facility which will be used by a majority of the community for community purposes does the proposed project truly require two community centers as described in the DPEIR?

11-5

5. Section 7.4.2 Aesthetics:

Earlier in the document the DPEIR states this is a program level document and it will not address project specifics however this section appears to address some of the aesthetics of the public facility development. Why is there not a similar description with respect to the residential character of "Portola Center"? What about the viewshed of Site 2? How will the landowner respect the topography of the Site?

11-6

6. Section 7.4.2 Population/Housing:

Q: Due to the unique fact that a significant population increase and a failing school is occurring at the same site (Site 2 Portola Center) why does the DPEIR not specifically address the mitigation measures to be taken?

11-7

However, because Alternative 7 would substantially increase population growth within the City (by approximately 18 percent), impacts on population growth would be considered significant.

7. Section 7.4.2 Schools

Site 2 should be mentioned here. Q: What is Impact 3.12-2

The potential school site mentioned under Impact 3.12-2 and in Chapter 2, if built, would alleviate some of the increase in student

11-8

population resulting from the OSA, but not all.

8. P 53 - 57 Traffic - Missing Intersection

Why is the Glen Ranch/Saddleback Ranch not included in the intersection analysis? Did I miss it? This is directly in the middle of one of the projects and should be part of the analysis

11-9

Thank you for your consideration.

Dennis Barry
949-672-8491 Direct
949-547-2848 Mobile

The information in this e-mail and any attachments are for the sole use of the intended recipient and may contain privileged and confidential

information. If you are not the intended recipient, any use, disclosure, copying or distribution of this message or attachment is strictly prohibited. If you believe that you have received this e-mail in error, please contact the sender immediately and delete the e-mail and all of its attachments.

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■ Letter 11 - Response to Dennis Barry

- RTC 11-1 If no separate mitigation agreement is reached with the SVUSD, the individual development projects would be subject to the statutorily mandated school impact fees, as explained more fully in Topical Response 8 and Section 7.2.2 of the Recirculated DPEIR. Compliance with either the mitigation agreement or state law will fully mitigate any impacts to educational facilities; thus, impacts will be less than significant under either scenario.
- RTC 11-2 As explained in Section 7.2.2 of the Recirculated DPEIR, the owner of the Portola Center Property has committed to assist SVUSD with certain corrective measures identified in geotechnical, soil and structural studies. The specific measures that were identified in the studies were included in Section 7.2.2 for informational purposes; however, those commitments arise from a separate agreement between the landowner and SVUSD. The information requested in the comment does not address the environmental analysis in the Draft PEIR or Recirculated DPEIR. No further information is required to address the project's environmental impacts.
- RTC 11-3 All of the Secondary Intersections specified in the LFTM program are required to be included in the project-level traffic studies, however additional intersections will be studied as warranted. The City's standard traffic study methodology establishes criteria for determining the study area and intersections to be included in project-level traffic studies for developments within the Opportunities Study area. Any intersection projected to experience a one percent increase in traffic from a proposed project would be included in the analysis. The commenter provided no evidence to suggest that impacts at that intersection will be significant at this program level of review.
- This methodology will be used when the project-level traffic study is done for Portola Center. The intersection of Saddleback Ranch and Fawn Ridge will be included in any of the project-level traffic studies for Opportunities Study area developments if it receives an increase in traffic of one percent or more.
- RTC 11-4 As explained in Response to Comment 8-5, during Phase 2 of the Opportunities Study, the City conducted a needs analysis to determine the appropriate size for a community center and city hall based on the projected population at buildout of the City. The needs assessment indicated that a City the size of Lake Forest would need a 44,000 sf community center and a 44,000 sf city hall to house all of the services desired by the community. The alternatives analysis included alternatives that would reduce the proposed project's significant and unavoidable impacts. There is no evidence to suggest that housing city hall in leased space will substantially lessen the significant impacts as compared to the proposed project. In any event, the Draft PEIR included an analysis of the No Project / No Development alternative.
- RTC 11-5 The City completed a public facilities needs assessment in 2004 to determine the appropriate size for a sports park, community center, and city hall for the anticipated buildout of Lake Forest. The study examined, among other things, the relationship between population and community center size. While Saddleback Valley Community

Church is capable of hosting large community events, it is a privately run facility and is not available for the variety of services and events that the City seeks to provide. RTC 11-6As explained in Topical Response 2, the Draft PEIR is a program-level document. To the degree that more project-level information is available, a more project-level analysis is provided. The level of analysis is based on the level of project detail currently available. While detailed information regarding the design of Portola Center is not currently available, please see pages 3.1-50 to 3-1-53 of the Draft PEIR for the program-level evaluation of the potential aesthetic impacts of Site 2 development. The comment does not indicate that impacts of the project will be any more severe than analyzed in the Draft PEIR and Recirculated DPEIR.

- RTC 11-7 The analysis of the environmental consequences of Alternative 7, addresses the potential impacts of population growth associated the Alternative. For example, the traffic analysis addresses the impacts of Alternative 7 and cumulative development induced traffic generation. To the degree that Alternative 7 results in a physical change in the environment, including population growth which results in significant impacts, those impacts are identified by issue area. Should Alternative 7 be selected by the City Council for approval, the Alternative would be subject to the mitigation measures specified for the proposed project, for those issue areas identified as resulting in significant impacts, with the modifications specific to Alternative 7 noted in the Recirculated DPEIR. For example, Alternative 7 would include all of the LFTM improvements of the proposed project, as modified by Table 6 in the Traffic Study for Alternative 7 contained in Appendix N of the PEIR, which includes mitigation for an additional intersection. The comment does not suggest any additional mitigation that would further reduce impacts identified in the Draft PEIR and Recirculated DPEIR.
- RTC 11-8 Please see page 3.12-12 of the Draft PEIR for a discussion of impact 3.12-2. Impact 3.12-2 is the potential of the proposed project to increase the need for school facilities. The Draft PEIR concludes that this impact is less than significant with mitigation (i.e payment of school impact fees or compliance with any mitigation agreement with the SVUSD). Site 2 does not include any school facilities; therefore, it is not necessary to include Site 2 in the discussion in Section 7.3.2 – Schools.
- RTC 11-9 Please see Topical Response 9 which addresses the intersection of Glenn Ranch/Saddleback Ranch. The Draft PEIR is a first tier level of environmental review. As a first tier document, it is focused on program-level and cumulative impacts, as provided in State CEQA Guidelines section 15168(b). Saddleback Ranch Road/Glenn Ranch road, which is located completely within the Portola Center site, will be examined as part of project-level review of the Portola Center project submittal. Complete analysis of that intersection at this time would be speculative given that the location of proposed residential and commercial land uses within the site and site layout are not known at this time. Project-specific traffic, noise and other impacts will be addressed in second-tier, project-specific environmental review.

Letter 12

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola development
Date: Tuesday, February 05, 2008 1:25:24 PM
Attachments:

From: deisner114@aol.com [mailto:deisner114@aol.com]
Sent: Friday, February 01, 2008 2:47 PM
To: Ackerman, Gayle; Elizart7@aol.com
Subject: Portola development

Hi,

I have been a resident of Portola Hills for 14 years. I am happy to see new construction on the hills as long as it doesn't detract from my current value.

12-1

I don't see how adding access roads to Saddleback is a better solution than having the primary access on Glenn Ranch. There probably should be access on Saddleback, but I don't think that it should be the primary access.

I do not want to see low income housing on the hill and I would prefer not to see any commercial enterprises. There are enough restaurants and shopping centers within two miles to fulfill the needs of the community. If there is limited commercial space built I believe that it should be on the Oakley side of the street. This would reduce the impact of traffic on the hill.

12-2

There is already a problem getting past the school in the morning. I would hate to see additional congestion.

12-3

The other issue I have is with the stream that runs through the school grounds. It runs all of the way down the hill and filling it with rocks and dirt didn't divert the stream, it just caused the property under the school to

12-4

deteriorate. This issue should be addressed on any construction that continues at the school and below Malabar.

12-4

Thanks you so much for your time and attention.

Best regards.

Diane Eisner
19571 Dorado Drive.
Trabuco Canyon

More new features than ever. Check out the new [AOL Mail!](#)

■ Letter 12 - Response to Diane Eisner

- RTC 12-1 This expression of opinion is noted and will be included in the final PEIR to the City's decision-makers for consideration. Access will be addressed as part of project-level planning on the project sites.
- RTC 12-2 This comment's statement of preference regarding affordable housing and commercial uses does not relate to any specific environmental issues. While the comment opines that placing commercial uses on the Oakley side of the street would reduce traffic impacts, there is no evidence to support that claim. Please note that in addition to the traffic analysis provided in the Draft PEIR and Recirculated DPEIR, each development will have to perform its own project-specific traffic analysis.
- RTC 12-3 As noted above, a program-level traffic analysis was performed for the proposed project and alternatives, and was presented in the Draft PEIR and Recirculated DPEIR. The impacts of specific projects in relation to existing schools would appropriately be addressed at a project-specific level.
- RTC 12-4 No evidence of the presence of a stream has been provided by the commenter and the City is unaware of such a stream. The presence or absence of a stream does not alter the program-level analysis contained in the Draft PEIR and Recirculated DPEIR. Staff will ensure that drainage from new development is collected, conveyed and discharged in a safe manner and that it will not cause or contribute to pollution, as part of project-level review. Please note that existing geotechnical concerns at Portola Hills Elementary School are being addressed by the Portola Center landowner in a separate agreement with the Saddleback Valley Unified School District as described on page 7-10 of the Recirculated DPEIR.

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center Development comments
Date: Thursday, February 07, 2008 11:02:16 AM
Attachments:

From: Moss, Stuart (APLY-CA) [mailto:Stuart.Moss@accraply.com]
Sent: Saturday, February 02, 2008 9:06 PM
To: Ackerman, Gayle
Subject: Portola Center Development comments

Dear Ms. Ackerman:

After review of the new alternative proposed for Portola Center, the evaluation of traffic congestion is wholly inadequate and must be analyzed and mitigated before the plan is approved.

13-1

Based on my assessment of the development's traffic impact, the following changes must be contractually incorporated as part of any Portola Center Development Plan to ease the impact of increased traffic and facilitate adequate evacuation in case of emergency (e.g., wildfire)—

13-2

1. Direct access from Glenn Ranch Road to both new developments North of Glenn Ranch Road (i.e., West and East of Saddleback Ranch Road). This access should be via turn-only lanes (left from the West, right from the East). NO new stoplights should be used at these intersections. Without direct access, the Glenn Ranch/Saddleback Ranch intersection will be terribly congested, creating an unnecessary safety hazard and egress bottleneck.
2. Widen Saddleback Ranch Road to Malabar to enable left turn-only lanes (from both directions) into both new developments. NO new stoplights should be used at these intersections. Without this, back-ups onto Glenn Ranch Road are inevitable.

13-3

3. Access onto Saddleback Ranch Road from either new development should be right turn-only. Alternatives to left-turns should involve access to Glenn Ranch (for the development West of Saddleback Ranch Road) and access through the existing community (for the development East of Saddleback Ranch Road). Without these turn limitations, the curved nature and speed limit of Saddleback Ranch Road will result in a dramatic increase in accidents.

13-4

I look forward to notice of the next Public Hearing on the Portola Center Development.

Regards,
Stuart Moss
Portola Hills

■ Letter 13 - Response to Stuart Moss

- RTC 13-1 The traffic analysis in the Recirculated DPEIR is adequate. Specific comments are addressed in Responses 13-2 to 13-4 below. Please see Topical Response 9 which addresses traffic issues and Topical Response 7 which addresses Portola Hills issues.
- RTC 13-2 As detailed in Topical Response 9, this intersection is surrounded on all four corners by the proposed Portola Center. As explained in Topical Response 7 analysis of project level intersections is not part of the program-level analysis. The LFTM program requires analysis of intersections within the sites as part of project-level review, as well as analysis of a specific list of twenty intersections (called secondary intersections). Analysis of intersections within the sites is more appropriate once the specific design of the site has been proposed.
- As explained above, the Draft PEIR is a first tier level of environmental review. As a first tier document, it is focused on program-level and cumulative impacts, as provided in State CEQA Guidelines section 15168(b). Saddleback Ranch Road/Glenn Ranch road, which is located completely within the Portola Center site, will be examined as part of project-level review of the Portola Center project submittal. Complete analysis of that intersection at this time would be speculative given that the location of proposed residential and commercial land uses within the site and site layout are not known at this time. Project-specific traffic, noise and other impacts will be addressed in second-tier, project-specific environmental review. The comment offers no evidence to support its claim that the intersection will be congested or will create any safety hazards. No additional changes are required in response to this comment.
- RTC 13-3 See RTC 13-2. Analysis of the intersection of Saddleback Ranch Road and Malabar is required under the LFTM as part of project-level review. This intersection is one of the secondary intersections that the LFTM requires analysis of as part of project-level review of the specific development projects within the Opportunities Study area. The comment offers no evidence to support its claim that the intersection will be congested or will create backups onto surrounding roads. No additional changes are required in response to this comment.
- RTC 13-4 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Access and lane configurations will be addressed as part of project-level planning on the project sites. The comment offers no evidence to support its claim that project access will create any safety hazards. No additional changes are required in response to this comment.

Letter 14

February 18, 2008

Elizabeth Wallace
19241 Jasper Hill Rd.
Trabuco Canyon, CA 92679
(949) 858-3014

RECEIVED
FEB 19 2008
CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

SENT VIA HAND DELIVERY

Mrs. Gayle Ackerman
Director of Development Services
City of Lake Forest
25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

Re: City of Lake Forest Opportunities Study Re-circulated Portions of the Draft PEIR dated December 2007 (Hybrid Alternative)

Dear Mrs. Ackerman:

The following are my comments regarding the Chapter 7 Hybrid Alternative dated December 2007:

Program Level Traffic: Page 7-12 Portola Hills Site Specific Traffic Studies states:

"The focus at the current program level analysis is system-side cumulative impacts... In addition, while the analysis of project level intersections is not part of the program-level analysis, the LFTM program requires analysis of intersections within each of the sites as part of a project-level review...."

14-1

Although the draft EIR is a program-level document, the Opportunities Study DEIR also mentions that development agreements are being negotiated concurrently with the completion of the General Plan Amendment and Zone Change. The development agreements will guarantee specific density allocations for each site. Project-level review is inadequate because specific density allocations will be concurrently guaranteed to the developers without adequate traffic and site impact studies.

The Hybrid Alternative page 7-13 traffic section lists seven required intersections specified for *project level* traffic study by Portola Center developers:

- El Toro at Glenn Ranch Road
- Saddleback Ranch at Malabar
- Saddleback Ranch at Millwood
- Marguerite Parkway at El Toro
- Marguerite Parkway at Los Alisos
- Marguerite Parkway at Santa Margarita Parkway

14-2

- Los Alisos Boulevard at Santa Margarita Parkway

An important intersection missing from this list is Saddleback Ranch Road at Glenn Ranch Road. The Saddleback/Glenn Ranch intersection is mentioned on page 7-12 as a "Project Feature," that will be studied, but it doesn't appear to be included among the seven required intersections for project-level study. Please clarify this discrepancy. This intersection should be studied at the Program Level of planning.

14-2

Roadway improvements should be required as a condition of Portola Center Development Agreement approvals including full right and left turn access from Glenn Ranch Road to the Portola Center northeast parcel, and right turn only conditions from Portola Center's northeast and northwest parcels onto Saddleback Ranch Road. The Development Agreement should not be negotiated until the City has completed a study of the roadway geometry of Saddleback Ranch Road from Malabar to Glenn Ranch Road and identify feasible roadway improvements to enhance the level of service and public safety. Performance criteria for Glenn Ranch Road and Saddleback Ranch Road should be specified as conditions of approval with required improvements to be in place prior to occupancy of any element of Portola Center.

14-3

Right Merge from Glenn Ranch to Portola Parkway: Under existing conditions, Portola Hills' residents and commuters have difficulty merging to the right over the short bridge onto Portola Parkway in A.M. traffic hours. Include a study of the impact of the Portola Center development on this impacted section of road during morning commute hours and whether the merging lane/bridge can be lengthened or widened, and whether signals/striping can be changed to improve safety at this intersection.

14-4

Biological Resources: Page 7-62 of the hybrid alternative states that the new alternative will have a greater impact on biological resources compared to the Proposed Project. These conclusions appear to be based on the statement in the final paragraph on page 7-44: "*Impacts of this alternative may be greater than the proposed project due to the undeveloped and ungraded nature of Site 9.*" Does Site 9 contain wetlands? When will a biological inventory be completed for Site 9?

14-5

Population/Housing: The Population/Housing Section page 7-48 states:

"As such, maximum build-out of residential and commercial uses under Alternative 7 would result in an increase in the City's population of 13,968 persons. With the City's 2005 population of 78,020, the generation of 13,968 persons from Alternative 7 would result in an increase of approximately 18 percent and would exceed SCAG's population projection for the City in 2030."

14-6

However, the Recreation Section on page 7-50 states:

"Utilizing a factor of 2.91 persons per dwelling unit... this alternative's 4,738 residential units would result in a population increase of 13,788 persons within the City of Lake Forest. Thus, with a population factor of 91,488 (existing 77,700 City population

plus 13,788 population associated with this alternative) ... implementation of this alternative would result in a parkland/population ratio of 2.99 acres of parkland per 1,000 population within the City of Lake Forest."

14-6

The population figures in the Population/Housing section are inconsistent with the population figures in the Recreation Section and should be revised to reflect accuracy for parkland and environmental planning purposes.

Section 3.11 of the Opportunity Study Draft EIR shows two figures: Table 3.11-1 SCAG Population, Housing and Employment forecast lists the City of Lake Forest 2005 population as 79,077. However, Table 3.11-2 Population Growth: City of Lake Forest (1992-2005) lists the 2005 population at 78,020. An updated figure for population in 2007 would provide a more accurate baseline figure for CEQA purposes.

14-7

Portola Center Mixed Use Commercial: On October 30, 2007, the Lake Forest City Council held a public workshop in which representatives from Shea, Portola Center and the Orange County Business Council made presentations. At this workshop, Councilmember Tettemer asked Mr. Kilkenny of Portola Center about the demand and long-term sustainability of the 40,000 square-foot mixed use site planned for Portola Center. Mr. Kilkenny responded that the mixed used site was "not a profitable enterprise from the developer's standpoint... We don't see it as a profit center for us... but we see it as an amenity that will make the community more desirable."

14-8

The reduction in size for the commercial site planned for Portola Center remains too large to be supported by the community. This 40,000 square-foot site may end up vacant and eventually be converted to apartments. Please provide a fiscal feasibility study for the proposed mixed use site. Consider removing commercial zoning completely or reducing the commercial center's size to better-suit the community, and condition the site so that it cannot be converted to apartments if the commercial enterprise there is unsuccessful.

Portola Hills is a residential community containing single-family homes, attached homes, townhomes and condominiums, and no building is taller than two-stories high. We support residential re-zoning but reject the argument that project-level details will be studied later, especially since development agreements are being negotiated now. Considering the lack of information we have been provided by the City, we question Portola Center's compatibility with the neighborhood's current building footprint and rural character, the neighborhood's topography, as well as the development's impact on traffic and safety, water quality and the environment.

14-9

Please include this letter in the official records of proceedings for the Opportunities Study Project and Chapter 7 Alternative.

Sincerely,


Elizabeth Wallace

■ Letter 14 - Response to Elizabeth Wallace #1

- RTC 14-1 The comment incorrectly characterizes the development agreements that the City and landowners may enter. Those agreements do not lock in specific densities; rather, they provide for a range of units which may be acceptable in individual development areas. Thus, the Draft PEIR analyzes the impact of different development density options at a program-level of analysis. The analysis addresses the impact on the area roadway network of development at densities described for the proposed project and various alternatives. While a range of development densities may be assumed for this program-level analysis, additional site specific information, not yet known or included in the development agreements, would be required to perform a site-specific analysis. Thus, intersections internal to the specific developments, which would be differentially affected by site design will be analyzed as part of the project-level review as will the intersections defined as secondary intersections, where impacts may differ depending on site design and access. Please see Topical Response 7 and Topical Response 9 which explain this more fully.
- RTC 14-2 As explained in Topical Response 7, the list of secondary intersections does not include Glenn Ranch Road at Saddleback Ranch Road because that intersection is considered part of the ultimate project development at Site 2 and will be analyzed as such as part of project-level review. Because that intersection is completely within Site 2, and may be affected by ultimate site layout and design, analysis of that intersection was not necessary at the program-level.
- RTC 14-3 Site-specific traffic studies are required as a condition of the Portola Center Development Agreements. It is not feasible or appropriate to require specific intersection geometries until site-specific development plans are devised. Moreover, those site-specific traffic studies must apply the City's performance standards, which for intersections is LOS D or better.
- RTC 14-4 Please see Topical Responses 7 and 9 in Chapter 8 which address this intersection. As noted in the Topical Response, the City is currently analyzing operational solutions to the existing problems at this intersection and evaluating the possibility of making some improvements to the existing condition. As explained above, the requested analysis is not appropriate or feasible at the programmatic level, but will be performed once site-specific details of the various projects are known.
- RTC 14-5 This site is graded north of Glenn Ranch, and ungraded south of Glenn Ranch. Site 9 does not contain any known wetlands. A biological evaluation of the site will be completed as part of project level planning and environmental review. The comment overlooks the ultimate conclusion regarding Alternative 7's potential biological impacts; i.e., that all impacts may be reduced to less than significant levels through the implementation of mitigation measures. (Recirculated DPEIR, at p. 7-44.).
- RTC 14-6 The second paragraph under Population/Housing on page 7-49 will be revised as follows:

As such, maximum buildout of residential and commercial uses under the Alternative 7 would result in an increase in the City's population of ~~13,968~~ 13,788 persons. With the City's 2005 population of 78,020, the generation of ~~13,968~~ 13,788 persons from Alternative 7 would result in an increase of approximately 18 percent and would exceed SCAG's population projection for the City in 2030.

The third paragraph on page 7-51 under Recreation will be revised as follows:

Utilizing a factor of 2.91 persons per dwelling unit (stated in Section 3.11, Population and Housing), this alternative's 4,738 residential units would result in a population increase of 13,788 persons within the City of Lake Forest. Thus, with a population factor of ~~91,488~~ 91,808 (~~existing 77,700 2005 City population of 78,020~~ plus 13,788 population associated with this alternative) and a park acreage factor of 308 (~~existing 473.9~~ 199.9 acres of park plus an estimated 108.2 acres of future parks), implementation of this alternative would result in a parkland/population ratio of 3.35 acres of parkland per 1,000 population within the City of Lake Forest.

These changes to the text do not change the conclusions of the analyses that: housing impacts would be less than significant; that the jobs/housing balance in the City would be improved by Alternative 7; that recreation impacts would be less than significant; and that the alternative's parkland provision exceeds the required parkland dedication standard and would act to increase the overall City-wide parkland ratio.

- RTC 14-7 The minor difference in the population estimates made by SCAG and the California Department of Finance do not affect the conclusions in the PEIR. Rather, the PEIR provides disclosure of the two primary estimates for the City of Lake Forest. These can be viewed as the estimate range.
- RTC 14-8 The comment does not raise any environmental concerns or otherwise suggest that the environmental analysis in the Draft PEIR and Recirculated DPEIR is inadequate. No further response is required.
- RTC 14-9 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Issues related to aesthetics, traffic, water quality and other environmental issue areas were fully addressed in the Draft PEIR and Recirculated DPEIR.

Elizabeth Wallace
 19241 Jasper Hill Rd.
 Trabuco Canyon, CA 92679
 (949) 858-3014
 February 19, 2008

RECEIVED

FEB 19 2008

CITY OF LAKE FOREST
 DEVELOPMENT SERVICES DEPT

Gayle Ackerman
 Director of Development Services
 City of Lake Forest
 25550 Commercentre Dr., Suite 100
 Lake Forest, CA 92630

Re: City of Lake Forest Opportunities Study Draft Environmental Impact Report

Dear Ms. Ackerman:

Upon further review of the Opportunities Study Draft EIR, I am submitting comments for the City of Lake Forest's analysis and clarification.

Hazards: Government Code Section 65302 (g) states that the safety element must address the following hazards if they pertain to Lake Forest:

- *Seismically induced conditions;*
- *Slope instability leading to mudslides and landslides;*
- *Subsidence and other geologic hazards;*
- *Wildland/urban interface fires; and*
- *Evacuation routes*

The Safety and Noise Element of the City of Lake Forest General Plan states on page 3:

"Under the Landslide Hazard Identification Program, the state Geologist is required to prepare maps of landslide hazards within urban and urbanizing areas. Public agencies are encouraged to use these maps in land use planning and decisions about building, grading and development permits (Public Resources Code Section 2687 (a))."
 (emphasis added)

15-1

The General Plan's Safety and Noise Element continues on page A-30:

"5. Soil and Geologic Surveys: During the review of development proposals, require surveys of soil and geologic condition by a state-licensed engineering geologist where appropriate. The purpose of the surveys is to determine the geologic stability of the site and identify design measures to minimize geologic hazards. Require the project design recommendations as conditions of project approval."

According to the DEIR page, 3.6-11, Site 2 is in state-designated Seismic Hazard Zones for Landslides, in which site-specific investigations of landslide potential are required.

- The draft EIR should include the California Geological Survey Seismic Hazards Zone maps with the proposed tract maps superimposed. The City should be using Geologist-prepared maps of landslide hazards in the City's planning decisions about building, grading and development permits for Portola Center as required by the General Plan.
- Impact 3.6-4 regarding seismically-included landslides states that this is a less than significant impact. This statement has no technical basis in regards to Site 2 as current state maps show this to be a landslide hazard area. In the absence of soil boring data and a geotechnical investigation, the impact at this site is unknown.
- A geotechnical study should also evaluate risk to the homes located above the construction area, as grading could potentially affect the stability of the slopes.

15-1

Open Space Easements: The first paragraph on Page 9 of the City's General Plan Safety and Noise Element states:

"...During the review of development proposals involving slopes, grading, unstable soils and other hazardous conditions, surveys of soil and geologic conditions by a state-licensed engineering geologist will be required. Based on the results of the survey, design measures will be incorporated into projects to minimize geologic hazards. Open space easements will be considered to avoid geologic hazards."

15-2

- Open space easements and alternative design measures must be considered for Site 2 before development agreements are signed. The surveys of soil and geologic conditions by a state-licensed engineering geologist should be required before development agreements are signed to determine whether alternative designs will be required.

Ridgelines: The Recreation and Resource Element of the General Plan #13 on page A-23 states:

"Assess development proposals for potential impacts to important geologic features pursuant to the California Environmental Quality Act. Require appropriate mitigation measures, including environmentally sensitive site planning and grading, revegetation and open space dedication, for all significant impacts. Consider important topographical features, watershed areas, ridgelines, soils and potential erosion problems in the assessments."

15-3

- Development proposals should be assessed for impacts to geologic features before development agreements are signed. The mitigations required to protect ridgeline areas should be included in the development agreements. Environmentally-sensitive grading must also be a mitigation included in the development agreement for Site 2.

Hillside Grading Code: Site 2, Portola Center, is a hillside site which is defined under the City's grading code as:

15-4

“a site which entails cut and/or fill grading of three feet or more in vertical height below or above natural ground; or a combination fill-over-cut slope equal to or greater than five feet in vertical height; or where the existing grade is 20 percent or greater; and which may be adversely affected by drainage and/or stability conditions within or from outside the site, or which may cause an adverse effect on adjacent property.”

Sections 7-9-66 through 7-9-66.8 of the Orange County Code are adopted as follows:

Sec. 7-9-66. RHE “Residential Hillside Estates” District regulations.

All references to this section shall include sections 7-9-66.1 through 7-9-66.8. (Ord. No. 3085, § 1, 9-20-78; Ord. No. 3372, § 8, 3-2-83; Ord. No. 3499, § 8, 12-12-84; Ord. No. 3664, § 7, 9-29-87)

15-4

Sec. 7-9-66.1. Purpose and intent.

The RHE District is established to provide for the development and maintenance of low-medium-density single-family residential neighborhoods in hillside areas in such a manner that they may be compatible with areas of steep irregular terrain. Only those uses are permitted which are complementary to and can exist in harmony with such a hillside residential neighborhood. (Ord. No. 3085, § 1, 9-20-78; Ord. No. 3372, § 9, 3-2-83; Ord. No. 3499, § 8, 12-12-84; Ord. No. 3664, § 7, 9-29-87)

- The Portola Center development does not conform to the hillside ordinance. The entire site south of Glenn Ranch Road will be graded flat to accommodate the development. How will the City mitigate Site 2’s conflict with the hillside ordinance?

Air Quality: Mitigation measures for air quality impacts in the DEIR are ineffective and deferred until the future. The DEIR states mitigation measures will be used “where feasible.” The DEIR doesn’t calculate SO₂ emissions from combustion devices in construction activities. Also missing from the DEIR analysis are operating emissions. CEQA requires the City to determine and specify which mitigation measures are feasible prior to project approval.

15-5

The court in *Citizen for Quality Growth v. Mount Shasta* (1988) 198 Cal. App.3d433, found that passing reference to mitigation measures are insufficient to constitute a finding, as nothing in the lead agency’s resolutions binds it to follow (those) measures. The Lead Agency must require mitigation measures for air quality and revise the DEIR to calculate SO₂ emissions from combustion devices in construction activities, and determine operating emissions that will be generated from the Proposed Project.

Water Quality: The water quality/hydrology section is substantially lacking in technical analysis and any specific information about mitigation (BMP’s in particular). The Proposed Project contains enough information to: 1) run a hydrology model to

15-6

predict changes in pre- and post-development runoff (not just rely on the runoff coefficients), and 2) run water quality impact analysis to predict changes in pollutant loads to receiving waters, which is particularly important when there are impaired water bodies (Aliso Creek, Serrano Creek). The DEIR does not provide specific information about BMP's that would be implemented. CEQA Guideline 15126.4 provides that the formula mitigation measure should not be deferred until a future time.

15-6

Level of Service: Table C-3 on page 15 of the Circulation Element of the Lake Forest General Plan states that two- and four-lane roadways must maintain a Level of Service C. The first paragraph on page 15 of the General Plan states: *"For arterials primarily serving local traffic within the City, a LOS C performance standard is applied. The LOS C standard ensures that efforts are made to achieve traffic levels acceptable to the community."* These performance standards are contradicted by the Vacant Land Opportunities Phase II Traffic Study Appendix 1, page 1-11 which states in the top paragraph: *"LOS "D" (ICU not to exceed 0.90) is the performance standard for the remaining intersections in the study area."*

15-7

- The Level of Service D standards used for the DEIR's traffic study contradict the Lake Forest General Plan requirement of LOS "C" performance standards for two- and four-lane roadways within the City. The City must revise the DEIR to reflect its General Plan standards or amend the General Plan to reflect LOS D as the performance standard for intersections throughout the City.

Development Agreements: Section 2.5.3, page 2-15 of the DEIR states:

"...Development Agreements entered into by the City will require compliance with the mitigation measures identified by this EIR, and will describe the means for construction of affordable housing, mitigation of school impacts, mitigation of traffic impacts, provision of both neighborhood parks and one or more community parks, construction of community facilities, density caps within the Proposed Project area, and phasing of construction of the Proposed Project."

15-8

- Because the Development Agreements are an essential component of the project, they must be included in the Opportunities Study DEIR. As of this writing, no Development Agreements have been provided for public review. When will the development agreements be made available for public review?

Weather Conditions: The weather conditions that affect Portola Hills and the rest of the planning area were not covered in the Opportunities Study draft EIR. Prevailing winds blow eastward from the ocean toward Portola Hills (north Lake Forest) during daytime hours, and change directions, blowing westward toward the ocean at night. Therefore, any increased air pollution, construction equipment exhaust, and dust from construction and grading operations will blow inward toward the residences and school children during the day. These hazards need to be specifically addressed and mitigated in the draft EIR.

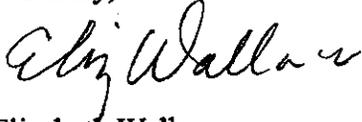
15-9

EIR Verification: CEQA Guideline 15084 (e) requires City experts to independently review each section of the draft EIR. Please list the names and qualification of the City experts who reviewed the draft EIR and the Chapter 7 Hybrid Alternative after it was submitted by EIP Consultants.

15-10

Please include this letter and all attachments in the official records of proceedings for the Opportunities Study Project.

Sincerely,



Elizabeth Wallace

■ Letter 15 - Response to Elizabeth Wallace #2

This letter provides comments on the Draft PEIR, rather than the recirculated portion of the Draft PEIR. Pursuant to CEQA Guidelines Section 15088.5 the City need not provide responses to these comments, but has done so as a courtesy. Please see Responses to letters ELWA and ELWA2 which address many of these same concerns.

RTC 15-1 Tract maps for the development sites within the Opportunities Study area have not yet been devised, but will be developed by the individual applicants and submitted to the City as part of any development application. Once a development application is submitted, project-level review will occur, including analysis of the site design as it relates to the Seismic Hazards zone maps. The project-level review will inform the City's decision-making about building, grading and development permits for Portola Center as well as the other developments within the Opportunities Study area. Notably, however, the specific review requested by the comment (superimposing tract maps on to Seismic Hazards Zone maps) cannot be performed on a programmatic level without the details that will be provided in a site-plan.

As explained in the discussion of Impact 3.6-4, developments are required to comply with building code and Seismic Zone 4 Standards, where applicable. (See Section 3.6 of Topical Response 3). Compliance with the building code and existing state, county and city requirements will ensure that impacts are less than significant.

Any project-level geotechnical study would evaluate the risk of project construction on slope stability and thus the potential for off-site and on-site slope stability impacts.

RTC 15-2 Grading is a function of site design. The requested analysis will be conducted as part of project-level review. The Development Agreements will not specify an exact location for development nor will they set a precise unit count; rather, the agreements incorporate the maximum development level specified in the general plan amendment analyzed in the Draft PEIR and Recirculated DPEIR. Further, the agreements require that project-level studies, such as the geotechnical studies, be completed.

RTC 15-3 Please refer to Response to Comment 15-2, above.

RTC 15-4 The two code sections referenced by the commenter (the City's Grading Code and the Residential Hillside Estates District zoning are not a "Hillside Ordinance". The City does not have a Hillside Ordinance.

The Residential Hillside Estates District is a zoning district (just like R-1 is a zoning district). This zoning district no longer exists within the City; it was eliminated from the Lake Forest Municipal Code (LFMC) with the recodification of Title 9 which took place in November 2007. It therefore never did, and does not apply to Portola Hills or Portola Center.

The Zoning for Portola Hills and Portola Center is the Portola Hills Planned Community, and not Title 9 of the LFMC.

Much of the site would be considered “hillside” by the cited language from the City’s Grading Code. Those portions of the site will be treated appropriately per the requirements of the City’s Grading and Building Codes. All project’s are required to comply with applicable requirements of the City’s Grading and Building Codes.

RTC 15-5

The commenter is incorrect. The Draft PEIR provides an analysis of operational air quality emissions. Please see Table 3.3-7 to 3.3-8 on page 3.3-25. The Draft PEIR concludes the proposed project will result in significant CO, VOC, NOx and PM10 operational emissions and that the project operational air quality impacts are significant and unavoidable.

Calculation of SO2 emissions from combustion devices used in construction activity requires information of the timing of construction phases, grading quantities and construction equipment. This type of information is project-level, rather than program-level information. The nature of construction air quality impacts will depend on the timing of construction operations. The Draft PEIR addresses construction air quality impacts at a program level, assumes significant impacts, and specifies mitigation measures to reduce impacts (see MM 3.3-1 through 3.3-7). The Draft PEIR identifies construction air quality impacts as significant and unavoidable at the program level (see page 3.3-27).

The comment provides no evidence to support the opinion that the mitigation measures are ineffective. Also, the mitigation measures state the circumstances that govern their implementation. Those measures are binding and enforceable. The Draft PEIR included all feasible mitigation measures to address air quality impacts at a programmatic level. The comment has suggested no additional feasible mitigation measures, therefore, no further revision to the Draft PEIR or Recirculated DPEIR is required.

RTC 15-6

The comment incorrectly asserts that the Draft PEIR does not include sufficient information regarding water quality and mitigation. Chapter 3.8 of the Draft PEIR includes a thorough analysis of hydrology and water quality at a programmatic level. The Recirculated DPEIR includes additional information regarding run-off calculations and projected stormwater impacts. Contrary to the comments claim, specific best management practices are identified for construction and operational phases of development at pages 3.8-32 to 3.8-34 of the Draft PEIR. The comment also overlooks the applicable NPDES regulations and the Drainage Area Management Plan which establish performance standards for the implementation of BMPs. Please also see Responses to Comments WQCB-3 and 1-4 and 1-5.

RTC 15-7

The standard cited by the commenter is for roadway links, not for intersection operations. The thresholds contained in the Draft PEIR in Table 3.14-9 are the City’s intersection thresholds. Those standards were appropriately applied in the Draft PEIR and Recirculated DPEIR.

RTC 15-8

The Development Agreements have not been finalized, but will be available as part of the agenda packet when considered for adoption. CEQA does not require that

development agreements be included in environmental documents. Please also see Response to ELWA2-13.

RTC 15-9 The air quality analysis included in the Draft PEIR is consistent with the guidance for air quality studies and thresholds provided by the South Coast Air Quality Management District. The comment provides no evidence that impacts would be any more severe than already analyzed in the Draft PEIR and Recirculated DPEIR.

RTC 15-10 Please see Table 6-2 in the Draft PEIR for the List of EIR Preparers. Please also note that State CEQA Guidelines section 15084(e) requires the lead agency to independently review a draft and final EIR. Proof of that review will be contained in the City Council's certification of the EIR. Appropriate city staff has reviewed the information in the Draft PEIR and Recirculated DPEIR, as will the City's decisionmakers. CEQA does not require, however, that the City list the names and qualifications of all reviewers. This comment does not relate to the environmental analysis contained in the EIR, therefore, no further revision to the EIR is required.

Letter 16

Jill Reichle
19532 Misty Ridge Lane
Portola Hills, CA 92679

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FEB 19 2008

Feb. 19, 2008

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

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

Re: City of Lake Forest Opportunities Study Re-circulated Portions of the Draft PEIR dated December 2007 (Hybrid Alternative)

Dear Ms. Ackerman:

The Re-circulated PEIR should be rewritten and reissued because data essential to the review of the environmental analysis is not included in the report.

16-1

The following summarizes data that should have been included:

1. The report should include the California Geological Survey (CGS) Seismic Hazards Zone maps with the proposed tract maps superimposed.
2. A preliminary geotechnical investigation should be completed at the Portola Center with recommendations for remedial grading, a drainage plan, soils stabilization plan, etc. The grading plan should be incorporated into the EIR for public review and comment.
3. Since Portola Center will likely require remedial grading due to lying on a landslide zone, an estimate should be made of the number of cubic yards that would be removed during remedial grading as well as the number of dump truck loads. New geology, noise, air quality, and traffic sections will need to be added to the report to include this impact.
4. A geotechnical study should be performed to evaluate the risk to the homes located above the construction area, as grading could potentially affect the stability of the slopes.
5. The proposed site map for Site 2 cannot be completed until after the geotechnical study, as placement of structures will depend on the underlying geology. The generalized land-use map provided in the DEIR shows potential deep fills atop seismic landslide hazard areas (as shown on geology maps on the CGS website). If the actual site plan is altered due to remedial grading requirements, impacts to viewsheds, Aliso Creek, wildlife corridors, traffic patterns, etc. would need to be re-evaluated.
6. The recent Santiago Canyon Fire burned through a portion of the proposed Portola Center. So, well-designed road ingress/egress is critical for a safe evacuation in the event of a future fire. Orange County Fire Authority code requires a minimum of two (2) roads for developments with 150 or more residential units (ref: page 5, Orange County Fire Authority, Fire Master Plans for Commercial and Residential Development). A new

16-2

16-3

16-4

16-5

16-6

16-7

- figure should be provided with actual densities and roadway configurations that comply with fire codes. Fire codes also restrict the grade of fire access roads, which will affect placement of these roads given the steep topography of this site. Additional access road requirements may apply since the development abuts Whiting Ranch Wilderness Park and is in a fire hazard zone. Traffic flow patterns should be revised, accordingly. 16-7
7. California density bonus law requirements were not included. Where a project involves a density bonus, the “project” for purposes of CEQA is the proposed activity including the bonus and any related concessions. 16-8
8. Saddleback Ranch Road will be impacted significantly by the Portola Center development, yet a traffic analysis of this road was not included. An analysis of stopping sight distances, speed limit modifications, and lane configurations should have been included. 16-9
9. El Toro Road from Portola Parkway north is a designated *viewscape* corridor. The new proposal does not show measures used to preserve the ridgelines and other natural features along El Toro Road such as minimizing visible grading and minimizing view of structures. 16-10
10. Saddleback Church is shown on land use maps as a commercial and light industrial zone. The maps should be changed to reflect the actual land use. Also, the traffic analysis should be adjusted to reflect this. 16-11
11. The report does not include enough information for the reader to know what was and was not included in the traffic analysis. The appendix should include all calculations and assumptions used in the analysis. The traffic analysis should include the following: 16-12
- Figures with existing intersection geometries.
 - Figures with proposed intersection geometries.
 - Figures with AM/PM peak hour traffic volumes including directional traffic flows (i.e. north, south, east, and west) for existing, forecast year without project, and forecast year with project.
 - An analysis of truck traffic from the warehouses and industrial zones of North Lake Forest.
 - Numbers of residential units by development area included in the traffic projections from neighboring Irvine.
 - What numbers of housing units and commercial zones from the Great Park were included? Even though development agreements have not been finalized, not including the probable traffic resulting from the Great Park only ignores an obvious future source of traffic to Bake Parkway, Jeronimo Road, Trabuco Road, Muirlands, and Rockfield Blvd.
 - Inclusion of car trips from the planned East Orange development and its impacts to El Toro Road intersections.
 - Clarification of how proposed mitigation will actually improve level of service. For example how does either a west-bound through lane or an east bound left-turn lane have the identical effect in reducing PM traffic at Bake and Portola? Isn't traffic directional because of the residential commuters?

12. The report should include city standards for traffic level of service. *The proposed project should then be scaled to fit within the level of service standards for the city.*

16-12

In summary, the Re-circulated PEIR should be reissued to include the above information, as well as other pertinent information requested previously in writing by reviewers of the Draft EIR. As written, the Draft PEIR remains incomplete rendering a realistic review of the impacts of the project unachievable.

16-13

Sincerely,



Jill Reichle

■ Letter 16 - Response to Jill Reichle

- RTC 16-1 The Recirculated DPEIR is adequate, and no further recirculation is required. Specific comments are addressed in Responses to Comments 16-2 to 16-13.
- RTC 16-2 Please see Response to Comment 15-1, above. Tract maps have not yet been devised, so such maps cannot be superimposed on Seismic Hazards Zone maps at this time.
- RTC 16-3 Please see Topical Response 2. The Recirculated DPEIR and Draft PEIR are program level documents. The requested work will be performed as part of site specific planning and project-level review. Please also see Response to Comment 15-1, above.
- RTC 16-4 Remedial grading, if any, would depend on ultimate site design. The Recirculated DPEIR and Draft PEIR are program level documents. The requested work will be performed as part of site specific planning and project-level review.
- RTC 16-5 The Recirculated DPEIR and Draft PEIR are program level documents. The requested work will be performed as part of site specific planning and project-level review. Additionally, please note that Standard Condition of Approval G3 provides as follows:
- G3 Prior to approval of the final design plans and issuance of a grading permit, the applicant shall conduct a site-specific geotechnical investigation for the entire site and prepare a report that fully assesses the geologic and soil conditions of the site. As part of the report preparation, soil sampling and any geotechnical testing will be completed at each location where structures are to be erected. The report shall provide grading and structural design recommendations for avoiding liquefaction, subsidence or collapse for each of the proposed structures. The recommendations shall be implemented by the Project Applicant.
- RTC 16-6 As noted above, site plans have not yet been devised for individual properties. Specific geotechnical issues will be addressed in later site-specific environmental review. Consistent with State CEQA Guidelines sections 15152 and 15168, any project-level issues that have not already been addressed in this EIR (i.e., changes in circumstances or the project) must be reviewed in that later tier review. No changes to this first-tier review are required, however.
- RTC 16-7 Please see Response to Comment 16-6, above. Please also note that all projects within the OSA must comply with OCFA Very High Fire Severity Hazard Zone/Special Fire Protection Area guidelines, as provided in Topical Response 3.
- RTC 16-8 Please note that development agreements for the participating landowners cap density at the levels provided in the general plan amendment. Even if the development agreements did not provide such a cap, however, such increased density would be a change that would require additional review in second-tier environmental review.

- RTC 16-9 The Recirculated DPEIR and Draft PEIR are program level documents. The requested work will be performed as part of site specific planning and project-level review because that road is internal to that project site. Please see Topical Responses 7 and 9.
- RTC 16-10 The Recirculated DPEIR, at page 7-40, notes that impacts of Alternative 7 to views from El Toro Road would be similar to those of the proposed project. The Draft PEIR explains that impacts of the proposed project would be less than significant for several reasons. First, significant buffer areas, over 700 feet, would exist between any development on Site 2 and El Toro Road. (Draft PEIR, at pp. 3.1-50 to 3.1-53.) Additionally, any development on Site 2 would be reviewed for consistency with the Orange County Master Plan of Scenic Highway guidelines at the project-specific level. (*Ibid.*)
- RTC 16-11 The requested change is not necessary. The Figure 7.4-1 and the figures showing land use the Draft PEIR illustrate the existing and proposed land use designations. The church is an allowable use in the Commercial and Industrial Zones in which it is shown. Any changes to the map would require a General Plan Amendment and Zone Change; the maps do not need to be revised.
- The existing church use was included in the traffic analysis because the Land Use Database which the Traffic Model is based upon includes existing land uses. Therefore, the traffic analysis does not need to be adjusted.
- RTC 16-12 The requested information has been provided within the two Traffic Studies included as appendices to the Draft PEIR, Appendix I (Vacant Land Opportunities Phase III Traffic Study, Austin Foust Associates, July 2005) and Appendix N (Vacant Land Opportunities Phase III Alternative 7 Traffic Study). Appendix N builds upon the information provided in Appendix I and is not required to repeat all of the background information.
- Illustrating peak hour volumes and intersection lane geometrics is prohibitive due to the size of the study area and extended study area. All existing and future peak hour volume data (with and without project) and lane geometry for analysis intersections can be found in the ICU calculations provided in the Appendix of the Traffic Analysis. Tables provided in Appendix I of the Draft PEIR also summarize the existing and future lane geometry in tabular form. Tables B-2 and B-3 in Appendix I contain intersection lane geometrics for the entire traffic study area and extended study area. Tables ES-4 and 4-7 in Appendix I list the proposed intersection improvements.
- Truck traffic is included in the trip generation calculation for the project and has been accounted for in the analysis. The commenter does not provide any evidence that a special analysis of truck trips is necessary.
- The commenter requests the number of residential units by development area included in the traffic projections from neighboring Irvine, including the Great Park, as well as trips from the planned East Orange development. The current Irvine, Great Park, and recent East Orange approvals are included as part of the background conditions.

The commenter also requests clarification of how proposed mitigation will actually improve level of service. Mitigation identified as an extra lane (left-turn, through or right-turn) provides additional capacity to the intersection that can accommodate the project.

The commenter requests that the report include the City standards for traffic level of service. The Traffic Study followed the City of Lake Forest's level of service standards. Information regarding the standards is provided in Appendix I as well as in Table 3.14-9 of the Draft PEIR. The LFTM Program insures that an acceptable level of service is maintained for intersections within the City.

RTC 16-13

The Recirculated DPEIR and Draft PEIR are program level documents. Most of the requested information and analysis is project-level in nature and will be provided when individual projects are proposed pursuant to the Opportunities Study program. Please see Topical Response 2. All comments received on the Draft PEIR and Recirculated DPEIR, along with responses to those comments will be included in the Final PEIR.

Letter 17

From: Dahncke, Douglas
To: Opportunities Info;
CC:
Subject: Rezoning and The Opportunities Study
Date: Friday, January 25, 2008 1:36:22 PM
Attachments:

Is there a reason this area can not be rezoned as open space? I do not see the need to allow developers to saturate the community infrastructure anymore than it currently is. Perhaps the city should adopt something similar to the city of Newport Beach's "Green Light" initiative which forces the developer to sell his idea to the public and also account for the developments impact to the community. Open space and parks.... there can never be enough.

Douglas Dahncke
21281 Avenida Nubes
Lake Forest

17-1

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■ **Letter 17 - Response to Douglas Dahneke**

RTC 17-1 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration.

Property owners within the Opportunity Studies area currently have the right to develop their property consistent with the existing General Plan Land Use Designations and zoning for the area. An all open space alternative was not analyzed because such an alternative would not achieve most of the stated project objectives. (Draft PEIR, at pp. 2-18 to 2-20; State CEQA Guidelines, § 15126.6.) Nevertheless, the Draft PEIR included an analysis of the No Project / No Development alternative which would result in similar impacts as an all open-space alternative. No revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.

Please note that the impacts of development within the project area on infrastructure has been analyzed and mitigated in this EIR.

From: BobandPatK@aol.com
To: [Opportunities Info;](#)
CC:
Subject: Whisler property
Date: Friday, February 08, 2008 11:38:28 AM
Attachments:

Yes, can you tell me what is planned for the
Whisler property located at Osterman and Regency?
Long overdue for something being done!
Thanks,
Pat Keenan
bobandpatk@aol.com

18-1

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

■ Letter 18 - Response To Pat Keenan

RTC 18-1 The property at Regency and Osterman, also known as the Whisler Property, is identified as Site 5 in the Draft PEIR and Recirculated DPEIR.. Please refer to Section 7.4.1 of the Recirculated Draft PEIR for a description of the potential development on the Whisler Property.

Letter 19

From: Mary Ellen Tiedge
To: Opportunities Info;
CC:
Subject: opinion regarding open space..../please pass on to city commissioners and MAYOR
Date: Monday, January 28, 2008 5:29:58 PM
Attachments:

God help us.... we have let our planning commissioners rape our area of any open land.... for TOO many years. Go ahead ahead and fill up every single little space of LAKE FOREST with houses that will never sell, and office spaces that will never have any renters. It is time for our city planners to leave everything alone... why do you have to fill up every tiny little space with SOMETHING????
Mary Ellen Tiedge /20 year Lake Forest resident

19-1

■ Letter 19 - Response To Mary Ellen Tiedge

RTC 19-1 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration.

Property owners within the Opportunity Studies area currently have the right to develop their property consistent with the existing General Plan Land Use Designations and zoning for the area. Please see Response to Comment 17-1, above. The Draft PEIR included an analysis of the No Project / No Development alternative. Because a "no development" alternative would not achieve the identified objectives of the proposed project, no further revision of the Draft PEIR or Recirculated DPEIR is required. (State CEQA Guidelines, § 15126.6.)

 Letter 20

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Development Plans for Portola Hills
Date: Tuesday, February 05, 2008 1:19:18 PM
Attachments:

From: Mike V. Desai [mailto:mikevdesai@yahoo.com]
Sent: Friday, February 01, 2008 2:26 PM
To: Ackerman, Gayle
Subject: RE: Development Plans for Portola Hills

It has come to my notice that City of Lake Forest has added Chapter 7 for the referenced plan. Before the City undertakes any action, all feasibility studies such as traffic on Glen Ranch (already crowded), school repairs, impact of additional commercial offices and stores, multi story apartment buildings and overall effect on Portola Hills residents who have come here for a better place. Please email your comments. Thank you.

Mike Desai

M. Desai mikevdesai@yahoo.com

20-1

■ Letter 20 - Response To Mike Desai

RTC 20-1 Please see Topical Responses 7 and 9. The City has conducted a program-level analysis of the proposed project in the Draft PEIR and Recirculated DPEIR. The PEIR provides the requested information at a program-level of detail. Please note that circulation on Glenn Ranch Road will be addressed in project-specific review of development on Site 2 as it is internal to that property. No further revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.

From: Morse Travers
To: Opportunities Info;
CC:
Subject: Opportunities study feedback
Date: Wednesday, February 13, 2008 9:58:04 PM
Attachments:

Dear Cheryl,

It is confusing as to what is necessary to do to object to the Portola Center plan in your Opportunities Study. Hopefully this is enough.

I have objected in the past and I am pleased that the amount of commercial use has been decreased. However, I am not satisfied because I believe that no commercial should be allowed in the Portola Hills area. Whatever commercial uses that will be placed in the Portola Center area are now being satisfied with existing projects elsewhere. All that new commercial will do for Portola Hills is to attract outsiders who have no reason to be in our neighborhood along with the increase in their traffic.

21-1

Sincerely,

Morse Travers

■ Letter 21 - Response To Morse Travers

RTC 21-1

This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Should you chose to participate further a list of community, Planning Commission and City Council meetings on the Opportunities Study project is provided on the website for the project, located at: <http://www.city-lakeforest.com/opportunitiesstudy>, and notices will be published in the Saddleback Valley News. Please note that traffic impacts related to all of the General Plan amendments currently proposed have been addressed at a programmatic level in the Draft PEIR and Recirculated DPEIR. Traffic impacts that are specific to the Portola Center project will be reviewed in project-specific environmental review. Please also note that the site is currently designated for commercial and business park uses that would involve greater traffic impacts. No further revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.

RECEIVED

FEB 19 2008

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

February 14, 2008

Mrs. Gayle Ackerman
Director of Development Services
City of Lake Forest
25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

Re: Portola Center
City of Lake Forest Opportunities Study Re-circulated Portions of the Draft PEIR dated
December 2007 (Hybrid Alternative)

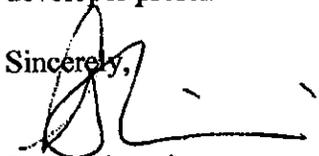
Dear Mrs. Ackerman:

We appreciate the City's efforts to begin to address Portola Hills concerns. However, we still get the same rhetoric regarding details we need to evaluate this proposal. The continued response of "The city will address details later" is not acceptable. Given the fact that the City is approving a Development Agreement justifies greater details be given prior to any approvals. Therefore, we cannot support any proposal without detailed architectural guidelines (detailing building types and uses (apartment, commercial, single family, condominium), densities, architectural character, site coverage, building heights, setbacks, 2 story limit). This request for details is reasonable and customary for this type of development. Only after we have the opportunity to review these details can anybody, including City Council, make an informed decision on this development.

22-1

In addition, there is a significant lack of trust with the city in the Portola Hills community. Nobody truly understands what the proposed development is. Pictures with no real commitments, density numbers without exact building types or use guarantees are worthless. Clear up our conceptions and have real detailed development plans from the developer presented to us.

Sincerely,


Scott Minami
19251 Jasper Hill Road
Trabuco Canyon, CA 92679

■ Letter 22 - Response To Scott Minami

RTC 22-1

Please see Topical Response 2.

This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please note that the development agreements do not provide project details beyond those disclosed in the Draft PEIR and Recirculated DPEIR. No further revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center
Date: Thursday, February 07, 2008 11:02:44 AM
Attachments:

From: Rimland6@aol.com [mailto:Rimland6@aol.com]
Sent: Sunday, February 03, 2008 10:37 AM
To: Ackerman, Gayle
Subject: Portola Center

As residents of Portola Hills community, we ask that the following conditions be addressed:

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**
- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**

5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.

Thank you.

Anthony and Carol Rimland

19281 Sleeping Oak Dr.

949-858-8473

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

From: Darla Miller [mailto:darla.miller@earthlink.net]
Sent: Monday, February 11, 2008 6:21 AM
To: Ackerman, Gayle
Subject: Portola Hills Development Plans

Dear Sirs,

Regarding the development of Portola Center - please consider the residents of this neighbor in the following:

- Please ensure that the development of Portola Center is compatible with the existing Portola Hills community.

- Please provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.

- Please provide specific language regarding the developer's commitment to repair of the school.

- Please consider widening Saddleback Ranch Road to Millwood and Malabar. It will be a difficult commute in and out of the community if traffic flow isn't reorganized.

- Please provide a commitment that the commercial area cannot be converted to apartments at a later date.

Thank you for your consideration in our requests. We love Portola Hills. Most of the residents here have stayed within the community and bought up into larger homes. It would be a very disappointing to lose the close-knit community feel that is unique for our area.

Sincerely,
Darla Miller
19231 Jasper Hill Rd.
Trabuco Canyon, CA 92679
949-459-6886

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center devwlopmwnt
Date: Thursday, February 07, 2008 10:59:32 AM
Attachments:

From: Bill Adamo [mailto:adamo37@cox.net]
Sent: Saturday, February 02, 2008 6:24 AM
To: Ackerman, Gayle
Subject: Portola Center devwlopmwnt

Good morning,
In your upcoming open meeting, it is imperative that the following be addressed:

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**
- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**

- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

Bill Adamo
Concerned Portola Hills Resident

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center development
Date: Thursday, February 07, 2008 11:05:16 AM
Attachments:

From: David Minns [mailto:minns01@gmail.com]
Sent: Tuesday, February 05, 2008 5:39 PM
To: Ackerman, Gayle
Subject: Portola Center development

In response to the published new alternative (Chapter 7) regarding the planned 1,132-unit Portola Center development to be built on the remaining 149 acres of land just south of Portola Hills, I ask that the following conditions be addressed.

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**

- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**
- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

David Minns - Resident of Portola Hills

Letter 23

From: Keeby Family [mailto:keeb.4@cox.net]
Sent: Saturday, February 09, 2008 3:32 PM
To: Ackerman, Gayle
Subject: Conditions to please address for alternative Portola Center development
Importance: High

Hello Ms. Ackerman,

As a 17 year resident of Portola Hills, I want you all to know that I am still actively interested in the oversight of the Portola Center alternative project. I still have several concerns and I am asking that you please represent us in addressing the following before making your decision:

1. Please ensure that the development of Portola Center is compatible with the existing area of Portola Hills. We love where we live for a reason...it is so unique and beautiful here and we want the area to remain with the same "look" and "feel".
2. Please provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading, footprint, affordable rental or for-sale units. Also provide a mechanism to document the commitment of this level of planning.
3. Please provide specific language regarding the developer's commitment to repair Portola Hills Elementary School.
4. Please ensure that Saddleback Ranch Road is widened to Millwood and Malabar. We don't want any new stoplights as suggested by Baldwin. We'd like only right turn's from the new development onto Saddleback Ranch Road. We need direct access to Glenn Ranch Road from the Malabar side of development.
5. The commercial site size is still too large. If commercial is planned, please condition it so that if the businesses fail, the space cannot be converted to apartments.

I sincerely hope you will seriously look at all of these conditions on behalf of the Portola Hills community.

Respectfully,

Erin and Jim Keeby
28532 Big Springs Road
Portola Hills, CA 92679

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center
Date: Tuesday, February 12, 2008 3:53:18 PM
Attachments:

From: Heather Banner [mailto:Heather.Banner@cox.net]
Sent: Monday, February 11, 2008 9:37 AM
To: Ackerman, Gayle
Subject: Portola Center

Please address the following conditions before you hold public hearings about Portola Center and the zoning plan:

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**
- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**

- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

Thank you

Heather Banner
Resident of Portola Hills

From: Kelly Turbeville [mailto:kturbe@cox.net]
Sent: Monday, February 11, 2008 2:00 PM
To: Ackerman, Gayle
Subject:

Dear Lake Forest Council

After review of the revised opportunity study and the development of Portola Center and as a resident and local business person in Portola Hills, the following details do not seem to be addressed in the revised study.

1. The development of Portola Center must be compatible with existing Portola Hills.
2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.
3. Provide specific language regarding the developer's commitment to repair of the school.
4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.
5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.

In addition, I did not see in the study any review of the impact on residential property values and further decline. As the real estate market has changed and the additional homes would only increase the current inventory on the market and thus stagnant property values even further.

Please take the above into consideration as you finalize this study.

Kelly Turbeville

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www.KellyTurbeville.com

*Always have my latest info.
Want a signature like this?*

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Community Considerations for Portola Center
Date: Tuesday, February 05, 2008 1:32:59 PM
Attachments:

From: Lydia R-M Scialabba [mailto:exquisiteexpo@yahoo.com]
Sent: Friday, February 01, 2008 3:10 PM
To: Ackerman, Gayle
Subject: Community Considerations for Portola Center

Please consider these conditions below in the Zoning Plan for Portola Center, which will help to make the development a bit more palatable for us. The development will greatly impact our Family & Community in Portola Hills, so please help to steer it in a more positive direction.

Thank you,
Lydia & Anthony (Tony) Scialabba
28626 Malabar Road
E-Mail: ExquisiteExpo@yahoo.com

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**

- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**
- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center and Zoning plan
Date: Tuesday, February 19, 2008 4:55:09 PM
Attachments:

From: Oma Miles [mailto:oma85x2.93@cox.net]
Sent: Monday, February 18, 2008 3:46 PM
To: Ackerman, Gayle
Subject: Portola Center and Zoning plan

Please be advised that as a resident of Portola I am concerned about the following:

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**
- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**

- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

Thank you,

Natalie Miles

Letter 23

From: Ackerman, Gayle
To: Kuta, Cheryl;
CC: Opportunities Info;
Subject: FW: Portola Hills
Date: Monday, February 04, 2008 2:29:21 PM
Attachments:

From: Dnita@aol.com [mailto:Dnita@aol.com]
Sent: Friday, February 01, 2008 2:17 PM
To: Ackerman, Gayle
Subject: Portola Hills

Hello:

This is a genuine concern of us residents of Portola Hills. We have been living here for over 17 years and wish to keep our community in the same style, Facade and Density. This was one of the Main reasons we moved in to Portola Hills. It is easy for someone sitting in the planning and development area to Undermine our views but this is the Most Important factor for us residents.

Please provide us with following information.

PLEASE DO NOT IGNORE OUR EMAILS. YOU MUST HAVE THE COURAGE AND COURTESY TO RESPOND.

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**

- 3. Provide specific language regarding the developer's commitment to repair of the school.**
- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**
- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

Nita Desai
Portola Hills Resident

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Resident Comments to the City of Lake Forest new alternative (Chapter 7)
Date: Tuesday, February 19, 2008 4:53:46 PM
Attachments:

From: Victor Pinsker [mailto:vpinsker@spscommerce.com]
Sent: Thursday, February 14, 2008 6:57 AM
To: Ackerman, Gayle
Subject: Resident Comments to the City of Lake Forest new alternative (Chapter 7)

Hello Gail,

Thank you for keeping us in the loop!

The reduction in number of proposed units in the new development is a defiantly a step in the right direction. However, we are mostly concern with the overall impact on our neighborhood and the uncertainty due to the obvious lack of specific language to address the real issues:

- 1. The development of Portola Center must be compatible with existing Portola Hills.**
- 2. Provide specific details to Portola Hills' community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.**
- 3. Provide specific language regarding the developer's commitment to repair of the school.**

- 4. Widen Saddleback Ranch Road to Millwood and Malabar. No new stoplights as suggested by Baldwin. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.**
- 5. The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.**

We would be much more comfortable and supportive of the project if we could see some form of documented commitment, in a form of an agreed scope and plan that will keep the parties: developer, school district, city hall & etc. accountable for the process and outcome.

Respectfully,

Victor & Sharon Pinsker
28722 Malabar Rd
Portola Hills, CA
(949) 589 7684

Letter 23

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center Development
Date: Tuesday, February 19, 2008 4:55:23 PM
Attachments:

-----Original Message-----

From: Mark Peterson [<mailto:pet0446@sbcglobal.net>]
Sent: Monday, February 18, 2008 5:57 PM
To: Ackerman, Gayle
Subject: Portola Center Development

To Whom It May Concern,

Regarding the development of Portola Center:

1. We have lived in Portola Hills for sixteen years and we are very concerned about the proposed changes and their effect on our community. We feel the development of Portola Center must be compatible with the already existing Portola Hills neighborhood. We have to wonder though with the housing market now in a slump, is any of this necessary?
2. The community needs to know specifically what is being planned for our neighborhood as it will have a direct effect on our daily lives as well our property values. Please provide specific details to community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. The community should also be provided with a way to document the commitment at this level of planning.
3. We are very concerned about the condition of our neighborhood school. Before any new construction is allowed to begin we feel the issue of the school

repairs must be resolved. Please provide specific language regarding the developer's commitment to repair of the school.

4. Traffic especially during commute times is heavy already. If new units are added Saddleback Ranch Road will need to be widened to Millwood and Malabar to accommodate the extra traffic. We certainly don't want new stoplights as suggested by Baldwin. Only right turns should be permitted from any new development onto Saddleback Ranch Road as is already the case at the intersection of Shady Ridge and Saddleback Ranch Road. Another option would be to provide direct access to Glenn Ranch Road from the Malabar side of the development that might lessen the amount of traffic on Saddleback Ranch Road.

5. We are concerned that the commercial site size is still too large. If commercial zoning has to be planned, at least provide conditions it so that if the businesses fail, the space cannot be converted to apartments.

Thank you for your time.

Sincerely,

Mark & Sandy Peterson

■ Letter 23 - Responses to Form Letters

The City received the letters from the following individuals which contained the same five comments:

1. Anthony and Carol Rimland
2. Darla Miller
3. Bill Adamo
4. David Minns
5. Erin and Jim Keeby
6. Heather Banner
7. Kelly Turbeville
8. Lydia and Anthony Scialabba
9. Natalie Miles
10. Nita Desai
11. Victor and Sharon Pinsker
12. Mark and Sandy Peterson

Responses to these same five comments are provided below, followed by copies of these comment letters. In addition, the City received a number of letters which contain some of these form comments, along with other comments. These letters and responses to these letters are located after the form letters.

RTC 23-1 **Comment: The development of Portola Center must be compatible with existing Portola Hills.**

The current proposal is a General Plan Amendment (GPA) and Zone Change (ZC) to allow residential development on the Portola Center Property. This is a programmatic level of planning which sets maximum densities for the site in terms of dwelling units per acre with a total maximum unit cap. The proposed densities for the Portola Center property are Low Density Residential, which allows up to 7 homes per acre, and Medium Density Residential, which allows up to 25 homes per acre. Both of these land use categories occur within existing the Portola Hills community. The proposed General Plan designation for the area north of Glenn Ranch Road and adjacent to existing Portola Hills is Low Density Residential and is the same as the adjacent existing single family homes. The highest density areas are proposed at 15 to 25 homes per acre and are located south of Glenn Ranch Road adjacent to the commercial/mixed use area of the site.

The ZC will include a list of allowable uses and site development standards. The list of allowable uses will include single-family detached homes in the area north of Glenn Ranch Road, single-family detached and multi-family in the area south of Glenn Ranch Road, and low-intensity commercial uses with residential uses in the Mixed-Use area near Glenn Ranch Road and Saddleback Ranch Road. The development standards in the ZC will specify allowable building heights, setbacks, and lot sizes. The proposed GPA and ZC would designate approximately 100 acres of the property for open space.

Under the proposed Alternative 7 ZC, the 930 homes would include 418 single-family detached units (52%), 390 condominium units (42%), and 59 apartment units (6%). The existing Portola Hills community has 806 single-family detached homes (37%), 491 attached (duplex/paired) homes (23%), and 882 condominiums (40%). Thus, the density and type of residential development in the Portola Center will be similar to the existing Portola Hills community, and would not create land use conflicts.

More detailed planning of the property will be required. The next steps will involve City review of a proposed Master Tentative Tract Map and Area Plan for the site. The proposed Map will show how the landowner proposes to divide up the property into individual lots. The Area Plan will include detailed site development standards (development standards dictate the minimum lot size, maximum lot coverage, maximum building height, setbacks and other standards to which the homes will be built), requirements for traffic improvements, phasing, landscaping concepts and requirements, and design guidelines. The Area Plan, and its guidelines and standards, will be consistent with the City's General Plan. Environmental review will also be required during the City's review of the proposed Map and Area Plan. The environmental document, map and area plan will all require public hearings before the Planning Commission.

In summary, the proposed General Plan Amendment and Zone Change would allow densities on the Portola Center that are consistent with what is found in Portola Hills today. Subsequent planning will be required to address project-specific details. Additional compatibility issues, such as visual compatibility and traffic/circulation, will be addressed during project specific planning.

RTC 23-2

Comment: Provide specific details to Portola Hills community members regarding size, scale, parking, traffic, park site, grading footprint, affordable rental or for-sale units. Provide a mechanism to document the commitment at this level of planning.

The current proposal is a General Plan Amendment (GPA) and Zone Change (ZC) to allow residential development on the Portola Center Property. This is a programmatic level of planning which sets maximum densities for the site in terms of dwelling units per acre with a total maximum unit cap. At this level of planning, the following information is available.

Size	<ul style="list-style-type: none"> • 243 acre project site (gross) • Maximum of 930 dwelling units (Alternative 7) • Approximately of 8 acres of parkland
Scale	<ul style="list-style-type: none"> • Height limits consistent with existing Portola Hills • 35 feet for single-family detached and attached homes • 45 feet for mixed-use

<p>Traffic</p>	<ul style="list-style-type: none"> • A variety of lot sizes for single-family homes • See discussion of Traffic in Recirculated Draft PEIR page 7-52 • GPA/ZC will include requirement to study additional intersections in project level traffic study: <ul style="list-style-type: none"> • El Toro Road at Glenn Ranch Road, • Saddleback Ranch Road at Malabar Road, • Saddleback Ranch Road at Millwood Road, • Marguerite Parkway at El Toro Road, • Marguerite Parkway at Los Alisos Boulevard, • Marguerite Parkway at Santa Margarita Parkway • Other intersections, such as Saddleback Ranch at Glenn Ranch, are considered “on-site” project feature intersections and will also be studied to determine the appropriate improvements based on project level planning.
<p>Park Site</p>	<ul style="list-style-type: none"> • Approximately 6 acre park site south of Glenn Ranch Road and west of Saddleback Ranch Road • Additional neighborhood parks
<p>Grading Footprint</p>	<ul style="list-style-type: none"> • Approximately 243 gross acres on both sides of Glenn Ranch Road • Conceptual Grading Plan determined during site-specific planning
<p>Affordable For-Sale and Rental Units</p>	<ul style="list-style-type: none"> • Variety of unit sizes and prices allowed with GPA and ZC • General Plan encourages 15% affordable housing

Additional site-specific planning and City approvals will be required before anything can be built. The next level of planning will include City review of a proposed Master Tentative Tract Map and Area Plan for the site. The Area Plan will include all of the requested items and more as listed below. If approved, the General Plan Amendment and Zone Change will require that the landowner submit an Area Plan for project-level review.

<p style="text-align: center;">Area Plan Submittal Requirements</p>
<ul style="list-style-type: none"> • Master Land Use Plan • Public Facilities Phasing and Financing Plan • Grading Concept Plan • Landscape Concept Plan • Circulation Plan • Public and Private Recreational Facilities Plan • Recreation Phasing Plan • Affordable Housing Implementation Plan • Open Space Plan

- Drainage Master Plan
- Sewer Master Plan
- Water Distribution Master Plan
- Dry Utilities Plan
- Fuel Modification Plan
- Wall Plan
- Maintenance Responsibilities Plan
- Preliminary Geotechnical Study
- Phase I
- Traffic Study
- Hydrology Study
- Soils Report
- Water Quality Management Plan (WQMP)
- Noise Analysis
- Cultural Resource Study
- Biological Resource Survey
- Title Report
- Tentative A Map (Master Tentative Tract Map)
- Design Plan
- Environmental Checklist form and consultant deposit for project-level CEQA analysis

RTC 23-3

Comment: Provide specific language regarding the developer's commitment to repair the school.

As explained on page 7-10 of the Recirculated DPEIR and Topical Response 7 in Chapter 8, the Development Agreement with the Portola Center property owner will require the property owner to enter into an agreement with the Saddleback Valley Unified School District for remediation and repair of existing conditions at Portola Hills Elementary School. The City will not be a party to that agreement and the specific terms of that agreement with respect to the scope and timing of repairs will be agreed upon between the landowner and the district. Compliance with that agreement, however, is required as a condition of the development agreement.

RTC 23-4

Comment: Widen Saddleback Ranch Road to Millwood and Malabar. Community does not want new stoplights as suggested by developer. Right turn only conditions from new development onto Saddleback Ranch Road. Direct access to Glenn Ranch Road from Malabar side of development.

The current proposal is a General Plan Amendment (GPA) and Zone Change (ZC) to allow residential development on the Portola Center Property. This is a programmatic level of planning which sets maximum densities for the site in terms of dwelling units per acre with a total maximum unit cap. Additional site-specific planning and City approvals will be required before anything can be built. The next

level of planning will include City review of a proposed Master Tentative Tract Map and Area Plan for the site. Site specific traffic studies based on the number and configuration of residential lots will be conducted during the next level of review and will determine the roadway improvements that will be necessary to accommodate the proposed development in conjunction with existing development. All of the listed suggestions will be considered. See also Topical Responses 7 and in Chapter 8.

RTC 23-5

Comment: The commercial site size is still too large. If commercial is planned, condition it so that if the businesses fail, the space cannot be converted to apartments.

The current proposal is a General Plan Amendment (GPA) and Zone Change (ZC) to allow residential development on the Portola Center Property. The Proposed General Plan and Zoning would include a 5 acre mixed use area which would allow a combination of multifamily and neighborhood commercial uses. As discussed above, specific site development standards will be set at the Area Plan. However, a condition of approval will be included in the Zone Change to specify that Mixed Use projects which contain commercial and residential in the same building may not have residential uses on the first floor. Please also note that the maximum number of residential units for the property is specified in the GPA.

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Future development of Portola Center
Date: Thursday, February 07, 2008 11:12:19 AM
Attachments:

From: Ken Chai [mailto:kchai@gramanshafts.com]
Sent: Monday, February 04, 2008 3:53 PM
To: Ackerman, Gayle
Cc: Sydney Chai
Subject: Re: Future development of Portola Center

Dear City Counsel members;

Please take into consideration the following before your next meeting on Portola Center.

1. Compatibility with our existing community of Portola Hills.
2. Real estate economic condition in Orange County. We do not want to be left with poorly developed community along with a bankrupt developer like we have in Portola Hills along with developer's promises which were not kept
3. Please provide Specific details of this community regarding size, scale, traffic GRADING FOOTPRINT, parks etc.
4. Developer's commitment in writing regarding Portola Hills' school repairs.
5. Direct access to Glenn Ranch Road from Malabar side of development.
6. Smaller commercial site.

Thank you for your support and communications.

Ken & Stacey Chai
Portola Hills resident for 12+ years and a business owner in Lake Forest

■ Letter 24 - Response To and Stacey Ken Chai

- RTC 24-1 Please see RTC 23-1.
- RTC 24-2 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. This comment does not raise any environmental issues relevant to the Draft PEIR or Recirculated DPEIR; therefore, no further response is required.
- RTC 24-3 Please see RTC 23-2.
- RTC 24-4 Please see RTC 23-3.
- RTC 24-5 Please see RTC 23-4.
- RTC 24-6 Please see RTC 23-5.

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Hills Development
Date: Thursday, February 07, 2008 11:08:42 AM
Attachments:

-----Original Message-----

From: shimizus@cox.net [mailto:shimizus@cox.net]
 Sent: Tuesday, February 05, 2008 5:48 PM
 To: Ackerman, Gayle
 Subject: Portola Hills Development

I'm like to express some concerns/issues that I'd like addressed when considering development in Portola Hills.

We have a very nice quiet community with very few traffic issues. Traffic concerns is #1 for me. Please be sure to widen Saddleback road to Millwood and Malabar. We don't want additional traffic signals, just make right turns only.

We waited years to get a park. Please be sure that is ensured in the plan. We need specific details about size, scale, parking, traffic, the park size, and affordable rental or for-sale units.

Please keep the design compatible with our existing community.

Restrict the size of the commercial site and ensure it can't be changed to apartments in the future!! The elementary school can NOT handle a huge influx of children.

Repair to the school must be ensured and the responsibility of the developer with specific requirements.

Sincerely,

Stan and Irene Shimizu

25-1
 25-2
 25-3
 25-4
 25-5
 25-6

■ Letter 25 - Response To Stan and Irene Shimizu

- RTC 25-1 Please see RTC 23-4.
- RTC 25-2 As shown in Table 2-3 of the Draft PEIR, proposed Portola Center development would include approximately 10 acres of neighborhood park and 82 acres of open space on the 243 (gross) acres site. Please also see Topical Response 7 in Chapter 8.
- RTC 25-3 Please see RTC 23-2.
- RTC 25-4 Please see RTC 23-1.
- RTC 25-5 Please see RTC 23-2. Please also note that compliance with MM 3.12-3 (payment of statutory school fees and/or enter into a mitigation agreement with the school district) will ensure that the school system will be able to accommodate student population growth. No further revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.
- RTC 25-6 Please see Topical Response 8 and Section 7.2.2 of Chapter 7 which address mitigation for school impacts.

Kuta, Cheryl

From: Ackerman, Gayle
Sent: Tuesday, February 19, 2008 4:56 PM
To: Opportunities_Info
Subject: FW: Portola Center Development; Opportunities Study, Chapter 7 Recirculated Portions of the Draft PEIR

-----Original Message-----

From: uwe.shannon.ligmond@cox.net [mailto:uwe.shannon.ligmond@cox.net]
Sent: Monday, February 18, 2008 8:13 PM
To: Ackerman, Gayle
Cc: uwe.shannon.ligmond@cox.net
Subject: Portola Center Development; Opportunities Study, Chapter 7 Recirculated Portions of the Draft PEIR

As a resident of Portola Hills for many years, I am writing to request the City's careful consideration of the planned final development project that will affect the beauty and well-being of my community and Lake Forest in general.

Careful consideration must be made regarding the number of planned homes and their impact on surrounding traffic, congestion, crime, and school overcrowding. I am often puzzled on the need/demand for large volumes of low-cost housing in new developments in Lake Forest when other cities/areas, such as those with scenic views/beach communities/and other more affluent locations do not seem to merit such placement. In my opinion, Lake Forest already appears to have met its low-cost housing quota. El Toro Road appears to be lined with nothing but apartments and low-cost condominiums west of Jeronimo, and I doubt few can consider this area sparsely developed, low in vandalism, and an overall attractive portion of the City. Do we need to ensure another area of our City is subjected the same congestion and unwelcoming atmosphere?

26-1

I am also very concerned about how the already impacted Portola Hills Elementary and Serrano Intermediate Schools will handle such an increase to their student bodies. As a parent who has had children attend both institutions, I cannot fathom how either school can handle more traffic or increases to classroom size. Please drive by these schools just before 8:00, 2:00, and 3:00 PM and see for yourself.

26-2

Before you approve any plan, please consider the following:

1) That the development will improve upon, and not detract from, the existing Portola Hills and nearby communities. We all want to ensure this will be an area, a City, that people will want to flock to, not from.

26-3

2) Please consider the affect to long-term residents above that of Developers that will be long gone after the construction is over. We in Portola Hills have been left holding enough bags from our friend Baldwin - we don't more slope failures, crumbling schools, and deserted, undeveloped parks - thanks by the way for your help with that (we love Concourse Park!).

26-4

3) We in Portola Hills need specific details regarding the size, scale, parking, traffic impacts that will affect our community. How many homes will be developed? How many will be affordable housing units and what is your definition of such. Portola Hills is such a nice enclave of Lake Forest because of its high single family home to multi-family structure ratio. Lets keep it that way.

26-5

4) We need to have specific commitments once a plan is approved ensure the agreed upon number of units and that our school will repaired. The Saddleback Unified School District must be consulted once the final number of proposed new homesites is determined - we may need another elementary school and an expansion of the intermediate school.

26-6

5) Careful consideration of the additional traffic congestion is required. Saddleback

26-7

~~Ranch Road and Malabar around Portola Hills Elementary is already congested, more homes will lead to unbearable conditions unless a detailed study is undertaken. A secondary elementary school site should be considered - this will alleviate congestion in this area and direct new development traffic away from the existing community instead of toward it.~~

26-7

6) The planned commercial site is too large. Enough retail/commercial space is already available and present along Portola Road, in fact retail space is difficult to keep occupied in the retail establishment in adjacent Mission Viejo in the Henry's-anchored center at the intersection of Marguerite/Portola. We don't need the blight of vacant retail space in Lake Forest. There is enough already (such as the vacant Vons-anchored strip along El Toro - now in desperate need of revitalization.

26-8

I understand that development will occur and even look forward to it. It can provide an opportunity for community/City invigoration as long as it is done carefully and in an a manner to protect what is already working for the City of Lake Forest - the community of Portola Hills - instead of detracting from it.

26-9

Sincerely,

Uwe and Shannon Ligmond
19226 Sleeping Oak Drive
Lake Forest (Portola Hills)
949-459-1961

Letter 26 - Response To Uwe and Shannon Ligmond

- RTC 26-1 As discussed more fully on pages 3.11-7 to 3.11-8 of the Draft PEIR, every five years the Southern California Association of Governments (SCAG) conducts the Regional Housing Needs Assessment (RHNA) and proportions the share of projected, very low, low, moderate and upper income housing need among the region's cities and unincorporated areas. Lake Forest is then responsible for having sufficient zoned land available to meet its share of the RHNA. Please note that issues such as traffic, police services and schools were addressed at a programmatic level in the Draft PEIR and Recirculated DPEIR.
- RTC 26-2 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please see Topical Response 8 regarding schools. Project-specific review will address traffic congestion at specific areas in greater detail once detailed site plans are available.
- RTC 26-3 Please see RTC 23-1.
- RTC 26-4 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please note that the proposed project and alternatives include enforceable and binding mitigation measures and development standards to address geologic, park and other infrastructure issues.
- RTC 26-5 Please see RTC 23-2.
- RTC 26-6 Please see RTC 23-3. As explained in the Recirculated DPEIR at pages 7-9 to 7-10, impacts to schools will be addressed either through payment of statutory school fees or through a mitigation agreement with the school district. Thus, impacts to schools will be reduced to less than significant impacts.
- RTC 26-7 Please see RTC 23-4. Please note that the school site has not been identified as a cause of traffic congestion. More detailed site specific traffic studies will be prepared, however, once site plans are available.
- RTC 26-8 Please see RTC 23-5. Please note that there is no evidence to suggest that mixed-use commercial development in Portola Center will create blight in the City.
- RTC 26-9 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration.

Letter 27

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Hills development
Date: Tuesday, February 05, 2008 1:29:31 PM
Attachments:

From: Jinx Hydeman [mailto:jh.creativeecho@cox.net]
Sent: Friday, February 01, 2008 2:48 PM
To: Ackerman, Gayle
Subject: Portola Hills development

Hi,

I live in Portola hills and I have concerns about the new development in our are below are some of my concerns:

That the development must be compatible with the community as it is.

27-1

That the member of the community gets specific details regarding size, scale, parking, traffic, part site grading footprint, affordable rental or for-dale units.

27-2

How it's will be leveled.

How the developer's is going to repair the school

That Saddleback Rd will be widen to Millwood and Malabar. No new stoplights as suggested by Baldwin.

27-3

Right turn only conditions from new development onto Saddleback Ranch Rd.

Direct access to Glenn Ranch Rd. from Malabar side of development

The commercial site size is still too large as the plan is now if the commercial businesses fail the space can't be converted to apartments.

27-4

I love living in this area and ready would like it to stay as it is. With access to natures and not too much traffic. Would hate to see it turn into what the rest of Orange county has become. Please protect this area.

27-5

Please keep me informed about what is happening with this project.

Thank you,

Jinx Hydeman
jh.creativeecho@cox.net

■ Letter 27 - Response To Jinx Hydeman

RTC 27-1 Please see RTC 23-1.

RTC 27-2 Please see RTC 23-2.

RTC 27-3 Please see RTC 23-4.

RTC 27-4 Please see RTC 23-5.

RTC 27-5 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please note that the proposed development at Portola Center would include open space elements and a minimum of 8 acres of parkland. Traffic impacts of the GPA have been addressed at a programmatic level in the Draft PEIR and Recirculated DPEIR, and once site plans are submitted, will be reviewed on a project-specific level. No further revision of the Draft PEIR or Recirculated DPEIR is required in response to this comment.

Letter 28

From: Ackerman, Gayle
To: Opportunities Info;
CC:
Subject: FW: Portola Center Development
Date: Thursday, February 07, 2008 11:00:21 AM
Attachments:

From: NancyCWooldridge@aol.com [mailto:NancyCWooldridge@aol.com]
Sent: Saturday, February 02, 2008 1:18 PM
To: Ackerman, Gayle
Subject: Portola Center Development

Dear Sir/Madam:

As a resident of Portola Hills for the last 20 years I feel compelled to speak up about your proposed development in our community.

My children are now in High School, but I still have concerns about building new residences in an area where a considerable amount of the school is closed off due to faulty building. Which by the way, goes back to the Baldwin Company in my opinion, they were building a community and as such should have made sure that whatever plans were used were correct. Our community would like to know, in writing, what are your plans and commitment to taking care of the needed repairs at Portola Hills Elementary School?

28-1

My biggest concern is traffic. Having to turn left from Malabar onto Saddleback everyday I know how dangerous that turn is currently. I can only assume poor planning when the road was put in as there is a bend in it that does not allow us to see oncoming traffic from the stop sign coming up the hill. If we start a turn and someone is coming up the hill at a high speed, which happens often, there is a high likely hood of someone being seriously injured if not killed making that turn. There have been several accidents over the years, I am surprised there have not been more. Even without a new development I highly urge the city to install a traffic light at the intersection.

28-2

I understand things change, but one of the draws of Portola Hills is that it is somewhat removed from the hustle and bustle of business'. The master plan of the

28-3

community leant itself to be that of a small town, away from the traffic of a commercial area; something that is rare in Southern California and we like it that way. I would imagine that if additional homes are part of a future that the people renting or buying would agree and be drawn to this type of community, aren't there enough businesses in Lake Forest?

28-3

Lake Forest should know that Baldwin is not to be trusted. The original home I bought was full of faulty workmanship, it was a home slapped together to make a buck. Vista Modjeska, a street that endures the brunt of high winds, had windows blowing in and causing severe danger when they were built. Baldwin had no consistency in the type of window used in each home, and when brought to their attention they did the very minimal to compensate the owners. There were other issues, some resolved, some not, but never did the Baldwin Company seem to truly care about the customer. You may feel they this is just part of doing business, but I assure you that if you are not careful the same thing will happen to Lake Forest. Beware, you are not dealing with a company of integrity.

28-4

Given that the residents have spoken loudly about our safety concerns you as a city, I am sure, will be held to a higher level of accountability should injury or God forbid a death occur because our concerns were not addressed. You also owe it to the community that the elementary school be able to accommodate the children that will ultimately attend.

28-5

I have faith that the city of Lake Forest will not make decisions based solely on the dollar sign.

Sincerely,
Nancy Wooldridge
19523 Arezzo Street
Trabuco Canyon, CA 92679

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

■ Letter 28 - Response To Nancy Woolridge

- RTC 28-1 Please see Topical Response 8, Response to Comment 23-3, and the Recirculated DPEIR at page 7-10.
- RTC 28-2 Please see RTC 23-4. This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Traffic impacts have been studied at a programmatic level of review. Specific roadway improvements for the Portola Center will be considered in site specific review once a site plan has been developed.
- RTC 28-3 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please note that while development at Portola Center would result in increased traffic, the property is already designated for commercial and business park uses that would create even greater traffic impacts.
- RTC 28-4 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. This comment does not raise any environmental concerns that require further response.
- RTC 28-5 This comment is noted and transmitted through inclusion in the final PEIR to the City's decision-makers for consideration. Please note that safety and schools issues have been addressed at a programmatic level in the Draft PEIR and Recirculated DPEIR. More specific review, and additional opportunities for public input, will occur once site plans are developed.