

PC ATTACHMENT 1

RESOLUTION NO. PC 2023-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL FIND LAND USE CHANGES TO THE NAKASE PLANNED COMMUNITY (AKA: THE MEADOWS) PROPOSED UNDER GENERAL PLAN AMENDMENT “GPA” 06-23-5639 TO CHANGE THE PUBLIC FACILITY LAND USE DESIGNATION TO LOW DENSITY RESIDENTIAL, AND AREA PLAN AMENDMENT 06-23-56 TO CHANGE THE SCHOOL SITE DESIGNATION TO NEIGHBORHOOD 6, INCLUDING ALL APPURTENANT TEXT, TABLES, AND EXHIBITS, ARE CONSISTENT WITH THE ENVIRONMENTAL IMPACT REPORT (SCH#2018071035) FOR THE NAKASE PLANNED COMMUNITY CERTIFIED BY THE CITY COUNCIL ON JANUARY 21, 2020, PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND STATE CEQA GUIDELINES SECTION 15162.

WHEREAS, on May 4, 2017, Rick Nelson of Toll Brothers West, Inc., filed General Plan Amendment 05-17-5033 and Zone Change 05-17-5134, and on May 24, 2018, Area Plan 05-18-5166, and on August 28, 2019, Vesting Tentative Tract Map 18142 (VTTM 08-19-5302), and requested a Development Agreement for the development of the Nakase Nursery site as a Planned Community consisting of single-family units, senior affordable housing, a school site, parks, trails, and open space (collectively, the Project); and

WHEREAS, on January 21, 2020, the City Council approved the Project and certified the final environmental impact report (SCH#2018071035) and adopted a Statement of Overriding Considerations and Mitigation Monitoring Program; and

WHEREAS, the City of Lake Forest approved a Development Agreement with Toll Brothers West, Inc. (Applicant) on March 6, 2020, which defined the City’s and the Applicant’s obligations with respect to the development of approximately 126 acres of land located in the City (“Project”), including fees and dedication of land for park facilities and an 10-net acre school site; and

WHEREAS, on September 29, 2022, the Applicant offered SVUSD an Irrevocable Offer of Dedication (IOD) encompassing the 10-net acre school site; and

WHEREAS, on March 9, 2023, the SVUSD Board of Education voted to decline the IOD; and

WHEREAS, in accordance with the Development Agreement between the Applicant and the City of Lake Forest, the school site reverted to the Applicant along with a vested right to build additional housing; and

WHEREAS, as required by the Development Agreement, and at the Applicant's request, the City will amend the General Plan land use designation from "Public Facility" to "Low Density Residential", and amend the Area Plan from all references to "school site" to "Neighborhood 6"; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the proposed changes were assessed pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., § 15000 et seq.) When a project is modified after an EIR for the project has been certified, pursuant to State CEQA Guidelines section 15162, no subsequent EIR shall be prepared for that project unless:

- 1) Substantial project changes are proposed which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.
- 2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time

the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

WHEREAS, the proposed modifications will not result in any new environmental impacts, or substantially more severe environmental impacts, and therefore none of the circumstances identified in State CEQA Guidelines section 15162 have arisen. In addition, the proposed modifications would be required to comply with all mitigation measures contained in the Mitigation Monitoring and Reporting Program (MMRP) that was adopted in connection with the previous EIR. Therefore, the previously certified EIR serves as the environmental documentation for the project and the revised project is in compliance with the requirements of CEQA. Pursuant to Public Resources Code section 21166 and State CEQA Guidelines section 15162, no further environmental review is necessary.

WHEREAS, on July 20, 2023, the City gave public notice of the public hearing of the amendments to the Nakase Planned Community, including GPA 06-23-5639, and AP Amendment 06-23-5640 by advertisement in a newspaper of general circulation, and by posting a notice at City Hall, and by mailing a notice to owners of property located within 300 feet of the project site on July 20, 2023; and

WHEREAS, on August 3, 2023, the Planning Commission conducted a duly-noticed public hearing to consider the amendment to the Nakase Planned Community, at which hearing members of the public were afforded an opportunity to comment upon the GPA and AP amendments; and

WHEREAS, the findings and conclusions made by the Planning Commission in this Resolution are based on the oral and written evidence

presented as well as the entirety of the administrative record for the Project, which is incorporated herein by this reference.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST DOES RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. RECITALS. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. COMPLIANCE WITH CEQA. The Planning Commission has reviewed and considered the administrative record, including but not limited to the Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) and recommends that the City Council find that those documents taken together contain a complete and accurate reporting of all the environmental impacts associated with the project, including the GPA and the Nakase Area Plan Amendment. The Planning Commission further recommends that the City Council find that the GPA and AP Amendment in compliance with CEQA, the State CEQA Guidelines, and the City's Local Guidelines. The Planning Commission further recommends that the City Council find and determine that the GPA and AP Amendments reflect the City's independent judgment.

SECTION 3. FINDINGS REGARDING ENVIRONMENTAL IMPACTS. Based on the substantial evidence set forth in the administrative record, including but not limited to the Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) the Planning Commission recommends that the City Council find that no further environmental review is required under CEQA pursuant to State CEQA Guidelines section 15162 because the project, including the Development Agreement Amendment and the Serrano Summit Area Plan Amendment:

- a) Will not result in substantial changes that would require major revisions to the Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and
- b) Will not result in substantial changes with respect to the circumstances under which the project, including the GPA and AP Amendment would require major revisions to the Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

- c) Does not present new information or substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) was certified or adopted, as applicable, showing any of the following: (i) that the project, including the GPA and AP Amendment would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

SECTION 3. CUSTODIAN OF RECORDS. The certified Nakase Nursery/Toll Brothers Project Final EIR (SCH #2018071035) is on file and available for public review at Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, California 92630. The City Clerk is the custodian of these documents.

SECTION 4. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following action:

Recommend that the City Council determine the Final Environmental Impact Report (SCH #2018071035) adequate for GPA 06-23-5639, and AP Amendment 06-23-5640 and find that no additional environmental review is required pursuant to Section 21166 of the Public Resources Code and section 15162 of the State CEQA Guidelines.

APPROVED this 3rd day of August 2023, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

JOLENE FUENTES
CHAIR
LAKE FOREST PLANNING COMMISSION

ATTEST:

DATE

GAYLE ACKERMAN, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

DATE