

PC Attachment 2

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT (“GPA”) 06-23-5639 AMENDING THE GENERAL PLAN LAND USE DESIGNATION FOR THE SCHOOL SITE (APN 612-221-10) LOCATED WITHIN THE NAKASE PLANNED COMMUNITY (AKA: THE MEADOWS) LOCATED AT SOUTHEAST CORNER OF BAKE PARKWAY AND RANCHO PARKWAY FROM PUBLIC FACILITY TO LOW DENSITY RESIDENTIAL (2-7 DU/AC); FILED BY THE CITY OF LAKE FOREST ON BEHALF OF TOLL BROTHERS WEST, INC. AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND STATE CEQA GUIDELINES SECTION 15162.

WHEREAS, Article 5 of Chapter 3 of Division 1 of Title 7 (commencing with Section 65300) of the Government Code requires the City to prepare and adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, on June 21, 1994, the City of Lake Forest adopted its General Plan, which has since been amended from time to time; and

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. (Developer) 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 elementary school site; and

WHEREAS, on September 29, 2022, the Developer offered Saddleback Valley Unified School District (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 Developer and the City of Lake Forest, in the event that SVUSD rejects or fails to timely accept the IOD, Developer’s vested right shall include a vested right to construct additional low and medium density residential dwelling units on the school site, provided that the construction of units does not exceed the density established by the residential designation approved for the school site as set forth in the Nakase Area Plan; and

WHEREAS, the Nakase Area Plan permits construction of up to medium density residential use (15-25 du/acre) at the school site in the event SVUSD does not accept the conveyance of the school site; and

WHEREAS, the Nakase Area Plan limits the maximum number of units to those specified in Table 2.1 of the Area Plan, and mandates that in no event will the Project exceed 675 units and 101 rental affordable units; and

WHEREAS, in conformity with the Development Agreement, and at the Applicant’s request, the City has initiated a General Plan Amendment (“GPA”) 06-23-5639 to amend the school site’s General Plan land use designation from “Public Facility” to “Low Density Residential” (2-7 du/ac); and

WHEREAS, the Project will also amend the Nakase Area Plan under Area Plan (“AP”) 06-23-5640 to replace the school site with a new residential neighborhood, Neighborhood 6, and allow single-family residential development at a density of 2-7 du/ac; and

WHEREAS, GPA 06-23-5630 together with AP 06-23-5640 shall not exceed the total 675 single-family units analyzed and approved for the Meadows Residential Community, 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; and

WHEREAS, the City gave notice of the public hearing at which the project would be considered by the Planning Commission by publishing a notice in a newspaper of general circulation on July 20, 2023, 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 Area Plan 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 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 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 (SCN#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 Nakase Nursery/Toll Brothers Project 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, 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, 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 4. CUSTODIAN OF RECORDS: The General Plan Amendment, Final EIR (SCH No. 2018071035), and all supporting documents are on file and available for public review at the Planning Division, Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, California, 92630. The Director of Community Development is the custodian of these documents.

SECTION 5. GENERAL PLAN CONSISTENCY: Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the attached General Plan Amendment is in the public's interest and results in substantial community benefits because it meets and facilitates the fulfillment of many of the City's adopted General Plan "Issues, Goals and Policies" for each individual element, as described below and in the resolution adopting the General Plan Amendment that is attached to this resolution as Exhibit "A."

1. The City of Lake Forest has officially adopted a General Plan.
2. The land uses authorized by the General Plan Amendment, and the General Plan Amendment itself, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, for the following reasons:
 - a) The General Plan Amendment is internally consistent with itself because the amendment to the Land Use Element interrelates with all the other General Plan Elements and comprises a unified approach to allowing certain development to occur.
 - b) The General Plan Amendment complies with Policy LU-1.1 of the Land Use Element to promote high quality in the design of all public and private development projects because the development permitted

by the General Plan Amendment will be subject to the City's typical design review procedures.

- c) The General Plan Amendment complies with Policy LU-1.5 of the Land Use Element to expand the range of housing types and density ranges to meet the diverse demographic, economic, and social needs of the community to ensure that new development fits within the existing setting and is compatible with the physical characteristics of available land, surrounding land uses, and public infrastructure availability because the development permitted by the General Plan Amendment adds to the mix of housing types consistent with those previously permitted.
- d) The General Plan Amendment complies with Policy LU-2.1 of the Land Use Element to ensure that new development fits within the existing community setting and is compatible with surrounding land uses and public infrastructure availability.
- e) The General Plan Amendment complies with Policy LU-2.5 of the Land use Element to require new development projects achieve visual compatibility with surrounding development through building, site, or design techniques, such as landscaping and architectural design, to achieve visual compatibility.
- f) The General Plan Amendment complies with Policy 1.1 of the Housing Element to ensure the provision of a variety of housing opportunities in Lake Forest, because the General Plan Amendment adds to the mix of housing types consistent with those previously permitted.
- g) The General Plan Amendment complies with Policies PF-1.1, PF-2.1, PF-2.2, and PF -3.1 of the Public Facilities Element to work with providers of water, sewer, energy, communications services, and public safety services to meet community needs for facilities and services, because the Orange County Fire Authority, Orange County Sheriff's Department, and Irvine Ranch Water District have been made aware of the development allowed under General Plan Amendment 06-23-5639, including development of the Property, and the developers will be required to comply with the City's development standards, which require close coordination with providers of utility services.

- h) The General Plan Amendment complies with Policy PF-9.2 of the Public Facilities Element to continue to engage Saddleback Valley Unified School District in the environmental review process for land use changes so that they can provide adequate educational opportunities for all students in a timely manner in accordance with the pace of residential development. The Saddleback Valley Unified School District was offered the Property for a new elementary school. In declining the offer, Saddleback Valley Unified School District determined that its existing school facilities can already accommodate the impacts of new students who will reside on the Property.
- i) The General Plan Amendment complies with Policy HW-3.1 of the Health and Wellness Element to support neighborhoods that sustain physical and mental health, create a sense of community, foster safe public spaces, and support lifecycle housing opportunities. There are over 24 acres of parks, open space, and trails in the overall development and other community amenities such as swimming pools and a community center that will be available for the new residents of Neighborhood 6.
- j) The General Plan Amendment complies with Policy PS-1.1 of the Public Safety and Noise Element to reduce the risk of impacts from geologic and seismic hazards, because the development of the Property will be required to comply with the latest building codes and statutes regarding seismic hazards, including but not limited to the Alquist-Priolo Special Studies Zones Act and the Seismic Hazards Mapping Act, and because subdivision of the Property will be subject to the requirement in Section 7.08.150 of the Lake Forest Municipal Code that geological hazards be removed or controlled.
- k) The General Plan Amendment complies with Policy PS-3.1 of the Safety Element to protect the community from flooding hazards, because subdivision of the Property will be subject to the requirement in Section 7.08.150 of the Lake Forest Municipal Code that flood hazards be removed or controlled, and the comprehensive flood damage prevention and floodplain management requirements in Chapter 8.70 of the Lake Forest Municipal Code.
- l) The General Plan Amendment complies with Policies PS-6.1, PS-6.2, PS-6.3, and PS-6.4 of the Safety Element to use noise/land use compatibility standards as a guide for future planning and

- development decisions and provide noise control measures in areas of new construction, because noise impacts from development of the Property have been analyzed as part of the EIR for the Project and will be further analyzed in any subsequent CEQA analysis, to the extent necessary, for the Property, and suitable mitigation measures have been and will be required and included in a Mitigation Monitoring Program applicable to development of the Property.
3. The land uses allowed by the General Plan Amendment will not adversely affect the public health, safety, and welfare in that the General Plan Amendment does not create nonconformities between the land uses allowed on the Property and land uses within other areas of the City.

SECTION 6. PLANNING COMMISSION ACTIONS. The Planning Commission hereby takes the following action:

1. Recommend that the City Council adopt the ordinance attached hereto as Exhibit "A," adopting General Plan Amendment (GPA) 06-23-5639 as follows:

A. Subject to compliance with the Mitigation Monitoring Program in the Final Environmental Impact Report, and upon satisfaction of the conditions precedent set forth in Subsections B below, the Land Use Element of the General Plan shall be amended to read as set forth in Exhibit A.

B. General Plan Amendment ("GPA") 06-23-5639 shall not take effect unless and until, Area Plan Amendment ("AP") 06-23-5640 are each approved by the City Council, and the associated revisions to the Nakase Area Plan are made by the Applicant prior to submittal of any subsequent development entitlement applications including a Tentative Tract Map and Site Development Permit for development in (new) Neighborhood 6.

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

DATE

ATTEST:

GAYLE ACKERMAN, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

DATE

SR-241

RANCHO PKWY

LAKE
FOREST DR



Exhibit A GPA 06-23-5639

General Plan Land Use Designation Amendment

APN: 612-221-10
Existing General Plan: Public
Facility
Proposed General Plan: Low Density
Residential

Legend



Project Location

General Plan Designations



Business Park



Commercial



Community Park/Open Space



Light Industrial



Low Density Residential



Low-Medium Density Residential



Medium Density Residential

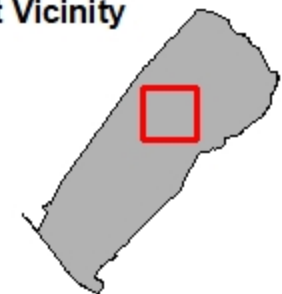


Regional Park/Open Space



Urban Industrial 25

Project Vicinity



Created by JM 7/17/23

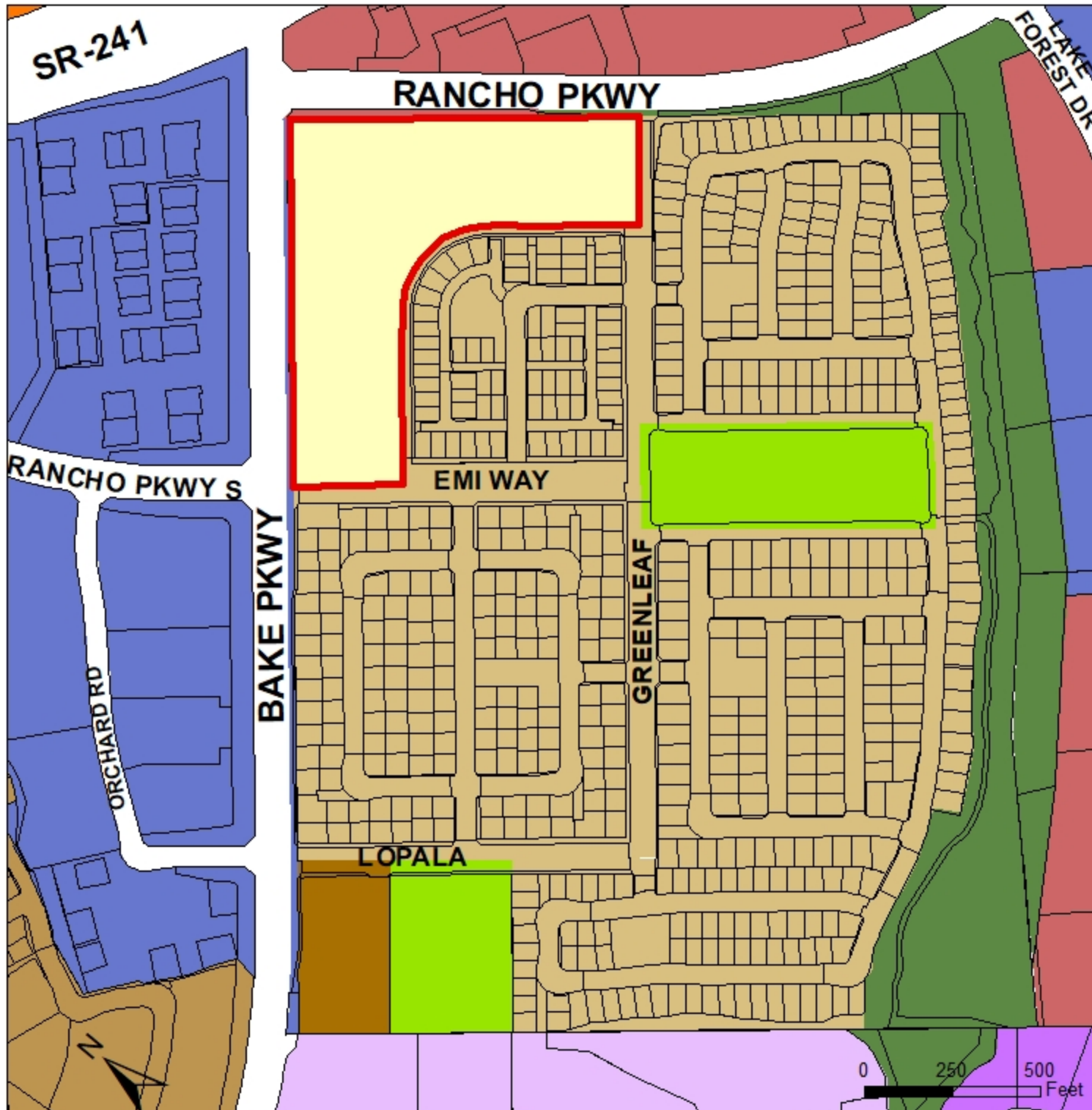


Table LU-1 Land Use Development Potential Summary

Land Use Designation	Acres (1)	Allowed Density and/or Intensity	Assumed Density and/or Intensity (2)	Units	Population (3)	Non-Residential Square Feet	Jobs (4)
RESIDENTIAL LAND USES							
Very Low Density	-	0-2 du/ac	1 du/ac	-	-	-	-
Low Density	2,499	2-7 du/ac	6.8 du/ac	17,023	50,559	-	-
Low-Medium Density	880	7-15 du/ac	10.9 du/ac	9,589	28,481	-	-
Medium Density	361	15-25 du/ac	22 du/ac	7,931	23,555	-	-
High Density	16	25-43 du/ac	38 du/ac	620	1,840	-	-
<i>Residential Subtotal</i>	<i>3,756</i>			<i>35,163</i>	<i>104,435</i>	-	-
NON-RESIDENTIAL LAND USES							
Commercial	341	1.0:1 FAR	0.25 FAR	-	-	3,718,616	8,263
Professional Office	12	1.2:1 FAR	0.30 FAR	-	-	156,816	522
Business Park	298	1.0:1 FAR	0.35 FAR	-	-	4,545,819	7,576
Light Industrial	627	0.60:1 FAR	0.35 FAR	-	-	9,565,602	15,943
Public Facility	373	1.2:1 FAR	0.05 FAR	-	-	811,508	812
<i>Non-Residential Subtotal</i>	<i>1,651</i>			-	-	<i>18,798,361</i>	<i>33,116</i>
MIXED-USE LAND USES							
Mixed-Use 32	49	32 du/ac 1.0:1 FAR	32 du/ac; 0.25 FAR	1,570	4,663	534,327	1,186
Mixed-Use 43	312	43 du/ac 1.2:1 FAR	36 du/ac (2); 0.40 FAR	8,179	24,290	5,429,287	12,067
Mixed-Use Office	24	1.5:1 FAR	0.50 FAR	-	-	513,715	1,284
Urban Industrial 25	95	25 du/ac 1.0:1 FAR	22 du/ac; 0.40 FAR	2,090	6,207	1,655,280	2,758
Urban Industrial 43	22	43 du/ac 1.2:1 FAR	36 du/ac; 0.40 FAR	792	2,352	323,328	539
<i>Mixed-Use Subtotal</i>	<i>502</i>			<i>12,631</i>	<i>37,512</i>	<i>8,455,937</i>	<i>17,834</i>
LIMITED DEVELOPMENT LAND USES							
Community Park/Open Space	249	0.40:1 FAR	0.0025 FAR	-	-	27,148	27
Regional Park/Open Space	1,939	0.10:1 FAR	0.0001 FAR	-	-	8,448	8
Open Space	877	0.40:1 FAR	-	-	-	-	-
Lake	58	-	-	-	-	-	-
Transportation Corridor	30	0.20:1 FAR	-	-	-	-	-
Right-of-Way	1,681	-	-	-	-	-	-
<i>Limited Development Subtotal</i>	<i>4,834</i>			-	-	<i>35,596</i>	<i>36</i>
Totals	10,742			47,794	141,947	27,289,894	50,986

1. Acres are given as adjusted gross acreages, which do not include the right-of-way for major roadways, flood control facilities, or railroads.
2. Density/intensity includes both residential density, expressed as dwelling units per acre, and nonresidential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot. Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel, and are, on average, lower than allowed by the General Plan. Accordingly, the projections in this General Plan do not assume buildout at the maximum density or intensity but are adjusted downward to account for variations in development.
3. Estimates of population are based on average household size of 2.97, as identified by the California Department of Finance, 2018.
4. Estimates of jobs by land use designation are based on employment generation rates derived from the Longitudinal Employer-Household Dynamics (2015) Report.