

Introduction to the Final PEIR

THE FINAL PEIR

The Final PEIR for the City of Lake Forest Opportunities Study consists of two volumes. Volume 1 is the Draft PEIR, as modified in response to comments. Volume 2, this volume, contains three chapters. Chapter 7 contains the recirculated portions of the Draft PEIR. Chapter 8 contains the responses to comments on the original Draft PEIR, and Chapter 9 contains responses to comments on the recirculated portion of the Draft PEIR.

PUBLIC REVIEW PROCESS

The Draft Program Environmental Impact Report (Draft PEIR) was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, which began on February 2, 2006, and ended on March 21, 2006. The comment period was extended to March 27, 2006. The Draft PEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. Copies of the Draft PEIR were available for review at all libraries within the City of Lake Forest, as well as at the City Planning Counter and the City Clerk's Office and on the City's website. During the review period, the public was provided with the opportunity to submit written comments on the Draft PEIR. An Open House was held at City Hall on March 15, 2006, to present the proposed project and invite public comment. The public was invited to attend through publication of a hearing notice in the appropriate venues and the local newspapers.

Following the close of the public comment period, 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 Chapter 9 of this volume.

In addition, since the City received a large number of general project inquiries and comments on the Draft PEIR from Portola Hills residents, and since many residents requested that the Portola Hills community receive more information regarding the Opportunities Study in general and the Portola Center Project specifically, the City scheduled meetings and workshops with the public. During January 2007, the Mayor invited City Staff, representative from each of the Portola Hills homeowners associations, representatives from Friends of Portola organization and the Portola Hills landowner to form an Ad Hoc Committee. The Portola Hills Ad Hoc Committee met three times during January 2007 and discussed the primary issues of concern to the Portola Hills Community: traffic, density, and schools.

The City held two community meetings prior to the public hearings on the Opportunities Study. The Community meetings were held in Portola Hills on March 31, 2008 and at El Toro High School on April 14, 2008.

CEQA REQUIREMENTS

The Lead Agency must provide each public agency that commented on the Draft PEIR with a copy of the Lead Agency's proposed response at least 10 days before certifying the Final Environmental Impact Report (FPEIR). In addition, the Lead Agency may also provide an opportunity for members of the public to review the FPEIR prior to certification, though this is not a requirement of CEQA.

USE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The FPEIR allows the public and the Lead Agency an opportunity to review revisions to the Draft PEIR, the responses to comments, and other components of the PEIR—such as the Mitigation Monitoring Program (MMP)—prior to approval of the project. The FPEIR serves as the environmental document used by the City when considering approval of the proposed project.

After completing the FPEIR, and before approving the project, the Lead Agency must make the following three certifications as required by Section 15090 of the CEQA Guidelines:

- That the FPEIR has been completed in compliance with CEQA
- That the FPEIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the FPEIR prior to approving the project
- That the FPEIR reflects the Lead Agency's independent judgment and analysis

Additionally, pursuant to Section 15091(a) of the CEQA Guidelines, if a PEIR that has been certified for a project identifies one or more significant environmental effects, the lead agency must adopt "Findings of Fact." For each significant impact, the lead agency must make one of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, pursuant to Section 15091(d) of the CEQA Guidelines, the agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring Program.

Further, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the FPEIR, the agency must state in writing its reasons for supporting the approved action. This Statement of Overriding Considerations shall be supported by substantial information in the record, which includes this FPEIR. Since the proposed project would result in significant unavoidable impacts, the City of Lake Forest would be required to adopt a Statement of Overriding Considerations if it approves the project. This statement is not a substitute for the Findings of Fact described above.

These certifications, the Findings of Fact, and the Statement of Overriding Considerations are included in a separate Findings document that accompanies the City's staff report.

CHANGES TO THE DRAFT PEIR

Text changes are intended to clarify or correct information in the Draft Program Environmental Impact Report (Draft PEIR) in response to comments received on the document or as initiated by Lead Agency (City of Lake Forest) staff. These changes have been indicated in the Draft PEIR by ~~strike through~~ text for deletions and double-underline text for additions.