



# PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

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**APPLICATION FOR PERMIT  
Lake Forest Civic Center Project**

**Public Notice/Application Number:** SPL-2013-00406-SME

**Project:** Lake Forest Civic Center Project

**Comment Period:** March 11, 2015 through April 10, 2015

**Project Manager:** Stephen Estes; 213-452-3660; [Stephen.M.Estes@usace.army.mil](mailto:Stephen.M.Estes@usace.army.mil)

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**Applicant**

David Belmer  
City of Lake Forest  
25550 Commercentre Drive, Suite 100  
Lake Forest, California 92630  
949-461-3466

**Contact**

Peter Carlson  
VCS Environmental  
30900 Rancho Viejo Road, Suite 100  
San Juan Capistrano, California 92675  
949-489-2700

**Location**

The Lake Forest Civic Center Project (Project) is located south of Commercentre Drive, east of Bake Parkway, and west of Lake Forest Drive in the city of Lake Forest, Orange County, California (Latitude/Longitude: 33.659357, -117.678964) (Figures 1 and 2).

**Activity**

The City of Lake Forest (City) is proposing to construct a new civic center on approximately 7.3 acres of a 9.0-acre site, including an approximately 32,200-square-foot community center, 12,500-square-foot council chambers (also serving as a performing arts space), 46,900-square-foot city hall, and associated parking and infrastructure (Figure 3). The proposed Project would permanently discharge fill material into approximately 0.082 acre (412 linear feet) of wetland waters of the United States and 0.013 acre (275 linear feet) of non-wetland waters of the United States within un-named tributaries to Serrano Creek (Figures 4 and 5). The proposed project is located within the boundaries of the San Diego Creek Special Area Management Plan (SAMP). For more information, please see page 5 of this Public Notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's Public Notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under section 404 of the Clean Water Act. Comments should be mailed to:

Department of the Army  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Attn: Stephen Estes

915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: [Stephen.M.Estes@usace.army.mil](mailto:Stephen.M.Estes@usace.army.mil).

The mission of the Corps Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable waters and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem functions and services.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the U.S. Environmental Protection Agency (USEPA) Guidelines (40 C.F.R. part 230) as required by section 404(b)(1) of the Clean Water Act.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made that an EIS is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under section 401 of the Clean Water Act, from the Santa Ana Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. The Santa Ana RWQCB issued a section 401 water quality certification for the Project on September 11, 2014 (RWQCB Project File No. 302014-01).

**Coastal Zone Management**- The Project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this Public Notice, the Corps will make a final determination of whether this project affects coastal zone resources.

**Essential Fish Habitat**- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH would be affected by the proposed Project.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and the Project site is not listed. In addition, a sacred lands file search provided by the Native American Heritage Commission on November 18, 2014 did not indicate the presence of Native American cultural resources in the immediate Project area. Finally, the City submitted a cultural resources assessment entitled "Cultural and Paleontological Resources Assessment, Serrano Summit, Lake Forest, Orange County," prepared by Duke Cultural Resources Management (Duke) on November 22, 2014. Identification efforts included a records search conducted on October 17, 2014 and a field survey conducted on October 29-30, 2014. The records search did not identify any cultural resources within the Area of Potential Effect for the proposed Project site or proposed compensatory mitigation site. Duke did not identify any prehistoric artifacts or historic features they considered significant or eligible for the National Register of Historic Places during the field survey.

The Corps will determine whether the proposed activity would have an effect on historic properties listed on, or determined eligible for listing in the National Register of Historic Places. The Corps may initiate consultation with Native American tribes and the State Historic Preservation Officer to determine the adequacy of identification efforts and the Corps' evaluation of any cultural resources that may be located within the project's Area of Potential Effect. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

**Endangered Species**- The City submitted two biological resources reports entitled "Serrano Summit Biological Surveys," prepared by Harmsworth Associates Environmental Consultants (Harmsworth) on July 18, 2011 and "2013 Least Bell's Vireo and Southwestern Willow Flycatcher Presence/Absence Survey Results for the Lake Forest Civic Center Project," prepared by ICF International (ICF) on November 13, 2013.

Harmsworth conducted focused surveys for federally listed endangered or threatened species on the Project site in June 2011. Two pairs of the federally threatened coastal California gnatcatcher (*Polioptila californica californica*) (gnatcatcher) and a solitary male gnatcatcher were detected within the boundaries of the survey. One of the pairs was located approximately 1,100 feet from the Project site boundaries while the other pair and solitary male were within and directly adjacent to the Project site boundaries, respectively.

Presence/Absence surveys were conducted for the federally listed least Bell's vireo (*Vireo bellii pusillus*) (vireo) and southwestern willow flycatcher (*Empidonax traillii extimus*) (flycatcher) by ICF between May 22 and July 31, 2013. The survey area included suitable riparian habitat within the Project area and a 500-foot buffer from the outermost Project components. One male vireo was detected in the northeastern portion of the survey area during the June 11, 2013 survey. No flycatchers were detected during the surveys, although suitable habitat was found within the dense willow and mule fat patches within the survey area. In addition, gnatcatchers were detected outside the survey area during three of the eight surveys.

The Project is located within a portion of the Central/Coastal Orange County Natural Communities Conservation Plan/Habitat Conservation Plan where take of coastal sage scrub habitat is authorized with payment of a specified mitigation fee to the Nature Reserve of Orange County. A search of the California Natural Diversity Database did not indicate the potential presence of any federally listed species on the Project site. Finally, the Project site is not located within designated critical habitat for any federally listed species. Based on the information above, the Corps Regulatory Division has made a preliminary "may affect" determination for gnatcatcher and vireo and a "no effect" determination for designated critical habitat. In order to comply with section 7 of the Endangered Species Act, the Corps will be providing, separately, the information needed to complete the consultation with the U.S. Fish and Wildlife Service.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose is to construct an institutional development. The proposed Project is not water dependent.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to construct a centrally located civic center to serve the City's 78,000 residents and estimated workforce of 48,700, with the ability to expand with population growth, including indoor and outdoor meeting spaces, cultural and artistic performance venues, administrative and governmental department offices, police services, emergency operations services, senior services, business services, and sufficient parking for facility users and staff. This would include a city hall between 40,950 and 52,650 square feet, a community

center between 29,413 and 35,949 square feet, a council chambers between 12,000 and 13,000 square feet, and between 425 and 500 parking stalls on a parcel of land between seven and 10 acres.

### **Additional Project Information**

**Baseline Information-** The project site has historically been used for agricultural purposes. The property was owned by the Los Alisos Water District (LAWD) until 2001, when it was acquired by the Irvine Ranch Water District (IRWD) during IRWD's merger with LAWD. The IRWD conveyed the property to the City of Lake Forest in February 2012. The Project site is currently undeveloped, slopes south towards Serrano Creek, and ranges in elevation from approximately 540 to 709 feet above mean sea level. The site is surrounded by the Baker Water Treatment facilities, various water facilities, and vacant lands to the west and south; the Serrano Creek Trail, vacant lands, and Serrano Creek to the east; and commercial development to the north. Habitat conditions are considered highly disturbed throughout most of the site as a result of past agricultural activities. The disturbed portions generally contain non-native plant communities. The native vegetation that exists on-site includes a mixture of buckwheat and mixed scrub, coast live oak woodland, Mexican elderberry woodland, Fremont cottonwood woodland, scrub oak chaparral, mule fat scrub, and willow forest communities.

The Project site contains an un-named perennial drainage tributary to Serrano Creek, which flows southwesterly through the central portion of the site (Drainage A) (Figures 4 and 5). Runoff from a sub-canyon drain provides a perennial source of water to this drainage, which supports wetland conditions. The drainage flows off-site at the southeastern Project boundary through a culvert beneath the Serrano Creek Trail and intersects Serrano Creek to the southeast of the site. The drainage consists of approximately 0.182 acre (828 linear feet) of wetland waters of the United States and supports red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), mulefat (*Baccharis salicifolia*), watercress (*Rorippa* sp.), poison oak (*Toxicodendron diversilobium*), clematis (*Clematis* sp.), and a small stand of giant reed (*Arundo donax*).

A small un-named ephemeral tributary to the larger perennial drainage exists at the northernmost end of the perennial drainage, consisting of approximately 0.013 acre (275 linear feet) of non-wetland waters of the United States (Drainage A1) (Figures 4 and 5). This drainage is dominated by upland plant species, including buckwheat (*Eriogonum* sp.), California sagebrush (*Artemisia californica*), black mustard (*Brassica nigra*), and white sage (*Salvia apiana*). Drainage A1 also contains some mulefat.

**Project Description-** The City is proposing to construct a new civic center on approximately 7.3 acres of a 9.0-acre site, including an approximately 32,200-square-foot community center, 12,500-square-foot council chambers (also serving as a performing arts space), 46,900-square-foot city hall, and approximately 450 parking spaces. The proposed Project would result in the permanent discharge of fill material into the northern segment of Drainage A and the entirety of Drainage A1, resulting in permanent impacts to approximately 0.095 acre (687 linear feet) of waters of the United States, including 0.082 acre (412 linear feet) of wetland waters of the United States (Figures 3 and 5). The City estimates approximately 11,000 cubic yards of soil would be discharged into waters of the United States in association with the proposed Project. The proposed project is located within the boundaries of the San Diego Creek SAMP.

The City has stated the proposed Project minimizes impacts to the maximum extent practicable. Several alternatives were evaluated prior to the selection of the proposed site plan. The proposed Project would avoid impacts to approximately 1.7 acres of the site, including 0.10 acre of wetland waters of the United States, and incorporates retaining walls along the southern boundary of the proposed development area, adjacent to waters of the United States. The proposed Project would

impact the northern segment of Drainage A, which contains a high percentage of non-native and invasive plants. Drainage A is much more narrow and entrenched in this area than in the southern segment.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this Public Notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project, is summarized below:

**Avoidance:** The original conceptual site plan included impacts to the entire 9.0-acre parcel. The applicant's preferred alternative would avoid impacts to approximately 1.7 acres of the site, which would also avoid permanent impacts to approximately 0.10 acre of wetland waters of the United States. This avoidance measure modified the originally planned building area, parking area, public facilities and other amenities, and increased the cost of the proposed Project by approximately \$2 million.

**Minimization:** As described above, the proposed Project would result in permanent impacts to a portion of Drainage A with lower quality aquatic resource conditions than the avoided southern portion. In addition, grading of the Project site and surrounding areas has been designed to minimize impacts to the most erosive sections of Serrano Creek, an area of hydrologic concern. The drainage boundary would be revised to reduce storm flows that discharge into Serrano Creek from the Project site. Flows in the 2-year storm would reduce from 38 cubic feet per second (cfs) to 22 cfs and flows in the 100-year storm would reduce from 145 cfs to 33 cfs. The reduction in storm flows would be accomplished by diverting flows to an outlet farther downstream in a more stable section of Serrano Creek, due to the presence of bedrock. Finally, standard Best Management Practices for water quality would be required during construction.

**Compensation:** The City has proposed to compensate for unavoidable impacts to waters of the United States through the on-site establishment of 0.13 acre of wetlands and 0.68 acre of associated riparian buffer habitat (including an approximate 0.45 acre area surrounding the established and existing drainages to be planted with mulefat and willow cuttings and other native species that are characteristic of the existing on-site perennial drainage) and enhancement of 0.10 acre of existing wetlands and 0.82 acre of associated riparian buffer (Figure 6).

The proposed mitigation would extend the sub-drain in a southeast direction to a point just beyond the proposed fill slope/retaining wall associated with construction of the proposed Project. The terminus of the sub-drain would be located at the head of the established wetland feature. At the end of the sub-drain, the perennial flows would be split evenly. Half of the flows would be conveyed by pipe to the head of the remaining portion of Drainage A. The remaining half of the flows would be directed toward the established wetland feature.

A relatively shallow channel approximately 12 to 15 feet wide with gentle side slopes would be established. Drop structures and pools within the established wetland feature would accommodate the elevation difference between the new sub-drain outlet location and the outlet for the established wetland feature. The newly established wetland would extend approximately 361 linear feet downstream before reconnecting to Drainage A. Red willow, blue elderberry, and mulefat scrub would be planted within and adjacent to the newly established wetland feature.

In addition to the establishment of a new wetland feature and associated riparian vegetation, the avoided southern portion of Drainage A and associated riparian vegetation would be enhanced through the removal of invasive species (Figure 6).

**Preliminary Alternatives Analysis-** The applicant submitted a preliminary alternatives analysis for the Corps' consideration in response to the requirement to demonstrate compliance with section 404(b)(1) of the Clean Water Act, i.e., the "404(b)(1) Guidelines." The following summarizes the alternatives that were evaluated:

- *No Project Alternative-* The current city hall facilities, which are leased office space, are not of sufficient size to serve the current and projected build out population of the City. Therefore, if the City were to continue to lease in the future, it would have to acquire more leasable space to serve the current and future population of the City. According to the City's financial analysis, the cost of leasing office space exceeds the cost of owning by \$51 million over a 60-year period. The City does not consider this a fiscally sustainable approach.
- *No Federal Action Alternative/Full Avoidance Alternative-* The No Federal Action Alternative represents complete avoidance of impacts to waters of the United States. Drainage A bisects the City's 9.0-acre parcel and Drainage A1 bisects the northeast corner of the parcel. To avoid waters of the United States, development of the civic center site would be concentrated on the western portion of the property, resulting in an oddly configured 4.2-acre development area, much of which would accommodate slope due to the topography of the property. The 4.2 acres of development would not be sufficient to meet the overall project purpose due to its limited size and hillside construction.
- *On-site Alternative-* The original project design would develop the entire 9.0-acre parcel. This alternative, which was examined in the City's Environmental Impact Report, would result in permanent impacts to 0.195 acre (1,103.8 linear feet) of waters of the United States, an increase of 0.10 acre of impacts over the City's preferred alternative. While this alternative would meet the overall project purpose, it would also have the largest impact to natural resources. The City does not consider this to be the least environmentally damaging practicable alternative.
- *Off-Site Alternatives-* Between 2006 and 2008, the City reviewed its inventory of 37 City-owned parcels and studied privately-held parcels to identify potential sites for City facilities. While many of the sites were of insufficient size to accommodate the desired facilities, several sites had potential as they were well-located and of sufficient size. Many of the sites were also slated for residential development by their property owners and the City sought to avoid condemnation efforts if there were other alternatives. The City, through its working partnership with the IRWD, identified the 9-acre site, centrally located within the City, that was appropriately sized for a civic center. This site, comprising the current-day proposed project site for the civic center, was transferred to the City in 2011. During the approximately nine years since the City's initial effort to identify sites (2006 to 2014), the residential construction market has improved substantially. All of the undeveloped land in the City suitable for a civic center is now approved for development or currently under development rendering the availability of alternative sites for a civic center scarce and/or cost-prohibitive as it would involve potential condemnation of privately owned and mostly developed properties. Consequently, the City has stated no off-site alternatives are available that would meet the overall project purpose.
- *Applicant's Preferred Alternative-* Please see the Project Description section on page 5.

## **Proposed Special Conditions**

A Corps permit would include Special Conditions based on Public Notice comments and an analysis of relevant information. No Special Conditions are proposed at this time.

For additional information, please contact Stephen Estes at 213-452-3660 or via e-mail at [Stephen.M.Estes@usace.army.mil](mailto:Stephen.M.Estes@usace.army.mil). This Public Notice is issued by the Chief, Regulatory Division.



### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

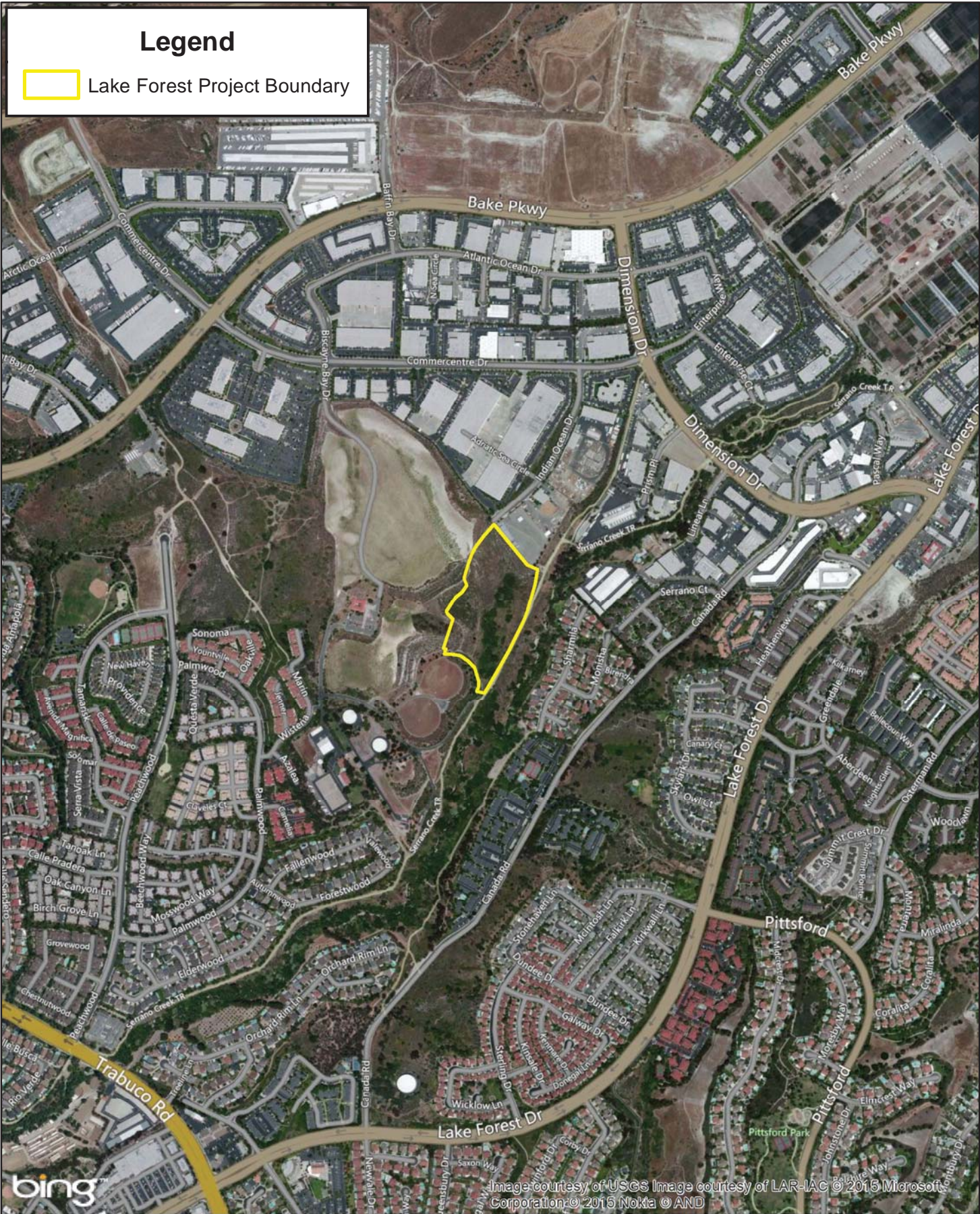
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**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017  
<http://www.spl.usace.army.mil/missions/regulatory>**









<p>Prepared By:</p> <p> VCS Environmental</p> <p>Map Created: 2/23/2015</p>	<p> 0 250 500 1,000 Feet 1 inch = 1,000 feet</p>	<p>Data Source: Bing Maps</p>	<p>Lake Forest Civic Center Site Vicinity Map</p>
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FIGURE 2





#### PARKING TABULATIONS

MAIN PARKING FIELD	325
CITY HALL PARKING FIELD	57
SECURE PARKING FIELD	68
<b>PARKING TOTAL</b>	<b>450</b>

#### REQUIRED ACCESSIBLE PARKING

MAIN PARKING FIELD	8
CITY HALL PARKING FIELD	3
SECURE PARKING FIELD	3
<b>REQUIRED ACCESSIBLE TOTAL</b>	<b>14</b>

<b>PROVIDED ACCESSIBLE</b>	<b>26</b>
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VCS Environmental

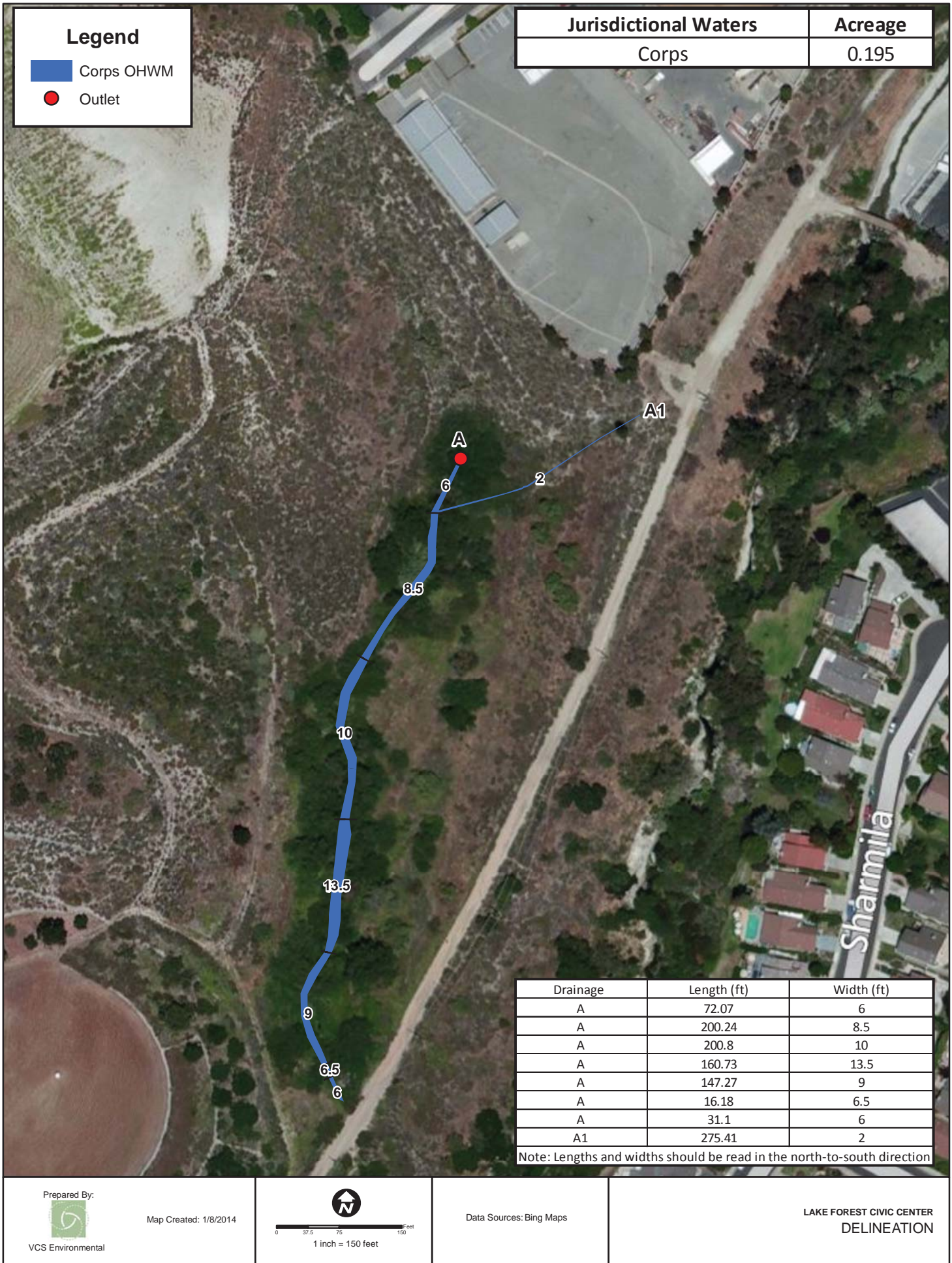


FIGURE 4



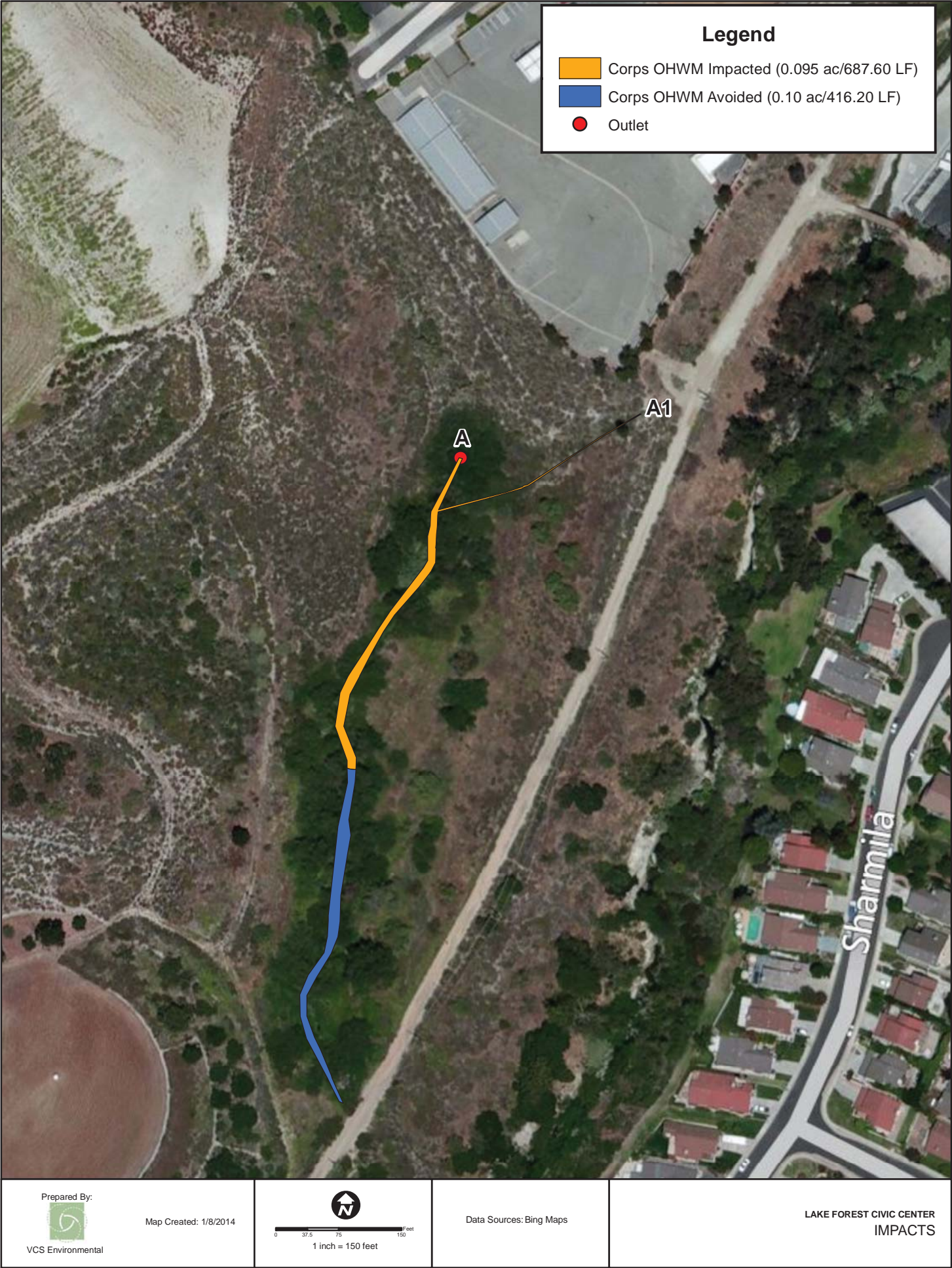
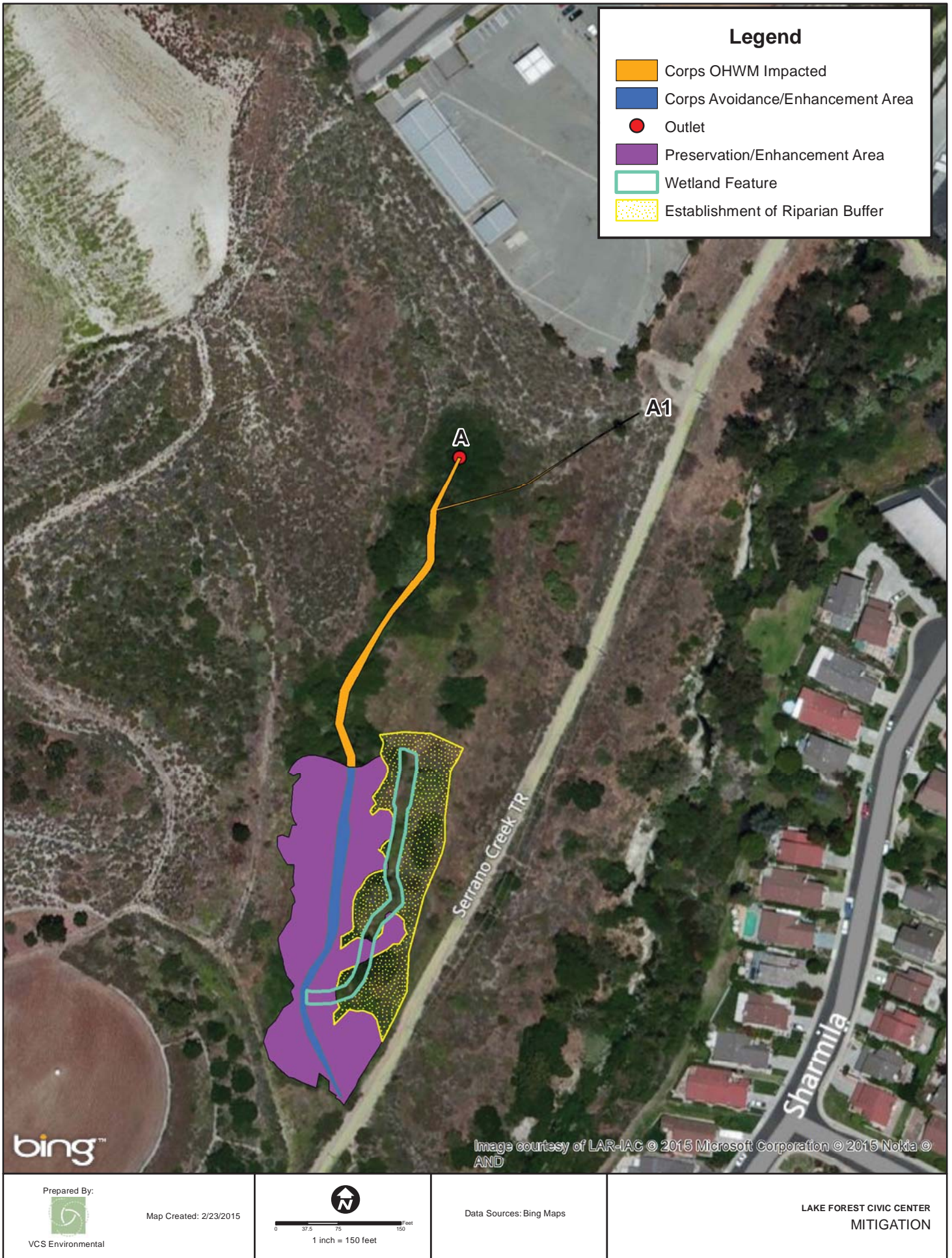


FIGURE 5





**FIGURE 6**