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1.0 INTRODUCTION

1. PURPOSE OF THE FINAL EIR

The County of Orange (“County”), as the Lead Agency under the California Environmental Quality Act (“CEQA”), has prepared this Final Environmental Impact Report (“Final EIR”) for the Cielo Vista Project (the “Project”). This document, in conjunction with the Draft EIR, collectively comprise the Final EIR.

As described in Sections 15089, 15090 and 15132 of the CEQA Guidelines, the Lead Agency must prepare and consider the information contained in a Final EIR before approving a project. Pursuant to CEQA Guidelines Section 15132, a Final EIR consists of: a) the Draft EIR or a revision of the Draft; b) comments and recommendations received on the Draft EIR either verbatim or in summary; c) a list of persons, organizations, and public agencies commenting on the Draft EIR; d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and e) any other information added by the Lead Agency.

Accordingly, this Final EIR is comprised of two components as follows:

Component 1: Draft EIR and Technical Appendices

Volume I: Draft Environmental Impact Report - EIR Chapters 1.0 to 7.0

Volume II: Draft Environmental Impact Report – Appendices A through F

Volume III: Draft Environmental Impact Report – Appendices G and H

Volume IV: Draft Environmental Impact Report – Appendices I through L

Component 2: Final EIR and Technical Appendices

Volume V: Final Environmental Impact Report (described in more detail below.)

2. PROJECT SUMMARY

a. Project Location

The 84-acre project site is located within an unincorporated area of the County of Orange, but is also located within the Sphere of Influence of the City of Yorba Linda. Regional access project site is provided via State Route (SR) 91 (91 Freeway) located approximately two miles southwest of the site. The nearest arterial to the project site is Yorba Linda Boulevard, which is located approximately 0.25 miles to the south of the site. From Yorba Linda Boulevard, the site is accessed by Via del Agua and by San Antonio through Aspen Way. The Casino Ridge residential community is located to the north of the project site, and established residential neighborhoods are located to the south and west of the project site. An undeveloped parcel commonly referred to as the Esperanza Hills property is located to the east of the project site. The project site and the adjacent undeveloped Esperanza Hills property to the east are within an area commonly referred to as the Murdock Properties. The majority of the 84-acre project site is vacant, with the exception of several operational and abandoned oil wells and various dirt roads and trails which traverse the site.

b. Project Characteristics

A detailed description on the Project is provided in Volume 1 of the EIR, Section 2.0, *Project Description*. The Project proposes to develop a maximum of 112 single-family residences and associated infrastructure within two Planning Areas. Planning Area 1 would include 95 residences within approximately 41.3 gross acres. Planning Area 2 would include 17 residences within approximately 6.4 gross acres. Thus, the single-family residences and associated infrastructure would be developed on approximately 47.7 acres of the site. Residential land use within the project site would occur at a gross density of 1.3 dwelling units per acre. The minimum building site area of the residential lots would be 7,500 square feet and the average lot size would be approximately 14,800 square feet. Detached single-family homes would be built on the lots to meet building envelope requirements of both the City of Yorba Linda and County of Orange development standards, as discussed below. Merchant builder(s) to be selected in the future would identify home design and lot amenities. The Project would preserve approximately 36.3 acres of the site as undeveloped open space, including fuel modification zones but exclusive of private slopes, water quality basins and roadways. Open space areas would be preserved in the northern portion of the site.

The Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential “1B”, which permits development of residential land uses at a density of 0.5 to 18 dwelling units per acre, and approximately 43 acres of the project site as Open Space (5). The entire project site is zoned A1 – General Agricultural and A1(O) – General Agricultural with Oil Production Overlay, per the Orange County Zoning Map. The project site is also within the City of Yorba Linda Sphere of Influence (SOI). The City of Yorba Linda Land Use Map identifies the project site to be within Area Plan C – Murdock Property. The Murdock property land use designation, inclusive of the project site, is Low Density residential with a range of 0 to 1.0 dwelling unit per acre. Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. No specific development standards are identified with the Unincorporated zoning designation.

Implementation of the Project would require approval of a General Plan Amendment by the County of Orange Board of Supervisors for 6.4 acres comprising Planning Area 2 to change the General Plan Land Use Designation for this portion of the site from Open Space (5) to Suburban Residential (1B). The Project would also require approval of a zone change by the County of Orange Board of Supervisors for Planning Area 1 from A1 (General Agricultural) and A1(O) (General Agricultural with Oil Production Overlay) to R-1 (Single Family Residence District) and R-1(O) (Single Family Residence District with Oil Production Overlay); and, a zone change for Planning Area 2 from A1(O) to R-1, permitting development of single-family detached residences on minimum 7,500 square foot lots. The Project Applicant may seek annexation to the City in the future through an annexation agreement to be negotiated with the City.

Also, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. A 1.8-acre parcel located in Planning Area 1 (also referred to as the “drilling pad”) is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project’s construction activities for continued oil operations if permitting and site planning were pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project only if the oil operators choose to and receive subsequent discretionary approval to relocate to this area of the project site. Although

drilling operations may be performed at the drilling pad in the future, this assumption is speculative and would require environmental review prior to the initiation of drilling activities.

c. Project Access

Access to Planning Area 1 would be provided from Via Del Agua within an existing, currently unimproved right-of-way between the southerly boundary of Planning Area 1 and Via Del Agua. As part of the approval of the existing adjacent residential development to the south of the project site, right-of-way was dedicated to allow for construction of a future street connecting the project site with Via Del Agua. Access to Planning Area 2 would be provided from Aspen Way. Aspen Way extends easterly from San Antonio Road with the paved improvements terminating approximately 400 feet from the westerly boundary of the project site. The existing dedicated right-of-way for Aspen Way would be improved as part of the Project to provide access to Planning Area 2. Also, as discussed above, a 50-foot wide easement strip that traverses in a north-south direction would be provided through Planning Area 1, which would allow for emergency access to the adjacent Esperanza Hills property. A future roadway could be constructed within the easement by Esperanza Hills at a future date. The Project proposes a network of local residential streets and sidewalks to provide access and vehicular circulation throughout the site. The Project would implement a fire protection plan that would comply with the Orange County Fire Authority (OCFA) standards for Very High Fire Hazard Severity Zone/Special Fire Protection Areas. The Project would also include a landscape plan with a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species, which complies with OCFA standards for fuel modification.

3. OVERVIEW OF THE CEQA PUBLIC REVIEW PROCESS FOR THE DRAFT EIR

In compliance with the *CEQA Guidelines*, the County has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform, contact and solicit input from the public and various Federal, State, regional, and local government agencies and other interested parties on the Project.

Pursuant to the provisions of Section 15082 of the *CEQA Guidelines*, the County circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public for a 30-day period commencing July 5, 2012 and ending August 6, 2012. The purpose of the NOP was to formally convey that the County is preparing an EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR. A description of the Project was circulated with the NOP. In addition, in accordance with Public Resources Code Section 21083.9, a public scoping meeting was held for the Project on July 19, 2012 to also obtain input as to the scope and content of the environmental information that should be included in the EIR. The meeting was held at the Travis Ranch Activity Center located at 5200 Via De La Escuela, Yorba Linda, CA 92887. Comments on the scope and content of the EIR were received from various public agencies and individuals from the public. The NOP comments are contained in Appendix A of the Draft EIR (Volume I).

In accordance with the provision of Sections 15085(a) and 15087(a)(1) of the *CEQA Guidelines*, the County, serving as the Lead Agency in early November 2013 circulated a Notice of Availability (NOA) of a Draft EIR to: property owners within 2,000 feet of the project site; occupants of properties contiguous to the project site; and public agencies, organizations and individuals that commented on the NOP or requested such notice in writing. The NOA indicated the Draft EIR would be available for review at the following locations:

- OC Development Service's website - <http://ocplanning.net/planning/land/projects/cielo>;
- OC Development Services - 300 N. Flower Street, First Floor, Santa Ana, CA 92702;
- City of Yorba Linda Planning Department - 4845 Casa Loma Avenue, Yorba Linda, CA 92885;
- Yorba Linda Public Library - 18181 Imperial Highway, Yorba Linda, CA 92886; and
- East Anaheim Library - 8201 E. Santa Ana Canyon Road, Anaheim Hills, CA 92808.

The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for the public review period beginning November 7, 2013, and ending on December 23, 2013. This public review period, which lasted 45-days, was consistent with the *CEQA Guidelines* Section 15087 requirements for public review of a Draft EIR. The public review and comment period was subsequently extended by the County to 75 days total, with the comment period ending on January 22, 2014. This extension was granted by the County in response to extension requests from both the public, as well as public agencies, including a request from the Orange County Fire Authority to allow additional time to coordinate with the Orange County Sheriff Department in the area of emergency response and evacuation. All comments on the Draft EIR were submitted to Ron Tippetts, Contract Planner at OC Development Services located at 300 N. Flower Street, Santa Ana, CA 92702-404 or via e-mail to Mr. Tippetts at Ron.Tippetts@ocpw.ocgov.com.

During the public review period, a public meeting was held at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR. Comments received at the public hearing and those provided in writing to the County during the public review period are presented and responded to in Chapter 2.0, *Comments and Responses*, of this Final EIR.

4. ORGANIZATION OF FINAL EIR

The Final EIR (Volumes V of the EIR) consists of the following four chapters:

Chapter 1. Introduction. This chapter describes the purpose of the Final EIR, provides a summary of the Project, describes the EIR public review process, and outlines the content of the Final EIR.

Chapter 2. Comments and Responses. This chapter presents comments received by the County during the 75-day public review period of the Draft EIR (November 7, 2013 through January 22, 2014) and at the public meeting held on December 16, 2013, as well as the responses by the County to those comments. The individual letters (or correspondence) with comments requiring responses are included within this section. Complete copies of the original letters with any "attachments" to the individual letters that do not require a response are provided in Appendix A of this Final EIR. Also included within this chapter are "topical responses" that provide comprehensive responses to address multiple similar comments that have been raised on key topics during the public review period of the Draft EIR. Where appropriate, referrals to the topical responses are provided within the individual responses to comments. Additional information used to respond to comments is incorporated in the Final EIR Appendices as listed below.

Chapter 3. Corrections and Additions to the Draft EIR. This chapter includes revisions to the Draft EIR that represent minor changes or additions in response to some of the comments received on the Draft EIR and additional edits to provide clarification. Changes to the Draft EIR are shown with ~~striketrough~~ text for

deletions and double underline text for additions. These changes are minor and do not add significant new information that would affect the analysis or conclusions presented in the Draft EIR.

Based on public comments received during the public review period for the Cielo Vista Draft EIR, including those pertaining to density under the Yorba Linda General Plan, and the County's June 2, 2015 approval of the Esperanza Hills Project, Section 1 of Chapter 3.0 also includes a new alternative, the Modified Planning Area 1 Only Alternative (Alternative 5). As further described in Chapter 3.0, similar to the Planning Area 1 Only Alternative (Alternative 2) included in the Draft EIR, Alternative 5 does not include any development within Planning Area 2 of the Cielo Vista project site. However, where Alternative 2 increased the density of residential development within Planning Area 1, Alternative 5 would develop Planning Area 1 with 83 single-family residential lots and associated improvements. The circulation system in Planning Area 1 under Alternative 5 would be the same as the Project, with the reduction in the number of lots occurring because of wider residential lots. Overall, compared to the proposed Project, and due to the elimination of Planning Area 1 and reduced density in Planning Area 1, Alternative 5 would include 29 fewer units, would reduce the development area by 6.4 acres to 41.3 acres, and would increase permanent open space by 6.4 acres to 42.7 acres.

A detailed description of Alternative 5 along with an analysis of the potential impacts that would result from its implementation are included in Chapter 3.0. The analysis of Alternative 5 also assesses potential cumulative impacts associated with Esperanza Hills Specific Plan, and its two potential access configurations. The County Board of Supervisors' adopted the Esperanza Hills Specific Plan and its other entitlements on June 2, 2015 and certified its Final EIR on March 10, 2015. The approved Specific Plan identifies two potential access configurations. A third potential access configuration which would have provided access from Stonehaven Drive (referred to in the Esperanza Hills Draft EIR as Option 1) was removed from the Esperanza Hills Specific Plan by the County Board of Supervisors on June 2, 2016.

The first access configuration approved to be finalized on the Tract Map in the Esperanza Hills Specific Plan is described and depicted in the Esperanza Hills certified Final EIR as Alternative 3 - Access Option 2B. This configuration would include an east-west access primary access corridor across the Cielo Vista site just north of Planning Area 1, and would continue west through City open space connecting with San Antonio Road approximately 1,850 feet south of Aspen way. A separate ingress/egress road for secondary and emergency purposes would exit south from the project site to Stonehaven Drive.

The second access configuration approved in the Esperanza Hills Specific Plan is referred to as the "Modified Option 2" access configuration, or the "Aspen Way Drive Access Configuration." Under this configuration, the Esperanza Hills Project would provide a primary connection going west from the project to Aspen Way, connecting into San Antonio Road. A separate ingress/egress road for secondary and emergency purposes would exit south from the project site to Stonehaven Drive.

Based on the impact analysis of Alternative 5 provided in Chapter 3.0, the addition of Alternative 5 would not result in a new significant impact or in a substantial increase in the severity of significant impacts identified for the Project in the Draft EIR. Also, as discussed under Topical Response 5 in Chapter 2 of this Final EIR, Alternative 5 does not consist of "significant new information" added to the Draft EIR. As such, recirculation of the Draft EIR is not required. The alternative was included based on public comments, would reduce the

significant impacts of the Project, and would represent an environmentally superior and feasible alternative that the Project proponent may choose to adopt.

Chapter 4. Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program (MMRP) is the document that will be used by the enforcement and monitoring agencies responsible for the implementation of the Project's mitigation measures and project design features (PDFs). Mitigation measures and PDFs are listed by environmental topic.

Appendices

- Appendix A – Original Comment Letters/Correspondence (with Attachments) on the Cielo Vista Draft EIR
- Appendix B – Supplemental Final EIR Data
- Appendix C – Cielo Vista Fire Behavior Analysis Report
- Appendix D - Conceptual Drainage Study and Conceptual Water Quality Management Plan

2.0 COMMENTS AND RESPONSES

1. INTRODUCTION

CEQA Guidelines Section 15088(a) states that “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the noticed comment period and any extensions . . .” In accordance with these requirements, this Chapter of the Final EIR provides responses to written comments received during the public comment period and oral comments at the public meeting held on December 16, 2013 regarding the Draft EIR. **Table 2-1**, *Summary of Comments on the Draft EIR*, provides a list of the comments received and indicates the primary environmental topics raised in response to the Draft EIR.

Section 2.A, *Topical Responses to Comments*, provides comprehensive responses to address multiple similar comments that have been raised on key topics during the public review period of the Draft EIR. Where appropriate, referrals to the topical responses are provided within the individual responses to comments prepared in Sections 2.B and 2.C, which are described below. The Topical Responses in this section include the following:

- TR-1: Cielo Vista and Esperanza Hills Projects: Piecemealing-Segmentation
- TR-2: Water Infrastructure
- TR-3: Wildland Fires: Emergency Response and Evacuation
- TR-4: Geology/Soils: Seismic and Geologic Stability Hazards
- TR-5: Alternatives: Modified Planning Area 1 Only Alternative

Section 2.B, *Responses to Individual Comments*, presents comments submitted during the public comment period for the Draft EIR from Federal, State, regional/county, and local agencies, as well as from individuals as listed on Table 2-1. The individual letters (or correspondence) with comments requiring responses are included within this section. Complete copies of the original letters with any “attachments” to the individual letters that do not require a response are provided in Appendix A of this Final EIR. Each letter in this section is assigned a letter name, based on the commentor name, with the letters grouped by agency type (Federal, State, regional/county, or local), organization, or individual. Each comment within a letter that requires a response is bracketed and assigned a number, which is shown in the side margin. For example, the first and only Federal agency to provide comments was the U.S. Fish and Wildlife Service (USFWS), and this is therefore Letter USFWS. The comments in that letter are labeled 1 to 7. Following each bracketed and numbered letter, correspondingly numbered responses from the County are provided that address each of the comments. For Letter USFWS, the responses include Response USFWS-1 to USFWS-7. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in Section 3.0, *Corrections and Additions to the Draft EIR*, of this Final EIR.

Section 2.C, *Public Hearing Comments and Responses*, provides responses to oral comments received during the December 16, 2013 public meeting at the Travis Ranch Activity Center in Yorba Linda. A transcript of public comments at the proceedings is included in this section. Each comment that requires a response

within the transcript is assigned a number with corresponding responses presented following the “bracketed” transcript. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in Section 3.0.

As required by the CEQA Guidelines, Section 15088 (c), the focus of the responses to comments is on “the disposition of significant environmental issues raised.” Therefore, some comments that are introductory or provide background information about the commenter are not included as bracketed comments since no response is necessary.

Table 2-1

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Public Agencies																					
Federal																					
USFWS	U.S. Fish and Wildlife Service Karen A Goebel, Assistant Field Supervisor Ecological Services Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (January 6, 2014)					X															
State																					
OPR1	Governor's Office of Planning and Research Scott Morgan, Director State Clearinghouse 1400 10 th Street Sacramento, CA 95812-3044 (January 6, 2014)																				CEQA Compliance

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
OPR2	Governor's Office of Planning and Research Scott Morgan, Director State Clearinghouse 1400 10 th Street Sacramento, CA 95812-3044 (January 23, 2014)																				CEQA Compliance
CDFW	California Department of Fish and Wildlife - South Coast Region Betty J. Courtney, Environmental Program Manager I 3883 Ruffin Road San Diego, CA 92123 (January 6, 2014)					X															
CDPR	California Department of Parks and Recreation - Inland Empire District Kelly Elliott, District Superintendent 17801 Lake Perris Drive Perris, CA 92571 (January 8, 2014)					X										X					

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
CALTRANS1	California Department of Transportation – District 12 Maureen El Harake, Branch Chief, Regional – Community Transit Planning 3346 Michelson Drive, Suite 100 Irvine, CA 92612-8894 (December 11, 2013)																x				
CALTRANS2	California Department of Transportation – District 12 Maureen El Harake, Branch Chief, Regional – Community Transit Planning 3346 Michelson Drive, Suite 100 Irvine, CA 92612-8894 (January 17, 2014)																x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Regional/County																					
LAFCO	Orange County Local Agency Formation Commission Carolyn Emery, Executive Officer 12 Civic Center Plaza, Room 235 Santa Ana, CA 92701 (December 12, 2013)	x										x		x	x		x	x	x		
WCCA	Wildlife Corridor Conservation Authority Glenn Parker, Chairperson 570 West Avenue, Suite 100 Los Angeles, CA 90065 (January 21, 2014)	x				x															
SCAQMD	South Coast Air Quality Management District Ian MacMillan, Program Supervisor, CEQA Inter-Governmental Review 21865 Copley Drive, Diamond Bar, CA 91765-4178 (January 22, 2014)					x															

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
SARWQCB	Santa Ana Regional Water Quality Control Board Mark G. Adelson, Chief, Regional Planning Programs Section 3737 Main Street, Suite 500 Riverside, CA 92501-3348					x					x										
YLWD	Yorba Linda Water District Steve Conklin, P.E., Acting General Manager 1717 E. Miraloma Avenue Placentia, CA 92870 (January 13, 2014)	x																x			
PYLUSD	Placentia-Yorba Linda Unified School District Rick Guaderrama, Director, Maintenance and Facilities 1301 E. Orangethorpe Avenue Placentia, CA 92870 (January 22, 2014)									x					x		x	x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Sheriff	Orange County Sheriff's Department [REDACTED] Internal Memo (January 2, 2014)									x							x	x			
OCFA	Orange County Fire Authority Michelle Hernandez, Management Analyst/Strategic Services Division P.O. Box 57115 Irvine, CA 92619-7115 (January 6, 2014)									x					x		x				
OCSD	Orange County Sanitation District Daisy Covarrubias, MPA, Senior Staff Analyst 10844 Ellis Avenue, Fountain Valley, CA 92708 (January 21, 2014)																	x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Gas Co	The Gas Company Armando Torrez, Technical Services Supervisor, Orange Coast Region - Anaheim 1919 S. State College Boulevard Anaheim, CA 92806-6114 (February 4, 2014)																	x			
Local																					
City1	City of Yorba Linda – Community Development Department Steven K. Harris, Director of Community Development P.O. Box 87014 Yorba Linda, CA 92686-8714 (November 12, 2013)																				Extension Request
City2	City of Yorba Linda – Community Development Department Mark A. Pulone, City Manager P.O. Box 87014 Yorba Linda, CA 92686-8714 (November 12, 2013)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Organizations																					
CCRPA	California Cultural Resource Preservation Alliance, Inc. Particia Martz, PhD., President P.O. Box 54132 Irvine, CA 92619-4132 (December 14, 2013)						X														
FHBP1	Friends of Harbords, Beaches and Parks Jean Watt, President P.O. Box 9256 Newport Beach, CA 92653 (November 18, 2013)																				- Extension Request - Scope of EIR
FHBP2	Friends of Harbords, Beaches and Parks Jean Watt, President P.O. Box 9256 Newport Beach, CA 92653 (January 17, 2014)								X	X						X	X				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
OCCNPS	California Native Plant Society – Orange County Chapter Celia Kutcher, Conservation Chair P.O. Box 54891 Irvine, CA 92619-4891 (January 21, 2014)	x				x				x											
OCC	Orange County Coastkeeper Colin Kelly, Staff Attorney 3151 Airway Avenue, Suite F-110 Costa Mesa, CA 92626 (January 22, 2014)					x				x	x										
HFE1	Hills For Everyone Shute, Mihaly & Weinberger LLP Gabriel M.B. Ross 396 Hayes Street San Francisco, CA 94102 (November 8, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
HFE2	Hills For Everyone Shute, Mihaly & Weinberger LLP Gabriel M.B. Ross 396 Hayes Street San Francisco, CA 94102 (January 22, 2014)	x	x		x			x		x		x	x				x	x	x	x	- Scope of EIR - CEQA Adequacy
YLCR	Yorba Linda Country Riders Dee Dee Friedrich, President (January 16, 2014)									x							x	x			
YLL	Yorba Linda Land, LLC Jeffrey G. Shepard, Member (January 22, 2014)	x														x		x			
YLE	Yorba Linda Estates Douglas G. Wymore, Managing Member (January 22, 2014)	x			x	x		x	x	x	x						x	x			- CEQA Adequacy

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Allen	Protect Our Homes and Hills Tara Allen, Member 4100 San Antonio Road Yorba Linda, CA 92886 (November 13, 2013)																				-Extension Request - Scope of EIR
POHH-Anderson	Protect Our Homes and Hills Steve and Carolyn Anderson, Members 21270 Twin Oak Yorba Linda, CA (November 16, 2013)																				- Extension Request - Scope of EIR
POHH-Bent	Protect Our Homes and Hills James and Anita Bent, Members 5035 Via Del Cerro Yorba Linda, CA 92887 (November 12, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Buie	Protect Our Homes and Hills Charles and Dawn Buie, Members 4080 View Park Drive Yorba Linda, CA 92886 (November 18, 2013)																				- Extension Request - Scope of EIR
POHH-Carrillo	Protect Our Homes and Hills Robert and Linda Carrillo, Members (November 16, 2013)																				- Extension Request - Scope of EIR
POHH-Gass	Protect Our Homes and Hills Brian Gass, Member (November 12, 2013)																				
POHH-Johnson1	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)													x							

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Johnson2	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)																		x		
POHH-Johnson3	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)	x	x										x								
POHH-Keuilian	Protect Our Homes and Hills Troy and Katrina Keuilian, Members 4640 San Antonio Road Yorba Linda, CA 92886 (November 14, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-MacKinnon1	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law Jeanne L. MacKinnon 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)	x		x								x									
POHH-MacKinnon2	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law Jeanne L. MacKinnon 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)	x																x		x	- Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-MacKinnon3	Protect Our Homes and Hills K. Johnson, APLC A Professiona Law Coporation, Attorneys at Law Jeanne L. MacKinnon 600 West Broadway, Suite 225 San Diego, CA 92101 (January 22, 2014)								x												
POHH-Magsaysay	Protect Our Homes and Hills Judith and Ron Magsaysay, Members 21230 Twin Oak Yorba Linda, CA 92886 (November 13, 2013)																				- Extension Request - Scope of EIR
POHH-Mak	Protect Our Homes and Hills Lana Mak, Member 4485 San Antonio Road Yorba Linda, CA 92886 (November 17, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Mellon	Protect Our Homes and Hills Michael J. Mellon, Member 21085 Ridge Park Drive Yorba Linda, CA 92886 (November 13, 2013)																				- Extension Request - Scope of EIR
POHH-Nelson1	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (January 14, 2014)							x													
POHH-Nelson2	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (January 16, 2014)									x							x				
POHH-Nelson3	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (January 17, 2014)			x						x		x					x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Nelson4	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (January 18, 2014)																x				
POHH-Nelson5	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (January 19, 2014)				x			x	x	x											
POHH-Nelson6	Protect Our Homes and Hills Marlene Nelson, Member 4790 Via De La Roca Yorba Linda, CA 92887 (November 19, 2013)																				- Extension Request - Scope of EIR
POHH-Pailma	Protect Our Homes and Hills Christopher and Jaime, Members 4710 Blue Mountain Drive Yorba Linda, CA 92887 (November 12, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Pizzati	Protect Our Homes and Hills Sal and Linda Pizzati, Members 4901 Orlando Drive Yorba Linda, CA 92886 (November 12, 2013)																				- Extension Request - Scope of EIR
POHH-Prina	Protect Our Homes and Hills Dennis Prina, Member 4620 San Antonio Road Yorba Linda, CA 92886 (November 13, 2013)																				- Extension Request - Scope of EIR
POHH-Reed	Protect Our Homes and Hills Geotechnical Exploration, Inc. Leslie D. Reed, President 7420 Trade Street San Diego, CA 92121 (January 22, 2014)							x													

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Rehmeier1	Protect Our Homes and Hills Sharon and Ted Rehmeier, Members 4795 Via De La Roca Yorba Linda, CA 92887 (November 12, 2013)																				- Extension Request - Scope of EIR
POHH-Rehmeier2	Protect Our Homes and Hills Sharon and Ted Rehmeier, Members 4795 Via De La Roca Yorba Linda, CA 92887 (January 20, 2014)				x			x	x	x								x			- Scope of EIR
POHH-Roizman	Protect Our Homes and Hills Daniel Roizman, Member 4700 Blue Mountain Road Yorba Linda, CA 92887 (November 13, 2013)																				- Extension Request - Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
POHH-Sinner	Protect Our Homes and Hills Barbara Sinner, Member 4520 San Antonio Road Yorba Linda, CA 92886 (November 12, 2013)																				- Extension Request - Scope of EIR
Individuals																					
Allison	Bob Allison (January 6, 2014)									x							x				
Bartels1	Robert Bartels 4730 Blue Mountain Drive Yorba Linda, CA 92887			x	x	x		x	x	x			x		x		x	x			
Bartels2	Robert Bartels 4730 Blue Mountain Drive Yorba Linda, CA 92887 (January 14, 2014)									x							x				
Brown	Mike Brown (January 5, 2014)									x							x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Bryant	Connie Bryant 20860 Chateau Avenue Yorba Linda, CA 92886 (January 6, 2014)									x							x				
Bucklin	Chris Bucklin 3760 San Antonio Road Yorba Linda, CA 92886 (December 2, 2013)									x							x	x			
Buie	C.L. Buie 4080 Viewpoint Drive Yorba Linda, CA 92826 (January 3, 2014)									x				x			x				- Scope of EIR
Byrne	Joe and Paulette Byrne (January 22, 2014)			x		X				x		x	x				x	x			- CEQA Notification
Carboni	Ronald and Hudi Carboni 21620 Stonehaven Drive Yorba Linda, CA (December 23, 2013)				x	x							x				x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Carillo	Rob Carillo 211100 Ridge Park Drive Yorba Linda, CA 92886 (January 3, 2014)			x						x		x		x		x	x		x		
Casacchia	Brian Casacchia 4570 Dorinda Road Yorba Linda, CA 92887 (January 22, 2014)			x	x	x				x	x		x		x		x	x			- Scope of EIR - CEQA Notification
Cobb	Leslie Cobb (January 19, 2014)									x							x				
Collinsworth1	Van K. Collinsworth 9222 Lake Canyon Road Santee, CA 92701 (January 16, 2014)									x							x	x	x		
Collinsworth2	Van K. Collinsworth 9222 Lake Canyon Road Santee, CA 92701 (January 22, 2014)									x								x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Dayles	Mary Ann and Paul Dayles 21730 Allonby Circle Yorba Linda, CA 92887 (December 27, 2013)				x	x				x			x				x				
Ebinger	Kent Ebinger 13181 Crossroads Parkway N, Suite 300 City of Industry, CA 91746 (January 21, 2014)									x							x				
Ensign	William Ensign 4805 Via Del Corral Yorba Linda, CA 92887 (January 21, 2014)			x		x		x		x	x	x		x	x	x	x	x			- Scope of EIR
Fried	Irwin M. Fried (January 23, 2014)	x																			
Friend	Richard L. Friend Bridal Hills Estates, LLC 13301 Flint Drive Santa Ana, CA 92705 (January 22, 2014)	x								x							x	x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Gass	Brian Gass 21180 Ridge Park Drive Yorba Linda, CA 92886 (January 16, 2014)			x		x				x											
Hamilton	Ron Hamilton (January 14, 2014)																				- General Opposition
Holbrok	Floyd Holbrok (November 7, 2013)									x							x				
Holzner	Stephanie Holzner (January 14, 2014)									x							x				
Horton	Jan Horton (January 22, 2014)							x		x							x				- Scope of EIR
Hosford	Karen Hosford 2115 Ridge Park Drive Yorba Linda, CA (January 4, 2014)					x				x		x		x	x		x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Houshan	Iyad Houshan 21562 Saddle Ridge Way Yorba Linda, CA 92887 (January 8, 2014)									x							x				
Joiner	Brent Joiner (January 5, 2014)	x								x		x				x	x				
Kamen	Wynn Kamen (January 6, 2014)									x							x				
BKanne	Bob Kanne 4825 Via Del Corral Yorba Linda, CA 92887 (January 21, 2014)															x	x				
DKanne	Diane D. Kanne 4825 Via Del Corral Yorba Linda, CA 92887 (January 21, 2014)	x		x	x	x		x	x	x		x			x	x	x				- Scope of EIR
Katzmann	Mr. and Mrs. S. Katzmann (January 11, 2014)									x							x				
Keuilian	Keuilian Family (January 3, 2014)									x							x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4 CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8 HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10 NOISE	4.11 POPULATION AND HOUSING	4.12 PUBLIC SERVICES	4.13 RECREATION	4.14 TRAFFIC/TRANSPORTATION	4.15 UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Kirby1	Scott Kirby 4785 Via De La Roca Yorba Linda, CA 92887			x				x		X		x					x	x			
Kirby2	Scott Kirby 4785 Via De La Roca Yorba Linda, CA 92887 (January 15, 2014)									x					x		x	x			
Kirby3	Scott Kirby 4785 Via De La Roca Yorba Linda, CA 92887 (January 15, 2014)	x				x		x		x					x		x				- Scope of EIR
Kloman	Jim Kloman (December 26, 2013)									x							x				
Kuan	David Kuan, T.E., P.E. Traffic Controlling Engineering, Inc. 2687 Saturn Street Brea, CA 92821 (January 22, 2014)																x				
Levine	Maureen Levine (January 13, 2014)	x								x							x	x			

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

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Lopez/Martin	Venessa Lopez and Wayne Martin 4610 Alder Avenue Yorba Lincda, CA 92886 (January 21, 2014)				x	x				x							x	x			- Scope of EIR
Macheel	Gary and Jacquelynn Macheel 5040 Via Del Cerro Yorba Linca, CA (January 10, 2014)									x					x		x				
Magsaysay	Ron and Judith Magsaysay 21230 Twin Oak Yorba Linda, CA 92886 (January 20, 2014)	x		x	x	x		x	x	x	x				x	x	x				
Mahony	Michael A. Mahoney 6030 Rockhampton Court Yorba Linda, CA (January 13, 2014)				x					x							x				
Mak	Lana Mak (January 6, 2014)									x							x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0 OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Marshall	Olynn Marshall 5010 Via Alvarado (January 21, 2014)									x							x				
Miller	Linda and Dallas Miller 4550 Via Corzo Yorba Linda, CA 92886 (January 13, 2014)									x							x				- Scope of EIR
Monroe	Bill and Diana Monroe 5220 Avenida De Kristine, Yorba Linda, CA 92887 (December 12, 2013)							x		x							x				
Murphy	Carla and Mark Murphy and Family 21295 Clear Haven Drive Yorba Linda, CA 92886 (December 13, 2013)									x							x				
Nakayama	Ted Nakayama 4465 San Antonio Road Yorba Linda, CA 92886 (January 6, 2014)									x							x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

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Newman	Ken Newman 4580 San Antonio Road Yorba Linda, CA 92886 (January 22, 2014)					X				X			X		X		X				- Scope of EIR
Paul	Danny and Kim Paul 4820 Stonehaven Drive Yorba Linda, CA 92887 (January 21, 2014)							X		X							X	X			
Pecora	Wayne and Lois Pecora 6000 Rockhampton Court Yorba Linda, CA 92887 (January 14, 2014)							X		X					X		X	X			
Ramocinski	David Ramocinski 22865 Hidden Hills Road Yorba Linda, CA (January 20, 2014)							X										X			
Rehmeyer	Sharon and Ted Rehmeyer 4795 Via De La Roca Yorba Linda, CA 92887 (January 20, 2014)								X	X					X		X				- Scope of EIR

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Rikel	Chris Rikel (January 22, 2014)									x							x				
Ruge	Debra Ruge Dunrobin Way Yorba Linda, CA (January 6, 2014)									x							x				
Schlotterbeck	Melanie Schlotterbeck 19042 Alamo Lane Yorba Linda, CA 92886 (January 22, 2014)							x													
Schock	Mark Schock 4955 Fairwood Circle Yorba Linda, CA 92887 (January 21, 2014)									x											- Extension Request
Schumann1	Edward Schumann 4310 Willow Tree Lane Yorba Linda (January 16, 2014)			x	x			x	x	x					x		X				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Schumann2	Edward Schumann 4310 Willow Tree Lane Yorba Linda (January 21, 2014)																				- Sustainable Communities
Sedita	Robert Sedita (January 13, 2014)									x							x	x			
Shidler	Sheryl A. Shidler (January 17, 2014)									x							x	x			
Sinner	Barbara Sinner (January 5, 2014)									x							x				
Spellman	Lizette and David Spellman 4460 San Antonio Road Yorba Linda, CA 92886 (January 19, 2014)							x													
Stansberry	Ron and Valerie Stansberry (January 22, 2014)									x							x				
Steverding	Olivia and John Steverding (January 10, 2014)				x					x							x				
Stull	Theresa Stull (January 22, 2014)				x	x											x				

Table 2-1 (Continued)

Summary of Comments on the Draft EIR

LETTER NAME	Commentor	PROJECT DESCRIPTION	BASIS FOR CUMULATIVE ANALYSIS	4.1. AESTHETICS	4.2. AIR QUALITY	4.3. BIOLOGICAL RESOURCES	4.4. CULTURAL RESOURCES	4.5. GEOLOGY AND SOILS	4.6. GREENHOUSE GAS EMISSIONS	4.7. HAZARDS AND HAZARDOUS MATERIALS	4.8. HYDROLOGY AND WATER QUALITY	4.9. LAND USE AND PLANNING	4.10. NOISE	4.11. POPULATION AND HOUSING	4.12. PUBLIC SERVICES	4.13. RECREATION	4.14. TRAFFIC/TRANSPORTATION	4.15. UTILITIES AND SERVICE SYSTEMS	5.0. ALTERNATIVES	6.0. OTHER MANDATORY CEQA CONSIDERATIONS	EXPLANATION OF OTHER
Thaete	David Thaete 21570 Dunrobin Way Yorba Linda, CA 92887 (January 14, 2014)							X		X					X		X				
Thayer	Dale Thayer 4660 San Antonio Road Yorba Linda, CA (January 22, 2014)									X							X				
Unland	Jim Unland 4765 Stirlingbridge Circle Yorba Linda, CA 92887 (January 6, 2014)									X		X					X				
Wallace	Scott Wallace (November 21, 2014)									X			X				X				
Wilkerson	Brian Wilkerson 4605 Alder Avenue Yorba Linda, CA 92886 (January 7, 2014)									X							X	X			
Unknown	Name Unknown														X		X		X		

2.A TOPICAL RESPONSES TO COMMENTS

TR-1: CIELO VISTA AND ESPERANZA HILLS PROJECTS: PIECEMEALING-SEGMENTATION

Several commenters suggest that the Esperanza Hills development is a *component* of the Cielo Vista Project and that both developments should be considered together in a single Environmental Impact Report (EIR). By way of background, the Esperanza Hills development is a residential project consisting of 340 single family residential units on 468.9 acres of land located adjacent to, and east of, the Cielo Vista project site. The applicants are Gary Lamb and Douglas Wymore of Yorba Linda Estates, LLC. The County of Orange has prepared a Draft EIR for the Esperanza Hills Project, which was circulated for public review and comment between December 4, 2013 and February 3, 2014. The County Board of Supervisors' adopted the Esperanza Hills Specific Plan and its other entitlements on June 2, 2015 and certified its Final EIR on March 10, 2015. By contrast, the Cielo Vista Project is wholly unrelated to, and completely independent from, the Esperanza Hills development. Cielo Vista proposes to develop a maximum of 112 single-family dwellings and associated infrastructure on an 84-acre site located adjacent to, and west of, the Esperanza Hills development. The applicant is Sage Community Group, Inc. The County of Orange has prepared a Draft EIR for the Cielo Vista Project, which was circulated for public review and comment between November 7, 2013 and January 22, 2014.

Although the Cielo Vista property is a portion of the area commonly referred to as the "Murdock Property" in the City of Yorba Linda General Plan,¹ the Esperanza Hills development is not a component of the Cielo Vista Project, and CEQA does not require that both developments be considered together in a single EIR because the projects are independently owned and not related in any way except by adjacency, which does not constitute a requirement for combining the two project sites into a single project/environmental analysis. Other nearby or adjacent properties, including Bridal Hills and Yorba Linda Land are likewise not included in the Cielo Vista development proposal. Chapter 2.0 of the Cielo Vista Draft EIR (Project Description) clearly identifies and describes each development component proposed by the applicant and adequately analyzes potentially significant impacts and prescribes project-specific mitigation measures where such impacts are identified. In addition, the EIR also analyzes potential cumulative impacts, as required by CEQA. The Esperanza Hills Project is included along with 17 other approved, proposed or probable future projects as "related projects" in Table 3-1 of the Draft EIR, which are the basis of the cumulative impacts analysis prepared for each environmental issue analyzed in the Draft EIR. Growth-inducing impacts of the proposed Cielo Vista Project are also analyzed in Chapter 6.0.

According to *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, the future expansion need not be considered in the EIR for the proposed project." (*Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 396.) The Esperanza Hills Project fails the two part Laurel Heights test for determining what activities are included within the definition of a "project" under CEQA. It is not a reasonably foreseeable consequence of the Cielo Vista

¹ In addition to the Cielo Vista property, the Murdock Property also includes the Esperanza Hills, Bridal Hills, and Yorba Linda Land properties; however, each property is separately owned and controlled by different parties.

Project. Approval of Cielo Vista does not commit the County to approving Esperanza Hills. (*Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 856.) Esperanza Hills is thus speculative, like the project in *Lake County Energy Council*, where the court stated that:

While it is clear that the requirements of CEQA “cannot be avoided by chopping up proposed projects into bite-size pieces” which, when taken individually, may have no significant adverse effect on the environment [citation omitted], it is also true that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. [citation omitted]

(*Lake County Energy Council* 70 Cal.App.3d at 854-855.) Because the two-part *Laurel Heights* test requires both elements to be true, and because the Project does not satisfy the first element, there is no need to analyze the second prong, which asks whether the future expansion will be significant in that it will change the scope or nature of the initial project. Rather than considering the Esperanza Hills Project as *part of* the Cielo Vista Project and in the Cielo Vista EIR, the EIR properly considered the potential environmental impacts associated with Esperanza Hills as a related project for cumulative impacts purposes (See Cielo Vista EIR Chapter 3.0 and Table 3-1) and in the EIR’s analysis of growth inducing impacts (See Cielo Vista EIR Chapter 6.0) given that the two projects may share and benefit from some of the same infrastructure improvements.

Therefore, because the County of Orange has the discretion to approve or deny one of the projects and not the other and, furthermore, because the individual properties comprising the “Murdock Property” are not related either by ownership or in any other way except adjacency, “piecemealing” or segmentation as defined in CEQA and the CEQA Guidelines has not occurred and the Cielo Vista Draft EIR has adequately and accurately analyzed the potential impacts of the proposed Project as required by CEQA.

TR-2 WATER INFRASTRUCTURE

The potable water infrastructure for the Project is described in Chapter 2.0, *Project Description*, and Section 4.15, *Utilities and Service Systems*, in the Draft EIR. As noted in those sections, the project site is within the service area of the Yorba Linda Water District (YLWD), and would require a pre-annexation agreement and subsequent annexation into the District (see page 4.15-14 of the Draft EIR). The Draft EIR identified two thresholds of significance in its evaluation of water infrastructure and water supply. With respect to water infrastructure, the Draft EIR addressed whether the Project would require or result in the construction of new water facilities, or the expansion of existing facilities, the construction of which could cause significant environmental effects.

The YLWD has completed a study to identify the water infrastructure improvements and/or upgrades for the service area that includes the project site and the adjacent proposed Esperanza Hills Project. That study is referred to as the Northeast Area Planning Study (NEAPS). (Yorba Linda Water District, Final Report Northeast Area Planning Study, Job No. 2010-11B, prepared by Carollo, dated March 2013.) As set forth in the NEAPS:

The purpose of the Northeast Area Planning Study is to evaluate the capacity of existing distribution system facilities and size new infrastructure required to provide water under anticipated operational conditions for future demands. ... This Northeast Area Planning Study is primarily limited to the system evaluation surrounding the new Esperanza Hills/Sage [the Cielo Vista Project] developments and the FPS [the District's Fairmont Pump Station]. (NEAPS at ES-1 and ES-3.)

The NEAPS was a detailed study of the existing water infrastructure, an evaluation of the water demands of the proposed Project and the adjacent proposed Esperanza Hills Project, and an analysis of what additional storage and associated facilities would be required to meet the water demands, including fire flow, of the proposed Project. The conclusions in the NEAPS were based upon an analysis of a variety of factors, such as the storage capacity of existing zones, storage capacity in existing reservoirs, and a calculation of the water demands for three components (operational, fire and emergency). The conclusions and recommendations of the NEAPS were based upon substantial evidence-including quantitative analysis--documented in the report.

The NEAPS estimated that the two proposed developments would require approximately 1.3 million gallons (MG) of new storage facilities, and identified as its preferred option that the 1.3 MG storage be located within both development areas. (NEAPS at ES-1.) A detailed discussion of the facilities, the storage requirements to address fire flow requirements (both projects would require 0.18 MG of dedicated fire flow storage each), the infrastructure facilities to support the projects, and potential additional offsite improvements for water infrastructure storage and delivery were addressed in Section 4.15 of the Draft EIR on page 4.15-18. According to the NEAPS, the infrastructure required for its preferred option includes: two pump stations (one for pressure zone 1200 and the other for pressure zone 1390), two storage tanks with a combined capacity of 1.3 MG, a pressure reducing station if the upper tank in zone 1390 is sized to meet some demands in zone 1200, in-tract pipelines, and increase to firm capacity of Fairmont Pump Station, and additional off-site improvements including additional well capacity and pipeline upgrades to be determined by YLWD. (NEAPS at pages 14-15.)

The Esperanza Hills Project intends to construct the two water storage tanks that are described in the NEAPS. As described in the certified Esperanza Hills Draft EIR (November 2013), "The water improvements

proposed will be designed and constructed in accordance with the YLWD standards and specifications. Two on-site underground reservoirs have been proposed and identified as 1200 Zone Reservoir and the 1390 Zone Reservoir.” As both of the water storage facilities will be underground, as well as the pipelines, no view impacts from these facilities are anticipated. Because these two underground reservoirs are being constructed as part of the development of the Esperanza Hills Project, the environmental impacts of the facilities were considered as part of the Esperanza Hills Draft EIR. The pipeline infrastructure that will be needed for the delivery of the water within the Cielo Vista Project has been considered as part of the environmental analysis in the Draft EIR for the Cielo Vista Project. Because some of the location and operational characteristics of some water infrastructure facilities have not yet been identified by YLWD, it would require speculation to determine where and what those facilities may be; therefore at such time as the facilities are identified by YLWD, the environmental impacts of those facilities would be evaluated by YLWD at that time.

The Esperanza Hills Project proposes to construct the facilities at a size sufficient to address the demands of its project for a total storage capacity of 1.1 MG. NEAPS described the recommended storage capacity of 1.3 MG to provide capacity for both projects. Mitigation Measure 4.15-1 has been identified to require the Cielo Vista Project to pay its fair share costs to the YLWD for the infrastructure improvements described in the NEAPS to support the Cielo Vista Project. As described previously, as the Esperanza Hills Project intends to construct 1.1 MG of storage and the YLWD has identified the need for 1.3 MG of storage capacity, Cielo Vista will pay its fair share to YLWD to provide for the additional 0.2 MG of storage capacity to implement the infrastructure system described in the NEAPS to adequately serve both projects. To ensure that the water storage facilities are constructed before development of Cielo Vista occurs, Mitigation Measure 4.15-1 further provides that no grading permits can be issued for the Cielo Vista project until adequate water storage facilities and related improvements are implemented by YLWD and operation to the satisfaction of the Orange County Fire Authority, unless otherwise determined acceptable by YLWD and the Orange County Fire Authority. Therefore, in addition to paying its fair share to implement the infrastructure improvements identified in the NEAPS for its project, until those facilities are constructed and the water storage facilities become available, grading permits for Cielo Vista cannot be issued.

A number of comments were received regarding the water infrastructure needed to address both the potable water demands of the Cielo Vista Project as well as the fire flow demands. As described above, the NEAPS prepared by the YLWD addressed storage criteria for three storage components: operational storage (i.e., the daily water demands of the YLWD customers (the Cielo Vista Project); fire flow storage; and emergency storage (e.g., water contamination, power outages, transmission pipeline ruptures, earthquakes, etc.). The 1.3 MG storage capacity identified in the NEAPS addressed all three storage components.

With respect to the question of water supply, the Cielo Vista Project does not meet the adopted size thresholds to require a water supply assessment and water supply verification under the provisions of Senate Bill (SB) 610 and SB 221, respectively. Even if combined with the development of Esperanza Hills (340 units) and Bridal Hills (38 units), the projected number of homes remains below the 500-unit minimum threshold for preparation of the SB 610/SB 221 study, which must be included in any environmental documentation for certain projects subject to CEQA.¹ As indicated below, the YLWD Water Master Plan, which estimates that water supply is adequate up to the year 2035, is the equivalent of a water supply assessment for purposes of water supply verification.

¹ As defined in Water Code §10912(a).

The Draft EIR threshold of significance requires consideration of whether sufficient water supplies are available to serve the project or whether new or expanded water supply entitlements were required. The Draft EIR at pages 4.15-3 to 4.15-9 described the water supplies available to the YLWD based upon the YLWD's 2010 Urban Water Management Plan, prepared by Malcolm Pirnie, Inc., dated May 2011. Based upon its existing water supplies, the Draft EIR stated that the YLWD is "capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035." YLWD also provided a conditional will serve letter for the Cielo Vista Project.

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TR-3 EMERGENCY EVACUATION

This response is provided to address topical issues that were identified within the comment letters on the Draft EIR. Reference to this Topical Response is noted in appropriate individual comment letters on this topic.

Community Evacuation Planning

Law enforcement agencies do not have the legal authority to force residents to evacuate. However, they may impose restrictions on people entering evacuation areas. It is incumbent upon the residents in the area to adhere to evacuation plans and advance warning systems at the earliest possible time, not only in the Cielo Vista community, but in the existing residential neighborhoods as well, in order to avoid harm.

Following the Freeway Complex Fire in 2008, several steps have been taken with respect to emergency evacuation planning, including the following:

- The Orange County Sheriff's Department (OCSD) and the City of Yorba Linda have prepared a Community Evacuation Plan. The OCSD evacuation plan focuses on moving vehicles off Yorba Linda Boulevard and through local neighborhoods in order to reduce the volume of traffic on Yorba Linda Boulevard and lessen the severe congestion experienced in 2008 when an evacuation plan was not in place.
- The Orange County Fire Authority (OCFA) has adopted the "Ready, Set, Go!" program, which provides information and education for residents related to preparation and early evacuation.
- Alert OC is now in place to alert residents of emergency evacuation events.

In addition to evaluating the 2008 Freeway Complex Fire, local agencies have evaluated other fire response and evacuation plans enacted for wildfires throughout southern California. As a result, more coordinated efforts have been developed between agencies to effectuate faster responses and to move people out of harm's way using plans designed through inter-agency cooperation. The recent San Diego fire in May 2014 has shown that such efforts are not only effective, but provide a model for other communities. The coordinated efforts between OCFA, OCSD and the City of Yorba Linda have resulted in plans that will evacuate areas much more quickly and efficiently than the evacuation effort during the Freeway Complex Fire in 2008. The addition of the measures proposed for Cielo Vista will support and enhance the evacuation plans through resident information and preparedness training.

EMERGENCY ACCESS ROADS FOR EMERGENCY VEHICLES

The Project would include internal roads and improvements to Aspen Way and Via del Agua at the project access points. All traffic improvements would be reviewed by the OCFA, the Orange County Department of Public Works Road Division, and the City of Yorba Linda (as necessary) in order to ensure consistency with the applicable County and City building, fire and safety codes regarding access for vehicles and equipment for fire, ambulance, and police personnel. According to the OCFA Guidelines B-09, Fire Master Plans for Commercial and Residential Development, the number of fire apparatus access roads required for a residential development is limited to one if the development contains less than 150 residential units. The portion of the Project taking access from Via del Agua proposes 95 residential units while the portion taking

access from Aspen Way proposes 17 residential units, both of which are below the 150 unit threshold. As such, the Project has been designed such that both portions of the Project (located off of Aspen Way and off of Via del Agua) would comply with Guideline B-09 for fire apparatus access.

In conjunction with the Evacuation Plan designed by OCSD and the City for the immediate surrounding area, and the County's Evacuation Plan adopted by the Orange County Office of Emergency Services, an evacuation plan has been designed for the Project and the adjacent Esperanza Hills project. The recommended triggers for Project site evacuation plan are:

- Red Flag Warning Period – During a Red Flag Warning Period, if there is an active wildfire burning west of the SR-71 Freeway and north of the SR-91 Freeway and south of Highway 142 (Carbon Canyon Road) the community will conduct an evacuation out of the area or a partial on-site relocation if directed by fire/law officials.
- Non-Red Flag Warning days – When there is an active wildfire burning within a 2.5-mile sphere of the community, an evacuation out of the area or a partial relocation will occur if directed by fire/law officials.

The above triggers are recommendations only. The actual triggers will be determined by fire and law officials.

FIRE EVACUATION ANALYSIS

Linscott, Law & Greenspan, Engineers (LLG) prepared a Fire Evacuation Analysis (Analysis) for the Esperanza Hills project addressing the theoretical duration it would take to evacuate that development and the existing and proposed residential developments in the vicinity of that development, including the proposed 112-unit Project and 11 approved but unbuilt homes in Casino Ridge. Evacuation routes are consistent with the emergency access plans contained in the Esperanza Hills Traffic Impact Analysis (TIA) prepared by LLG (March 18, 2013) and included in the Esperanza Hills Draft EIR as Appendix O (Figures 11-2: Option 1 and Figure 17-2: Option 2). The following general assumptions were used in LLG's analysis.

- Existing development in the Project vicinity considered in the Analysis consists of 771 homes.
- Based on the average daily traffic (ADT) on Via del Agua, San Antonio Road, and Stonehaven Drive, the following evacuation pattern is assumed for existing residential units:
 - Approximately 87 existing homes will evacuate via Via del Agua
 - 410 existing homes will evacuate via San Antonio Road
 - 56 existing homes will evacuate via Dorinda Road
 - 218 existing homes will evacuate via Stonehaven Drive (not including the proposed Project)
- Cielo Vista's proposed 112 single-family homes would evacuate as follows:
 - 95 homes directed to Stonehaven Drive
 - 17 homes directed to San Antonio Road via Aspen Way
- 11 potential future single-family homes (approved but unbuilt) in Casino Ridge are assumed in the analysis and are directed to San Antonio Road.

- Each home will evacuate with two vehicles, which assumes every home is occupied at the time of evacuation notice.
- Each resident is directed to depart their home (evacuate) at the same time.
- Lane capacity of 1,600 vehicles per hour per lane (vphpl) with 75% green time at the intersections with Yorba Linda Boulevard (effective capacity of 1,200 vphpl, which is based on 1,600 vphpl x 0.75 (green light 75% of the time)).
- Manned traffic control at the intersections of Via del Agua, San Antonio Road, Dorinda Road, and Stonehaven Drive with Yorba Linda Boulevard (police personnel directing traffic per the Orange County Sheriff's Department/City traffic control evacuation plan).

In addition to the general assumptions above, the following assumptions relate to Esperanza Hills' Option 1:

- Option 1 - The evacuation path would be via the main Project access to Stonehaven Drive and via the secondary emergency access to Via del Agua approximately 130 feet northeast of Via de la Roca.
- Of the 378 theoretical homes within the Esperanza Hills and Bridal Hills projects, 246 (65%) will evacuate via Via del Agua and 132 (35%) via Stonehaven Drive (Option 1).

In addition to the general assumptions above, the following assumptions relate to Esperanza Hills' Options 2, 2A and 2B:

- Option 2 - The evacuation path would be via the main Project access to Aspen Way/San Antonio Road and via the secondary emergency access to Stonehaven Drive (Figure 3 and Figure 4 in the updated Analysis and Figure 17-2 in the Traffic Impact Analysis).
- Of the 378 theoretical homes within the Esperanza Hills and Bridal Hills projects, 246 (65%) will evacuate via San Antonio Road, 91 (24%) will evacuate via Via del Agua, and 41 (11%) will evacuate via Stonehaven Drive (Option 2, Option 2A, and Option 2B).

Figure 5 in the Analysis presents the fire evacuation traffic volumes and the estimated evacuation time to clear every vehicle to Yorba Linda Boulevard under existing conditions. As presented in Figure 5, based on an effective roadway capacity of 1,200 vphpl on Via Del Agua, San Antonio Road, Dorinda Road, and Stonehaven Drive, all of the approximately 771 existing homes in the study area could optimally evacuate to Yorba Linda Boulevard within 45 minutes. However, assuming that all residents depart their homes within the first 30 minutes, which results in a peak hour factor of 0.50, full evacuation of the study area may practically take up to 90 minutes.

Figure 6 in the Analysis presents the fire evacuation traffic volumes and the estimated evacuation time to clear every vehicle to Yorba Linda Boulevard under the proposed Esperanza Hills' Option 1 development access scenario, which directs traffic to Via del Agua and Stonehaven Drive only. Based on an effective roadway capacity of 1,200 vphpl on Via del Agua, San Antonio Road, Dorinda Road, and Stonehaven Drive, all of the approximately 1,272 homes in the study area (including Cielo Vista) could optimally evacuate to Yorba Linda Boulevard within 45 minutes. However, assuming that all residents depart their home within the first 30 minutes, full evacuation of the study area may take up to 90 minutes.

Figure 7 in the Analysis presents the fire evacuation traffic volumes and the estimated evacuation time to clear every vehicle to Yorba Linda Boulevard under the proposed Esperanza Hills' Option 2, Option 2A, and

Option 2B scenarios, which directs traffic to San Antonio Road, Via del Agua, and Stonehaven Drive. Based on an effective roadway capacity of 1,200 vphpl on Via del Agua, San Antonio Road, Dorinda Road, and Stonehaven Drive, all of the approximately 1,272 homes in the study area (including Cielo Vista) could optimally evacuate to Yorba Linda Boulevard within 75 minutes. However, assuming that all residents depart their homes within the first 30 minutes, full evacuation of the study area may practically take up to 2.5 hours via San Antonio Road and up to 60 minutes via Stonehaven Drive. Approximately 85% of the Cielo Vista trips would utilize Via Del Agua and Stonehaven to evacuate to Yorba Linda Boulevard. Evacuation of Via Del Agua and Stonehaven, standing alone, would take 30 minutes under optimum conditions, and may practically take 60 minutes.

EVACUATION NOTIFICATION

Notification of residents will be via Alert OC, radio and television news sources, or through direct notification by OCSD on-site through site patrols. Once aware of a fire, the community's pre-planned and practiced emergency response would be initiated.

The Cielo Vista Project includes design features and recommendations that will ensure all feasible steps will be taken to provide a safety factor to area residents, which do not currently exist. Four fuel modification zones will be implemented along the open space/residential boundary to help suppress wildland fires in accordance with OCFA guidelines. In addition, construction methods that reduce possible ember-related fires will be implemented. A traffic control evacuation plan approved by OCSD and the City is designed to assist in traffic flow and relieve congestion for evacuees. Resident adherence to evacuation plans will provide the greatest measure of safety to ensure safe and orderly egress from the Project and the adjacent neighborhoods. The measures proposed in the Draft EIR have been provided in consultation with OCFA, YLWD, the City, and OCSD to ensure compliance with all codes and requirements.

TR-4 GEOLOGY/SOILS: SEISMIC AND GEOLOGIC STABILITY HAZARDS

The Project's potential impacts related to geology and soils, including with respect to fault rupture, seismic hazards, ground shaking, liquefaction, soil erosion or the loss of topsoil, expansive soils, and landform/landslides, were thoroughly analyzed in Section 4.5, *Geology and Soils*, of the Draft EIR. To adequately assess all potential impacts, the Draft EIR includes and incorporates information contained in specific studies, specifically a *Geotechnical Feasibility Study* (dated March 1, 2013 as revised on June 30, 2015) and additional reports (*Proposed Development of Tentative Tract Map No. 17341, County of Orange, California, Geologic and Geotechnical Evaluation*) prepared by licensed geotechnical and soil engineers. These reports are included in Appendix E, *Geology Study*, of the Draft EIR. The *Geotechnical Feasibility Study* was subsequently refined by two letter reports prepared by LGC Geotechnical, Inc. Those letter reports are the result of the on-going "subsurface geotechnical evaluation" discussed in the *Geotechnical Feasibility Study* and are incorporated into the Final EIR (included in Appendix B of this Final EIR):

Location of Whittier Faults, Cielo Vista, Tentative Tract Map. No. 17341, County of Orange, California, dated July 31, 2014

Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014.

With respect to potential fault rupture and the construction of residential dwelling units at the project site, the Draft EIR notes that the Whittier Fault crosses the central portion of the project site in a northwest orientation, as identified on the State Fault Rupture Hazard Zone Map for the Yorba Linda Quadrangle. For a detailed discussion of the environmental setting and potential hazards associated with constructing residences near the Whittier Fault and fault rupture, please see pages 4.5-9 through 4.5-14 of the Draft EIR. The Whittier Fault is considered to be "active" by the State of California. As described in the Draft EIR and Appendix E, specifically in the *Geotechnical Feasibility Study*, a dominant structural feature of the project site is the presence of the Whittier Fault trace through the center of the project site. To determine the location of the Whittier Fault, geological maps and geotechnical documents for the subject site were reviewed and fault trenches were excavated on the southern portion of the Fault Rupture Hazard Zone, the boundaries of which are depicted on Figure 4.5-1 of the Draft EIR. LGC Geotechnical did not conduct fault trenching on the northern portion of the Fault Rupture Hazard Zone due to the presence of deep saturated alluvium, a drainage channel, and landslide areas. However, a review of fault trenching performed east and west of the northern Fault Rupture Hazard Zone revealed the absence of active faulting projecting towards this area. The *Geologic and Geotechnical Evaluation* was likewise based upon past maps, excavation of fault trenches, and preliminary site investigations.

These studies, taken together with the letter reports provided by LGC Geotechnical, constitute substantial evidence of the location of the Whittier Fault. "For purposes of CEQA, substantial evidence 'means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.'" (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 486; CEQA Guidelines § 15384(a)) It includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (CEQA Guidelines § 15384(b); Pub. Res. Code §21080(e)(1).)

The Draft EIR also prescribes Mitigation Measure 4.5-1, which requires the Project applicant to submit a site-specific, design-level geotechnical investigation prior to the issuance of precise grading permits. The geotechnical investigation required by Mitigation Measure 4.5-1 will include subsurface investigation consisting of trenching to refine the location of the Whittier Fault. The text of Mitigation Measure 4.5-1 has been revised in order to reflect the two letter reports prepared by LGC Geotechnical. Mitigation Measure 4.5-1, as revised, reads as follows:

Mitigation Measure 4.5-1 Prior to the issuance of precise grading permits, unless noted as otherwise below or otherwise agreed to by County's engineering geologist, the Project applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.

- c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, as well as the locations, depths, widths, and lengths of the buttresses/shear keys, shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.
- d) Conduct representative sampling and laboratory testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable soils that could create geotechnical stability hazards to the Project.
- e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.
- f) Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

The Draft EIR acknowledges that the Alquist-Priolo Earthquake Fault Zoning Act seeks to prevent the hazard of surface faulting to structures for human occupancy and, therefore, prohibits the construction of buildings for human occupancy across active faults. The Alquist-Priolo Act further mandates that before a project can be permitted, a geologic report defining and delineating any hazard or surface fault rupture must be prepared. As discussed above, geologic and geotechnical studies were prepared and included in the Draft EIR, Appendix E, and supplementary reports included in the Final EIR. Additional geotechnical investigation is required by revised Mitigation Measure 4.5-1.

The Draft EIR specifically states that potential residential structures would be located at a distance from active faulting which complies with the requirements of the Alquist-Priolo Act. That residential structures

are located the appropriate distance from the Whittier Fault would be assured by refinement of the location of the active trace of the Whittier Fault, as is required by revised Mitigation Measure 4.5-1. Thus, with the implementation of Mitigation Measure 4.5-1, which requires further site-specific geotechnical evaluation and compliance with the regulatory provisions of the Alquist-Priolo Act, impacts associated with potential fault rupture would be reduced to a less than significant level. A condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 904; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060 [CEQA specifically recognizes that mitigation measures requiring adherence to regulatory requirements or other performance criteria are permitted].) Here, the Draft EIR contains substantial evidence of regulatory compliance because it describes applicable local, state and federal regulations, standards used to ensure compliance with such regulations, and the process used to ensure the standards are achieved.

Likewise, the Draft EIR thoroughly discusses the other potential seismic hazards associated with the Project, including seismic ground shaking, ground failure, and landslides/slope stability. Please see Section 4.5, *Geology and Soils*, for individual analyses of such potential hazards. With respect to seismic ground shaking, for example, the Draft EIR states that the project site is located in a seismically active region and there is a potential for significant ground shaking during a strong seismic event. The Draft EIR also notes that if possible ground acceleration was not taken into account during building project design, damage to buildings and improvements could result. While this information constitutes sufficient information for informed decisionmaking and public participation, the site-specific geotechnical investigation required by Mitigation Measure 4.5-1 would further ensure that potentially significant grounds shaking impacts would be identified. Also, Mitigation Measure 4.5-1 requires compliance with all applicable local and state ordinances and policies regarding construction in seismic hazard zones. The 2010 California Building Code, for instance, requires structural design that can accommodate maximum ground accelerations expected from known faults.

Mitigation Measure 4.5-1 does not constitute deferral of mitigation. CEQA generally prohibits the deferral of the formation of mitigation until after project approval. However, when a public agency has evaluated the potential significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to a particular mitigation measure as long as it commits to mitigating the significant impacts of the project. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 410.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906 [a mitigation measure that requires additional geotechnical investigation to consider the particular project designs is proper and in accord with CEQA].) Mitigation Measure 4.5-1 mandates, prior to the issuance of precise grading permits, the Project Applicant to submit a final site-specific, design-level geotechnical investigation to confirm and supplement the substantial evidence already contained in the Draft EIR. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 will not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction. Mitigation Measure 4.5-1 also mandates specific design standards (see stability analysis for landslides) and requires that development of the project site be in accordance with all applicable regulations for seismic and geologic stability, including the Alquist-Priolo Act and the California Building Code. "[A] condition requiring compliance with regulations is a common and reasonable mitigation measure...." (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884,

906; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060.) Here, the Draft EIR includes significant information regarding potential geologic impacts associated with the Project, a mitigation measure that requires additional site-specific analysis, and specific design standards and mandates compliance with all applicable regulations. It does not improperly defer mitigation.

The Draft EIR evaluated all impacts related to the Project, including with respect to development and grading activities. These activities will not contribute to seismic activity at either the Project site or the surrounding area but could, without mitigation, result in geologic hazards such as landslides, potentially compressible and expansive soils at the Project site. Currently, the Project's proposed grading would avoid most areas suspected to be underlain by landslides or susceptible to slope stability hazards. The Project's grading activities would be conducted in compliance with applicable regulatory requirements pertaining to grading, including the County's Grading Ordinance. While compliance with applicable regulations would be expected to minimize the potential for landslides and/or slope stability hazards, Mitigation Measure 4.5-1 further mitigates any potential impact by requiring site-specific stability analysis consisting of down-hole logging of large-diameter borings at possibly hazardous locations. With implementation of Mitigation Measure 4.5-1, seismic-related impacts from grading would be reduced to a less than significant level at the project site and the surrounding area. The Project's other potential impacts from grading activities, including air quality, noise, and traffic were evaluated throughout the Draft EIR and were determined to be less than significant.

Potential environmental impacts associated with Mitigation Measure 4.5-1 have also been evaluated. Implementation of the Mitigation Measure 4.5-1, including short-term ground disturbing activities, would result in short-term impacts. No new roads are anticipated to be constructed during the geotechnical investigation. Noise from the use of machinery during the geotechnical investigation activities would be temporary, intermittent and of short duration, and would not present any long-term impacts. The use of such equipment would comply with the applicable provisions of the Noise Ordinance of the Codified Ordinances of the County of Orange to ensure that noise impacts to surrounding noise sensitive uses are less than significant. As discussed in Section 4.4, *Cultural Resources*, in the Draft EIR, no archaeological resources are known to occur on the site or in immediate proximity to the site. The overall sensitivity and potential for discovery of surface archaeological resources is considered to be low. No known paleontological resources occur on the site. The site does, however, include geological formations conducive to retaining paleontological resources. The extent of excavation activities into deeper soils would be minimal and as such, the likelihood of encountering any cultural resources would be minimal. Nonetheless, the geotechnical consultant would implement a program consistent with the mitigation measures presented in Section 4.4, or as otherwise determined appropriate through consultation with a qualified archaeologist and/or paleontologist, as necessary, to ensure that impacts to unknown cultural resources are less than significant. As noted in Mitigation Measure 4.5-1, the investigation would comply with all applicable State and local code requirements. For example, ground disturbing activities and use of machinery would be required to comply with applicable South Coast Air Quality Management District (SCAQMD) air quality regulations (see Section 4.2, *Air Quality*) and County and Santa Ana Regional Water Quality Control Board (SARWQCB) water quality and discharge requirements (see Section 4.8, *Hydrology and Water Quality*) to ensure that air quality and water quality impacts are less than significant, respectively. In addition, the geotechnical consultant would consult with a qualified biologist prior to conducting any geotechnical investigations. The geotechnical investigation(s) would first seek avoidance of sensitive biological resources, including sensitive plant communities/habitats and jurisdictional features, as described in Section 4.3, *Biological Resources*, of the Draft EIR. However, in the event that any such biological resources could not be avoided, the activities would

be required to comply with applicable regulatory and permitting requirements such as the those pertaining to the Federal Endangered Species Act (FESA), Federal Clean Water Act (CWA) (Section 401 and 404), Migratory Bird Treaty Act and Section 1602 of the State of California Fish and Game Code, all of which are discussed in Section 4.3 of the Draft EIR. Overall, by complying with applicable regulatory and permitting requirements as discussed in the applicable sections of the Draft EIR, the geotechnical investigation's short-term impacts, including ground disturbing activities, would not result in significant adverse environmental impacts.

Although there are no specific Project Design Features (PDFs) that relate solely to potential geology and soils impacts, as discussed above, Mitigation Measure 4.5-1 and compliance with applicable regulations will ensure that all potential geology and soils impacts are reduced to a less than significant level. PDFs outlined in Section 4.8, *Hydrology and Water Quality*, would ensure that potential impacts associated with soil erosion or loss of topsoil would be lessened to less than significant.

The Project is not anticipated to result in any off-site grading on the Esperanza Hills project site. It is acknowledged that on page 2-23 of the Draft EIR that the Project would include minor improvements within the right-of-way in Via Del Agua and Aspen Way near the Project entrances to provide access to the Project site.

The Project would be consistent with the County of Orange General Plan and potentially consistent with the City of Yorba Linda General Plan. With respect to the County's General Plan, the Draft EIR includes substantial analysis and evidence throughout Section 4.5, *Geology and Soils*, Appendix E, *Geology Study*, and the Final EIR, which supports the consistency determination contained in the Draft EIR. The Project would be potentially consistent with the City's General Plan. The Draft EIR uses the term "potentially consistent" because the determination of consistency ultimately rests with the City. However, the consistency analysis is, like the analysis for the County General Plan, supported by substantial evidence contained in Section 4.5, *Geology and Soils*, Appendix E, *Geology Study*, and the Final EIR.

Please see Topical Response No. 1 for a discussion of how the Project and Esperanza Hills Project are separate and not required to be analyzed as a single project. The Draft EIR is comprised of multiple sources of geologic information and analysis, including the *Geotechnical Feasibility Study*, and analyzed cumulative geologic and soil impacts. Moreover, the Final EIR includes a letter report which supplemented the *Geotechnical Feasibility Study* and specified that LGC Geotechnical reviewed the fault studies for the properties immediately adjacent to the east (Esperanza Hills Project) and west of the project site. Also, please see Topical Response 3 for a discussion of emergency access to the project site.

After review of this Topical Response *TR-4 Geology/Soils: Seismic and Geologic Stability Hazards*, including the two letter reports prepared by LGC Geotechnical, the County finds that no "significant new information" has been added to the Draft EIR since it was circulated for public review, as that term is defined in State CEQA Guidelines Section 15088.5. Section 15088.5, excerpted below, identifies the criteria whereby an EIR is required to be recirculated.

- (a) 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 includes, for example, a disclosure showing that:

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)
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

In the case of the Draft EIR, the project description has not changed since it was circulated to the public and the corrections and additions identified in the Final EIR do not change the conclusions in the impact analysis, but rather substantiate and clarify the Draft EIR’s conclusions. The public comments to the Draft EIR did not disclose any new impacts resulting from the Project or a substantial increase in any previously-identified impacts, or identify new feasible alternatives or new feasible mitigation measures that the Project proponent has declined to adopt. The responses to the submitted information set forth in Chapter 2.0 clarify and provide additional information in support of the analysis previously provided in the Draft EIR, and together with the Draft EIR provide substantial evidence for the determination that recirculation of the Draft EIR was not required under CEQA Guidelines Section 15088.5.

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TR-5 ALTERNATIVES: MODIFIED PLANNING AREA 1 ONLY

ALTERNATIVE

1. INTRODUCTION

Based on public comments received during the public review period for the Cielo Vista Draft EIR, including those pertaining to density under the Yorba Linda General Plan, and the County's June 2, 2015 approval of the adjacent Esperanza Hills Project, Section 1 of Chapter 3.0, *Corrections and Additions to the Draft EIR*, includes a new alternative, the Modified Planning Area 1 Only Alternative (Alternative 5). As further described in Chapter 3.0, similar to the Planning Area 1 Only Alternative (Alternative 2) included in the Draft EIR, Alternative 5 does not include any development within Planning Area 2 of the Cielo Vista project site. However, where Alternative 2 increased the density of residential development within Planning Area 1, Alternative 5 would develop Planning Area 1 with 83 single-family residential lots and associated improvements. The circulation system in Planning Area 1 under Alternative 5 would be the same as the Project, with the reduction in the number of lots occurring because of wider residential lots. Below is an overview of the alternatives evaluated in the Draft EIR, summaries of project-level and cumulative impacts of Alternative 5 compared to the Project, and the CEQA implications of implementing Alternative 5. As further described in subsection 5 below, incorporation and evaluation of Alternative 5 in the Final EIR does not constitute "significant new information" as that term is used in CEQA Guidelines Section 15088.5 therefore recirculation of the Draft EIR is not required.

2. ALTERNATIVES EVALUATED IN THE DRAFT EIR

The Draft EIR in Chapter 5.0, *Alternatives*, considered and discussed alternatives to the Project as required by CEQA Guidelines Section 15126. CEQA Guidelines Section 15126.6(a) provides that EIRs "shall describe a range of reasonable alternatives to the project, or to the location of the project." An EIR is required to include an alternatives analysis regardless of whether the underlying project would result in any significant and unavoidable environmental impacts, as is the case with the proposed Project (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, (1988) 47 Cal. 3d 376). With respect to the alternatives carried forward for analysis in the Draft EIR, the Draft EIR considered four alternatives to the Project: the No Project Alternative, the Planning Area 1 Only Alternative, the Large Lot/Reduced Grading Alternative, and the Contested Easement Alternative. The Draft EIR also considered and rejected two additional alternatives: Alternative Location and Alternative Land Use. The "Alternative Location" Alternative was rejected since another site in the general vicinity of the project would not substantially reduce significant environmental effects and the project proponent does not own other properties in the nearby local vicinity. The "Alternative Land Use" Alternative was rejected due to compatibility issues with existing neighboring single-family uses and inability to meet the objectives of the Project to provide single-family housing on the project site. The No Project Alternative is required by CEQA Guidelines Section 15126.6(e)(1) and was therefore included in the Draft EIR. The three other alternatives selected for analysis were chosen to comply with CEQA Guidelines Section 15126.6(a), in that they all could feasibly attain most of the basic objectives of the project and avoid or substantially lessen certain of the significant environmental effects of the project. Each alternative also includes the types of residential uses currently permitted on the site, which would be compatible with the existing single-family uses to the north, west and south of the site.

The Draft EIR considered a reasonable range of alternatives sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) The range of four alternatives stated above represents enough variation to allow informed decisionmaking. (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.) Nonetheless, in response to public comments and the County's June 2, 2015 approval of the Esperanza Hills Project, the range of alternatives considered has been expanded to include analysis of Alternative 5, the impacts of which are summarize below.

3. PROJECT IMPACTS OF ALTERNATIVE 5: THE MODIFIED PLANNING AREA 1 ONLY ALTERNATIVE

Alternative 5, the Modified Planning Area 1 Only Alternative, would not develop Planning Area 2, but similar to the proposed Project would develop Planning Area 1 with 83 single-family residential lots and associated improvements. As compared to the proposed Project, the elimination of Planning Area 2 and the reduction in density in Planning Area 1 would result in 29 fewer units, would reduce the development area by 6.4 acres to 41.3 acres, and would increase permanent open space by 6.4 acres to 42.7 acres.

A detailed description of Alternative 5 along with an analysis of the potential impacts that would result from its implementation are included in Chapter 3.0 of this Final EIR. A table is also provided therein, which updates Table 3-1 in the Draft EIR, and comprehensively compares the impacts of each of the proposed alternatives, on a threshold-by-threshold basis, against the proposed Project. As shown in this revised Table 3-1, with the exception of impacts related to emergency response/evacuation and wildland fires, all impacts under this Alternative would be less than or similar to the Project due to the proportionate decrease in the number of residential units and development footprint impact area. Generally, impacts under Alternative 5 that would be "less than significant" and less than the Project include the following: aesthetics, air quality (odors), Greenhouse Gases (GHG) (emissions), water quality, land use, noise (construction and operation), and utilities (wastewater, stormwater and landfills). Impacts under Alternative 5 that would be "less than significant" and similar to the Project include: air quality (operational emissions and Air Quality Management Plan consistency), GHG (GHG Plan(s) consistency), hazardous materials (use/disposal/transport), hydrology (drainage and groundwater supplies), noise (vibration), population/housing, and traffic (Congestion Management Plan consistency, design hazards, emergency access, and alternative transportation). Impacts under Alternative 5 that would be "less than significant with mitigation" and less than the Project include: air quality (construction emissions), biological resources, cultural resources, geology/soils, public services, recreation, traffic and utilities (water supply). Impacts under Alternative 5 that would be "less than significant with mitigation" and similar to the Project include hazardous materials impacts related to upset/accident conditions and hazardous material site conditions.

Regarding emergency response/evacuation, despite the proportionate decrease in traffic, the fact that Alternative 5 has a lower extent of fuel modification (provided to off-site residents to the west of the site) compared to the Project leads to the conclusion that impacts regarding emergency response/evacuation would be incrementally greater under this Alternative than under the Project, with impacts being "less than significant" for both the Project and this Alternative. Further, because this Alternative does not provide fuel modification for off-site residents to the west of the site, it would have a reduced beneficial impact compared to the Project, with impacts being "less than significant with mitigation" for both the Project and this Alternative.

Based on the evaluation of impacts presented in the Alternatives analysis in the Draft EIR and in Chapter 3.0 of this Final EIR, Alternative 5, the Modified Planning Area 1 Only Alternative, is determined to be the environmentally superior alternative. While the No Project Alternative (Alternative 1) would result in “no impacts” for the vast majority of all environmental issues areas, it would fail to meet any of the Project Objectives. As summarized in Table 3-1 in Chapter 3.0, of Alternatives 2 through 5, the Modified Planning Area 1 Only Alternative (Alternative 5) would result in the most reduced (or less) impacts when compared to the Project. This is primarily due to its proportionate decrease in units and development footprint associated with the elimination of Planning Area 2 compared to the Project. Alternative 5 would result in reduced (or less) impacts in 13 of the 15 issue areas evaluated in the Draft EIR. The next closest alternative in reducing impacts, Alternative 3, would reduce impacts in 8 of the 15 issue areas evaluated in the Draft EIR. Also, the Modified Planning Area 1 Only Alternative would fully meet the Project Objectives similar to the Project.

4. CUMULATIVE IMPACTS OF MODIFIED PLANNING AREA 1 ONLY ALTERNATIVE

The Alternative 5 impact analysis in Chapter 3.0 reflects the County Board of Supervisors’ adoption of the Esperanza Hills Specific Plan and other entitlements on June 2, 2015 and its certification of its Final EIR on March 10, 2015. The approved Specific Plan identifies two potential access configurations. A third potential access configuration which would have provided access from Stonehaven Drive (referred to in the Esperanza Hills Draft EIR as Option 1) was removed from the Esperanza Hills Specific Plan by the County Board of Supervisors on June 2, 2016.

The first access configuration approved in the Esperanza Hills Specific Plan is described and depicted in the Esperanza Hills certified Final EIR as Alternative 3 - Access Option 2B. This configuration would include an east-west access primary access corridor across the Cielo Vista site just north of Planning Area 1, and would continue west through City open space connecting with San Antonio Road approximately 1,850 feet south of Aspen way. A separate ingress/egress road for secondary and emergency purposes would exit south from the project site to Stonehaven Drive.

The second access configuration approved in the Esperanza Hills Specific Plan is referred to as the “Modified Option 2” access configuration, or the “Aspen Way Drive Access Configuration.” Under this configuration, the Esperanza Hills Project would provide a primary connection going west from the project to Aspen Way, connecting into San Antonio Road. A separate ingress/egress road for secondary and emergency purposes would exit south from the project site to Stonehaven Drive.

The Cielo Vista Draft EIR currently provides a cumulative impact analysis for each environmental issue evaluated in Chapter 4.0. With Planning Area 2 removed as part of Alternative 5 and the corresponding reduction in units and development footprint, the Project’s cumulative impacts as presented in the Cielo Vista Draft EIR would generally be proportionately reduced under Alternative 5. The cumulative impact assessments provided in Chapter 4.0 of the Cielo Vista Draft EIR remain in large part applicable to the cumulative impacts associated with Alternative 5 in relation to the Esperanza Hills Alternative 3–Access Option 2B and the “Modified Option 2” access configuration (noting again the decrease in impacts of Alternative 5 compared to the Project). Therefore, with this understanding and in consideration of the potential access corridor through the Cielo Vista project site per Esperanza Hills Alternative 3 - Access Option 2B and the “Modified Option 2” access configuration, the impact analysis for Alternative 5 in Chapter 3.0 also provides a separate impact analysis of this “potential access corridor” (under both the Alternative 3

–Access Option 2B and the “Modified Option 2” access configurations) through and within the Cielo Vista site for each issue evaluated in Chapter 4.0 of the Cielo Vista Draft EIR. As discussed therein, there would be generally similar or less cumulative impacts associated with the related projects, and similar or less combined cumulative impacts with Alternative 5. Thus, under Alternative 5, cumulative impacts would generally be less than significant, as with the Project, with numerous issues resulting in impacts that are somewhat reduced.

5. CEQA IMPLICATIONS

CEQA contains provisions for circumstances where new information can be included in a Final EIR without recirculation of the Draft EIR. In order to give a degree of finality to EIR documentation, CEQA only requires recirculation of a Draft EIR when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines states: “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 includes, for example, a disclosure showing that at least one of the criteria below is met:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (Criteria 1)
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance. (Criteria 2)
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it. (Criteria 3)
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (Criteria 4)

CEQA Guidelines Section 15088.5 also provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR... A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.”

In light of the above CEQA guidance, and the impact analysis of Alternative 5 provided in Chapter 3.0, the addition of Alternative 5 would not result in a new significant impact (see Criteria 1) or in a substantial increase in the severity of significant impacts identified for the Project in the Draft EIR (see Criteria 2). As indicated above, Alternative 5 would result in reduced (or less) impacts in 13 of the 15 issue areas evaluated for the Project in the Draft EIR. This is primarily due to its proportionate decrease in units and development footprint associated with the elimination of Planning Area 2 compared to the Project. Because of its reduced impacts, Alternative 5 would represent an environmentally superior alternative to the Project.

With regards to Criteria 3, Alternative 5 was included based on public comments received during the public review period for the Cielo Vista Draft EIR, including those pertaining to density under the Yorba Linda General Plan, and the County's June 2, 2015 approval of the Esperanza Hills Project. The courts in *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* and *South County Citizens for Smart Growth v. County of Nevada* both succinctly summarized the rule with respect to recirculation when a new alternative is added to an EIR. For an alternative to be considered significant new information, it must (1) be feasible, (2) be considerably different from other alternatives previously analyzed, (3) must clearly lessen the significant impacts of the project, and (4) the project proponents must decline to adopt it. *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, 654-655 [an alternative that combined conservation measures and construction of a pipeline to deliver water to a district was not "considerably different" than other alternatives when there was an alternative that considered piping water and a separate alternative that considered conservation measures]. Here, the Cielo Vista Draft EIR included separate alternatives that proposed (1) development of Planning Area 1 only (Planning Area 1 Only Alternative) and (2) larger lots and reduced density (Large Lot/Reduced Grading Alternative). The Modified Planning Area 1 Only Alternative primarily incorporates both of these components. Therefore, the Modified Planning Area 1 Only Alternative, like the alternative added in *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors*, is not considerably different than the alternatives already included in the Cielo Vista Draft EIR. Moreover, the Project proponent has not declined to adopt the alternative. As a result, recirculation is not required pursuant to CEQA Guidelines Section 15088.5(a)(3) or Criteria 3, above.

Furthermore, the Draft EIR provided a comprehensive analysis of environmental issues determined to have potentially significant impacts following completion of the project's Initial Study and EIR scoping process. Technical analysis was provided by experts in their respective fields for those issues evaluated in the Draft EIR, where necessary. Responses have been provided in Chapter 2.0 of this Final EIR to all public and agency comments on the Draft EIR, which clarify information and analysis presented in the Draft EIR, with corrections and additions provided in Chapter 3.0. All responses have prepared in accordance with Section 15088 of the CEQA Guidelines. The impact conclusions in the Draft EIR remain valid and unchanged in light of the comments/responses and corrections/additions provided in Chapters 2 and 3 of this Final EIR, respectively. Therefore, Draft EIR was fundamentally adequate for assessing environmental impacts and allowed for meaningful public review and comments (see Criteria 4).

Based on the above, recirculation of the Draft EIR is not required.

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2.B RESPONSES TO INDIVIDUAL COMMENTS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-12B0345-14TA0069

JAN 06 2014

Mr. Ron Tippets
Planner
Orange County Planning Services
P.O. Box 4048
Santa Ana, California 92702-4048

Subject: Draft Environmental Impact Report for the Cielo Vista Project, Orange County, California

Dear Mr. Tippets:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (Draft EIR) for the Cielo Vista Project in unincorporated Orange County (County), California. The proposed project includes construction of approximately 112 single-family residences and associated infrastructure on 47.7 acres. A total of 36.3 acres of the site would be preserved as undeveloped open space, including fuel modification zones. The project will impact 55.23 acres of natural vegetation communities. The site was burned in the 2008 Santiago Fire and is currently in the early stages of recovery from the fire and associated post-fire vegetation management activities.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. Specifically, the Service administers the Endangered Species Act (Act) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and provides support to other Federal agencies in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect federally listed threatened or endangered species or their critical habitats. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. Take incidental to otherwise lawful activities can be permitted under the provisions of section 7 (Federal consultations) and section 10 of the Act.

Our primary concerns with respect to this project are the extent of impacts to the federally endangered least Bell's vireo (*Vireo bellii pusillus*, vireo), designated critical habitat for the threatened coastal California gnatcatcher (*Poliophtila californica californica*), and to other

sensitive habitat types and wildlife species. We believe that the information presented in the Draft EIR under-represents the actual impacts of the project and recommend that additional measures be incorporated to avoid, preserve, and restore native habitats. We offer the following specific comments and recommendations regarding project-associated biological impacts based on our review of the Draft EIR and our knowledge of declining habitat types and species within Orange County. These comments are provided in keeping with our agency's mission to "work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

- 1. Project Configuration and Indirect Impacts to Adjacent Open Space** – The Draft EIR identifies potential indirect adverse impacts on vegetation and wildlife outside the project area associated with an increase in vehicular traffic, noise, human intrusion, night lighting, pollutants, and litter. The proposed project configuration fragments remaining open spaces on the property and substantially increases project-related edge effects by including two separate development areas with separate access points. To minimize habitat fragmentation and edge effects, we strongly recommend that alternative configurations be evaluated that eliminate the northern development bubble, limiting development to the southwest portion of the property. In addition to the potential indirect impacts identified in the Draft EIR, we are concerned that regular maintenance in fuel modification zones surrounding the development will result in a spread of non-native weedy species into adjacent open space (see #5 - Fuel Modification Zone), reducing the value of habitat for species dependent on native vegetation.
- 2. Impacts to Natural Vegetation Communities** – The Final EIR should include mitigation for impacts to natural vegetation communities present in the project area prior to the Santiago Fire. No mitigation is currently proposed for impacts to natural vegetation communities on the project site, with the exception of those falling within U.S. Army Corps of Engineers (Corps) or California Department of Fish and Wildlife (CDFW) jurisdictional areas (Mitigation Measure 4.3-2). If the County does not include specific compensatory mitigation measures to address impacts to native upland vegetation from projects such as the Cielo Vista Project, it will lead to a significant degradation of the extent and quality of these vegetation communities and the sensitive species they support within the region.

The Draft EIR identifies impacts to 58.88 acres, including 30.83 acres of native vegetation communities, 3.65 acres mapped as disturbed (primarily bare ground) and 24.4 acres mapped as "ruderal" (containing native vegetation but dominated by non-native weedy species). Based on a review of vegetation mapping completed prior to the Santiago Fire (PCR 2006), it appears there has been a significant reduction in the extent of native vegetation communities mapped on the site. For example, 45.9 acres of mixed coastal sage scrub were mapped prior to the fire (PCR 2006) whereas the Draft EIR identifies 9.05 acres in the project area. Restoration of natural vegetation communities to a pre-fire condition could take several years and could be delayed by post-fire vegetation management activities. However, the temporary reduction in habitat quality associated with the fire and post-fire vegetation management activities does not reduce the long-term value of the project site to support foraging and

breeding by native wildlife species within open space contiguous with Chino Hills State Park.

- 3. Sensitive Plant Species** – No sensitive plant species were observed on the project site. Because surveys were conducted in 2012, a water year with lower than normal precipitation (NOAA 2012), we are concerned that sensitive plant species may not have been detected. Service guidelines for conducting botanic inventories recommend an additional survey be conducted if adverse conditions, including drought, may preclude the presence or identification of target species in any year (enclosed). The intermediate mariposa lily (*Calochortus weedii* var. *intermedius*) was identified on the Cielo Vista project site in 2010 during surveys conducted for the adjacent Esperanza Hills Specific Plan Project (Glenn Lukos Associates 2013). The Final EIR should include mitigation for this species if it will be impacted by the project. In addition, given the adverse survey conditions in 2012 and the observed special-status plant species on the site in 2010, we recommend at least one additional special-status plant survey be conducted throughout the project site at the appropriate time of the year when target species are present and identifiable prior to the release of the Final EIR.
- 4. Large Mammal Impacts** – The Final EIR should include an analysis of the extent of impacts to live-in habitat and nursery areas for large mammals. The Draft EIR focuses on potential impacts to wildlife movement and concludes the site is not conducive to the movement of large mammals due to development surrounding the site (page 4.3-23).¹ Although the project is anticipated to impact live-in habitat for wildlife and wildlife movement on a local scale (page 4.3-10), there is no discussion of how these impacts may contribute to the degradation of surrounding habitat. Large predators, in particular, play an important role in maintaining the ecological integrity of remaining open space areas in southern California (Soulé et al. 1988, Crooks and Soulé 1999). The presence of coyotes and bobcats has been shown to be negatively associated with the distribution and abundance of smaller predators (e.g., raccoons and feral cats) which often prey upon songbirds (Crooks and Soule 1999).

We are concerned that general biological surveys conducted for the site were inadequate to evaluate the importance of natural communities on site as foraging and breeding habitat for large mammals. Only four mammals were observed during biological surveys (Draft EIR, Appendix C), including white-tailed deer (*Odocoileus virginianus*), which is not known to occur in the local area.² In contrast, a total of 14 mammals were recently observed on the adjacent property, including bobcat (*Felis rufus*), coyote (*Canis latrans*), grey fox (*Urocyon cinereoargenteus*), and mule deer (*Odocoileus hemionus*) (Draft EIR, Appendix C). Mountain lion (*Puma concolor*) are also known to occur in the project vicinity (Boydston and Crooks 2013). We recommend additional large mammal surveys are conducted within the project site by a biologist familiar with large mammals in the local area so that the ecological

¹ Residential development borders the site to the north, west, and south.

² L. Lyren, U.S. Geological Survey, personal communication to C. Medak, Service, December 19, 2013.

consequences of impacting live-in habitat and local wildlife movement paths can be analyzed and appropriately mitigated in the Final EIR.

5. **Fuel Modification Zone** – The Final EIR should clarify the extent of impacts associated with fuel management activities, relative to preserved open space (Draft EIR, Table 4.3-3, “Impacts to Natural Communities”). All fuel modification zones should be treated as permanent impact areas and mitigated as such. The regular disturbance associated with thinning native vegetation in fuel modification zones increases the extent of non-native weedy species and reduces soil moisture content, which may reduce the potential for native species to be supported in the fuel modification zone over the long term. We also recommend that fuel modification zones be planted and maintained with native vegetation that is on Orange County Fire Authority’s list of approved species for fuel modification zones³ and that maintenance be restricted to removing non-native species and species that pose an unacceptable fire risk.
6. **Federally Listed Species** – We anticipate that impacts to vireo and impacts to critical habitat for the gnatcatcher will be addressed through the section 7 consultation process between the Service and the Army Corps of Engineers since the Draft EIR acknowledges that a section 404 permit under the Clean Water Act is required. As currently proposed, the project will permanently impact the entire extent of the occupied vireo habitat within the site and approximately 48 acres of designated critical habitat for the gnatcatcher. To minimize and avoid impacts to federally listed species we recommend the Final EIR include an alternative development plan that is limited to the southern portion of the property.

We appreciate the opportunity to comment on the subject Draft EIR. If you have any questions regarding these comments, please contact Christine Medak of this office at 760-431-9440, extension 298.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor

Enclosure

cc:

Jennifer Edwards, California Department of Fish and Wildlife
Ken Kietzer, Chino Hills State Park

³ <http://www.ocfa.org/uploads/pdf/guidec05.pdf> (see Attachment 8, species with Code o: native to Orange County)

Literature cited:

- Boydston, E. E. and K. R. Crooks (eds.). 2013. Movement patterns of bobcats and coyotes after widening of CA-71 near CA-91 in southern California. U. S. Geological Survey. Prepared for Caltrans.
- Crooks, K. and M. Soule. 1999. Mesopredator release and avifaunal extinctions in a fragmented system. *Nature* 400:563-566.
- Glenn Lukos Associates, Inc. 2013. Biological technical report for the 504-acre Esperanza Hills Specific Plan Property and associated offside impact areas, unincorporated Orange County, California. Prepared for Mr. Douglas Wymore, Yorba Linda Estates, LLC. Scottsdale, Arizona.
- NOAA (National Oceanic and Atmospheric Administration). 2012. National Weather Service. California-Nevada River Forecast Center, Sacramento, California. accessed May 2, 2012. (http://www.cnrfc.noaa.gov/monthly_precip_2012.php)
- Soulé, M. E., D. T. Bolger, A. C. Roberts, R. Sauvajot, J. Wright, M. Sorice, and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conservation Biology* 2:75-92.

Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants

January, 2000

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed, or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations(s) is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
 - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species
 - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name
 - c. survey dates and survey methodology(ies)
 - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made
 - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type
 - f. current and historic land uses of the habitat(s) and degree of site alteration

g. presence of target species off-site on adjacent parcels, if known

h. an assessment of the biological significance or ecological quality of the project site in a local and regional context

5. If target species is(are) found, report results that additionally include: a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors. c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports. d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.

6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base maintained by the Natural Heritage Division of the California Department of Fish & Game. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.

7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than 3 years from the current date of project proposal submission will likely need additional survey.

8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.

LETTER: USFWS

U.S. Fish and Wildlife Service
Karen A Goebel, Assistant Field Supervisor
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
(January 6, 2014)

RESPONSE USFWS-1

Commenter generally asserts the basis for its letter and its concerns regarding the Draft EIR. The comment is noted and will be included in the Final EIR, and will therefore be before the decisionmakers for their consideration prior to taking any action on the Final EIR. The comment is general and does not reference any specific section of the Draft EIR, therefore no further response is required.. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

Nevertheless, the Draft EIR does address and accurately analyzes the “actual” impacts to biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. The Draft EIR provides an analysis of Project impacts on Federally-listed species beginning on page 4.3-26, under Impact Statement 4.3-1. Project implementation would not impact special-status plant species; however, the impact analysis concludes that 1.64 acres of least Bell’s vireo habitat would be permanently impacted (depicted in Figure 4.3-5, *Impacts on Sensitive Wildlife Species*), a potentially significant impact without mitigation. The Project would impact “Waters of the U.S.” (see Page 4.3-36 of the Draft EIR), therefore, a Clean Water Act (CWA) Section 404 permit would be required from the U.S. Army Corps of Engineers (USACE) and Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act would be required prior to approval of a Section 404 permit and prior to disturbance to least Bell’s vireo occupied habitat. Mitigation Measure 4.3-1 is proposed to reduce Project impacts to less than significant. Mitigation Measure 4.3-1 would replace or enhance least Bell’s vireo habitat at a ratio of 2:1 or greater at a suitable location approved by USFWS.

Analysis of Project impacts to sensitive plant communities is provided under Impact Statement 4.3-2, beginning on page 4.3-32 of the Draft EIR and depicted in Figure 4.3-7, *Impacts on Sensitive Natural Communities*. The Project would impact 4.60 acres of Blue elderberry woodland, 1.25 acres of southern willow scrub, 0.51 acre of blue elderberry woodland/laurel sumac chaparral, 2.57 acres of blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, and 5.63 acres of encelia scrub, all of which are considered sensitive natural communities by the California Department of Fish and Wildlife (CDFW). Impacts on sensitive natural communities are considered less than significant given their diminished functions and values as habitat as a consequence of natural (i.e., fire) and human disturbances and the relative abundance of these vegetation communities throughout the region. Because impacts to natural communities, both common and sensitive, are concluded to be less than significant, mitigation measures are not warranted with the exception of jurisdictional waters, where impacts would be addressed by Mitigation Measure 4.3-2.

RESPONSE USFWS-2

Impacts commonly referred to as “edge effects,” such as increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals), may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites. The environmental evaluation of indirect impacts considers the quality and quantity of loss relative to the wildlife and habitat found in the project study area compared with what is preserved in the surrounding areas (e.g., Chino Hills State Park).¹ The Draft EIR analysis concludes on page 4.3-27 that indirect impacts are not expected to reduce general wildlife populations below self-sustaining levels within the region due to the already compromised wildlife carrying capacity of mostly disturbed habitats on-site associated with past destructive fires, the lack of the Project site to function as a wildlife movement corridor because of surrounding residential development, and the limited extent of impacts to these habitats in comparison to the extent of these habitats throughout the region. Regarding the community lighting, the Codified Ordinances of the County of Orange Section 7-9-55.8(f) provides requirements for exterior lighting, including that “All lights shall be designed and located so that direct light rays shall be confined to the premises.” Project Design Feature 1-9 requires that all exterior lighting be directed downward and “night sky friendly,” in compliance with the Codified Ordinances and that no lighting would be cast directly outward into open space areas. Accordingly, the analysis identifies indirect impacts as less than significant.

Chapter 5.0 *Alternatives*, of the Draft EIR, considers a reasonable range of alternatives to the Project design including Alternative 2, Planning Area 1 Only Alternative, which incorporates a single development area, as recommended by this comment. The Draft EIR concludes that the Project would result in less than significant impacts to biological resources with incorporation of recommended mitigation measures. Similarly, Alternative 2 would result in impacts to biological resources that are less than significant with mitigation, but overall impacts to biological resources would be less than the Project (see Table -1, *Comparison of Impacts Associated with the Alternatives and Impacts of the Project* in Chapter 3.0 of this Final EIR). In addition, this Final EIR includes evaluation of a new alternative—Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

It is unlikely that non-native species will be introduced by fuel modification requirements. Foremost, please note that non-native plants proliferate in the project study area. As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, the project study area, which includes the project site, was grazed range land resulting in the introduction and persistence of non-native, invasive plant species that pervade native plant communities observed in the project study area. The project study area was burned by the Freeway Complex 2008 wildfire that further promoted ruderal or non-native invasive plant associations to develop and dominate the site area. Details regarding the proposed conceptual fuel modification are contained in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, and are described beginning on page 4.7-27. Although ornamental non-native species are typically included in the irrigated or wet zone of fuel modification plans, non-native species are not a usual component of the thinning zone, the zone at the interface of neighboring natural vegetation. It is a requirement of the thinning zone (Zone C) to remove dead and dying vegetation in addition to undesirable species, which may include not only native plant species with

¹ The “project study area” is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

high oil content in their leaves but also invasive non-native species. The disturbance caused by thinning of native vegetation for fuel modification does offer an opportunity for invasive non-native species to become established; however, these would be considered undesirable species and would consequently be removed, minimizing the potential to spread. Zone B would also be cleared of all undesirable species. The Project's fuel modification zones would be maintained by the HOA. Plant species identified in Attachment 7, *Undesirable Plant Species*, of the Orange County Fire Authority (OCFA) Vegetation Management Guideline would be completely removed from all zones of the fuel modification areas. However, Attachment 7 does not include all of the California Invasive Plant Council (Cal-IPC) invasive non-native species that could potentially become established on the Cielo Vista project site. Therefore, Project Design Features (PDF) 1-5 and 7-13 have been modified to remove or exclude Cal-IPC invasive species from the fuel modification zones and the landscape plant palette. Maintenance is required in the late spring and early fall of each year; a twice a year maintenance schedule that removes the undesirable species would greatly reduce the possibility of non-native species becoming established in the open space areas. Impacts resulting from implementation of fuel modification are included in the calculation of the impacts to natural communities (see Table 4.3-3, *Impacts on Natural Communities*, on page 4.3-35 of the Draft EIR) as can be seen in a comparison of Figure 4.3-6, *Impacts on Natural Communities*, and Figure 4.7-2a and 4.7-2b, *Conceptual Fuel Modification*.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. Page 2-32. Modify PDF 1-5 with the following changes:

PDF 1-5: As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning Development Services.)

2. Page 2-35. Modify PDF 7-13 with the following changes:

PDF 7-13: The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC Planning Development Services.)

Section 4.1, Aesthetics

1. Page 4.1-7. Modify PDF 1-5 with the following changes:

PDF 1-5: As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning Development Services.)

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-19. Modify PDF 7-13 with the following changes:

PDF 7-13: The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC Planning Development Services.)

RESPONSE USFWS-3

The comment appears to confuse the current project study area with a larger, previously proposed project area. The previously proposed project evaluated in the 2006 avian focused survey studies included a larger, 117.8 acre project site, compared to the current, 84.6 acre project site. Additionally, the 2006 studies identified only 11 plant communities, while the current project study area identifies 18 communities, making a direct comparison potentially inaccurate. For example, the comment indicates that 45.9 acres of mixed coastal sage scrub (MCSS) was mapped in 2006, while this Draft EIR maps only 9.05 acres of that community. The natural community MCSS is one in which no single species is dominant. In the current vegetation assessment, some areas previously mapped as MCSS have been identified more concisely by the dominant species present. For example, chaparral bush mallow (*Malacothamnus fasciculatum*), a species well-adapted to post-fire recovery, is an early colonizing species that has established after the 2008 fire as a dominant species in some areas. This is reflected in the Draft EIR where previously mapped MCSS areas are now classified as chaparral bushmallow scrub (CBS). As a consequence of both the vegetation modification resulting from the fire and the refinement of the vegetation classification based on clearly dominant species, the acres of MCSS mapped in the previous survey is reduced in individual size by recognition of more specific vegetation alliance. However, the overall number of acres of native vegetation communities for the current project study area (45.4 acres exclusive of the mixed native communities with ruderal species, which total

another 20.4 acres), which covers approximately 33.2 fewer acres, is not less than the acres of native communities recognized in the 2006 study (which totals 78.4 acres but only approximately 62 acres over the Cielo Vista project study area).

Some areas mapped in 2006 as natural communities comprised primarily of native species have experienced a species composition change inventoried in the 2012 survey (referenced on page 4.3-6 of the Draft EIR) as a consequence of disturbances caused by the 2008 fire. The recent survey efforts found substantial greater contribution from ruderal, non-native and invasive species such as brome grasses (*Bromus* spp.), wild oats (*Avena* spp.) and mustards (*Brassica* spp.). This is likely due, at least in part, to the response of native shrub communities to repeated fires. Native shrub communities are adapted to the occasional occurrence of naturally ignited fires, such as caused by lightning strikes, which periodically occur in intervals of several decades or more in natural ecosystems. The shrub species may take several years to recover after a fire, depending on fire intensity and time of year, to develop the native shrub community. When human induced fires occur on a more frequent basis, as is evident in the project study area, annual grasses and other non-native species become established and may displace the native shrubs. This results in a native community type becoming comprised primarily of non-native species, a vegetation type frequently seen in southern California and in the project study area where ruderal species such as annual grasses and mustards are predominant. It would be speculative to predict what habitat value would be on the project study area predominant in the long-term. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1061 [foreseeing the unforeseeable is not required, nor is predicting the unpredictable]; CEQA Guidelines § 15064(d)(3) [An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the Project. A change which is speculative or unlikely to occur is not reasonably foreseeable.]])

Moreover, existing conditions should normally constitute the baseline against which project impacts are assessed. (CEQA Guidelines § 15125; *Citizens for East Shore Parks v. California State Lands Com.* (2012) 202 Cal.App.4th 549, 560 [a baseline is appropriate if it accurately reflects what is happening at the site].) The project study area surveys were completed during the months of April, May, June and July, of 2012, four years after the 2008 fire. The surveys were conducted when the CEQA environmental review process commenced with the release of the Notice of Preparation on July 5, 2012. In shrubland and woodland areas, surveys at intervals of three to five years may adequately represent current conditions. With the exception of the establishment of non-native species within the native communities, especially in the southwest portion of the project study area, no substantial changes to the natural communities' distribution on the project study area occurred between 2006 and 2012, and subsequent to the 2008 fire. The biological resource inventory contained in Section 4.3, *Biological Resources*, of the Draft EIR is a valid assessment of the vegetation types consistent with the CEQA baseline requirements.

RESPONSE USFWS-4

This comment appears to be based on Exhibit 5-26, *Special Status Biological Resources Map* contained in the November 2013 Draft EIR (EIR No. 616) for the Esperanza Hills Project (Project No. PA120037), the source of which is Exhibit 5 of the *Biological Technical Report for the 504-Acre Esperanza Hills Specific Plan Property and Associated Offsite Impact Areas, Unincorporated Orange County, California*, prepared March 2013 (last revised November 2013) by Glen Lukos Associates, Inc. (Appendix D of the Esperanza Hills Draft EIR), which depicts a location for intermediate mariposa lily within the Cielo Vista project study area. However, both the Appendix D (Page 95) and the Esperanza Hills Draft EIR (Page 5-177, 5.3.8 Cumulative Impacts of Section

5.3, *Biological Resources*) contain the following statement: “Cielo Vista does not support this species [intermediate mariposa lily].”

As mentioned in the comment, intermediate mariposa lily may have been less plentiful during the 2012 Cielo Vista survey year (a below average rainfall year) than the 2010 Esperanza Hills survey year (an average rainfall year) as a result of the below average precipitation. But the statement in the Esperanza Hills Draft EIR that intermediate mariposa lily does not occur on Cielo Vista property is consistent with the results presented in the Cielo Vista Draft EIR. Regardless of the rainfall amount being average or less than average, the location of the intermediate mariposa lily depicted in Exhibit 5-26 of the Esperanza Hills Draft EIR is in an area of the Cielo Vista project site that is not proposed for development and consequently there would be no impact to intermediate mariposa lily even if it was supported on the project site.

The commenter recommends that another special-status plant survey be conducted. As part of the regulatory permit application process, a survey subsequent to the 2012 studies conducted for the EIR will be undertaken. However, the plant surveys conducted in 2012 (April and July) were appropriate, and did not discover the presence of any sensitive plant species. Moreover, conducting an additional survey would likely result in similar findings as the previous studies, especially given that that State of California is currently enduring an extremely severe drought. “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.” (State CEQA Guidelines Section 15204.)

RESPONSE USFWS-5

The Draft EIR addressed wildlife movement impacts under Impact Statement 4.3-4 on page 4.3-40 of the Draft EIR. The project site is surrounded on the north, west and south by residential development, and only along the eastern property boundary is the project study area contiguous with undeveloped area suitable as core habitat for large mammals. Thus, the development surrounding the project study area would deter the movement of larger mammals (that typically have larger home ranges and longer dispersal distances or require dense vegetative cover) through the project study area. While the project study area could support nursery areas for large mammals such as the mule deer and coyote, there was no evidence observed that the project study area is currently used as natal grounds for large mammals. However, species that are less restricted in movement pathway requirements or are adapted to urban areas (e.g., raccoon, skunk, coyote, and birds) likely move through the project study area.

The approximately 84-acre (0.13 square mile) project study area is insufficient in size to support live-in habitat for large mammals without the primary contribution of the undeveloped areas to the east and northeast. Mountain lions require a minimum of 10 square miles of home range. A coyote home range varies from as small as 2.3 to 6.2 square miles to greater than 38.6 square miles with an average of about 11 square miles. The minimum home range for mule deer is 3 square miles. The average bobcat home range may vary from 1.8 to 3.5 square miles.

As discussed on page 4.3-23 of the Draft EIR, wildlife movement may function as dispersal from one location to another, seasonal migration, especially of birds in California, and home range activities such as foraging, defense, or mating. While drainages often provide convenient movement corridors because of clear topographic boundaries and vegetative cover, upland areas such as the tops of hillsides equally provide for and accommodate wildlife movement. The on-site drainages and sloping hillsides all lead to habitat dead

ends, to the north, west and south, so wildlife entering the project study area would likely return to the open spaces to the east and further northeast. The wildlife movement function of the project study area is also described on page 4.3-23 of the Draft EIR. The project study area does not connect two or more habitat patches because of the developed areas on three sides and consequently does not function as a regional wildlife movement corridor nor function as core habitat for the Puente-Chino Hills wildlife habitat open space.

The Puente-Chino Hills wildlife corridor functions primarily as a link of wildlife habitats to the west near the City of Whittier with the subcore habitat block of the southern Chino Hills. However, it is not documented in corridor publications that have been reviewed that the Cielo Vista project site is a vital component for the long-term viability of this corridor. The 2008 South Coast Missing Linkages report² does not mention the Puente-Chino Hills corridor. The earlier 2001 Penrod et al Missing Linkages report³ describes the north-south Coal Canyon linkage between Chino Hills and the Santa Ana Mountains, and the Puente-Chino Hills Linkage connection of the Puente Hills with the Chino Hills. The Cielo Vista Project would not impact either of those linkages, being located at the western edge of the Chino habitat block and bounded by residential development on three sides. Because the Project would not impact the Puente-Chino Hills Wildlife Corridor, the Project would not prevent wildlife from moving around the project area as the project habitat does not function to facilitate regional wildlife movement. As such, impacts to wildlife movement are considered less than significant.

Without trapping, mammal species are routinely documented by direct observation of indirect evidence such as tracks or scat (fecal droppings). The faunal compendium (Appendix A of the Draft EIR Appendix C, *Biological Resources Assessment*) is not intended to be an exhaustive list of the wildlife species that could potentially occur within the project study area but represents the direct observations of the field biologists at the time of the field surveys. Half of the mammal species detected were large mammals and the general biological surveys were sufficient to analyze the potential Project impacts on common wildlife resources. No large mammal species with the potential to occur within the project study area, i.e., mountain lion (*Puma concolor cougar*), coyote, mule deer and bobcat (*Lynx rufus californicus*), are included in the CDFW 2011 Special Animals List and are not considered to be special-status species. Accordingly, as concluded on page 4.3-27 of the Draft EIR, impacts on common wildlife species are considered less than significant.

In response to the commenter's suggestion that a large mammal wildlife specialist conduct additional surveys, the applicant retained Dr. Rob Roy Ramey II, PhD, president of Wildlife Science International, Inc. Dr. Ramey conducted a review of the project site and surrounding areas in order to assess the property's potential as a wildlife movement corridor. His review concluded that, "The project site is not a regional wildlife movement corridor for medium to large mammals (i.e. deer, mountain lions, and coyotes) because it is a cul-de-sac, surrounded on three sides by extensive housing development, and is at the lowest points of the undeveloped hillside that extends east (uphill) to join Chino Hills State Park."

² South Coast Wildlands. 2008. *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion*. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Available online at <http://www.scwildlands.org>.

³ Penrod, K., R. Hunter, and M. Merrifield. 2001. *Missing Linkages: Restoring Connectivity to the California Landscape*, Conference Proceedings. Co-sponsored by California Wilderness Coalition, The Nature Conservancy, U.S. Geological Survey, Center for Reproduction of Endangered Species, and California State Parks.

The commenter is correct that the deer species found on the project site is mule deer (*Odocoileus hemionus*) and not white-tailed deer (*Odocoileus virginianus*). The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Draft EIR Appendix C, Biological Resources Assessment

1. **Page A-10. Modify the list of mammals referenced in Appendix A (Floral and Faunal Compendium) of the Biological Resources Assessment with the following changes:**

MAMMALS

SCIENTIFIC NAME

COMMON NAME

Cervidae

~~*Odocoileus virginianus*~~ *Odocoileus hemionus*

Deer

~~white-tailed deer~~ mule deer

RESPONSE USFWS-6

Details of the Project's proposed conceptual fuel modification are described in Chapter 2.0, *Project Description*, beginning on page 2-14 and within Section 4.7, *Hazards and Hazardous Materials*, under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR. Disturbance at the interface between the proposed developed and the open space areas would result from thinning of native vegetation for fuel modification within Zone C and the establishment of acceptable species in Zone B listed in the OCFA Attachment 8 (see below) within the Project boundary. As discussed above under Response USFWS-2, the thinning could potentially offer an opportunity for invasive non-native species to become established; however, these non-native species would be considered undesirable species and would consequently be removed in both Zones B and C, minimizing the potential to spread.

Impacts resulting from implementation of fuel modification are included in the calculation of the impacts to natural communities (see Table 4.3-3, *Impacts on Natural Communities* on page 4.3-35 of the Draft EIR) as can be seen in a comparison of Figure 4.3-6, *Impacts on Natural Communities* and Figure 4.7-2a and 4.7-2b, *Conceptual Fuel Modification*. These impacts are considered to be permanent. As a consequence of Fuel Modification Zone C overlapping into the proposed 36.3-acre open space area, approximately 10.6 acres would fall within the thinning zone where a minimum of 50 percent plant removal would be required.

Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette would be determined based on OCFA requirements for use of fire retardant plants in high fire-prone areas and the incorporation of native species contained in Attachment 8, *Fuel Modification Zone Plant List, Symbol Meanings, and Qualification Statements*, of the OCFA Vegetation Management Guideline would be a component for compliance. Project Design Feature 1-5 (as referenced on page 2-32 of the Draft EIR) states that the plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plants communities found within the site (with the plant palette requiring verification by the Manager, OC Development Services). In addition, plant species incorporated in Attachment 7, *Undesirable Plant Species*, of Vegetation Management Guideline would be completely removed from all zones of the fuel modification areas, consistent with this comment.

RESPONSE USFWS-7

As indicated on page 5-9 in Chapter 5.0 *Alternatives*, of the Draft EIR, Alternative 2 – Planning Area 1 Only Alternative, clusters the proposed residential units to the southern end of the project site, as suggested in the comment. This design would avoid direct impacts to the occupied least Bell's vireo habitat found along the western portion of the project site in the northern half of the property. However, the least Bell's vireo habitat in the southern portion of the project study area would still be impacted, as this area is located at the primary legal access easement from Via Del Agua for the proposed development.

In addition, this Final EIR includes evaluation of a new alternative—Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

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Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Memorandum

Date: January 6, 2014
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2012071013
Cielo Vista Project

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **January 22, 2014** to accommodate the review process. All other project information remains the same.

cc: Ron Tippets
County of Orange
300 N. Flower
Santa Ana, CA 92702-4048



County of Orange
OC Planning Services
Phone: (714) 667-8856

RECEIVED

JAN 03 2014

STATE CLEARING HOUSE

****Second (2nd) Revised****
PUBLIC NOTICE OF AVAILABILITY (NOA)
DRAFT ENVIRONMENTAL IMPACT REPORT
SCH #: 2012071013

UPDATE: The public review and comment period on the Cielo Vista Project Draft Environmental Impact Report (EIR) has been extended from 60 days to 75 days. This additional 15-day extension results in the review and comment period ending on January 22, 2014, rather than January 7, 2014, as previously indicated in the revised NOA dated December 3, 2013. Thus, any written comments on the Draft EIR must be submitted no later than Wednesday, January 22, 2014. See below for additional details. This additional extension is in response to a request from the Orange County Fire Authority to allow additional time to coordinate with the Orange County Sheriff Department in the area of emergency response and evacuation.

Date: January 2, 2014

Project: Cielo Vista Project (the "Project") - Draft Environmental Impact Report (EIR No. 615)

Project Location: The approximately 84-acre site is located north of Via Del Agua and east of San Antonio Road within unincorporated Orange County and within the City of Yorba Linda Sphere of Influence (APN # 351-031-04, 351-031-05, and 351-031-17). The nearest cross streets are Yorba Linda Boulevard and Via Del Agua. The majority of the site is vacant, with the exception of several operational and abandoned oil wells and various dirt roads and trails which traverse the site.

Project Description: The Project proposes to develop a maximum of 112 single-family dwellings and associated infrastructure within two Planning Areas. Planning Area 1 would include 95 residences within 41.3 gross acres. Planning Area 2 would include 17 residences within 6.4 gross acres. Thus, the single-family dwellings and associated infrastructure would be developed on 47.7 acres of the site. The Project would preserve 36.3 acres of the site as undeveloped open space, including fuel modification zones but exclusive of private slopes, water quality basins and roadways. Open space areas would be preserved in the northern portion of the site. Also, a 1.8-acre parcel located in Planning Area 1 (referred to as the "drilling pad") is proposed that would be made available to the current on-site oil operators following the Project's construction activities for continued oil operations should they decide to reconsolidate the existing oil wells on the drilling pad. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site.

Implementation of the Project would require approval of a General Plan Amendment for 6.4 acres comprising Planning Area 2 to change the General Plan Land Use Designation for this portion of the site from Open Space (5) to Suburban Residential (1B). The Project would also require approval of a zone change for Planning Area 1 from A1(O) (General Agricultural with Oil Production Overlay) to R-1 (Single Family Residence District) and R-1(O) (Single Family Residence District

with Oil Production Overlay) and a zone change for Planning Area 2 from A1(O) to R-1. The Project would also require approval of an Area Plan to permit development of single-family detached residential dwellings on minimum 7,500 square foot lots. Further, the Project includes consideration of a vesting tentative tract map subsequent to the above.

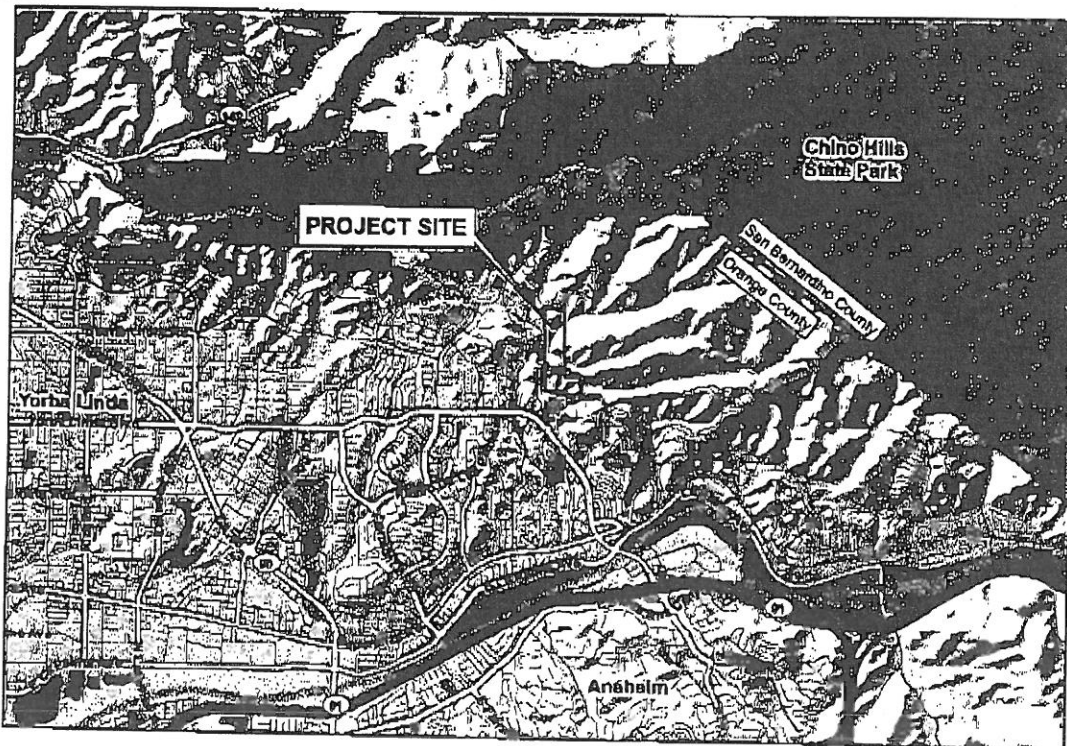
NOA Purpose: The purpose of this NOA UPDATE is to inform local residents, responsible agencies, institutions, and other interested parties that the Draft EIR is available for review and comment during the Public Comment Period (Thursday, **November 7, 2013** through Wednesday, **January 22, 2014**. Written comments to the Draft EIR must be submitted no later than Wednesday, January 22, 2014 to: Ron Tippetts, Planner, Current & Environmental Planning Section, OC Planning Services, P.O. Box 4048, Santa Ana, California 92702-4048 or via email at: Ron.Tippetts@ocpw.ocgov.com.

Significant Environmental Impacts: Based on the analysis contained in the Draft EIR, the Project would not result in any significant and unavoidable environmental impacts. All potential environmental impacts are insignificant or can be mitigated to a level that is less than significant.

Information Repositories: The Draft EIR is available for review at the following locations:

- OC Planning Services' website - <http://ocplanning.net/planning/land/projects/cielo>;
- OC Planning Services - 300 N. Flower Street, First Floor, Santa Ana, CA 92702;
- City of Yorba Linda Planning Department - 4845 Casa Loma Avenue, Yorba Linda, CA 92885;
- Yorba Linda Public Library - 18181 Imperial Highway, Yorba Linda, CA 92886; and
- East Anaheim Library - 8201 E. Santa Ana Canyon Road, Anaheim Hills, CA 92808.

How Do I Participate? Submit written comments by January 22, 2014 to: OC Planning, Attn: Ron Tippetts, 300 N. Flower St., Santa Ana, California 92702-4048, RE: Cielo Vista Project. Or, comments may be e-mailed to Ron Tippetts, OC Planning Contract Planner, by January 22, 2014 at: Ron.Tippetts@ocpw.ocgov.com. For additional information, please contact Ron Tippetts at: (714) 667-8856.



Notice of Completion & Environmental Document Transmittal**SCH # 2012071013**

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

Project Title: Ciclo Vista Project
 Lead Agency: County of Orange - OC Planning Contact Person: Ron Tippetts - Contract Planner
 Mailing Address: 300 N. Flower Phone: (714) 667-8856
P.O. Box
Santa Ana, CA 92702-4048
 City: N/A Zip: 92702 County: Orange

Project Location: The approximately 84-acre mostly undeveloped site is located north of Via Del Agua and east of San Antonio Road within unincorporated Orange County and within the City of Yorba Linda Sphere of Influence
 County: Orange City/Nearest Community: City of Yorba Linda
 Cross Streets: Yorba Linda Blvd. and Via Del Agua Zip Code: 92887 Total Acres: 84
 Lat./Long.: 33.8977°N, 117.7589°W
 Assessor's Parcel No. 351-031-04, 351-031-05, and 351-031-17 Section: N/A Twp. 3S Range: 9W Base: SBBM
 Within 2 Miles: State Hw: SR-91 Waterways N/A

Airports: N/A Railways: BNSF RR Schools: Yorba Linda HS; La Entrada HS; Fairmont Elem.; Travis Ranch School; St. Francis of Assisi School; Yorba Linda/Stovenhaven Kindercare

Document Type:

CEQA: ☐ NOP ☐ Supplement/Subsequent EIR ☐ NEPA: ☐ NOI ☐ Other: ☐ Joint Document
☐ Early Cons. (Prior SCH No.) ☐ EA ☐ Final Document
☐ Neg Dec ☐ Other ☐ Draft EIS ☐ Other
☒ Draft EIR ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☒ Rezone ☐ Annexation
☒ General Plan Amendment ☐ Master Plan ☐ Use Permit ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Land Division (Subdivision, etc.) ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☒ Other: Area Plan

Development Type:

☒ Residential: Units: 112 SF Gross SF: N/A ☐ Water Facilities: Type _____ MGD _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Transportation: Type _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ Watts _____
☐ Educational _____ ☐ Waste Treatment: Type _____
☐ Recreational _____ ☐ Hazardous Waste: Type _____
☐ Other: _____

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ N/A

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☐ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Wildlife
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Growth Inducing
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Land Use
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects

Present Land Use/Zoning/General Plan Designation: Suburban Residential and Open Space

Project Description: The project would include a maximum of 112 single-family detached residential dwellings on approximately 48 acres and would preserve approximately 36 acres as permanent open space. Access to the site would occur from existing public roadways and within existing dedicated right of way in the City of Yorba Linda. The project site is vacant, with the exception of several operational and abandoned oil wells and various dirt access roads and trails which traverse the site.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X." If you have already sent your document to the agency please denote that with an "S."

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public Schools Construction
<input checked="" type="checkbox"/> California Highway Patrol	<input checked="" type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Caltrans District # 12	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (headquarters)	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input checked="" type="checkbox"/> Regional WQCB # 8
<input type="checkbox"/> Coastal Commission	<input checked="" type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Delta protection Commission	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input checked="" type="checkbox"/> Fish and Game Region # 5	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry and Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Health Services, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Housing & Community Development	<input checked="" type="checkbox"/> Other <u>Army Corps of Engineers</u>
<input type="checkbox"/> Integrated Waste Management Board	<input checked="" type="checkbox"/> Other <u>Calfire</u>
<input checked="" type="checkbox"/> Native American Heritage Commission	<input checked="" type="checkbox"/> Other <u>LAFCO</u>
<input type="checkbox"/> Office of Emergency Services	<input checked="" type="checkbox"/> Other <u>Orange County Fire Authority</u>
	<input checked="" type="checkbox"/> Other <u>South Coast Air Quality Management District</u>

Local Public Review Period (to be filled in by lead agency)


Starting Date: November 7, 2013

Ending Date: December 23, 2013

Lead Agency : County of Orange

Consulting Firm: PCR Services Corporation
 Address: One Venture, Suite 150
 City/State/Zip: Irvine, CA 92618
 Contact: Mike Harden, Principal Planner
 Phone: (949) 753-7001

Applicant: North County BRS Project, LLC.
 Address: 3 Corporate Plaza, Suite 102
 City/State/Zip: Newport Beach, CA 92660
 Phone: (949) 644-3514

Signature of Lead Agency Representative: 

Date: 11/4/2013

Authority Cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code

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SCH # 2012071013

Project Title: Ciclo Vista Project
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 Address: P.O. Box
Santa Ana, CA 92702-4046

City: N/A Zip: 92702 County: Orange

Project Location: The approximately 84-acre mostly undeveloped site is located north of Via Del Agua and east of San Antonio Road within unincorporated Orange County and within the City of Yorba Linda Sphere of Influence

County: Orange City/Nearest Community: City of Yorba Linda

Cross Streets: Yorba Linda Blvd. and Via Del Agua Zip Code: 92687 Total Acres: 84

Lat/Long: 33.8977°N, 117.7589°W

Assessor's Parcel No. 251-031-04, 351-031-05, and 351-031-17 Section: N/A Twp. 3S Range: 9W Base: SDPM

Within 2 Miles: State Hw: SR-91 Waterways: N/A

Airports: N/A Railways: BNSF RR Schools: Yorba Linda HS; La Entrada HS; Fairmont Elem.; Travis Ranch School; St. Francis of Assisi School; Yorba Linda/Stevens Kindergarten

Document Type: ☒ CEQA: ☐ NOP ☐ Supplemental (Prior SCH No.) ☐ Other: ☐ Joint Document ☐ Final Document ☐ Other: ☐ Draft EIR ☐ Draft EIS ☐ FONSI

Local Action Type: ☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan ☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan ☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other: Area Plan

Development Type: ☒ Residential: Units: 112 SF Gross SF: N/A ☐ Office: Sq ft: Acres: Employees: ☐ Commercial: Sq ft: Acres: Employees: ☐ Industrial: Sq ft: Acres: Employees: ☐ Educational ☐ Recreational ☐ Water Facilities: Type: AGD ☐ Transportation: Type: ☐ Mining: Mineral ☐ Power: Type: Wells ☐ Waste Treatment: Type: ☐ Hazardous Waste: Type: ☐ Other:

Funding (approx.): Federal \$ State \$ Total \$ N/A

Project Issues Discussed in Document: ☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation ☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality ☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater ☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian ☒ Biological Resources ☐ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Wildlife ☐ Coastal Zone ☐ Noise ☒ Solid Waste ☒ Growth Inducing ☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Land Use ☐ Economic/Job ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects

Present Land Use/Zoning/General Plan Designation: Suburban Residential and Open Space
 Project Description: The project would include a maximum of 112 single-family detached residential dwellings on approximately 48 acres and would preserve approximately 36 acres as permanent open space. Access to the site would occur from existing public roadways and within existing dedicated right of way in the City of Yorba Linda. The project site is vacant, with the exception of several operational and abandoned oil wells and various dirt access roads and trails which traverse the site.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 11-16-2013

SCH COMPLIANCE 12-23-2013

Note: Revised for lead

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#:
 Please forward late comments directly to the Lead Agency

AQMD/APCD 03

(Resources: 11/19/13)

Project Sent to the following State Agencies

☒ Resources ☐ State/Consumer Svcs
☐ Boating & Waterways ☐ General Services
☐ Coastal Comm ☐ Cal EPA
☐ Colorado Rvr Bd ☒ ARB: ALL Projects
☐ Conservation ☐ ARB: Transportation Projects
☒ CDFW # 5 ☐ ARB: Major Industrial Projects
☐ Delta Protection Comm ☐ SWRCB: Div. Financial Assist.
☐ Cal Fire ☐ SWRCB: Wtr Quality
☐ Historic Preservation ☐ SWRCB: Wtr Rights
☒ Parks & Rec ☒ Reg. WQCB # 3
☐ Central Valley Flood Prot. ☐ Toxic Sub Ctrl-CTC
☐ Bay Cons & Dev Comm. ☐ Yth/Adlt Corrections
☒ DWR ☐ Corrections
☐ Cal EMA
☐ Resources, Recycling and Recovery
☒ Bus Transp Hous ☐ Independent Comm
☒ Aeronautics ☐ Energy Commission
☒ CHP ☒ NAHC
☒ Caltrans # 12 ☒ Public Utilities Comm
☐ Trans Planning ☐ State Lands Comm
☐ Housing & Com Dev ☐ Tahoe Rgl Plan Agency
☐ Food & Agriculture
☐ Public Health
☐ Conservancy
☐ Other:

LETTER: OPR1

Governor's Office of Planning and Research
Scott Morgan, Director
State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044
(January 6, 2014)

RESPONSE OPR-1

Comment noted. The comment acknowledges that the County of Orange extended the public review period by 30 days to January 22, 2014. The Draft EIR comment period was initially November 7, 2013, to December 23, 2013.

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 23, 2014

Ron Tippets
Orange County - OC Planning
300 N. Flower Street
Santa Ana, CA 92702

Subject: Cielo Vista Project
SCH#: 2012071013

Dear Ron Tippets:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 22, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012071013
Project Title Cielo Vista Project
Lead Agency Orange County

Type EIR Draft EIR
Description Note: Extended Review

The project would include a maximum of 112 single-family detached residential dwellings on approximately 48 acres and would preserve approximately 36 acres as permanent open space. Access to the site would occur from existing public roadways and within existing dedicated right of way in the City of Yorba Linda. The project site is vacant, with the exception of several operational and abandoned oil wells and various dirt access roads and trails which traverse the site.

Lead Agency Contact

Name Ron Tippets
Agency Orange County - OC Planning
Phone 714 667 8856 **Fax**
email
Address 300 N. Flower Street
City Santa Ana **State** CA **Zip** 92702

Project Location

County Orange
City Yorba Linda
Region
Lat / Long 33.8977° N / 117.7589° W
Cross Streets Yorba Linda Blvd. and Via Del Agua
Parcel No. 351-031-05, -04, -017
Township 3S **Range** 9W **Section** **Base** SBB&M

Proximity to:

Highways SR-91
Airports
Railways BNSF
Waterways
Schools Yes
Land Use Suburban Residential and Open Space

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission

Date Received 11/06/2013 **Start of Review** 11/06/2013 **End of Review** 01/22/2014

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

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December 11, 2013

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DEC 17 2013

STATE CLEARING HOUSE

Mr. Ron Tippetts
County of Orange
Planning Division
300 N. Flower
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012071013
Log #: 3538
SR-91

Dear Mr. Tippetts:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Cielo Vista Project. The Project proposes to develop a maximum of 112 single-family dwellings and associated infrastructure on an 84-acre site, within two Planning Areas. Planning Area 1 would include 95 residences within 41.3 gross acres. Planning Area 2 would include 17 residences within 6.4 gross acres.

The Department of Transportation (Department) is a commenting agency on this project and Caltrans only comment is:

We recommend a valid registered Civil Engineer in the state of California sign the Traffic Impact Study. Please see Appendix L front page.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12



DEPARTMENT OF PARKS AND RECREATION

Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
ph (951) 443-2423
fax (951) 657-2736

Major General Anthony L. Jackson, USMC (Ret), Director

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JAN 09 2014

STATE CLEARINGHOUSE

January 8, 2014

Ron Tippetts
Planner
OC Planning Services
PO Box 4048
Santa Ana, CA 92702-4048

Subject: Comments on the Draft Environmental Impact Report for the Cielo Vista Project, SCH #2012071013

Dear Mr. Tippetts:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Cielo Vista Project.

State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation. As the office responsible for the stewardship of Chino Hills State Park (Chino Hills SP), we have an interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of Chino Hills SP is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

Recreation

As shown on Figure 4.13-2 and in other parts of the document, the Draft EIR identifies a trail connection into Chino Hills SP in an area that presently does not have a permitted access point. The Draft EIR does not consider any potential impacts to the park's resources resulting from a new trail in this area. Any new trail established in Chino Hills SP will require approval from our agency. We recommend working with us at an early stage to ensure that any potential linkage to the park matches our vision for providing access to the park.

Sensitive Species – Golden Eagle

State Parks disagrees that the project would have a less than significant impact to the golden eagles. The Draft EIR indicates that known golden eagle nest sites are 3 or more miles away within Chino Hills SP. There is at least one known nest site which was occupied within the past 10 years less than 1 mile from the project site. State Park



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



January 6, 2014

Mr. Ron Tippets
Orange County Planning
300 N. Flower Street
Santa Ana, CA 92702
ron.tippets@ocpw.ocgov.com

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JAN 06 2014

STATE CLEARING HOUSE

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Cielo Vista Project, Orange County, CA (SCH#2012071013)

Dear Mr. Tippets:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Cielo Vista Project Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. While the County of Orange participates in the NCCP program by implementing its approved Implementation Agreement, the Cielo Vista project site is not part of the NCCP.

The approximately 84-acre project site is located north of Via Del Agua and east of San Antonio Road within unincorporated Orange County (County) and within the City of Yorba Linda Sphere of Influence. The nearest cross streets are Yorba Lina Boulevard and Via Del Agua. The majority of the site is vacant, with the exception of several operational and abandoned oil wells and various dirt roads and trails which traverse the site. Chino Hills State Park is located to the north and east of the proposed project footprint and occupies 12,452 acres. This open space contains similar habitat types as the proposed project footprint (Biological Resources, 4.3-6). Seventeen natural vegetation communities are located within the proposed project area with ruderal vegetation associations dominant in seven communities and occupying 36.1 acres of the project site. No special status plant species were recorded at the time of the general flora surveys, however four special status wildlife species were observed on site during fauna surveys including California Species of Special Concern yellow-breasted chat (*Icteria virens*), yellow warbler (*Setophaga petechia*), red-diamond rattlesnake (*Crotalus ruber*) and the CESA- and Endangered Species Act-listed least Bell's vireo (*Vireo bellii pusillus*).

The proposed project would develop a maximum of 112 single-family dwellings and associated infrastructure. Planning Area (PA) 1 would include 95 residences within 41.3 gross acres and PA 2 would include 17 residences within 6.4 gross acres of the site. The project would preserve 36.3 acres of the site as undeveloped open space, including fuel modification zones but

exclusive of private slopes, water quality basins, and roadways. The open space would be preserved in the northern portion of the project site. Additionally, a 1.8-acre parcel in PA 1 is proposed to be made available to the current on-site oil operators following the project's construction activities for continued oil operations.

Implementation of the project would require approval of a General Plan Amendment for PA 2 to change the General Plan Land Use Designation for this area from Open Space (5) to Suburban Residential (1B). The project would also require approval of a zone change for PA 1 from A1 (O) (General Agricultural with Oil Production Overlay) to R-1 (Single Family Residence District) and a zone change for PA 2 from A1(O) to R-1. The project would also require approval of an Area Plan to permit development of single-family detached residential dwellings on minimum 7,500 square foot lots. The project includes consideration of a vesting tentative tract map subsequent to the above.

The Department offers the following comments and recommendations to assist Orange County Planning in avoiding or minimizing potential project impacts on biological resources.

1. The Department believes that potential exists for indirect and cumulative impacts to raptor foraging habitat in ruderal areas identified within the project footprint (CEQA Guidelines, §15064(d)). According to the Biological Resources section of the DEIR, "ruderal vegetation associations occupy nearly half (42%) of the 84.60-acre site and are dominate in seven of the 17 communities observed in the project study area (4.3-7), and that, "the project study area does provide suitable foraging habitat for [Golden eagles (*Aquila chrysaetos*); (4.3-31)]. Ruderal areas and non-native grasslands in the County provide important foraging areas for raptors and, primarily due to development, raptor foraging areas are disappearing throughout the County. While we concur that ruderal areas will not provide suitable raptor nesting, it provides a significant area for raptor foraging. The Department concludes that it is a reasonable assumption that common raptors (i.e., red tail hawk) and golden eagles (a State Fully Protected Species, pursuant to §3511 of the Fish and Game Code) could exist on-site or within a 5-mile radius of the project area, as well as important raptor prey species (i.e., California ground squirrel). Cumulatively, loss of raptor foraging habitat may be significant and warrant further analysis (including mitigating for loss of foraging habitat). This issue should be further explored in the final EIR.
2. The proposed project expansion is adjacent to Chino Hills State Park. Based on information provided in the project design, it is unclear if long-term indirect impacts to wildlife inhabiting this adjacent open space could occur due to artificial lighting. Furthermore, it is not specified in the DEIR whether or not night work is anticipated during construction, which could create temporary indirect impacts to adjacent habitat. Because lighting impacts are potentially substantial and could alter wildlife patterns and behavior within the surrounding habitat, the final EIR should include further discussion of exterior lighting features associated with the project (CEQA Guidelines §15064(d)). The final EIR should require that all project-related temporary (e.g., night construction) and permanent lighting adjacent to native habitat consist of the lowest illumination necessary for human safety, selectively placed, and shielded/directed away from adjacent natural habitats.

3. While the DEIR discusses noise impacts, it is unclear whether noise was considered as a potential significant impact to biological resources, particularly with regard to nesting birds. Given the project footprint's proximity to open space and wildlife corridors, and the duration of construction activities, the Department is concerned that nesting birds and other wildlife could be significantly impacted by construction activities. Generally, average hourly noise levels above 60 decibels are considered to negatively impact nesting birds and other wildlife. The Department requests that anticipated noise levels at the project site be discussed in relationship to biological resources in the final EIR along with pertinent mitigation measures. In addition, a discussion of indirect impacts to biological resources from noise resulting from the completed development should also be included.
4. Construction staging areas for the proposed project are not described in size, function, or location. Depending on the locations of staging areas, there is potential for direct and/or indirect impacts to biological resources (e.g., clearing of vegetation, noise and lighting effects) that would require commensurate mitigation. A discussion on this requirement should be provided in the final EIR, including corresponding figures of staging locations, and whether construction staging would be confined to the project area. Similarly, the location of staging areas should be provided for components of construction occurring off-site.
5. The proposed project would impact 1.62 acres of Department jurisdictional streambed and associated riparian habitat (4.3-36). Mitigation Measure 4.3-2 states that the project applicant shall be required to obtain a 1602 Streambed Alteration Agreement. It further states that on- and/or off-site replacement of habitat will be at a ratio no less than 2:1 for permanent impacts and temporary impacts would mitigate by restoring the impacted area to pre-impact conditions. For the Department, final mitigation requirements for these impacts will be determined through the Streambed Alteration process, and may be greater than those proposed in the DEIR.
6. Because the proposed project would create a significant amount of ground disturbance, concern exists over the impacts the project will have on storm water quality and general hydrology in the surrounding area. The final EIR should analyze the efficacy of Low Impact Development (LID) options to minimize storm water impacts, including:
 - a. Site layout with regard to sensitive resources, including off site native habitat.
 - b. The use of pervious surfaces (crushed aggregate, turf block, unit pavers, pervious concrete and asphalt) as alternatives to impervious surfaces.
 - c. Structure roof spouts emptying over pervious surfaces.

If it is anticipated that runoff cannot be dispersed through LIDs, the final EIR should consider directing runoff to facilities designed to detain and treat runoff, such as detention or bioretention basins. Storm water impacts should be explored throughout the project footprint, including on site conserved open space, as well as off-site native habitat.

Mr. Ron Tippets
Orange County Planning
January 6, 2014
Page 4 of 4

We appreciate the opportunity to comment on the DEIR for this project and to assist Orange County Planning in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858)467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

Sincerely,



Betty J. Courtney
Environmental Program Manager I
South Coast Region

ec: M. Fluharty, CDFW, San Diego
J. Edwards, CDFW, San Diego
K. Hupf, CDFW, San Diego
Scott Morgan, State Clearinghouse, Sacramento
Chris Medak, USFWS, Carlsbad

LETTER: OPR2

Governor's Office of Planning and Research
Scott Morgan, Director
State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044
(January 23, 2014)

RESPONSE OPR2-1

Comment noted. The comment acknowledges that the County of Orange has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



January 6, 2014

Mr. Ron Tippets
Orange County Planning
300 N. Flower Street
Santa Ana, CA 92702
ron.tippets@ocpw.ocgov.com

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Cielo Vista Project, Orange County, CA (SCH#2012071013)

Dear Mr. Tippets:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Cielo Vista Project Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code §2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. While the County of Orange participates in the NCCP program by implementing its approved Implementation Agreement, the Cielo Vista project site is not part of the NCCP.

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 - b. The use of pervious surfaces (crushed aggregate, turf block, unit pavers, pervious concrete and asphalt) as alternatives to impervious surfaces.
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Mr. Ron Tippets
Orange County Planning
January 6, 2014
Page 4 of 4

Mr. Ron Tippets
Orange County Planning
January 6, 2014
Page 3 of 4

We appreciate the opportunity to comment on the DEIR for this project and to assist Orange County Planning in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858)467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

Sincerely,

Betty J. Courtney

Betty J. Courtney
Environmental Program Manager I
South Coast Region

cc: M. Fluharty, CDFW, San Diego
J. Edwards, CDFW, San Diego
K. Hupf, CDFW, San Diego
Scott Morgan, State Clearinghouse, Sacramento
Chris Medak, USFWS, Carlsbad

LETTER: CDFW

California Department of Fish and Wildlife - South Coast Region

Betty J. Courtney, Environmental Program Manager I

3883 Ruffin Road

San Diego, CA 92123

(January 6, 2014)

RESPONSE CDFW-1

The Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Project impacts to common wildlife species, including golden eagles, a State Fully Protected species, are discussed under Impact Statement 4.3-1 of the Draft EIR. As noted therein, while the Project would affect certain wildlife resources through the removal and disruption of on-site habitat, these impacts would not be expected to reduce the general wildlife populations below self-sustaining levels within the greater region due to the already compromised wildlife carrying capacity of mostly disturbed habitats on-site and the limited extent of impacts to these habitats in comparison to extent of these habitats throughout the region. Accordingly, impacts on common wildlife species are considered less than significant at the project level.

Existing conditions related to the golden eagle are discussed on page 4.3-19 of the Draft EIR and analyzed on page 4.3-31. As stated therein, the golden eagle forages over open terrain such as grasslands, deserts, savannahs, and shrub habitats, and the project study area does provide suitable foraging habitat for this species.⁴ However, as discussed in the Draft EIR, the project study area can be characterized as a highly used “remnant” portion of open space, bordered on three sides by residential development, equestrian corrals, and active oil drilling. The site is currently accessible by a network of historic oil production and access road and occupied by abandoned and active drilling sites and related environmental disturbances. Also, a significant portion of the site is ruderal and non-native vegetation due to historic use of the site as grazed range land and the Freeway Complex 2008 wildfire. The existing biological resources within the project study area were determined through a review of relevant literature, field reconnaissance surveys, focused biological studies, and jurisdictional delineations/evaluations. As further stated in the Draft EIR, no golden eagles were identified on or near the project study area during site surveys. A general biological survey and vegetation mapping was conducted by PCR on May 23, 2012 to document natural communities and existing conditions. During the course of this survey, an inventory of all plant and wildlife species observed was compiled. In addition, special-status bird surveys for least Bell’s vireo and southwestern willow flycatcher were conducted between April 18 and July 9, 2012. Impacts to the golden eagle are analyzed beginning on page 4.3-31 of the Draft EIR, where it is concluded that the Project would not directly or indirectly impact golden eagle nest sites, known over 3 miles away within Chino Hills State Park. As stated on page 4.3-32 of the Draft EIR, the Project would result in impacts to potential foraging habitat; however, the habitat is of moderate to low quality due to disturbances associated with human activities and fire (e.g., introduction of non-native vegetation, on-going oil/gas production activities, and passive recreation) on-site and immediately adjacent to the project study area. Additionally, there is constant human activity in the

⁴ The “project study area” is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

immediately surrounding vicinity resulting from the suburban development on three borders of the project study area. Farther to the north and northeast of the project study area, there is ample higher quality open space within Chino Hills State Park that provides more attractive foraging habitat, should golden eagles utilize this area for foraging. Thus, as addressed in the Draft EIR, while there may be impacts to foraging habitat, the Project would result in a less than significant impact to this species and no mitigation is required. The only other special status-status raptor species with the potential to occur in the project study area is the white-tailed kite, which was not observed during the site surveys, and which is commonly associated with agriculture areas and low elevation grasslands.

The commenter states that, cumulatively, the loss of raptor foraging habitat may be significant. However, commenter does not provide any evidence to support this assertion. Cumulative impacts on biological resources are discussed starting on page 4.3-43 of the Draft EIR. As stated therein, any loss of individuals from implementation of the Project in a cumulative impact context would not threaten regional populations due to the large areas of habitat in the surrounding area that would be available for these species to utilize (e.g., particularly within the preserved open space areas of Chino Hills State Park) where the preservation of native habitats and plant and wildlife populations is part of the mission of the park. The project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only approximately 0.5 percent. When combined with the adjacent Esperanza Hills Project, the cumulative area is approximately 5 percent the size of Chino Hills State Park and the proposed cumulative development footprint of the two projects (approximately 400 acres) is approximately 3.3 percent. In context to the greater undeveloped Chino Hills area (of 21,152 acres or 85.6 square kilometers), the cumulative project area is approximately 2.8 percent of this large habitat block and the proposed cumulative development footprint of the two projects is approximately 1.9 percent.

The Project related loss of 58.88 acres of foraging and nesting habitat, and the cumulative loss of approximately 400 acres of habitat is not expected to substantially affect migratory species to a point where their survival in the region is threatened. This is due in part to the disturbed nature of the habitat in the project area, the level of human activity in the surrounding vicinity, and most importantly the wide spread distribution of foraging and nesting habitats throughout the region, including Chino Hills State Park, which provides for the permanent preservation of these habitats. Raptor species are mobile and are expected to locate additional foraging habitat remaining in the region. As such, impacts to raptor foraging habitat are not considered cumulatively significant, and the Project's contribution to this impact would not be cumulatively considerable. Therefore, no mitigation is required.

RESPONSE CDFW-2

Existing night lighting is widespread to the north, west and south, resulting from the project study area being adjacent to an urbanized setting. Project lighting is described on page 2-23 in Chapter 2.0, *Project Description* of the Draft EIR. As stated therein, night lighting would be "night sky friendly," while providing sufficient illumination for safety purposes. Lighting effects are addressed in Section 4.1, *Aesthetics*, of the Draft EIR. Project Design Feature 1-9, described on page 4.1-7, indicates that exterior lighting would be directed downward and confined to the property in compliance with Codified Ordinances of the County of Orange Section 7-9-55.8, and also indicates that lighting would not be cast outward into open space areas. Lighting impacts are addressed on pages 4.1-25 through 4.1-27. The commenter does not specifically challenge any of the conclusions in the Draft EIR or provide any evidentiary support for the assertion that lighting impacts could potentially alter wildlife pattern and behavior. Contrary to the comment, the analysis on page 4.1-25 does state the duration of construction hours and addresses the potential nighttime lighting

effects associated with construction, finding these effects would be less than significant. Generally, construction would not occur between the hours of 8:00 PM and 7:00 AM, consistent with Section 4-6-7-(e) of the County of Orange Noise Control Ordinance. Also, construction lighting, if required, would be limited to the immediate areas of construction activity and would be directed downward and not cast outward or into open space areas, in compliance with Section 7-9-55.8 of the Orange County Code of Ordinances. Because the Draft EIR appropriately concludes that construction-related nighttime lighting impacts are less than significant, no additional mitigation is required. Regarding operation of the Project, the Draft EIR notes that nighttime lighting impacts would be significant if they interfere with or intrude into sensitive land uses or native habitat that supports sensitive animal species, among other things. The analysis concludes that lighting impacts would be less than significant, noting that all exterior lighting would be directed downward and “night sky friendly,” in compliance with Orange County Code of Ordinances Section 7-9-55.8 (PDF 1-9). In accordance with the Section 7-9-55.8 and PDF 1-9, all light would be designed and located so that direct light rays would be confined to the premises and no lighting would be cast directly outward into open space areas. However, in addition to Project Design Feature 1-9, Mitigation Measure 4.1-1 on page 4.1-27 is provided to further ensure that lighting is designed to avoid spillover effects. The effects of night lighting on common wildlife is included in the analysis of indirect impacts found on page 4.3-27 of Section 4.3, *Biological Resources*, of the Draft EIR. As summarized above, based on the information and analyses contained in the Draft EIR, no further analysis of lighting impacts is required.

As provided on page 2-24 of Chapter 2.0, *Project Description*, of the Draft EIR, “To ensure compatibility of the Project with its hillside setting, grading would be used to create the Project envelope where the development area will more naturally transition to the substantial open space to be offered for dedication.” Furthermore, PDF 1-5 on page 2-32 of the Draft EIR states that the plant palette within the fuel modification zones would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plants communities found within the site. These characteristics of the Project would serve to further reduce the potential for lighting and other indirect impacts on habitat.

RESPONSE CDFW-3

Discussion of indirect impacts, including noise impacts, is found under Impact Statement 4.3-1 on page 4.3-27 in Section 4.3, *Biological Resources*, of the Draft EIR.

The Draft EIR addresses noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As stated on page 4.10-15, short-term construction noise levels are expected to range from 74.0 to 87.1 dBA at a distance of 50 feet (68.0 to 81.1 dBA at 100 feet), with the highest construction noise levels occurring during the site grading activities. Project construction activities are expected to create temporary, intermittent, and moderate to high-level noise impacts surrounding the project study area. Although construction noise impacts could negatively impact nesting birds, Mitigation Measure 4.3-3 requires construction activities to occur outside the nesting season or requires that pre-construction nesting bird surveys be conducted. If construction occurs during the nesting season, and if any active nests are detected, a buffer of 300 feet to 500 feet would be delineated, or, a buffer with a greater distance could be required by the biological monitor. Although the biological monitor would establish the appropriate buffer area, a 300 foot buffer would attenuate construction noise levels to approximately 59 to 72 dBA. The highest noise levels would occur during grading operations. Due to the temporary and short duration of such noise levels, and with implementation of Mitigation Measure 4.3-3, which includes the discretion of a biological monitor, potential construction impacts on nesting birds would be less than significant level. However, as an additional precaution to avoid potential noise impacts to nesting birds or breeding mammals, Mitigation

Measure 4.3-3 has been modified to prohibit construction activities of 60dBA or greater where nesting birds or breeding mammals may be present.

As noted in Section 2, *Project Description*, of the Draft EIR, the Project would occupy only a portion of the project site (47.7 of 84 total acres). Thus, the Project proposes substantial open space that would provide a reprieve from construction noise impacts, should they disturb other wildlife. Any construction noise would attenuate greatly in the portion of land beyond the actual construction footprints. Thus, because construction noise would only extend a limited amount beyond the construction area footprint, a significant portion of the project site will remain substantially unaffected by noise. Moreover, construction would only be short-term, approximately 2.5-3 years, which would ensure that any impacts to wildlife from construction noise are short-term.

Project operational unmitigated exterior noise levels are expected to range from 51.1 to 56.7 dBA CNEL (Section 4.10, *Noise* of the DEIR), which is below the 60 dBA level and would be a less than significant impact on wildlife using the area surrounding the proposed residential development.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-14. Modify Mitigation Measure 4.3-3 with the following changes:

Mitigation Measure 4.3-3 Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Planning Development Services that the following requirements have been included in the Project construction plan:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.
3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.

Section 4.3, Biological Resources

1. Page 4.3-40. Modify Mitigation Measure 4.3-3 with the following changes:

Mitigation Measure 4.3-3 Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Planning Development Services that the following requirements have been included in the Project construction plan:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.
3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.

RESPONSE CDFW-4

Construction plans are typically prepared before grading permits for a project are issued. Staging area location(s) for construction activities would be identified in the construction plan.

During construction of the Project, there would be views of construction activities and equipment throughout the various stages of Project implementation. Staging areas would include activities and materials associated heavy equipment (e.g., graders, bulldozers); building construction activities and equipment; stockpiles of building materials; and vehicle parking areas. Because of quick removal and restoration of staging areas as well as the need to quickly restore hillside vegetation on newly constructed and graded areas, the impact of establishing construction staging areas and other construction activity would be short-term and therefore less than significant.

Construction staging areas and construction activity can affect biological resources. Mitigation Measure 4.3-3 on page 4.3-40 in Section 4, *Biological Resources*, of the Draft EIR requires that construction activity, which includes the establishment of staging areas, shall not result in the removal of vegetation during the nesting season, and other construction activity shall not occur in close proximity to nesting areas.

RESPONSE CDFW-5

It is acknowledged that the CDFW will determine the final mitigation requirements during the processing of a Streambed Alteration Agreement (SAA) for impacts to jurisdictional streambed and associated riparian vegetation. The 2:1 replacement or restoration ratio included as part of Mitigation Measure 4.3-2 is the recommendation of the Lead Agency. If a ratio of greater than 2:1 is required by CDFW in approving a SAA, then the requirements for compliance with Mitigation Measure 4.3-2 would be met. If the SAA ratio is less than 2:1, the Project Applicant would still be required to replace or restore at a ratio of 2:1 for jurisdiction resource impacts.

RESPONSE CDFW-6

The commenter asserts that the Draft EIR should consider specific measures to minimize stormwater impacts. However, as described in the Draft EIR, stormwater impacts are less than significant. The commenter does not specifically challenge the conclusions in the Draft EIR, or provide any evidence which conflicts with the conclusions in the Draft EIR. Section 4.8, *Hydrology and Water Quality*, of the Draft EIR discusses and analyzes the Project's potential hydrology and water quality impacts resulting from construction and operation. As discussed therein, Project construction will not result in significant impacts with the implementation of a Stormwater Pollution Prevention Plan (and associated Best Management Practices (BMPs)) and compliance with applicable regulations such as the NPDES Construction General Permit. With respect to operations, a Conceptual Water Quality Management Plan (WQMP) was prepared to identify and analyze appropriate water quality management practices and BMPs to be implemented. The WQMP includes both source control and treatment control BMPs, as well as site design BMPs, and would implement LID principles, where applicable and feasible. Compliance with applicable regulatory requirements, as well as implementation of PDFs and BMPs identified in the WQMP, would ensure that operation of the Project would not result in significant water quality impacts. Moreover, Section 4.8, *Hydrology and Water Quality*, of the Draft EIR discusses the regulations and requirements for Project compliance with the revised MS4 permit, which includes the need to incorporate Low Impact Development provisions. The Project's WQMP includes the use of an infiltration basin and various biotreatment BMPs to remove suspended solids and sediments, amongst other pollutants of concern. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Because the Project would result in less than significant impacts with incorporation of BMPs, LID technology, and compliance with applicable regulation, the Draft EIR need not consider additional measures to reduce impacts.

Project implementation would result in an increase in impervious surface area, estimated at 28.5 acres. As a consequence of the southern portion of the project study area being not conducive to percolation, Project-related sheet flows would be retained until their flow rates mimic the pre-development conditions. In addition, all flows from the developed project site would be downstream into the storm drain system and away from the native habitats, which would remain upstream of the project study area.



DEPARTMENT OF PARKS AND RECREATION

Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
ph (951) 443-2423
fax (951) 657-2736

Major General Anthony L. Jackson, USMC (Ret), Director

January 8, 2014

Ron Tippets
Planner
OC Planning Services
PO Box 4048
Santa Ana, CA 92702-4048

Subject: Comments on the Draft Environmental Impact Report for the Cielo Vista Project, SCH #2012071013

Dear Mr. Tippets:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Cielo Vista Project.

State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation. As the office responsible for the stewardship of Chino Hills State Park (Chino Hills SP), we have an interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of Chino Hills SP is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

Recreation

As shown on Figure 4.13-2 and in other parts of the document, the Draft EIR identifies a trail connection into Chino Hills SP in an area that presently does not have a permitted access point. The Draft EIR does not consider any potential impacts to the park's resources resulting from a new trail in this area. Any new trail established in Chino Hills SP will require approval from our agency. We recommend working with us at an early stage to ensure that any potential linkage to the park matches our vision for providing access to the park.

Sensitive Species – Golden Eagle

State Parks disagrees that the project would have a less than significant impact to the golden eagles. The Draft EIR indicates that known golden eagle nest sites are 3 or more miles away within Chino Hills SP. There is at least one known nest site which was occupied within the past 10 years less than 1 mile from the project site. State Park

Environmental Scientists routinely observe golden eagles foraging in the open space south of Chino Hills SP and north of the 91 Freeway. This state and federal fully protected species is in steep decline over much of its range and especially in Southern California. Any disturbance this close to a historic nest site and or reduction of available foraging habitat should be considered a significant impact to the species and avoidance and mitigation measures should be adopted so that the project does not contribute to the further decline of the species.

Cumulative Impacts

State Parks disagrees that impacts from this project are not cumulatively significant. The Draft EIR fails to include in its evaluation the extensive bank armoring and flood control projects occurring within the Santa Ana River below Prado Basin, the relocation of the Santa Ana River Interceptor, and the State Route 91 Corridor Improvement Project. In addition, while much of the project area is currently identified as ruderal, it is open space with potential for recovery and restoration. Furthermore, even as ruderal habitat, it continues to provide habitat for many common species which are important to maintaining a functioning ecosystem. As available habitat for even the most common species is removed from the ecosystem, the ecosystem begins to break down. If the project is implemented as described it will reduce the valuable buffer between developments and preserved open space as well as further fragmenting an already fragmented and fragile near-island of habitat which many sensitive species depend on. State Parks suggests that the project proponent further evaluate its finding of non-significance and incorporate avoidance and mitigation measures to further reduce the project's impacts to the landscape of the Puente-Chino Hills.

Thank you again for the opportunity to comment and for your serious consideration. We look forward to reviewing the draft EIR. For further discussion, please contact me or Enrique Arroyo at (951) 453-6848.

Sincerely,



Kelly Elliott
District Superintendent
Inland Empire District

cc: State Clearinghouse
Christine Medak, US Fish and Wildlife Service
Matt Chirdon, State Department of Fish and Wildlife
Judi Tamasi, WCCA
Claire Schlotterbeck, Hills For Everyone

LETTER: CDPR

California Department of Parks and Recreation - Inland Empire District

Kelly Elliott, District Superintendent

17801 Lake Perris Drive

Perris, CA 92571

(January 8, 2014)

RESPONSE CDPR-1

The Draft EIR addresses recreational impacts in Section 4.13, *Recreation*. Figure 4.13-2 in the Draft EIR illustrates the existing and proposed trails within the project vicinity as shown on the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. The Cielo Vista Project does not include any proposed trail(s) into Chino Hills State Park. Any future trails proposed by the City or otherwise into Chino Hills State Park will require an assessment of impacts to the Park at the time of proposal, per applicable CEQA requirements. However, as discussed under Impact Statement 4.13-1 beginning on page 4.13-12, the Project could accommodate trails envisioned by the City through the Project's proposed central open space area (Trail 35a) and within a Metropolitan Water District (MWD) easement (Trail 35b).

Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Per Mitigation Measure 4.13-2, prior to issuance of grading permits, the Project Applicant would need to coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map.

RESPONSE CDPR-2

Impacts to the fully protected and special-status species golden eagle are analyzed beginning on page 4.3-31 of Section 4.3, *Biological Resources*, of the Draft EIR. Even with a historic nest site less than one mile from the project study area, the impact conclusion of the Draft EIR would not change.⁵ The Esperanza Hills Draft EIR (page 5-116, of Section 5.3, *Biological Resources*) reported that a golden eagle nest was observed north of that project site on a cliff face within Chino Hills State Park prior to the 2008 Freeway Complex Fire, and this may be the nest to which this comment refers. However, the Esperanza Hills Draft EIR continues with "a subsequent visit to the former location of the nest in May 2013 revealed that the nest is no longer active and Glen Lukos Associates biologists concluded that it was probably destroyed in the 2008 Freeway Complex Fire." The Cielo Vista Project would not directly nor indirectly impact nest sites, as close as one mile away within Chino Hills State Park, because intervening ridgelines would provide a visual and acoustic barrier between the project study area and the historic nest site. The proposed development footprint (58.88 acres) is only about 0.5 percent of the area contained within the Chino Hills State Park. The Project would result in impacts to potential foraging habitat; however, the habitat is of moderate to low quality due to disturbances associated with human activities and fire (e.g., introduction of non-native vegetation, on-going oil/gas production activities, passive recreation) on-site. In addition, the project study area is already compromised within an "edge-effect" area as a result of the suburban development on three sides. The commenter

⁵ The "project study area" is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

asserts that State Park Environmental Scientists routinely observe golden eagles foraging in the open space south of Chino Hills State Park and north of the 91 Freeway. However, this is a significantly large area of land, and the comment provides no evidence specifically related to the project site. As noted in Section 4.3, *Biological Resources*, of the Draft EIR, the habitat within the project site is moderate to low quality due to disturbances and human activities such as oil drilling and access roads. Even if golden eagles utilize the project site for foraging, the project site is low quality habitat and approximately 0.5 percent of the area contained in Chino Hills State Park, which is superior foraging habitat. Thus, the Project would result in a less than significant impact to this species.

RESPONSE CDPR-3

Cumulative impacts on biological resources are discussed in Section 4.3, *Biological Resources*, of the Draft EIR, starting on page 4.3-43. Any loss of individuals from implementation of the Project in a cumulative impact context would not threaten regional populations due to the large areas of habitat in the surrounding area that would be available for these species to utilize (e.g., particularly within the preserved open space areas of Chino Hills State Park) where the preservation of native habitats and plant and wildlife populations is part of the mission of the park. The project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only approximately 0.5 percent. When combined with the adjacent Esperanza Hills Project, the cumulative area is approximately 5 percent the size of Chino Hills State Park and the proposed cumulative development footprint of the two projects (approximately 400 acres) is approximately 3.3 percent. In context to the greater undeveloped Chino Hills area (of 21,152 acres or 85.6 square kilometers), the cumulative project area is approximately 2.8 percent of this large habitat block and the proposed cumulative development footprint of the two projects is approximately 1.9 percent.

The loss of 58.88 acres of foraging and nesting habitat, some of which is adjacent to urbanized areas, is not expected to substantially affect migratory species to a point where their survival in the region is threatened. This is due to the wide spread distribution of foraging and nesting habitats throughout the region, including the Chino Hills State Park, which provides for the permanent preservation of these habitats. Many of these species are relatively mobile and are expected to locate additional foraging habitat remaining in the region. Moreover, the foraging habitat within the project site is moderate to low quality due to disturbances and human activities. As discussed in the Draft EIR, the project study area can be characterized as a highly used “remnant” portion of open space, bordered on three sides by residential development, equestrian corrals, and active oil drilling. The site is currently accessible by a network of historic oil production and access road and occupied by abandoned and active drilling sites and related environmental disturbances. Also, a significant portion of the site is ruderal and non-native vegetation due to historic use of the site as grazed range land and the Freeway Complex 2008 wildfire. While the commenter suggests that the project site has the potential for recovery and restoration, an EIR should evaluate the impacts based upon existing conditions. (State CEQA Guidelines Section 15125.) As such, impacts would not be considered cumulatively significant.

The Draft EIR discusses potential impacts to biological resources, including to sensitive species, wildlife corridors, and sensitive habitats. The conclusions contained in the Draft EIR are supported by substantial evidence, which the commenter does not specifically challenge or provide any evidence to the contrary. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; State CEQA Guidelines Section 15384.)

The commenter asserts that the cumulative impacts analysis is inadequate because it does not including the bank armoring and flood control projects occurring within the Santa Ana River, the relocation of the Santa Ana River Interceptor, and the State Route 91 Corridor Improvement Project. The cumulative impacts analysis for biological impacts considered past, present, and reasonably foreseeable projects within the vicinity of the project study area. The Santa Ana River Interceptor (SARI) Line is a 23-mile-long wastewater pipeline that extends from the Orange/San Bernardino County boundary just southwest of Prado Dam to the Orange County Sanitation District (OCSD) sewage treatment plant in Fountain Valley. The SARI project site is located approximately four miles to the southeast of the Cielo Vista project site. The project is currently under construction and would likely be completed prior to the implementation of the Cielo Vista Project. While temporary impacts to riparian resources of the Santa Ana River are a consequence of the SARI Project, the majority of the impacts are short-term and the biological resources would be restored subsequent to completion of the SARI Project. Mitigation requirements for the SARI Project include monitoring of construction sites for raptors, California gnatcatcher, least Bell's vireo and southwestern willow flycatcher to confirm project compliance with permit conditions and avoidance of direct impacts to these species. A qualified biologist is required to be on-site during all ground disturbing activities within the Santa Ana River streambed to maintain biological resource protection measures. Permanent loss of riparian habitat is required to be mitigated at a ratio of 3:1 for restored or created habitat, and temporary loss of riparian habitat and permanent loss of non-riparian wetland habitat is required to be mitigated at a ratio of 1:1.

The State Route 91 Corridor Improvement Project (SR91) will widen Highway 91 chiefly between Interstate 15 and Highway 71, but extending to Green River Road (at the Orange County border) within the northern right-of-way of Highway 91. The primary construction activities would occur approximately six miles to the southeast of the Cielo Vista project site. All of the construction would occur along the existing heavily traveled and high noise level transportation corridor, much of which is urban development. Therefore it is expected that impacts to biological resources would be limited. Furthermore, it is assumed that appropriate mitigation would be provided, such as pre-construction nest surveys for compliance with the Migratory Bird Treaty Act as well as California Fish and Game Code protection of nesting birds. The Riverside County Transportation Commission (RCTC) will mitigate the effects of the SR91 Corridor Improvement Project on biological communities. To sustain biodiversity, RCTC will implement mitigation measures in Chino Hills State Park and will follow its Multiple Species Habitat Conservation Plan to determine which lands are set aside for conservation.

The Santa Ana River flood control projects effect riparian resources from the bank armoring and other flood control infrastructure. Similar to both SARI and the SR91, these projects are linear in design, and immediately proximate to existing infrastructure to which the project activities are designed to improve. Compliance with regulatory permitting by USACE, RWQCB and CDFW for jurisdictional resource impacts are obligatory and would be comparable to the Cielo Vista Project Mitigation Measure 4.3-2.

The Draft EIR is not deficient for failing to include the projects that commenter specifies in its cumulative impacts analysis. However, even consideration of these projects in assessing cumulative impacts does not change the conclusion that the Project would not have a cumulatively significant impact because the biological resources are not directly comparable to the project study area because both SARI and the SR91 are linear projects rather than a block of varied habitats and only the least Bell's vireo would be a shared sensitive resource among these projects. The golden eagle would not be a shared sensitive resource because SARI, SR91 nor the Santa Ana River flood control projects provide foraging habitat on which the Cielo Vista and Esperanza Hills projects sites do. "The cumulative impact from several projects is the change in the

environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 379.) As stated above, the cumulative project area, including the Esperanza Hills Project, is approximately 2.8 percent of the greater undeveloped Chino Hills area and the proposed cumulative development footprint of the two projects is approximately 1.9 percent when considering loss of raptor foraging habitat.

As discussed above, the only special-status species common between the Cielo Vista Project and the three infrastructure projects is least Bell’s vireo. Impacts on least Bell’s vireo are considered to be potentially significant. With implementation of Mitigation Measure 4.3-1 to replace habitat for the least Bell’s vireo that is to be impacted by the Project at a minimum 2:1 ratio due to the isolated nature of the occupied habitat, which would increase the amount of suitable habitat for this species in the cumulative impacts study area over that which exists today, the Project’s contribution to cumulative loss of least Bell’s vireo in the project study area would not be cumulatively considerable in the context of baseline conditions due to the limited extent of habitat suitable to support these species on the project site and the availability of such habitats in the region.

Impacts to jurisdictional resources require mitigation that would increase the extent of these resources. The Project’s contribution to cumulative loss of least Bell’s vireo in the project vicinity would not be cumulatively considerable in the context of baseline conditions due to the limited extent of habitat suitable to support these species on the project site and the availability of such habitats in the region. In addition, the Cielo Vista Project mitigation requirements would provide additional habitat for this species and the mitigation obligations for other related projects would also provide protection for this species on a regional scale (e.g., such as avoidance of impacts by the Esperanza Hills Project).

Finally, commenter generally suggests that the Draft EIR reevaluate its cumulative impacts conclusions and incorporate additional mitigation measures to reduce the Project’s impacts. As discussed above, the Draft EIR fully and appropriately evaluates the Project’s potential environmental impacts on biological resources and includes information sufficient to allow the decisionmakers to intelligently take account of environmental consequences. (State CEQA Guidelines Section 15151.) Moreover, as discussed above, the cumulative conclusions contained in the Draft EIR are supported by substantial evidence, which the commenter does not specifically challenge or provide any evidence to the contrary. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; State CEQA Guidelines Section 15384.)

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

TTY 711

www.dot.ca.gov

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December 11, 2013

Mr. Ron Tippets
County of Orange
Planning Division
300 N. Flower
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012071013
Log #: 3538
SR-91

Dear Mr. Tippets:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Cielo Vista Project. The Project proposes to develop a maximum of 112 single-family dwellings and associated infrastructure on an 84-acre site, within two Planning Areas. Planning Area 1 would include 95 residences within 41.3 gross acres. Planning Area 2 would include 17 residences within 6.4 gross acres.

The Department of Transportation (Department) is a commenting agency on this project and Caltrans only comment is:

We recommend a valid registered Civil Engineer in the state of California sign the Traffic Impact Study. Please see Appendix L front page.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

A handwritten signature in blue ink, reading "Maureen El Haraque".

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

LETTER: CALTRANS1

California Department of Transportation – District 12

Maureen El Harake, Branch Chief, Regional – Community Transit Planning

3346 Michelson Drive, Suite 100

Irvine, CA 92612-8894

(December 11, 2013)

RESPONSE Caltrans1-1

This comment is noted. A valid registered civil engineer will sign the traffic study.

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Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

February 11, 2014

RECEIVED

FEB 14 2014

COUNTY OF ORANGE

Ron Tippetts
Orange County - OC Planning
300 N. Flower Street
Santa Ana, CA 92702

Subject: Cielo Vista Project
SCH#: 2012071013

Dear Ron Tippetts:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 22, 2014. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012071013) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2000

FAX (949) 724-2019

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01/22/14
E

STATE CLEARING HOUSE

January 17, 2014

Mr. Ron Tippets
County of Orange
Planning Division
300 N. Flower
Santa Ana, CA. 92702

File: IGR/CEQA
SCH#: 2012071013
Log #: 3538
SR-91

Dear Mr. Tippets:

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report for the Cielo Vista Project**. The Project proposes to develop a maximum of 112 single-family dwellings and associated infrastructure on an 84-acre site, within two Planning Areas. Planning Area 1 would include 95 residences within 41.3 gross acres. Planning Area 2 would include 17 residences within 6.4 gross acres.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. The impact on the State highways or freeways including ramps should be analyzed using the Highway Capacity Manual (HCM) method especially impacts at SR-91 at Weir Canyon Road. The use of HCM is preferred by Caltrans because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on the state's facilities Caltrans recommends that the traffic impact analysis be based on HCM method. All input sheets, assumptions, and volumes on State Facilities including ramps and intersection analysis should be submitted to Caltrans for review and approval. If applicable, appropriate mitigation measures are to be proposed and submitted for our review and comment.
2. A traffic impact analysis should be prepared to evaluate any potential impacts from the proposed project and the nearby Esperanza Hills Project to state facilities, including mitigation measures.
3. Please coordinate with Department to meet requirements for any work within or near State right-of-way. All entities other than the Department working within the Department's right-of-way must obtain an Encroachment Permit prior to

Mr. Tippetts
January 17, 2014
Page 2

commencement of work. Allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued.

4. We recommend a valid registered Civil Engineer in the State of California sign the Traffic Impact Study. Please see Appendix L front page.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen El Haraque". The signature is fluid and cursive, with the first name "Maureen" written in a smaller, more compact script than the last name "El Haraque", which is more expansive and stylized.

MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, Office of Planning and Research

LETTER: CALTRANS2

California Department of Transportation – District 12

Maureen El Harake, Branch Chief, Regional – Community Transit Planning

3346 Michelson Drive, Suite 100

Irvine, CA 92612-8894

(January 17, 2014)

RESPONSE Caltrans2-1

The SR-91 Freeway at Weir Canyon was not evaluated in the traffic study as the Project is located nearly two miles from the Freeway and is expected to contribute fewer than 50 peak hour trips to the interchange. The Cielo Vista traffic impact analysis report was prepared to support the lead agency requirements for traffic impact analysis that requires the use of the ICU methodology to identify Project impacts for CEQA purposes. Since the study area intersections are located within the boundaries of the lead agency and do not extent to any state facilities, the use of HCM methodology is not required.

RESPONSE Caltrans2-2

The EIR evaluated the potential traffic impacts from the Project and Esperanza Hills, as suggested by the commenter, including impacts to state facilities (i.e., State Highway 90, Imperial Highway). More specifically, the traffic analysis under Impact Statement 4.14-1 beginning on page 4.14-21 in Section 4.14, *Traffic/Transportation*, of the Draft EIR considers ambient traffic growth and traffic growth attributable to the identified related projects, including the Esperanza Hills Project, anticipated to occur under both Opening Year (2015) and Horizon Year (2035) scenarios. Therefore, the cumulative impact analysis is incorporated into the analysis presented under Impact Statement 4.14-1. Accordingly, the cumulative impact analysis conducted under Impact Statement 4.14-1 includes the incremental effect of the Project added to other past, present and probable future projects. As shown in EIR Table 4.14-8, the Imperial Highway/Yorba Linda Blvd. intersection was part of this analysis.

RESPONSE Caltrans2-3

As indicated on page 2-1 in Section 2, *Project Description*, first subsection, the nearest state roadway to the project site is State Route 91 (91 Freeway) located 1.7 miles to the southwest. Therefore, no Project related work will occur within or near this roadway's right-of-way which would necessitate an Encroachment Permit before commencement of Project related work.

RESPONSE Caltrans2-4

This comment is noted. A valid registered civil engineer will sign the traffic study.

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December 12, 2013

CHAIR
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Representative of
General Public

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Supervisor
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Representative of
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ALTERNATE
TODD SPITZER
Supervisor
3rd District

CAROLYN EMERY
Executive Officer

Mr. Ron Tippetts
OC Planning
300 N. Flower Street, First Floor
Santa Ana, CA 92702

SUBJECT: OC LAFCO Comments to Draft EIR No. 615 – Cielo Vista Project

Dear Mr. Tippetts:

Thank you for the opportunity to comment on the County of Orange's Draft EIR No. 615 for the proposed Cielo Vista project. OC LAFCO initially submitted comments on the *Response to the Notice of Preparation of the Draft Environmental Report* to the County of Orange on August 1, 2012 (**Attachment A**). Based on the information contained within the Draft Environmental Report and our initial concerns, Orange County LAFCO's interest in this project as it relates to CEQA is two-fold:

1. OC LAFCO is a responsible agency under CEQA for any future annexation of the Cielo Vista Project to the City of Yorba Linda.
2. The proposed development of the Cielo Vista project in unincorporated Orange County without a definite plan and process in place for the long-term delivery of reliable and efficient public services to future residents raises substantive issues and should be addressed in the environmental report.

OC LAFCO AS RESPONSIBLE AGENCY

The Orange County Local Agency Formation Commission (OC LAFCO) is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act." Govt. Code Section 56000 *et seq.*). Under the Act, OC LAFCO is required to make determinations regarding a proposal for changes of organization or reorganization (Govt. Code Section 56880). In making these determinations, The Act also prescribes the factors, which OC LAFCO must consider in making its determinations, including any policies adopted by OC LAFCO to create

planned, orderly and efficient patterns of development (Govt. Code Section 56668).

Because of this role and pursuant to Section 21069 of the Public Resources Code, OC LAFCO is a responsible agency for the future annexation of the Cielo Vista project to the City of Yorba Linda. Additionally, and pursuant to Section 15086 of the California Environmental Quality Act (CEQA) Guidelines, OC LAFCO is responsible for reviewing and providing comments on this Draft Environmental Impact Report.

OC LAFCO COMMENTS

OC LAFCO has reviewed the draft document and offers the following comments on DEIR No. 615:

2.0 Project Summary

Annexation – Whole of the Project

CEQA Guidelines Section 15378 states that a “project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change to the environment.

In this case, the anticipated development of Cielo Vista and the adjacent Esperanza Hills project together would result in direct physical changes to the environment. While there are separate Draft EIRs in circulation for both projects, OC LAFCO restates that both projects are inextricably tied and should be considered part of the “whole of the action.” The Draft EIR for the adjacent Esperanza Hills project (proposing 340 single family homes directly east of Cielo Vista) was distributed for comment on December 2, 2013, and is being reviewed by the public, responsible agencies, and decision makers simultaneously with the subject document.

It is difficult to fully comprehend the combined impacts of both projects when reviewing two separate EIRs. CEQA notes “that environmental considerations do not become submerged by chopping large projects into many little ones, each with a potential impact on the environment which cumulatively may have disastrous consequences.” (Burbank-Glendale-Pasadena Airport v. Hensler (1991) 233 CA3rd577).

4.11 Population and Housing

The Regional Housing Needs Assessment (RHNA), described on Page 4.11-1, incorrectly states that the most recently adopted Regional Housing Needs Assessment (RHNA) by the Southern California Association of Governments (SCAG) Regional Council was on July 12, 2007. The current RHNA Allocation Plan (2013-2021) was adopted by SCAG on October 4, 2012. This section (and related Table 4.11-1) requires

updating and revision to reflect the current RHNA allocations for the County of Orange.

4.12 Public Services

Fire Protection and Emergency Response Services

The Draft EIR assumes that the project will be annexed into the City of Yorba Linda. If annexation does not occur, the EIR should discuss and compare the impacts for the project area that result from fire and emergency response (1) provided through the City's contract (Yorba Linda contracts with OCFA for fire protection), and (2) provided directly through the Orange County Fire Authority if the project remains unincorporated.

Police Protection and Law Enforcement Services

The Draft EIR assumes that the project will be annexed into the City of Yorba Linda. If annexation does not occur, the EIR should discuss and compare the impacts for the project area that result from law enforcement (1) provided through the City contract which specifies a level of service and staffing for protection of City residents, and (2) provided directly through the Orange County Sheriff's Department if the project remains unincorporated.

4.14 Transportation and Traffic

In the Esperanza Hills Draft EIR No. 616, currently out for comment, there are two traffic alternatives discussed to serve the proposed project – Options 1 and 2. The "Option 2 Project Analysis" states that the Esperanza Hills site will be provided access "...via an extension of the existing terminus of Aspen Way which will traverse the southerly edge of a future potential residential development (Cielo Vista) located immediately east of the Project Site."¹

The *Traffic/Transportation Section* in the Cielo Vista DEIR does not reference the "Option 2 Project Analysis" provided in the Esperanza Hills DEIR. The "Access" section discussion in the Cielo Vista DEIR (Pages 4.14-16 and 4.14-17), states that Aspen Way is planned to extend "...easterly from San Antonio Road with the paved improvements terminating at the westerly boundary of the proposed project." If Option 2 is ultimately implemented as the access plan for the adjacent Esperanza Hills project, any traffic-related impacts resulting from the extension of Aspen Way across the Cielo Vista project should be fully analyzed in the DEIR.

¹ Esperanza Hills DEIR 616, Section 5-14, Page 5-593

This is one example of a potential impact that is difficult to analyze when there are two separate environmental documents under preparation at the same time for two projects inextricably linked. These projects should not be viewed in isolation and should be analyzed in a single environmental document.

The EIR should address any conflict with applicable environmental plans or policies of agencies with jurisdiction over the project including, but not limited to, the effort described below:

Creation of a Developed, Inhabited Unincorporated County Island

As part of its post-bankruptcy external restructuring program, the County has implemented changes in policy direction to:

- Decrease the County's responsibility of the delivery of municipal services;
- Focus on the provision of regional services; and
- Work with Orange County cities to annex adjacent unincorporated areas.

Over the past 15 years, the County has worked with OC LAFCO and local cities to implement the transition of unincorporated areas to adjacent cities. Development of the Cielo Vista project in unincorporated territory would create a developed, inhabited unincorporated area adjacent to the City of Yorba Linda, and could create significant environmental consequences with respect to how municipal services will be provided to future residents.

The Draft and Final EIRs should address any potential significant impacts to the future residents of the Cielo Vista project and adjacent City residents, as a result of developing the proposed 112 single-family residences in unincorporated County territory. Specifically, the Final EIR should address: (1) the ability and the capacity of the County to adequately provide the above mentioned municipal-level services to the Project and (2) the potentially significant environmental impacts to the City's residents resulting from County service providers traveling through the City's adjacent residential neighborhoods to serve the Cielo Vista project.

The County, as lead agency for the Cielo Vista project, should address any inconsistency in the development standards as currently proposed in County jurisdiction with those of the City of Yorba Linda to ensure the project can be annexed to the City without impacting future residents of the project or the City. Additionally, the EIR should explore the concept of municipal service agreements as discussed in the attached documents as an alternative to services provided by the County and should assess the comparative impacts to the environment.

5.0 Alternatives

The State CEQA Guidelines cite the importance of various alternatives in the EIR as critical for informed decision making: *“An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.”* (CEQA Guidelines 15126.6)

As previously stated in OC LAFCO’s August 1, 2012 comments on the NOP, OC LAFCO is requesting the EIR include a discussion of an “Annexation” alternative and adequately address the following significant impacts under the alternative:

- The development of a 112-unit residential project that is not in compliance with City standards.
- The potential impacts to the developer and/or residents that would result from having to upgrade or otherwise improve street widths, sidewalks, and other infrastructure to be consistent with City standards for annexation.

OC LAFCO is also requesting that the EIR include a discussion of a “No Annexation” alternative and adequately address the following significant impacts under the alternative:

- The creation of a large, developed, and inhabited unincorporated County island consisting of a 112-unit residential development project.
- Potential reduced levels of services to Cielo Vista residents for: law enforcement, fire protection and emergency response services, roads (maintenance, street lighting, sweeping) and code enforcement, and local representation and government accountability.
- The short-term and long-term fiscal impacts to the County of Orange of assuming responsibility of and service costs for providing the following municipal services to a 112-unit residential project in unincorporated County territory:
 - Law enforcement
 - Fire protection and emergency response services
 - Roads (maintenance, street lighting, landscaping, sweeping)
 - Code enforcement
 - Local representation and government accountability

- The impacts to the City and its residents resulting from County service providers traveling through the City to adjacent residential neighborhoods to serve the Cielo Vista project.
- The application of a municipal services agreement between the County and the City for the City to provide services to the Cielo Vista project.

Thank you for this opportunity to comment on the DEIR. If you have any questions or concerns regarding this response, please contact me either by email at cemery@oclafco.org or by phone at (714) 834-2556.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn Emery', is written over the typed name and title.

Carolyn Emery
Executive Officer

Attachment

A. OC LAFCO Response to NOP for Rancho Cielo Project – August 1, 2012

LETTER: LAFCO

Orange County Local Agency Formation Commission
Carolyn Emery, Executive Officer
12 Civic Center Plaza, Room 235
Santa Ana, CA 92701
(December 12, 2013)

RESPONSE LAFCO-1

A “Responsible Agency” is a public agency other than the Lead Agency which has discretionary approval power over the Project. (CEQA Guidelines § 15381.) Contrary to the suggestion in Comment LAFCO-1, the Orange County Local Agency Formation Commission has no discretionary approval power over the Project and therefore is not a “responsible agency” as that term is defined in the CEQA Guidelines. Although the Project site is located within the City’s Sphere of Influence and the possibility of annexation is considered in the EIR, Table 4.9-2 on page 4.9-16 of the Draft EIR also acknowledges the possibility that if the City or the Project Applicant do not wish to pursue annexation at this time then any future annexation would be the result of a petition by the future Project residents or of an action by the City Council. The Project Applicant may pursue annexation in the future. As a result, the statement on Page 2-2 of the EIR that the Applicant “intends” to seek annexation is an error. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description**1. Page 2-2. Modify the last paragraph with the following changes:**

The Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential “1B”, which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 43 acres of the project site as Open Space (5). The entire project site is zoned A1(O) – General Agricultural with Oil Production Overlay, per the Orange County Zoning Map. The project site is also within the City of Yorba Linda Sphere of Influence (SOI). The City of Yorba Linda General Plan indicates that the SOI is representative of the long-term, probable future physical boundaries and service area of the City. The Project Applicant may seek annexation to the City in the future through an annexation agreement to be negotiated with the City prior to issuance of building permits.

RESPONSE LAFCO-2

Contrary to the suggestion in Comment LAFCO-2, the Project does include definite plan and process for the long-term delivery of reliable and efficient public services to future Project residents. As discussed at length in EIR Section 4.12, *Public Services*, the EIR evaluates the Project’s potential impacts on fire protection, police protection, schools, and other public facilities. As discussed in Section 4.12, the Draft EIR prescribes Mitigation Measures 4.12-1 to 4.12-8 to ensure that potentially significant impacts to public services, where applicable, are reduced to a less than significant level. The commenter’s assertion is general, and without any evidentiary support or reference to specific sections of the EIR, and therefore no further response is required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

RESPONSE LAFCO-3

The commenter is referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE LAFCO-4

Per comment, Section 4.11, *Population and Housing*, of the Draft EIR will be revised to include the latest Regional Housing Need Allocation (RHNA) proposed for unincorporated Orange County by the Southern California Association of Governments for the period of January 1, 2014 through January 1, 2021. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11, Population and Housing

1. **Page 4.11-1. Modify sub-section (3), Regional Housing Needs Assessment (RHNA), with the following changes:**

(3) Regional Housing Needs Assessment (RHNA)

A Regional Housing Needs Assessment (RHNA), ~~most recently adopted and approved by the SCAG Regional Council on July 12, 2007,~~ includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January ~~2006~~ 2014 through ~~June 2014~~ October 2021.¹ The RHNA is used by local communities to address land use planning, prioritize local resource allocation, and decide how to address identified existing and future housing needs resulting from population, employment, and household growth. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of ~~7,978~~ 5,272 dwelling units, of which ~~1,777~~ 1,240 would be very low income, ~~1,445~~ 879 low income, ~~1,597~~ 979 moderate income, and ~~3,159~~ 2,174 above moderate income housing; refer to **Table 4.11-1, Regional Housing Growth Needs of Unincorporated County of Orange**.

¹ Southern California Association of Governments Website: http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf, <http://www.scag.ca.gov/Documents/5thCyclePFinalRHNAplan.pdf>

Table 4.11-1**Regional Housing Growth Needs of Unincorporated County of Orange**

Very Low Income Households	Low Income Households	Moderate Income Households	Above Moderate Income Households	Total Households
1,777 <u>1,240*</u>	1,445 <u>879</u>	1,597 <u>979</u>	3,159 <u>2,174</u>	7,978 <u>5,272</u>
22.3 <u>23.4</u> %	18.1 <u>17.1</u> %	20 <u>18.7</u> %	39.6 <u>40.8</u> %	100%

~~Half (889) of these very low units are assumed to be in the extremely low category (Source: SCAG 2007).~~

Source: ~~County of Orange Housing Element, 2011;~~ Southern California Association of Governments Website: http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf, <http://www.scag.ca.gov/Documents/5thCyclePFinalRHNAplan.pdf>

2. **Page 4.11-3. Modify sub-section (2), Housing, with the following changes:**

(2) Housing

The County of Orange ~~currently contained approximately 1,022,219~~ 1,062,966 housing units while the unincorporated County of Orange ~~contained 38,496~~ 39,506 units in ~~2010~~. Current housing types in the County are depicted in **Table 4.11-3, Housing by Type (2010 2014)**.

Table 4.11-3

Housing by Type (2010 2014)

Unit Type	Unincorporated County of Orange Total Units		County of Orange Total Units	
	Number	Percent	Number	Percent
Single-family detached	30,529 <u>30,577</u>	79.3 <u>77.4</u>	521,768 <u>538,866</u>	51.1 <u>50.7</u>
Single-family attached	2,188 <u>3,856</u>	5.7 <u>9.8</u>	130,118 <u>128,274</u>	12.7 <u>12.1</u>
Multi-family (2-4 units)	2,213 <u>862</u>	5.7 <u>2.2</u>	91,400 <u>92,462</u>	8.9 <u>8.7</u>
Multi-family (5+ units)	3,260 <u>3,578</u>	8.5 <u>9.1</u>	265,146 <u>269,824</u>	25.9 <u>25.4</u>
Mobile Homes	306 <u>633</u>	0.8 <u>1.6</u>	13,787 <u>33,534</u>	1.4 <u>3.1</u>
Total	38,496 <u>39,506</u>		1,022,219 <u>1,062,966</u>	

Note: According to the 2010 Census, a housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters.

Source: California Department of Finance, ~~2011~~ 2014 E-5 Population and Housing Table.

Compared to Orange County as a whole, the unincorporated areas of the County have a higher percentage of single-family housing and a lower percentage of multi-family housing. Single-family homes comprise approximately ~~85~~ 87 percent of unincorporated County compared to ~~only about 64~~ 63 percent of housing units in the entire County. There is a significantly greater percentage of multi-family homes in all of Orange County, over 34 percent, than in unincorporated areas, at approximately ~~14~~ 11.3 percent ~~as per Table 4.11-3.~~²

²~~Environmental Science Associates (ESA). Saddle Crest Homes Draft Environmental Impact Report #661. April 2012.~~

3. **Page 4.11-6. Modify the “Project Consistency” Analysis regarding Policy 3 of the Orange County General Plan in Table 4.11-5 with the following changes:**

Consistent. The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.

The RHNA most recently adopted and approved by the SCAG ~~Regional Council on July 12, 2007~~ includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January ~~2006~~ 2014 through ~~June 2014~~ October 2021. The RHNA establishes targets for meeting the housing needs of diverse income groups but is not regulating in the sense that it is an evaluating criteria for the types of housing proposed by individual development projects. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of ~~7,978~~ 5,272 dwelling units, of which ~~1,777~~ 1,240 would be very low income, ~~1,445~~ 879 low income, ~~1,597~~ 979 moderate income, and ~~3,159~~ 2,174 above moderate income housing. The Project contributes to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of ~~4,756~~ 3,153 of the ~~7,978~~ 5,272 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined.

4. Page 4.11-7. Modify the "Project Consistency" Analysis regarding Goal 3 and Policy 3 of the Orange County General Plan in Table 4.11-5 with the following changes:

Potentially Consistent. The most recent RHNA for the City identifies a total housing need of ~~2,039~~ 669 units between ~~2008~~ 2014 and ~~2014~~ 2021. The Project contributes to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of ~~1,208~~ 396 of the ~~2,039~~ 669 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined.

5. Page 4.11-8. Modify 2nd paragraph with the following changes:

Although the project site is not within the City of Yorba Linda, it may be annexed in to the City at some point in the future. The 16 related projects in the City of Yorba Linda and County of Orange (including the Esperanza Hills Project) would result in an increase of 2,015 residential units with an associated increase of 6,448 people.⁶ Thus, the Project and the related projects would include up to 2,127 housing units. While this figure would exceed the City's RHNA allocation of ~~2,039~~ 669 units if the Project were annexed into the City, the current allocation does not include areas within the City sphere of influence. These units are included in the RHNA allocation for the unincorporated County, including the Yorba Linda sphere of influence area. Housing needs associated with annexation would be served by the housing proposed under the Project. In regard to potential growth inducing impacts, as analyzed in Section 4.8, *Hydrology and Water Quality*, Section 4.12, *Public Services*, Section 4.13, *Recreation*, Section 4.14, *Traffic/Transportation*, and Section 4.15, *Utilities and Service Systems*, impacts on infrastructure and other services would all be less than significant at the Project and cumulative level with implementation of mitigation measures and PDF's, as discussed in those sections.

⁶ Based on the average household size of 3.2 persons/household for unincorporated areas of Orange County. It should be noted that the average household size for all of Orange County is 3.0 persons/household (U.S. Census Bureau, 2010). The average household size of 3.2 persons/household is also consistent with population estimates of the City of Yorba Linda, Initial Study for Oakcrest Terrace, prepared by Impact Sciences, March 2012.

6. Page 4.11-9 and 4.11-10. Modify the references to the “California Department of Finance” and “Final Regional Housing Need Allocation Plan” with the following changes:

California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, ~~2011 and 2012~~ 2014. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>. ~~2011 and 2012~~ 2014.

Final Regional Housing Need Allocation Plan – Planning Period (January 1, ~~2006~~ 2014 – ~~June 30, 2014~~ October 1, 2021) for Jurisdictions within the Six-County SCAG Region. ~~Approved by the SCAG Regional Council on July 12, 2007.~~

RESPONSE LAFCO-5

First, Comment LAFCO-5 is factually incorrect in stating that “[t]he Draft EIR assumes that the project will be annexed into the City of Yorba Linda.” The statement on page 2-2 of the Draft EIR that the Applicant “intends” to seek annexation is an error and has been corrected in the Final EIR (refer to Response LAFCO-1). The Draft EIR addressed public services impacts, including fire protection services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. Many cities in the County, including Yorba Linda, use the OCFA for fire protection services. As regional service provider, this agency is best suited to serve the project site from existing facilities in the adjacent City. Thus, regardless of the City’s contract with OCFA and annexation status of the project site, the Project would be serviced by the fire stations and personnel discussed in the Draft EIR, which are cited based on direct correspondence with OCFA. Thus, the assessment of impacts regarding fire protection services would be similar if the project site is annexed to the City or remains unincorporated. Accordingly, further analysis of fire protection services impacts is not necessary.

RESPONSE LAFCO-6

The Draft EIR addressed public services impacts, including police services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. Many cities in the County, including Yorba Linda, use the Orange County Sheriff’s Department for police protection services. As regional service provider, this agency is best suited to serve the project site from existing facilities in the adjacent City. Thus, regardless of the City’s contract with the Sheriff’s Department and annexation status of the project site, the Project would be serviced by the police station and personnel discussed in the Draft EIR, based on direct correspondence with the Sheriff’s Department. Thus, the assessment of impacts regarding police protection services would be similar if the project site is annexed to the City or remains unincorporated. Accordingly, further analysis of police protection services impacts is not necessary. Refer also to Response LAFCO-8, below, which includes a discussion of Mitigation Measure 4.12-2B. This mitigation measure would further ensure impacts regarding police protection services are less than significant.

RESPONSE LAFCO-7

The Esperanza Hills Project proposed ingress and egress plans known as Option 1, Option 2, Option 2A and Option 2B. The Draft EIR addressed the proposed Esperanza Hills access alternatives in Section 4.14, *Traffic/Transportation*. On June 2, 2015, the Orange County Board of Supervisors approved the Esperanza Hills Project, with two access options—“Modified Option 2” and Option 2B. Option 1 was removed from the Esperanza Hills Specific Plan. As discussed on page 4.14-17 of Section 4.14, “an additional analysis has been performed for the intersections that could potentially be affected by the change in travel patterns resulting

from the proposed access alternative via Aspen Way [i.e., Option 2] for the Esperanza Hills cumulative project. The purpose of assessing the access alternative is to identify any additional near-term and long-range cumulative impacts that could potentially occur with the change in proposed access.”

RESPONSE LAFCO-8

To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and 4.9-17 indicate that the Project will adhere to the City’s Residential Urban (RU) Zone with respect to having a minimum lot size of 7500 square feet and also complying with the RU Zone’s key site development standards -- building height, setback and parking requirements. With respect to roadway design, Project Design Feature (PDF) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU Zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

Critical public services to the project site consist of law enforcement and fire protection services which are covered in Section 4.12, *Public Services*, of the Draft EIR. Many cities in the County, including Yorba Linda, use the County Sheriff and the OCFA for law enforcement and fire protection services, respectively. As regional service providers, these agencies would be best suited to serve the project site from existing facilities in the adjacent City. For law enforcement services, as stated on page 4.12-13, the Project would be subject to a potential development impact fee. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added to further ensure impacts to police services are less than significant. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR to reference Mitigation Measure 4.12-2(B).

Executive Summary

1. **Page ES-34. Modify Table ES-1, Column 3, with the following changes:**

Police Protection Services

Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff’s Department. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

Section 4.12, Public Services

1. **Page 4.12-13. Modify the last paragraph with the following changes:**

(2) Police Protection and Law Enforcement Services

As discussed in the Existing Conditions above, the Project would be serviced by the OCSD out of the Yorba Linda Police Services Facility located at 20994 Yorba Linda Boulevard (located at Arroyo

Park), which is approximately 0.25 miles from the project site. The Project would generate a population of approximately 358 residents. This incremental increase in population, compared to the City's population of approximately 67,000 people, would not create a need for expanding existing facilities or staff, construction of a new facility, or adversely impact types of services provided.⁷ With development of the site, patrol routes in the area would be slightly modified to include the site, however, the Department's current adequate response times would not be substantially changed such that response time objectives are compromised in any manner. Thus, impacts regarding police services would be less than significant. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees.

In the event that such a fee is not in place before issuance of grading permits and the Sheriff's Department determines that additional resources are needed to serve the project site, Mitigation Measure 4.12-2B ensures that sufficient facilities would be available for this purpose.

Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

RESPONSE LAFCO-9

The Project's alternatives were developed based on a clearly written set of objectives, consistent with Section 15124(b) of the CEQA Guidelines. The commenter asks the County to analyze an "Annexation Alternative" that would involve the same number of units as the Project itself. Such analysis is not required under CEQA. The holding in *Village of Laguna Beach, Inc. v. Board of Supervisors* is instructive on this point. In *Village of Laguna*, the EIR analyzed a 20,000-unit project and the alternatives section analyzed 0-, 7,500-, 10,000-, and 25,000-dwelling-unit projects. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1028.) This range of alternatives was subsequently challenged for its failure to consider the development of some number of dwelling units between the 10,000 and 20,000. The court, evaluating this claim against the rule-of-reason standard, concludes that the EIR's failure to analyze 1,000-, 16,000-, 22,500-, and 20,001-unit alternatives was not fatal and that the provided range of alternatives was sufficient. (*Id* at 1028.)

Here, as in *Village of Laguna*, the County's failure to consider every conceivable alternative is not fatal. An agency need only select a reasonable range of alternatives for consideration, and that range must include information "sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*Id* at 1029.) An "array of alternatives" is sufficient if it "represent[s] enough of a variation to allow informed decision making." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 419.)

⁷ According to the US Census Bureau, the population estimate for the City of Yorba Linda was approximately 67,000 people in 2012. Thus, the Project's population of 358 residents would represent approximately 0.5% of the City's population. Data obtained from the US Census Bureau website: <http://quickfacts.census.gov>, accessed October 17, 2013.

In addition, this Final EIR includes evaluation of a new alternative—Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE LAFCO-10

Because annexation is not required or currently proposed for the Project, a “No Annexation” alternative would not be meaningfully different for the Project itself. Please also refer to Response LAFCO-9 for a discussion of alternatives analyzed in the Draft EIR.

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

570 WEST AVENUE 26, SUITE 100, LOS ANGELES, CALIFORNIA 90065

TELEPHONE: (310) 589-3230

FAX: (310) 589-2408

GLENN PARKER
CHAIR
PUBLIC MEMBER
ORANGE COUNTY

MICHAEL HUGHES
VICE-CHAIR
PUBLIC MEMBER
LOS ANGELES COUNTY

BOB HENDERSON
CITY OF WHITTIER

CALIFORNIA STATE PARKS

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CITY OF LA HABRA HEIGHTS

January 21, 2014

Ron Tippetts
Planner, Current & Environmental Planning Section
Orange County Planning Services
300 North Flower Street
Santa Ana, California 92702-4048

Draft Environmental Impact Report for Cielo Vista Project

Dear Mr. Tippetts:

The Wildlife Corridor Conservation Authority (WCCA) was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains. WCCA has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Cielo Vista Project and provides the following comments.

The conclusions regarding project-related and cumulative impacts to biological resources are not supported. The DEIR does not adequately avoid, minimize, and/or mitigate the potentially significant impacts related to loss of habitat occupied by the bird species, least Bell's vireo (*Vireo bellii pusillus*), considered threatened by the State and Federal governments; the loss of 14 acres of sensitive native plant communities (and loss of over 30 acres total of native plant communities); and the loss of habitat for other sensitive wildlife species. For example, deferring mitigation for impacts to the least Bell's vireo (i.e., obtaining other permits) is not adequate for the California Environmental Quality Act (CEQA). There should be an emphasis on avoidance of potentially significant impacts to biological resources.

The Esperanza Hills Project, adjacent to and east of the Cielo Vista Project, includes a proposal for 340 single-family residential units on 468.9 acres. Under both project options of the Esperanza Hills project, the street access and some grading would overlap with the Cielo Vista Project site. The design, grading, and construction of the two projects would need to be coordinated. The Cielo Vista and Esperanza Hills projects should be analyzed together due to their adjacency to, and dependency on, each other. That approach would align better with the intent of CEQA and Guidelines (e.g., section 15378). That approach would also allow for an up-front quantitative analysis of total impacts to biological resources. It would also provide a better mechanism for evaluating project modifications

Ron Tippetts, Orange County Planning Department
DEIR for Cielo Vista Project
January 21, 2014
Page 2

and alternatives in order to more effectively avoid and minimize environmental impacts for both projects combined.

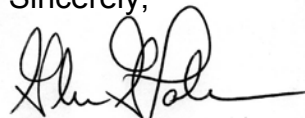
Although the Cielo Vista project proposes to preserve 36.3 acres as undeveloped open space, the DEIR does not adequately address the long-term protection and conservation of the open space. The Final Environmental Impact report (FEIR) and Conditions of Approval should address long-term protection of open space, for whichever alternative is ultimately approved. The FEIR mitigation measures and Conditions of Approval should specify that the remaining open space shall be protected in perpetuity through a fee title dedication and/or grant of a conservation easement(s) to a conservation and land management agency acceptable to the County of Orange and the California Department of Fish and Wildlife. An appropriate entity to accept this dedication could be California State Parks, WCCA, or the Mountains Recreation and Conservation Authority (dependent on said agency's concurrence at that time). The timing of the land transfer or recordation of the conservation easement should be specified (e.g., prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy).

Adequate funding for long-term maintenance and/or management of the remaining open space (for whichever alternative is approved) should also be included as a mitigation measure in the FEIR mitigation measures and in the Conditions of Approval. The timing of the establishment of said funding should also be specified. For example, this condition could require placing the funding in an escrow account, or finalizing a Landscape Maintenance District, prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy. These conditions would provide the necessary assurances for preserving the sensitive plant communities and wildlife species in the remaining open space.

The argument against implementing the less damaging alternative (Planning Area 1 Only) is not adequate. We recommend that the County adopt the Planning Area 1 Only Alternative. This alternative increases the amount of open space preservation to 42.7 acres. This alternative would substantially reduce impacts to sensitive plant communities and sensitive wildlife species (e.g., least Bell's vireo) found in Planning Area 2.

We appreciate your consideration of these comments. Please continue to maintain our agency on your email/ mailing list for this project. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at judi.tamasi@mrca.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Parker", written over a light blue horizontal line.

Glenn Parker
Chairperson

LETTER: WCCA

Wildlife Corridor Conservation Authority

Glenn Parker, Chairperson

570 West Avenue, Suite 100

Los Angeles, CA 90065

(January 21, 2014)

RESPONSE WCCA-1

The Draft EIR addressed and analyzed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Analysis of the impacts to least Bell's vireo is contained on pages 4.3-28 through 4.3-31 of Section 4.3, *Biological Resources*, of the Draft EIR. The commenter generally challenges the biological resources impacts analysis, but does not provide any specific evidence that the analysis is inadequate or not supported by substantial evidence. Rather, commenter argues that the Draft EIR improperly defers mitigation of the impacts to the least Bell's vireo and that the Draft EIR should emphasize avoidance of potentially significant impacts. As to avoidance, a significant portion of the project site will be avoided. (Draft EIR, Appendix C at 5.) The Draft EIR also uses an approach to mitigation which considers, among other things, "[a]voiding the impact altogether by not taking a certain action or parts of an action." (Draft EIR, Appendix C at 55.) However, avoidance is not possible in all situations, and the Draft EIR uses a mitigation approach which accounts for this fact. The Draft EIR's approach to mitigation is appropriate with respect to biological resources, and, with mitigation and compliance with regulations, impacts to the least Bell's vireo are less than significant. An EIR is not required to incorporate suggested mitigation measures for impacts that are less than significant. Nevertheless, avoidance of least Bell's vireo habitat is not feasible because legal access easements from public roads align with such on-site habitat. Please refer to Figure 4.3-3 for the locations at which the least Bell's vireo has been observed, which are located in very close proximity to access easements. A total of 1.64 acres of permanent impacts would occur to least Bell's vireo occupied habitat (refer to Figure 4.3-5, *Impacts on Sensitive Wildlife Species*). The impacts to the least Bell's vireo are considered potentially significant.

With respect to mitigation, while the Project could potentially impact the least Bell's vireo, consultation with the USFWS and Mitigation Measure 4.3-1 would reduce any potentially significant impacts to a less than significant level. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [consultation with the USFWS was not an improper deferral of mitigation].) When a public agency evaluates the potentially significant impacts of a project and identifies measures that will mitigate those impacts, it does not have to commit to any particular mitigation measure ... as long as it commits to mitigating the significant impact of the project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.) Here, the Draft EIR provides measures which are sufficiently definite and commit to mitigating the impact to a less than significant level, including incorporating mitigation measures recommended by the USFWS and replacement and/or enhancement of habitat at a ratio of no less than 2:1. Mitigation Measure 4.3-1 requires the replacement or enhancement of least Bell's vireo habitat at a minimum at a minimum of twice the acreage lost in order to support the survival of this endangered species for compliance with provisions of the federal and state endangered species acts. Details of the complete mitigation requirements are not yet known because consultation between U.S. Army Corps of Engineers

(USACE) and United States Fish and Wildlife Service (USFWS) has yet to commence and Section 7 consultation with the USFWS under the Federal Endangered Species Act (FESA) is required. As described on page 4.3-31 of the Draft EIR, the USACE would need to consult with USFWS on any actions that may affect a threatened or endangered species, least Bell's vireo for the Cielo Vista Project. During the mandatory FESA Section 7 consultation by USACE with USFWS for any Clean Water Act 404 permit for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species-specific Biological Assessment as part of the consultation process), prepare a Biological Opinion with respect to whether the Project is likely to jeopardize the continued existence of the species and within which USFWS would recommend mitigation/conservation measures where appropriate. Priority would be given to mitigation implementation within the same regional watershed of the Santa Ana River and where viable long-term success for least Bell's vireo habitat occupation is assured. Where USFWS and California Department of Fish and Wildlife (CDFW) agency-approved off-site mitigation banks (e.g., the pending Soquel Canyon Mitigation Bank within the City of Chino Hills in San Bernardino County) that support least Bell's vireo are available, purchase of mitigation credits would be a preferred option because mitigation banks have demonstrated to the resource agencies the long-term viability for successful mitigation. However, the Project Applicant may elect to pursue satisfaction of the replacement and enhancement obligations for the permit compliance by independently developing a mitigation plan acceptable to both the resource agencies and the Manager, OC Development Services.

Authorization for ground disturbance through the issuance of a grading permit would not occur unless the County is confident of successful mitigation compliance.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.3, Biological Resources

1. Page 4.3-31. Modify the third sentence of the second paragraph with the following changes:

This statute imposes the obligation on federal agencies to ensure that their actions (such as issuing federal CWA permits for this Project) are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its designated critical habitat. This obligation is enforced through the procedural requirement that agencies, such as the USACE, initiate consultation with USFWS on any actions that may affect a threatened or endangered species. During the FESA Section 7 consultation ~~anticipated~~ that will be required for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species-specific Biological Assessment), prepare its opinion with respect to whether the Project is likely to jeopardize the continued existence of the species (i.e., the USFWS would issue a Biological Opinion), and recommend mitigation/conservation measures where appropriate. The mitigation ~~is anticipated to~~ would be similar to Mitigation Measure 4.3-1, prescribed below. Implementation of Mitigation Measure 4.3-1 would reduce the Project's potentially significant impacts on the least Bell's vireo to a less than significant level. With the potential loss of 1.64 acres of least Bell's vireo habitat as a result of project implementation, this mitigation measure requires habitat replacement or enhancement at up to twice the acreage lost in

order to support the survival of this endangered species under the federal and state endangered species acts.

RESPONSE WCCA-2

The commenter is referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE WCCA-3

As discussed on page 2-10 in Chapter 2.0, *Project Description*, of the Draft EIR, the permanent open space within the project site would be dedicated to and maintained by the homeowner's association or other government or non-profit entity, with ongoing maintenance requirements to be established by the appropriate entity accepting the dedication. This aspect of the Project is reinforced with Project Design Feature (PDF) 1-4 on page 2-32, which must be implemented prior to the recordation of the subdivision map. PDFs would be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) to ensure their implementation as part of the Project. The open space portion of the project site would be deed restricted for open space purposes with the potential for trail access, as envisioned by the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map, found within the City's General Plan (see Figure 4.13-2 in the Draft EIR). Figure 4.13-2 shows several planned trails within the project area. Whether or not any of the Project's open space will be suitable for conservation purposes will be determined by the appropriate resource agencies when an appropriate site(s) is considered for habitat preservation per the Project mitigation (see Section 4.3, *Biological Resources*, in the Draft EIR), be it within the Project's 36 acres or in some other location.

RESPONSE WCCA-4

The commenter asserts that funding for long-term maintenance and/or management of the open space should be included as a condition of approval. However, commenter does not provide any evidence that the mitigation measures incorporated in to the Section 4.3, *Biological Resources*, are inadequate, challenge the analysis contained in the Draft EIR, or raise any other significant environmental issue. The dedication of the open space, as specified in the Draft EIR, would ensure that sensitive plant species are preserved. Commenter has not provided any evidence to the contrary. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) As discussed in the Draft EIR, the mitigation measures provided in Section 4.3, *Biological Resources*, mitigate the Project's potential biological impacts to a less than significant level. Final conditions of approval would be determined by the County decision makers based on what they consider to be in the best interests of the County and its residents. Whether to require a funding endowment to support on-going maintenance and the appropriate timing of when the dedication is to occur would be determined when the Project is considered for approval. However, PDF 1-4 requires the dedication of the open space area to precede the recordation of the subdivision. Please also refer to Response WCCA-3 for further details of the future open space use.

RESPONSE WCCA-5

The commenter's recommendation that the Planning Area 1 Only Alternative be adopted is noted. As commenter states, the Planning Area 1 Only Alternative would increase the amount of open space

proportionally decreasing impacts to biological resources, when compared to the Project. However, though commenter argues that the arguments against implementing the Planning Area 1 Only Alternative are inadequate, commenter does not provide any evidence of any inadequacy or identify any deficiency. Chapter 5.0, *Alternatives*, of the Draft EIR considers a reasonable range of alternatives to the Project, including Alternative 2 (Planning Area 1 Only Alternative). The Draft EIR concludes that the Project would result in less than significant impacts to biological resources with incorporation of recommended mitigation measures. When discussing the Planning Area 1 Only Alternative, Chapter 5.0, concludes that the alternative would result in greater impacts to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and hydrology and water quality, among others. The commenter does not specifically challenge any of the conclusions with respect to the Planning Area 1 Only Alternative, which are supported by substantial evidence in the record. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; State CEQA Guidelines Section 15384.)

In addition, this Final EIR includes evaluation of a new alternative—Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

E-Mailed: January 22, 2014
Ron.Tippets@ocpw.ocgov.com

January 22, 2014

Mr. Ron Tippets
Current and Environmental Planning Section
OC Planning Services
P.O. Box 4048
Santa Ana, CA 92702-4048

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed Cielo Vista Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the final environmental impact report (Final EIR) as appropriate.

Health Risk Impacts and Odor Impacts from Future Oil Drilling Operations

The SCAQMD staff is concerned about the project's proposed mix of sensitive land uses¹ and industrial land uses. Specifically, as depicted by Figure 2-4 and Figure 2-5 of the Draft EIR the proposed project will place single family residential units adjacent to a future potentially active oil drilling operation. As a result, the SCAQMD staff is concerned about potential health risk impacts and odor impacts to nearby residents from oil drilling operations that could occur at the project site. Based on past land use decisions in the region that have placed oil drilling operations next to residential land uses both health risk impacts and odor impacts have proved to be critical public concerns. Therefore, the SCAQMD staff recommends that the Lead Agency conduct a Health Risk Assessment (HRA) to determine the potential health risk impacts to surrounding residents (i.e., existing and future on-site residents) and an odor impact analysis to determine potential odor impacts from potential oil drilling activity that may occur at the project site prior to approving the proposed land use designations for this project.

¹ California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>

Construction Emissions Analysis

Based on the project description (see page 2-14 of the Draft EIR) the project requires 660,000 cubic yards of cut and fill during construction, however, it does not appear that the Draft EIR accounted for the potential air quality impacts resulting from this significant amount of activity. Specifically, it appears that the Draft EIR relies on the default construction values in CalEEMod for the project's grading phase including the equipment fleet mix, number of equipment pieces and hours of operation. However, the default CalEEMod values are based on grading activity that occurred primarily on flat terrain and not on sloped terrain that required a significant volume of cut and fill. Therefore, the SCAQMD staff recommends that the Lead Agency revise the air quality analysis to ensure that the air quality analysis accounts for the substantial cut and fill activity necessary to construct the proposed project.

Minimize Potential Localized Air Quality Impacts

Based on Chapter 3.0 (Basis for Cumulative Analysis) of the Draft EIR construction of the proposed project may occur simultaneously with the construction of the Esperanza Hills Project that is adjacent to the project site. Given that both projects require substantial grading activity that could result in up to 946,700 cubic yards of cut and fill (i.e., combined) the SCAQMD staff recommends that the lead agency coordinate the construction phases of both projects to minimize any potential localized air quality impacts to residents surrounding the project sites.

Mitigation Measures

In the event that the Lead Agency determines the project will have significant health risk impacts or air quality impacts the SCAQMD staff recommends that the Lead Agency provide additional mitigation measures to minimize such impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. A list of potential construction-related air quality mitigation measures is available at:

http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html

SCAQMD Contact Information

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please

contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan".

Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:DG

ORC131108-05
Control Number

LETTER: SCAQMD

South Coast Air Quality Management District

Ian MacMillan, Program Supervisor, CEQA Inter-Governmental Review

21865 Copley Drive, Diamond Bar, CA 91765-4178

(January 22, 2014)

RESPONSE SCAQMD-1

As stated on page 2-28 in Chapter 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. A 1.8-acre parcel located in Planning Area 1 (also referred to as the “drilling pad”) is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project’s construction activities for continued oil operations if permitting and site planning were pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project only if the oil operators choose to and receive subsequent discretionary approval to relocate to this area of the project site. Although drilling operations may be performed at the drilling pad in the future, this assumption is speculative and any future oil operations would require environmental review prior to the initiation of drilling activities. Therefore, preparation of a health risk assessment and analysis of any potential odor impacts would not be meaningful as future drilling operational parameters are not known and are speculative at this point.

RESPONSE SCAQMD-2

The equipment mix assumed in the Draft EIR CalEEMod run is sufficient to excavate 660,000 cubic yards of cut and fill. As indicated on page 2-14, in Chapter 2.0, *Project Description* (subsection 5), of the Draft EIR, cut and fill activities would be balanced on-site (no import or export of soil), and haul trucks will not be required for site grading activities. Based on the guidance provided in the *Heavy Construction Cost Data 2009 Handbook*⁸, the equipment assumed in the Draft EIR is sufficient to perform cut and fill on 660,000 cubic yards in the amount of time assumed in the Draft EIR. Specifically, the Draft EIR assumes that excavation and grading activities would require approximately 75 days for completion, which results in an average soil handling rate of 8,800 CY per day. The current equipment mix is capable of achieving a grading (cut and fill) rate of approximately 11,370 CY per day, regardless of the project site’s topography, well above the 8,800 CY per day average that will actually be required for the Project’s grading activities. Therefore, the analysis of the equipment exhaust emissions presented in the Draft EIR accurately represents the Project’s cut and fill activities and accounts for the sloped terrain of the project site. The equipment assumptions included in the CalEEMod modeling in the Draft EIR and the associated daily grading quantity outputs are shown below.

⁸ *Heavy Construction Cost Data 2009 Book, 23rd Edition. RS Means Publisher, 2009.*

Cielo Vista Construction – Grading Quantities

Equipment ^a	Number ^a	Daily Output (CY) ^b	Total Output (CY)
Excavators	2	1,280	192,000
Graders	1	7,100	133,125
Rubber Tired Dozers	1	1,350	101,250
Scrapers	2	600	90,000
Tractors/Loaders/Backhoes	2	1,040	156,000
Total		11,370	672,375

^a Equipment assumed in the Cielo Vista DEIR Air Quality Analysis

^b Daily output grading quantities cited per the Heavy Construction Cost Data 2009 Book, 23rd Edition. RS Means Publisher, 2009.

Source: PCR Services Corporation, 2014.

RESPONSE SCAQMD-3

The construction is being updated to include the most current forecasted timeframes. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description**1 Page 2-37. Modify subsection 7. Construction Schedule, with the following changes:****7. CONSTRUCTION SCHEDULE**

It is anticipated that construction of the Project could commence ~~as early as early 2014~~ in late 2015 and would last approximately 2.5 to 3 years. Assuming this construction time frame for site work, the earliest the first units would be ready for initial occupancy would be in ~~2015~~ 2017. The occupancy date is subject to change based on the construction start date and future market conditions. For purposes of this EIR analysis, it is assumed that construction of the Project would occur in one phase and that the Project would be fully occupied in ~~2015~~ 2018.

While the construction start and occupancy dates have updated, because the construction timeframe remains the same, together with incrementally better pollution control systems on construction equipment, the Project's construction emissions as discussed in the Draft EIR would not increase. Accordingly, no new Project-related construction air quality impacts would occur, nor would impacts substantially increase based on applicable SCAQMD thresholds. The Project would result in less than significant construction and operation impacts associated with implementation of the prescribed mitigation measures. In addition, cumulative air quality impacts are discussed on page 4.2-32 of the Draft EIR. The County acknowledges that construction activities between the Esperanza Hills Project and the Cielo Vista Project potentially could overlap. However, there would be numerous construction phases for each project, and it would be speculative at this point in time to identify the timing of each phase for both projects. Accordingly, as discussed in the Draft ER's cumulative impact analysis, other cumulative projects (including the Esperanza Hills Project) would comply with SCAQMD's Rule 403 (fugitive dust control) during construction, as well as

all other adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements would also be imposed on all projects Basin-wide, which would include all related projects. Mitigation Measures 4.2-1 (as revised per Response City2-98) and 4.2-2 would ensure that fugitive dust emissions during the Project's construction activities are mitigated to the extent feasible. As described on page 4.2-32 of the Draft EIR, SCAQMD treats project-specific and cumulative air impact thresholds as identical and states that 'projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.' Thus, the County properly considered the Project's contributions to cumulative air quality impacts by analyzing its emissions relative to project-specific thresholds. As such, cumulative impacts during construction would be less than significant.

Nonetheless, the SCAQMD's recommendation that the lead agency coordinate the construction phases of both projects to minimize any potential localized air quality impacts to residents surrounding the project sites is acknowledged by the County and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE SCAQMD-4

The comment is noted. The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. The revisions to the Draft EIR, as discussed in Responses SCAQMD-1 through SCAQMD-3, did not raise any new significant environmental issues with regard to air quality impacts. Therefore, additional mitigation measures are not required, including those recommended in Comment SCAQMD-4.

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Santa Ana Regional Water Quality Control Board

January 28, 2014

Ron Tippets
Orange County Planning Services
P.O. Box 4048
Santa Ana, CA 92702-4048

DRAFT ENVIRONMENTAL IMPACT REPORT FOR CIELO VISTA PROJECT, CHINO HILLS IN YORBA LINDA, UNINCORPORATED ORANGE COUNTY – ORANGE COUNTY PLANNING SERVICES, SCH #2012071013

Dear Mr. Tippets:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the Draft Environmental Impact Report (DEIR) for the Cielo Vista Project (Project) proposed in the City of Yorba Linda's unincorporated Sphere of Influence, in the Chino Hills adjacent to the City's eastern urbanized margin. The 84-acre, L-shaped north-south trending site is located north and east of Via Del Agua, Dorinda Road, San Antonio Road, and Aspen Way. The concurrently proposed Esperanza Hills project site, which has the same landowner as the Project, Murdock Properties (Executive Summary, DEIR p.ES-1; 2-1), is immediately east of the Cielo Vista Project site's eastern border.

Proposed Project

A total of 112 houses and associated infrastructure would be built on the site, as discussed below. The western portion of a lengthy ravine (Drainage A3 of Fig. 4.3-4 and Table 4.3-2; Biological Resources and Jurisdictional Delineation), bisects and separates the site into:

- Planning Area 1 (PA1; 41.3 acres, DEIR p. 4.8-9) in the southern part of the site, and,
- Planning Area 2 (PA2; 42.7 acres) that includes Drainage A3 in the northern part of the site.

PA1 (adjacent to the urbanized area to the south; to be accessed from Via Del Agua)

Most of the 41.3 acres would be cut and filled for the construction of 95 building pads. Three vegetated minor drainages would be eliminated (Drainages B, B1, and B2; Figs. 2-11 and 4.3-4). The periphery of PA1 would be managed and maintained as a fuel modification zone, which would extend to the southern slopes of the ravine shown as Drainage A3 in the Jurisdictional Delineation (Fig. 2-4, 2-5, and 2-11). The development design would leave a 1.8-acre strip of remnant oilfield for continued operations. Other hydrocarbon production facilities would be abandoned, and remediation conducted in accordance with county and state standards (California Division of Oil, Gas, and Geothermal Resources) (DEIR p.2-28 and Section 4.7).

PA2 (adjacent to the urbanized area to the west; to be accessed from Aspen Way)

Of the 42.7 acres, 17 building pads would be constructed on 6.4 acres. Aspen Way would be extended across two more drainages (designated A1 and A in the Jurisdictional Delineation) that drain each side of a southwest-trending ridge. The Project would flatten the ridge separating these drainages and fill all of Drainages A1 (a perennial stream) and A (Figs 2-11, 4.3-4); the upstream, undisturbed reaches of Drainages A1 and A would terminate at headwalls and storm drain inlets (Hydrology Map Fig. 4.8-1).

PA2 is located immediately upstream from the confluence of Drainages A and Drainage A3 (near an offset of Drainage A3 by the Whittier Fault). The remaining 36.3 acres of PA2, including upstream segments shown as drainage features A2, and A1.1, would be preserved as habitat and fuel modification open space (DEIR p.2-1) to be maintained by a public agency, land conservation, trust, or Homeowner's Association (HOA; DEIR p.2-10).

Comments

We request that the following comments be incorporated into the final EIR, in order to protect water quality standards (i.e., water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

1. Protection of Beneficial Uses

According to the "tributary rule" of the Basin Plan, tributaries that are not specifically listed in the Basin Plan have the same beneficial uses as the surface waters and groundwater basins and management zones to which they are tributary. Regional Board staff finds that all natural watercourses and drainages associated with the Project, whether those located within the Project boundaries or that drain to the Project site, are unnamed tributaries of the Santa Ana River, Reach 2, and the Orange County Groundwater Management Zone (GMZ) (Basin Plan p.3-5).

The beneficial uses of the Santa Ana River, Reach 2 are:

- Rare, Threatened, or Endangered Species habitat (RARE),
- Wildlife Habitat (WILD),
- Warm Freshwater Habitat (WARM),
- Water Contact Recreation (REC1),
- Non-Contact Water Recreation (REC2),
- Groundwater Recharge (GWR), and
- Agricultural Supply (AGR).

The Orange County GMZ beneficial uses are Agricultural Supply (AGR), Municipal Supply (MUN), Industrial Service Supply (IND), and Industrial Process Supply (PROC).

The parts of the tributaries that will be filled to construct the Project will be significantly impacted, since they will no longer support the water quality standards (water quality objectives and beneficial uses) that apply to them.

In both Planning Areas, the RARE beneficial use is represented by occupied habitat of the Least Bell's vireo, which is listed as endangered according to both state and federal law. This habitat is located at the west-central edge of the site along Drainage A1 and lower Drainage A (where habitat is stated to be largely supported by urban runoff), and at the southeast corner of the site along Drainage B (Figs. 4.3-3,4). Mitigation Measure 4.3-1 calls for mitigating the permanent loss of this habitat by purchasing off-site credits at a minimum ratio of 2:1, subject to wildlife agency approval of a mitigation plan. Board staff believes that ratio is inadequate and a minimum ratio of 3:1 should be projected, because loss of hydrologically supported habitat for an endangered species, i.e., loss of RARE, is a violation of the water quality standards of Drainage A1 and a significant impact to the riparian ecosystem of this portion of the Chino Hills.

Further, two California Species of Special Concern that are native to riparian thickets, the yellow-breasted chat and yellow warbler, are also found on site (DEIR p. 4.3-44). However, the DEIR states that the "cumulative projects" impacting the site's 1.25 acres of southern willow habitat and 0.60 acres of mule fat scrub that supports these two species, representing the WILD and WARM beneficial use of the site, would not create cumulatively considerable loss. Disturbances of these habitats that affect their ability to support the WILD and WARM beneficial uses constitute a violation of the water quality standards of the watercourse where this habitat is found.

First and foremost, Board staff believes avoidance of the drainages, and the habitat they support, by the Project would most clearly and effectively maintain the water quality standards noted above. By filling Drainages A and A1, the eastern portion of PA2 will effectively cut off a wildlife movement corridor in a system of ephemeral drainages, which Board staff considers to be a permanent impact to the WILD and WARM beneficial uses. Contrary to the finding of insignificance (DEIR p.4.3-40), Board staff do not believe that a drainage must constitute a connecting regional corridor in order to provide significant, necessary range for wildlife movement. In the area of the Project, all water courses provide important wildlife movement functions, particularly those that lead to intermittent or perennial water supplies. Whether within or outside of the Project boundaries, all these drainages and their water resources directly support the WILD, WARM, and RARE beneficial uses, and constitute a vital portion of the remaining regional block of Puente-Chino Hills wildlife habitat and species ranges.

The Project area's contribution to the Chino Hills wildlife movement linkage with the Puente Hills is well documented, and should not be dismissed (p. 4.3-45). Numerous studies of this subject conducted by naturalists (Board staff included) point to the necessity for wildlife to be able to circulate away from the primary conduit through the regional corridor, to nearby forage and water sources, which are provided by waters designated WILD and WARM. The waters on the Project site support these beneficial uses (Fig. 4.8-1). Altering these waters so

that the beneficial uses no longer exist is a violation of their water quality standards and a significant impact, requiring mitigation.

The DEIR does not adequately account for all the above cumulative impacts to WARM, WILD, and RARE (Cumulative Impacts, p.4.3-43-45), particularly if the adjacent, larger Esperanza Hills Project were also built. For example, a habitat requirement such as wildlife movement between ridges and water sources in ravines is relegated to what "foraging and nesting habitat" may be available in Chino Hills State Park. Board staff believes that for such losses to WARM, WILD, and RARE as proposed, at least a 3:1 mitigation ratio should be proposed, with much of that mitigation taking place onsite as habitat restoration on lands proposed for dedication to open space.

2. Jurisdictional Water Bodies

DEIR p. 4.3-36 states that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (Corps), a prerequisite CWA Section 401 Water Quality Standards Certification from the Regional Board, and a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) would be necessary for Project impacts to wetlands and streams. The Jurisdictional Delineation (p.4.3-36; Tables 4.3-2, 4.3-4) identifies anticipated impacts to 4,842 linear feet and 0.42 acre of federal waters, and to an additional 0.24 acre of wetlands in Drainages A and A1, for a total of 0.66 acre of impact to waters of the U.S.

Of 1.62 acres of impacted CDFW-jurisdictional waters, 1.38 acres would constitute streambed impact and again, 0.24 acre would constitute the wetlands.

Where impacts to federal waters cannot be avoided, the Regional Board's Certification program conditions measures for the protection of water quality standards, including mitigation to compensate for unavoidable permanent and temporary impacts to waters of the state, which include federal jurisdictional waters. At a minimum, mitigation conducted for this program must replace the full range of water quality functions and ecological services of the water body, i.e., the water body's beneficial uses that existed prior to impact, and must result in no net loss of wetlands. Mitigation measures should be programmed to be implemented before, or concurrently, with impacts, and mitigation sites must be protected from other uses by conservation easements or other appropriate restrictive land use instruments.

As with Mitigation Measure 4.3-1 referenced above, Mitigation Measure 4.3-2 directs a minimum 2:1 ratio of off-site replacement for permanent impacts to waters, and restores areas subject to temporary impacts to pre-project conditions (DEIR p. 4.3-39). Board staff disagree that the proposed mitigation measures would adequately compensate for the permanent impacts to streambed habitat in the Chino Hills. Conceptually, mitigation measures should be implemented in what remains of the drainage courses on the site, or in tributaries to the site as close to the impacted drainages as possible. The Final EIR should identify candidate sites on which the necessary mitigation can be carried out, and the attributes of the sites that make them suitable as mitigation for the Project. Board staff

believes the Lead Agency should not finalize its CEQA process for the Project until mitigation for all impacts to water quality standards can be incorporated.

3. Project Alternatives

Board staff believes that Drainages A and A1 should be protected from development to avoid the permanent loss of their beneficial uses, and that Planning Area 2 should not be developed as proposed, but instead be dedicated as permanent open space. By removing PA2 from the Project, the surface water beneficial uses that can be attributed to Drainages A and A1 (WILD, WARM, RARE, and REC2) would be preserved. Furthermore, enhancement of these drainages could be used to offset impacts to waters elsewhere on the Project site. No clear reasons are provided in the DEIR, particularly in Section 5.0, Alternatives, as to why the Project must include PA2.

Alternative 2, the "Planning Area 1 Only Alternative" (DEIR p.5-9), would preserve the 42.7 acres of Planning Area 2 and eliminate its 17 proposed houses. The County General Plan currently designates Planning Area 2 as open space. However, Alternative 2 would compensate by replacing the planned 95 houses in the southern site (1.3 units per acre) with 165 dwelling units (2 units per acre) within the same footprint. This Alternative would impact 0.27 ac of federal jurisdictional waters and 0.98 acre of CDFW-jurisdictional waters, and approximately half of the occupied Least Bell's vireo habitat (Drainage B) noted earlier. Board staff believes that Alternative 2, the "Planning Area 1 Only Alternative," is a more supportable design, because it results in fewer impacts to waters. Water quality effects of its greater density can be resolved by meeting the standards of Low-Impact Development, required by the Regional Board's Order No. R8-2009-0030¹ (amended by R8-2010-0062), discussed in the Hydrology and Water Quality Section (DEIR p.4.8-5,6,7). Further, Board staff believe that Alternative 2, or an alternative avoiding Drainage B, would constitute the Environmentally Superior Alternative under CEQA instead of the "Large Lot/Reduced Grading Alternative" (Alternative 3, p.5-37).

DEIR p.5-4 rejects the exchange of the entire Project site for development on a site with fewer environmental resources to be impacted, although Regional Board staff support this concept. The Final EIR should note that Orange County can also assert any conservation elements of its own General Plan that arrange for acquisition and protection of the property and its open-space resources, including natural drainages (Resources and Land Use Elements of the County General Plan (DEIR p.4.3-6)).

Finally, while the DEIR does discuss some cumulative impacts that include those of the adjacent Esperanza Hills Project, it does not explore the possibility of whether it would ever be linked to the Cielo Vista Project through transportation infrastructure or other physical connections, thereby creating the need for environmental analysis of the cumulative effects of two projects under one CEQA document. The Cielo Vista and Esperanza Hills Projects

¹ "Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region, Areawide Urban Storm Water Runoff," NPDES Permit No. CAS618030 (Orange County Municipal Separate Storm Sewer (MS4) urban stormwater runoff permit). These WDRs incorporate requirements of the Orange County Drainage Area Management Plan (DAMP).

would have impacts on the same environmental resources, including drainage courses that cross both project sites, with permanent and temporary impacts to WARM, WILD (including habitat linkages), RARE, and REC2.

If you have any questions, please contact Glenn Robertson at (951) 782-3259 or Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-3234 or Mark.Adelson@waterboards.ca.gov

Sincerely,



Mark G. Adelson, Chief
Regional Planning Programs Section

Cc: State Clearinghouse
U.S. Army Corps of Engineers, Los Angeles –Veronica Chan
U.S. Fish and Wildlife Service – Jonathan Snyder
California Dept. of Fish and Wildlife, Los Alamitos – Valerie Taylor/Mary Larson
Orange County Resources and Development Management Dept., Watersheds - Mary Ann Skorpanich
Wildlife Corridor Conservation Authority, Los Angeles – Judy Tamasi

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/DEIR- Orange County Planning Services – Cielo Vista Project – Yorba Linda.doc

LETTER: SARWQCB

Santa Ana Regional Water Quality Control Board
Mark G. Adelson, Chief, Regional Planning Programs Section
3737 Main Street, Suite 500
Riverside, CA 92501-3348

RESPONSE SARWQCB-1

The Draft EIR addressed biological resources and hydrology/water quality impacts in Section 4.3, *Biological Resources*, and Section 4.8, *Hydrology and Water Quality*, with supporting data provided in Appendix C and H, respectively, of the Draft EIR. The County of Orange concurs that the drainages within the project site are tributary to the Santa Ana River and are components of the Orange County Groundwater Management Zone.

RESPONSE SARWQCB-2

The Project is subject to, and will comply with, the requirements of the Basin Plan. The Project includes a Project Design Feature (PDF 8-1) that would implement a Water Quality Management Plan (WQMP) in addition to a Stormwater Pollution Prevention Plan (SWPPP). An overview of these plans is provided on page 4.8-15 of the Draft EIR. The Project's compliance with the applicable regulatory requirements and implementation of the project design features (PDFs), including Best Management Practices (BMPs) as part of the Project's SWPPP and WQMP, would ensure that construction and operational water quality impacts would be less than significant, maintaining the existing water quality standards of the altered tributaries. In addition, Mitigation Measure 4.3-2 addresses impacts to jurisdictional resources, including riparian habitat, of the tributaries with the recommended minimum mitigation ratio of 2:1.

RESPONSE SARWQCB-3

Section 4.3, *Biological Resources*, of the Draft EIR concludes that impacts to occupied least Bell's vireo habitat (depicted in Figure 4.3-3, *Sensitive Wildlife Species*) and jurisdictional drainages A-1, A and B (depicted in Figure 4.3-4, *Jurisdictional Features*) are potentially significant, as described on pages 4.3-28 and 4.3-36, respectively, consistent with the comment. Both Mitigation Measure 4.3-1 (for impacts to least Bell's vireo occupied habitat) and Mitigation Measure 4.3-2 (for impacts to jurisdictional resources, including riparian habitat) recommend a minimum mitigation ratio of 2:1, with the actual ratio to be determined through the resource and jurisdictional regulatory agencies, including the Regional Water Quality Control Board, permitting process. The objective of the mitigation measures is to replace the impacted resources of least Bell's vireo habitat and riparian vegetation at a greater ratio than currently exists while maintaining the ecological function these resources currently exhibit. The feasibility of attaining this objective through a 2:1 or a potentially greater mitigation ratio, must be demonstrated to the Manager, OC Development Services, and the applicable (jurisdictional) resource agencies prior to the issuance of a grading permit. A mitigation ratio of 3:1 is not considered necessary as Drainage A1 provides a minor contribution to the overall riparian ecosystem of the Chino Hills considering that Drainage A1 flows a short distance on the project site before entering the storm drain system for this residential area. The upstream portion of Drainage A1 connecting with the Chino Hills is not proposed to be impacted.

RESPONSE SARWQCB-4

The comment does not specify how a “disturbance” of specified habitat would constitute a water quality violation. As discussed in Draft EIR Section 4.8, *Hydrology and Water Quality*, there are specific water quality standards and discharge limitations that govern whether there would be a violation of applicable water quality standards. An analysis of impacts to sensitive wildlife species, including yellow warbler and yellow-breasted chat, is provided beginning on page 4.3-27 of Section 4.3, *Biological Resources*, of the Draft EIR. These species are considered Species of Special Concern by the CDFW and do not carry a Federal or State listing as threatened or endangered. Due to the small amount of acreage that would be impacted by the Project in relation to the regional habitat available in the immediately adjacent open space, any loss of individuals or the loss of habitat as a result of the Project would not substantially reduce regional population numbers such that it would affect the long-term survival of these species. While Mitigation Measure 4.3-1 is designed specifically to reduce impacts on the Federally-listed least Bell’s vireo habitat, both yellow warbler and yellow-breasted chat utilize the same habitat and would benefit from the mitigation implementation. Similarly, Mitigation Measure 4.3-2 requires replacement of impacted jurisdictional “waters of the U.S.”/“waters of the State” at a ratio no less than 2:1 and the replaced habitat would be available for occupation by yellow warbler and yellow-breasted chat. Moreover, as noted in the Draft EIR Section 4.8, *Hydrology and Water Quality*, the Project would include specific measures and best management practices to ensure that it would not result in any violations of water quality standards. Therefore, impacts to these sensitive wildlife species are less than significant on a project-level basis. Further, implementation of Mitigation Measure 4.3-1, along with a site-specific WQMP and SWPPP as discussed in Response SARWQCB-3, would ensure that impacts to the beneficial uses of the on-site watercourses are less than significant.

On a cumulative basis, impacts on yellow breasted chat and yellow warbler are also considered less than significant due to the small amount of acreage that would be impacted by the cumulative projects in relation to the regional habitat available in the immediately adjacent open space as determined by examination of aerial photography. Furthermore, mitigation associated with related projects would also provide some offsetting beneficial habit for the yellow warbler and yellow-breasted chat. For example, SARI is required to establish 1.15 acre of native riparian habitat for project disturbances from construction activities. As a result, habitat loss associated with the Project would not be cumulatively considerable and would not represent a significant cumulative impact.

RESPONSE SARWQCB-5

Consistent with this comment, State CEQA Guidelines Section 15021 recommends avoidance of significant adverse impacts or the incorporation of feasible mitigation to minimize environmental damage when considering approval of a proposed project. The Project’s design would avoid more than 25 acres of natural community habitat, as listed in Table 4.3-3, *Impacts to Natural Communities*, in Section 4.3, *Biological Resources*, of the Draft EIR.

As described on page 4.3-23 of the Draft EIR, wildlife movement may function as dispersal from one location to another, seasonal migration (especially of birds in California), and home range activities such as foraging, defense, or mating. While drainages often provide convenient movement corridors because of clear topographic boundaries and usual vegetative cover, upland areas such as ridgelines equally provide for and accommodate wildlife movement. The wildlife movement function of the project study area is also described

on page 4.3-23 of the Draft EIR.⁹ Because the project study area is bounded by residential development on the north, west and south, large mammal movement is already deterred as a result of the lack suitable habitat except to the east of the project site. Species such as raccoon, skunk, coyote, and birds that require less extensive movement pathway or are adaptable to urban environments will likely move through the project site. The project study area provides live-in habitat for common wildlife and may support some movement on a local scale but it does not connect two or more habitat patches because of the developed areas on three sides and consequently does not function as a regional wildlife movement corridor and it does not function as core habitat for the Puente-Chino Hills wildlife habitat open space.

The Board staff comment implies that the on-site drainages provide significant necessary range for wildlife movement. The comment states that the on-site drainages, while not connecting regional open space to habitat areas, provide important wildlife movement functions. This comment appears to not acknowledge that the project site is surrounded on three sides by existing residential development, which does not offer any wildlife habitat connections. Because drainages are linear corridors, they necessarily lead in only two directions. If one of those directions ends or begins with residential development, then the drainage does not function as a linkage corridor since it does not facilitate movement from one habitat to another. Therefore, it is concluded that the Cielo Vista project site drainages do not function as wildlife corridors. Based on the above, there would be no substantial interference of wildlife movement or with established migratory wildlife corridors resulting from Project implementation. Although the comment states that “all water courses provide important wildlife movement functions,” the statement is unsubstantiated. In order to provide wildlife movement functions, a water course must provide connection between two or more habitat patches. However, the Cielo Vista project site, being surrounded by residential development to the north, west and south, does not connect to functional habitat in those directions and is an ecological dead end for wildlife using the on-site drainages for movement. It is agreed that the on-site drainages do support habitat for a federally-listed species and marginal habitat for wildlife in general, for which appropriate mitigation is recommended for Project impacts, but the project site is not a vital wildlife habitat block for the Puente-Chino Hills wildlife habitat open space.

RESPONSE SARWOCB-6

As is depicted in Figure 4.8-1, *Hydrology Map* of the Draft EIR, the Cielo Vista project site, is at the periphery of the watershed in which it is located, with only the northern portion of the project site, the majority of which is proposed as open space, appreciably contributing to subdrainages (i.e., Creeks). Creeks A-D all currently empty into storm drain facilities at the western and southern boundaries of the Cielo Vista project site.

The County concurs that the Puente-Chino Hills wildlife corridor is an important connection that provides a linkage between potentially isolated habitats within which many wildlife species reside. The corridor functions primarily as a link of wildlife habitats to the west near the City of Whittier with the subcore habitat block of the southern Chino Hills. However, it is not documented in corridor publications that have been reviewed that the Cielo Vista project site is a vital component for the long-term viability of this corridor. The

⁹ The “project study area” is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

2008 South Coast Missing Linkages report¹⁰ does not mention the Puente-Chino Hills corridor. The earlier 2001 Penrod *et al* Missing Linkages report¹¹ describes the north-south Coal Canyon linkage between Chino Hills and the Santa Ana Mountains, and the Puente-Chino Hills Linkage connection of the Puente Hills with the Chino Hills. The Cielo Vista Project would not impact either of those linkages, as it is located at the western edge of the Chino habitat block and bounded by residential development on three sides. Because the Project would not impact the Puente-Chino Hills Wildlife Corridor, the modification to the jurisdictional drainages would not prevent wildlife from moving through the project area as the project habitat does not function to facilitate regional wildlife movement. Additionally, the jurisdictional habitat replacement required of Mitigation Measure 4.3-2 would necessarily take place within a drainage or tributary, which would bolster the potential localized movement functions of the drainages. As such, impacts are considered less than significant.

RESPONSE SARWQCB-7

The Cumulative Impacts discussion starting on page 4.3-43 of Section 4.3, *Biological Resources*, of the Draft EIR specifies the geographic extent of the analysis as being “the region from the City of Yorba Linda to the west, north to Chino Hills State Park, south to the Santa Ana River, and east beyond California State Route 71 into Prado Basin.” Chapter 3.0, *Basis for Cumulative Analysis* of the Draft EIR provides a list of projects utilized in the cumulative analysis, which are included in Table 3-1, *Related Projects List*. The related project most relevant to consideration of cumulative impacts to biological resources is the adjacent Esperanza Hills Project. The cumulative impacts discussion concerning Rare, Threatened, or Endangered (i.e., sensitive) species (RARE) concludes that the Project would not contribute to cumulative impacts because no sensitive plant species occur in the project study area, based on the lack of suitable habitat, the project study area being outside of the known geographical range or elevation range for these species, or the negative results of focused sensitive plant surveys within the project study area.

As further discussed on page 3.3-43 of the Draft EIR, Southern California black walnut woodland is considered to be a sensitive natural community. However, this species does not constitute its own monotypic woodland structure on the project study area as is seen elsewhere in the region where entire hillsides exhibit extensive canopies of walnuts. Rather, it is present as individual and small groups of trees scattered among the other on-site upland and riparian natural communities. This species also occurs on mesic, north-facing slopes of Telegraph Canyon near Yorba Linda, throughout Chino Hills near the Prado Basin, and in Carbon Canyon near Brea Canyon Road. Furthermore, Project impacts to 44 Southern California black walnuts (non-woodland) would not constitute a cumulatively considerable contribution to cumulative impacts to this CRPR List 4.2 species given its wide spread distribution within the cumulative impacts study area.

In addition, several special status wildlife species are known to occur within the cumulative impacts study area, but are not expected to occur on-site due to lack of suitable habitat or because the project site is outside of the known elevation range or geographical range for the species, as discussed on page 4.3-44 of the Draft

¹⁰ South Coast Wildlands. 2008. *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion*. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Available online at <http://www.scwildlands.org>.

¹¹ Penrod, K., R. Hunter, and M. Merrifield. 2001. *Missing Linkages: Restoring Connectivity to the California Landscape*, Conference Proceedings, Co-sponsored by California Wilderness Coalition, The Nature Conservancy, U.S. Geological Survey, Center for Reproduction of Endangered Species, and California State Parks.

EIR. Of those sensitive wildlife species likely to occur at the project site, any loss of individuals from implementation of the Project, and in association with related projects, would not threaten regional populations due to the large areas of habitat in the surrounding area that would be available for these species to utilize, including the preserved open space areas of Chino Hills State Park, where the preservation of native habitats and plant and wildlife populations is part of the mission of the Park. The Project's contribution to cumulative loss of least Bell's vireo in the project study area would not be cumulatively considerable, after mitigation, in the context of baseline conditions due to the limited extent of habitat suitable to support this species on the project site and the availability of such habitats in the region. The Project's mitigation is comparable to that of the Esperanza Hills Project, which also proposes habitat replacement mitigation for these species. Cumulative impacts on yellow breasted chat and yellow warbler are considered less than significant due to the small amount of suitable acreage that would be impacted by the cumulative projects in relation to the regional habitat available in the immediately adjacent open space. Also, while Mitigation Measure 4.3-1 is designed specifically to reduce impacts on the Federally-listed least Bell's vireo habitat, both yellow warbler and yellow-breasted chat utilize the same habitat and would benefit from the mitigation implementation. Similarly, Mitigation Measure 4.3-2 requires replacement of impacted jurisdictional "waters of the U.S."/"waters of the State" at a ratio not less than 2:1 and the replaced habitat would be available for occupation by yellow warbler and yellow-breasted chat. Furthermore, mitigation associated with related projects would also provide some off-setting beneficial habitat for the yellow warbler and yellow-breasted chat. As a result, habitat loss associated with the Project would not be cumulatively considerable and would not represent a cumulatively significant impact.

Loss of wildlife habitat (WILD) from implementation of the Project would not threaten long-term survival of regional populations of common wildlife species in a cumulative impact context. Common wildlife species would persist in available nearby large habitat areas in the surrounding area (e.g., within the preserved open space areas of Chino Hills State Park). The project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only approximately 0.5 percent the size of Chino Hills State Park. When combined with the adjacent Esperanza Hills Project, the cumulative area is approximately 5 percent the size of Chino Hills State Park and the proposed cumulative development footprint of the two projects (about 400 acres) is approximately 3.3 percent the size of Chino Hills State Park. As depicted in **Figure 3-1, Related Projects Map** of the Draft EIR, there are no other projects besides the Esperanza Hills Project that occur within the Chino Hills natural areas. In context to the greater undeveloped Chino Hills area (of 21,152 acres or 85.6 square kilometers), the cumulative project area is approximately 2.8 percent of this large habitat block and the proposed cumulative development footprint of the two projects is approximately 1.9 percent the size of Chino Hills State Park. For these reasons, the Draft EIR concluded that cumulative impacts to common species are less than significant.

The Cielo Vista project study area supports 0.29 acre of jurisdictional wetlands (see Table 4.3-2, *Jurisdictional Features* of the Draft EIR on page 4.3- 20), found within Drainage A1. The Project proposes to impact 0.24 acre of wetland habitat. While this wetland habitat provides the beneficial use WILD, the County does not agree that the Project would impact Warm Freshwater Habitat (WARM) beneficial uses. WARM applies to warm water aquatic habitats and associated vegetation, fish and wildlife, which does not apply to the project study area nor is the project study area identified as having WARM beneficial uses in Table 3-1, *Beneficial Uses*, of the Santa Ana Region Basin Plan. Regardless, with implementation of Mitigation Measure 4.3-2 at a minimum 2:1 ratio, the loss of 0.24 acres of jurisdictional wetlands would be replaced off-site at least twice the acreage lost as a result of Project grading and construction, and would reduce the Project's potentially significant impacts to jurisdictional features to a less than significant level. Similarly, the

Esperanza Hills Project proposes habitat replacement mitigation for impacts to jurisdictional resources at a minimum ration of 1:1. Thus, this impact would not contribute to cumulatively considerable impacts to jurisdictional resources within the region and would increase the acreage of jurisdictional wetlands in the cumulative impacts study area over that which currently exists.

Mitigation Measure 4.3-2 requires a minimum mitigation ratio of 2:1, which would be met if the Regional Water Quality Control Board were to require a mitigation ratio greater than 2:1. The current mitigation ratio of not less than 2:1 reflected in Mitigation Measure 4.3-2 for replacement of jurisdictional resource lost to Project impacts is not feasible on-site as the Project is currently proposed. A mitigation ratio of 3:1 is not considered necessary because on-site drainages provide a minor contribution to the overall riparian ecosystem of the Chino Hills considering that the proposed impacted drainages flow a short distance on the project site before entering a storm drain system for the adjacent residential area. The upstream portions of the drainages connecting with the Chino Hills are not proposed to be impacted.

RESPONSE SARWQCB-8

The County concurs that the Project mitigation should be implemented concurrently with the proposed impacts and that mitigation sites must be protected in perpetuity. What would remain of the on-site drainage courses after Project implementation would be preserved as part of the Project open space design feature. PDF 1-4 requires the Project's open space to be dedicated to and maintained by the homeowner's association or other government or non-project entity, with ongoing maintenance requirements to be established by the appropriate entity accepting the dedication. However, there is insufficient area on-site to achieve no net loss of jurisdictional resources or to provide the minimum 2:1 mitigation ratio. The Project Applicant would need to demonstrate to the satisfaction of the County and the regulatory agencies that the proposed final Mitigation Plan for impacts to jurisdictional resources, including identifying candidate mitigation sites, and the final Water Quality Management Plan for the maintenance of project water quality are feasible and achievable prior to the issuance of a grading or building permit. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [mitigation which requires consultation to determine appropriate off-site mitigation is appropriate].) In this way, the Project would adequately mitigate impacts in a manner that would support applicable water quality standards. On-site mitigation for the loss of riparian resources would be insufficient in area to compensate for the potential impacts of the proposed Project design. Where feasible, mitigation could be proposed on adjacent property, however, this does not seem likely considering the adjacent property is proposed for residential development. Therefore, adequate mitigation to compensate for the permanent loss of streambed habitat will require off-site mitigation in addition to any on-site mitigation found acceptable to the regulatory agencies.

RESPONSE SARWQCB-9

The Draft EIR addresses biological resources and hydrology/water quality impacts in Section 4.3, *Biological Resources*, and Section 4.8, *Hydrology and Water Quality*, with supporting data provided in Appendix C and H, respectively, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed therein, impacts to drainage features on the project site would be less than significant with implementation of the prescribed mitigation measures. Planning Area 2 is included as part of the Project, which satisfies the

Project Objective #5 (refer to page 2-9 in the Draft EIR) to “Create two planning areas that are responsive to the site’s topography and that are consistent with adjacent single family neighborhoods.”

Comment SARWQCB-9 asserts that Alternative 2, the Planning Area 1 Only Alternative, or an alternative avoiding Drainage B, is the Environmentally Superior Alternative. Chapter 5.0, *Alternatives*, of the Draft EIR considers a reasonable range of alternatives to the Project design, including Alternative 2 (Planning Area 1 Only Alternative) that includes a single development area. The Draft EIR concludes that the Project would result in less than significant impacts to biological resources with incorporation of recommended mitigation measures.

This Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative. As discussed in Chapter 3.0 of this Final EIR, the Modified Planning Area 1 Only Alternative would be the “environmentally superior alternative.” As summarized in Table -1, the Modified Planning Area 1 Only Alternative would result in reduced impacts for a greater number of issue areas when compared to the Project, primarily due to its proportionate decrease in units compared to the Project. However, it is acknowledged that since this Alternative would reduce the extent of fuel modification to protect existing adjacent residential areas to the west and south of the project site, this Alternative would result in a greater impact associated with wildland fire hazards compared the Project. Also, the Modified Planning Area 1 Only Alternative would fully meet the Project Objectives similar to the Project. The selection of the environmentally superior alternative considered the entire range of impacts resulting from implementation of the alternatives, not just impacts to biological resources. The commenter’s stated preference for Alternative 2, the Planning Area 1 Only, is noted and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE SARWQCB-10

Page 5-4 of Chapter 5.0, *Alternatives*, of the Draft EIR explains that the Project was specifically developed for the site’s geographic location with its attributes and characteristic described in the proposed Area Plan; characteristics and attributes which would be difficult to locate and secure assuming that such a site would be available. It also noted that the Project Applicant does not own any nearby property, and that selection of another parcel in the vicinity of the project site would likely result in similar or greater impacts when compared to the Project. However, because the Project is subject to discretionary review and the potential for approval of a general plan amendment, zone change, area plan and tentative tract map by the County’s Planning Commission, Board of Supervisors, and Subdivision Committee, the County would have the ability approve the Project as proposed or as modified based on public input at noticed public hearings. The approval process can include preservation of open space areas beyond that being proposed in the Project applications, including modification of the two proposed planning areas.

RESPONSE SARWQCB-11

Contrary to the commenter’s suggestion, the EIR explicitly contemplates the potential cumulative impacts associated with the Esperanza Hills Project. As explained in EIR Section 3.0, the County opted to use the list approach for evaluating cumulative impacts. Based on review of applications and County records, the County developed a list of past, present, and probable future projects. That list is provided in EIR Table 3-1 and includes the 340 unit Esperanza Hills Project, which was approved by the Orange County Board of

Supervisors on June 2, 2015. The commenter is also referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project.



Yorba Linda Water District

*Reliable and Trusted Service
for More Than 100 Years*

January 13, 2014

Ron Tippetts, Planner
Current & Environmental Planning Section/OC Planning
P.O. Box 4048
Santa Ana, CA 92702-4048

Subject: Comments regarding the Draft Environmental Impact Report (DEIR)
for Proposed Cielo Vista Project (Project) - SCH# 2012071013

Yorba Linda Water District (District) as the water and sewer collection service provider for the proposed Project offers the following DEIR comments:

- As previously noted in the District response to the Project NOP, water and sewer infrastructure for this Project shall be constructed with the proposed adjacent Esperanza Hills Estates (EHE) Development. Representatives for each of the two projects were advised by District staff that water and sewer services and facilities for the two projects must be planned and designed in concert to serve the combined area. In summary, separate or piece-meal development of water and sewer services is not acceptable. Therefore, for purposes of the Final EIR, please remove the following language from page 4.15-18:

“Pursuant to this mitigation measure, the Project Applicant would work with the YLWD to prepare an implementation level project site service plan by further defining the conceptual service system proposed in the YLWD's Northeast Area Planning Study. This study covers the project area as well as other properties both in the City and in the City's sphere of influence. The Study proposes a preliminary alternative for addressing water supply needs for the Project, a system that is dependent on simultaneous development of the adjacent property. However, because final planning, buildout, and timing of either property cannot be accurately ascertained at this time, the Project Applicant would work with the YLWD, as required by Mitigation Measure 4.15-1, to further define the study alternative, another alternative that can serve both projects, or a separate system for the Project using a combination of new and/or existing water connections, storage tanks, and a method for conveyance as needed to ensure an adequate supply for the area's future residents and for fire safety purposes.”



Ron Tippets
January 13, 2014
Page 2

- The word “as” must replace the words “that are” in Mitigation Measure 4.15-1 in order to make it clear that the mitigation will only work if the improvements that are built are the ones identified in the Northeast Area Planning Study.
- The Northeast Area Planning Study did not propose a “preliminary” alternative for serving the Project. The Northeast Area Planning Study provides a detailed plan.
- Two points of connection from the existing to the proposed potable water system will be required.
- Regarding sewer services for the projects, the representatives for the two projects were each advised that the District will require gravity-sewer service from the EHE Development, extending southerly and westerly downward to and through the Project to connect to existing District sewers. Engineering studies by the project developers will be required to confirm the size of the sewer lines throughout the projects, and to confirm that the existing downstream sewers have adequate existing capacity for the additional flow.
- As stated in the Conditional Will Serve letter, “the applicant must satisfy certain conditions specified by the District and agreed to by the applicant before service will be available to supply the project. Any future, binding commitment by the District to service this project will be subject to the availability of water and sewer facilities and the planning, design, and construction of adequate facilities to meet the demands of the project in accordance with (1) the terms and conditions of a Pre-annexation Agreement to be executed by the applicant and the District; and (2) the terms and conditions of an Application to an Agreement with the Yorba Linda Water District for Water and Sewer Service executed by the applicant and the District; both in accordance with the District’s policies existing at the time such agreements are executed.”



Yorba Linda Water District

Ron Tippetts
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- Additional detailed DEIR comments are listed as follows:

<u>Page</u>	<u>Section</u>	<u>Comment</u>
ES-39	ES-1	Water Infrastructure Issues section: change "could require new offsite water infrastructure" to "will require new offsite water infrastructure."
2-22	2.0 5e	Please delete waterline size call-outs. Sizing will be determined during the design stage, and with hydraulic modeling.
2-22	2.0 5e	Onsite Water and Sewer facilities shall be designed and constructed by the Developer and not YLWD.
4.9-7	4.9 2c	For "Yorba Linda Water District (YLWD) Connections," please add "Connection to sewer (wastewater) systems."
4.12	4.12 2d	Fire Hydrant spacing shall be 300-feet for residential areas, per YLWD std. 00500 (typ. all sections).

Should you have any questions regarding this letter, please contact Anthony Manzano, Sr. Project Manager, at (714) 701-3106, or contact me at (714) 701-3102.

Sincerely,

Steve Conklin, P.E.
Acting General Manager

CC: Kris Concepcion, OCFA
Pete Bonano, OCFA

LETTER: YLWD

Yorba Linda Water District
Steve Conklin, P.E., Acting General Manager
1717 E. Miraloma Avenue
Placentia, CA 92870
(January 13, 2014)

RESPONSE YLWD-1

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure and how that infrastructure relates to the adjacent Esperanza Hills Project. The referenced passage from EIR page 4.15-18 has been removed in the Final EIR.

RESPONSE YLWD-2

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure. As explained in Topical Response 1, that infrastructure will be consistent with the Northeast Area Planning Study.

RESPONSE YLWD-3

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure. As explained in Topical Response 1, that infrastructure will be consistent with the Northeast Area Planning Study.

RESPONSE YLWD-4

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure. As explained in Topical Response 1, two points of connection from the existing to the proposed potable water system will be provided.

RESPONSE YLWD-5

As noted in Section 4.15, *Utilities and Sewer Systems*, of the Draft EIR, the Cielo Vista Project would be responsible for ensuring all necessary connections are provided to the existing sewer system prior to occupancy. As required by Yorba Linda Water District's conditional will serve letter, any future commitment by the District to serve the Cielo Vista Project would be subject to the availability of sewer facilities and the planning, design, and construction of adequate facilities to meet the demands of the Project in accordance with, among other things, the District's policies existing at the time an application for same is made to the District. The planning and design of the wastewater facilities is anticipated to include the size of the sewer lines throughout the Cielo Vista Project.

RESPONSE YLWD-6

Comment YLWD-6 quotes an excerpt from the Yorba Linda Water District's conditional will serve letter. The comment is noted and will be provided to the decision makers for review and consideration as part of the

decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE YLWD-7

This comment suggests an edit to the text on page ES-1 of the Draft EIR. Per that comment, the following revision has been made to the Draft EIR and has been included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-39. Modify Table ES-1, Column 1, with the following changes:

WASTEWATER AND WATER INFRASTRUCTURE/ WATER SUPPLY - Implementation of the Project would not require the construction of new wastewater treatment facilities or expansion of existing off-site facilities, but ~~could~~ would require new off-site water infrastructure facilities. Implementation of the prescribed mitigation measures would reduce the Project's potentially significant impacts regarding the availability of supporting water infrastructure to a less than significant level. Further, the Project would have sufficient water supplies available to serve the Project from existing entitlements and resources. Thus, impacts regarding water supply would be less than significant.

RESPONSE YLWD-8

This comment suggests several edits to the text on page 2-22 of the Draft EIR. Per that comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. Page 2-22. Modify 2nd paragraph with the following changes:

Potable Water. The project site is within the service area of the Yorba Linda Water District (YLWD). Points of connection for water utilities that would serve the Project exist in Aspen Way and Via Del Agua. On-site water facilities planned for the Project include a system of ~~8-inch-diameter~~ mains within local streets connecting to existing ~~8-inch-diameter~~ mains located within Via Del Agua and Aspen Way. Section 4.15, *Utilities and Service Systems*, of this EIR includes a detailed discussion of the Project's proposed water facilities plan. As discussed therein, the YLWD recently completed the Northeast Area Planning Study which identified water infrastructure improvements/upgrades to occur in the project area vicinity, some of which would support the Project. The improvements, which are expected to include water tanks (or water reservoirs), new or expanded water lines, pumping facilities and upgrades to booster stations, would be designed and constructed by ~~YLWD~~ the developer. Although the improvements would occur within the YLWD Northeast Planning Area, and could include improvements such as water tanks on or proximate to the Cielo Vista project site, the specific locations, designs, and extent of the improvements are not known. Once the facilities are further planned and designed, YLWD would evaluate the potential for the construction or operation of these facilities to result in significant impacts.

RESPONSE YLWD-9

This comment suggests an edit to the text on page 2-22 of the Draft EIR. Per that comment, the Draft EIR text on page 2-22, 2nd paragraph has been revised. Please see Response YLWD-8 for revised text.

RESPONSE YLWD-10

This comment suggests an edit to the text on page 4.9-7 of the Draft EIR. Per that comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. **Page 2-38. Modify the list of approvals under the Yorba Linda Water District with the following changes:**

Yorba Linda Water District (YLWD)

- Connection to the YLWD potable water supply.
- Connection to sewer (wastewater) systems.

Section 4.9, Land Use and Planning

1. **Page 4.9-7. Modify the list of approvals under the Yorba Linda Water District with the following changes:**

Yorba Linda Water District (YLWD)

- Connection to the YLWD potable water supply.
- Connection to sewer (wastewater) systems.

RESPONSE YLWD-11

As indicated in the YLWD fire hydrant spacing requirements, the OCFA will ultimately approve fire hydrant spacing. OCFA provides fire hydrant spacing requirements in its *Fire Master Plans for Commercial & Residential Development Guideline B-09*, adopted January 1, 2014. This Guideline document sets forth fire hydrant spacing requirements based on applicable OCFA fire flow requirements and fire protection features as part of a development project. The Project's fire hydrant spacing would meet applicable OCFA requirements. Plan check review of the Project by OCFA will confirm applicable hydrant spacing requirements are provided by the Project.

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Placentia-Yorba Linda Unified School District

Doug Domene, Ed.D.
Superintendent

1301 E. Orangethorpe Avenue, Placentia, California 92870
Telephone (714) 986-7000 Fax (714) 524-3034

Board of Education
Carrie Buck
Judi Carmona
Carol Downey
Karin Freeman
Eric Padgett

January 22, 2014

Via email: Ron.Tippets@ocpw.ocgov.com

Ron Tippets
Orange County Planning
300 N. Flower St.,
Santa Ana, California 92702-4048

Re: Comments on the Draft EIR for the Cielo Vista Project

Dear Mr. Tippets,

The Placentia Yorba Linda Unified School District (PYLUSD or District) welcomes this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Cielo Vista Project (the "Project") being considered by Orange County Planning/Public Works (County).

GENERAL COMMENTS

The District is committed to working cooperatively with the County for this Project. However, it is imperative that the County identify, analyze, and – if necessary - mitigate the potential environmental impacts that will occur with this expansion of capacity. In particular, we request further review of the potential impacts from wildfire evacuation events and associated hazards due to related traffic congestion. The District urges the County to seek additional review of these issues and delay approval of the DEIR until a sufficient environmental analysis is prepared, appropriate fire evacuation and contingency planning is completed, and appropriate mitigation is identified. The District is willing to work with the County to develop a comprehensive emergency plan to solve these critical issues.

The DEIR does not adequately evaluate the Project's potential traffic congestion impacts from wildfire evacuation events, including how those impacts would affect school children and staff. The DEIR¹ for the adjacent Esperanza Hills project, for example, includes a Fire Protection and Emergency Evacuation Plan (FPP) and calls for a Community Evacuation Plan (CEP) to address wildfire evacuation traffic induced hazards to the project and surrounding community. The Cielo Vista DEIR also should include a FPP and call for a CEP to be submitted prior to project approval. This would provide a mechanism (process) by which to adequately evaluate and, if appropriate, mitigate the Project's incremental impacts to the community – including schoolchildren

¹ Orange County Planning/Public Works, 2013, Esperanza Hills DEIR, November 27, 2013

and school staff -- during wildfire evacuation events and associated traffic gridlock. See the attached exhibit showing four schools in close proximity to the Project. Recent fire history in the area shows that fire evacuation traffic congestion at and around our schools can be significant. In the absence of an adequate assessment of impacts, the DEIR does not allow for the identification of appropriate mitigation measures for these fire evacuation impacts. In addition, the DEIR does not comprehensively assess and mitigate impacts to all of the schools affected by construction traffic.

SPECIFIC COMMENTS

Evaluation of Incremental Fire Evacuation Traffic Impacts

The Orange County Fire Authority² (OCFA) and others previously commented regarding the impacts the project will have on fire safety and rescue services, particularly in the event of wildfire evacuation and related traffic congestion and gridlock. The DEIR should fully evaluate the OCFA's "significant concerns in the development of the project within historical wildfire areas." In addition, we request that the County work with OCFA and the District to develop a methodology for assessing the Project impacts to students at the District's schools that could occur in the event of a wildfire evacuation.

The DEIR notes that the Project site is located in an area susceptible to wildfire hazards and is designated a Very High Fire Hazard Severity Zone (VHFHSZ) and Special Fire Protection Area (SFPA). Based on an analysis of fire history in the area by Dudek, Inc.(2013), it is estimated that portions of the Chino Hills will be subject to wildfire at least every 5 to 6 years.³

On November 15, 2008, the Project site was burned in what ultimately became one of the largest wildland fires ever to strike Orange County -- The Freeway Complex Fire (FCF). This fire started in the City of Corona on the border of Riverside and Orange Counties, and was driven by fierce Santa Ana winds as it spread quickly on a massive fire front, causing widespread damage in the cities of Yorba Linda, Anaheim, and Corona, as well as to Chino Hills State Park.

The DEIR notes that OCFA released an "after action" report⁴ on the FCF in April 2009, "which provided insight into the factors that were related to fire damage" from the fire. The DEIR also noted that some of the issues of concern during the Freeway Fire, such as inadequate fuel modification zones and homes constructed with outdated fire protection standards, "are being addressed by the OCFA." However, the DEIR does not adequately address the significant traffic congestion impacts that occurred in the neighborhoods of the proposed Project -- including around our schools -- as a result of the evacuation efforts during the FCF. Though not highlighted in the DEIR, the evacuation gridlock impacts associated with the FCF were critical aspects of the OCFA's after action report.

² Orange County Fire Authority (OCFA), 2012, Comment letter on Cielo Vista NOP, August 8, 2012.

³ Dudek, 2013, Fire Protection and Emergency Response Plan, Esperanza Hill DEIR, Appendix J, June, 2013.

⁴ OCFA, 2009, Freeway Complex Fire After Action Report, April 23, 2009.

The FCF After Action Report indicated that within minutes of the fire reaching Yorba Linda, the first of hundreds of homes lost in Yorba Linda burned. The report estimated that 9,000 homes and 24,000 people were evacuated during the fire. The report also stated *“Traffic gridlocked as evacuating residents and incoming emergency apparatus tried to access the same neighborhood streets.”* In addition, the OCFA recounts that *“Because the fire had moved into the area so quickly and without warning, residents in these areas were trying to evacuate while firefighting resources were attempting to gain access.”* Also, the report notes *“extensive evacuation demands put a strain on local law enforcement, requiring mutual aid resources from agencies across the County to assist with evacuation needs.”*

The proposed Cielo Vista project (as well as the adjacent proposed Esperanza Hills development) would result in an increase in the number of residential units in an area that is historically known to be at risk of wildland fires. If a major fire event or another type of emergency were to occur, the additional residents associated with these developments would increase the number of vehicles on the roadways during an evacuation. As previously noted, when such an evacuation occurred during the 2008 FCF, the combination of vehicles evacuating the area and the emergency vehicles attempting to access the area resulted in extreme congestion and delays for the evacuees as well as the emergency vehicles.

There are numerous accounts of the gridlock in the close vicinity of several of our school immediately following the Freeway Fire. One account⁵ follows: *Anecdotal accounts from Yorba Linda residents describe the chaos of trying to evacuate during the firestorm. One resident stated, “people can’t get out on San Antonio... [it was] a huge, huge traffic jam.” When exiting their neighborhoods they also hit gridlock on the major arterial of Yorba Linda Boulevard. One resident who lost his home had no time to even drive his cars out of the driveway. With no car to drive, he ended up directing traffic at Via Del Agua and Yorba Linda Boulevard. Evacuees from his neighborhood couldn’t leave because there was no traffic signal to stop the flow of traffic.*

The proposed residential developments (Cielo Vista, Esperanza Hills, etc.) potentially would aggravate this type of situation by increasing the number of vehicles evacuating the area and adding to the congestion. Traffic evacuating the Cielo Vista Project, for example, would use the three roads mentioned in the above account of traffic gridlock caused by the FCF: Yorba Linda Blvd, San Antonio Road, and Via Del Agua. This Project thus could incrementally impact several of the schools in the Placentia – Yorba Linda Unified School District because the increased levels of congestion during an evacuation could result in increased delays for vehicles traveling to and from the schools to assist the students during an emergency. The District requests that the DEIR analyze the potential incremental impacts of the Project on traffic congestion during a fire evacuation event.

This analysis would be particularly applicable to Travis Ranch K-8 School and Fairmont Elementary School, which are located adjacent to Yorba Linda Boulevard, which is a

⁵ Hills for Everyone, 2012, “A 100 Year History of Wildfires Near Chino Hills State Park,” August 2012.

key evacuation route. Travis Ranch School, for example, is on Yorba Linda Blvd., less than 0.5 mile from San Antonio Rd. and Via Del Agua. Impacts would also be applicable to Yorba Linda High School, which is located on Fairmont Boulevard (which intersects with Yorba Linda Boulevard).

The DEIR addresses Emergency Response impacts and Wildland Fires impacts in the Hazards section (beginning on p. 4.7-25). The evaluation in the DEIR relies on the Fire Master Plan for the project, reviewed and approved by the OCFA. The resulting conclusion of the DEIR is that Emergency Response impacts (Impact 4.7-4) are less than significant. While the DEIR determined that Wildland Fires impacts (Impact 4.7-5) are potentially significant, it concluded they are reduced to less than significant with project design features and mitigation measures -- which largely consist of fuel modification and building features required by applicable codes for developments in VHFHSZ. It is the District's opinion that the DEIR does not adequately evaluate or mitigate the Project's potential incremental impacts from fire evacuation traffic congestion and gridlock, and its associated risks to the safety of our students and staff. We request that the DEIR be revised to address this potential impact.

Consideration of Evacuation and Contingency Planning for Schools

The District requests that the DEIR consider in its analysis of Project impacts the need to evacuate or otherwise protect many hundreds of school children concentrated at each of several individual school sites during a fire evacuation event. Each school will have its own transportation needs and concerns. However, all will involve large numbers of vulnerable school children concentrated in relatively small areas (e.g., staging areas and buses).

On the third and fourth day of the FCF, Community Education Specialists affiliated with the OCFA conducted school programs for the entire school population of two of the elementary schools in Yorba Linda. The programs educated the children on the disaster in their community and helped to allay their fears. The school programs reportedly were very well received by the students and faculty.

The District requests that the DEIR pay similar attention to schools, hopefully *prior* to the next wildfire event, by including a Fire Protection and Evacuation Plan, and calling for a Community Evacuation Plan (CEP) to be submitted to the OCFA for review and approval prior to project approval. In particular, we request that the evaluation of evacuation routes address each of the four schools identified on the attached map (Travis Ranch MS, Yorba Linda HS, Fairmont ES, and Bryant Ranch ES). The evaluations should address, as appropriate, bus storage/staging areas, travel time to and from schools, ingress and egress routes, and potential impacts and mitigation measures for each school.

The evacuation planning efforts also should include a contingency plan should unforeseen circumstances interfere with the preferred option of early evacuation. This contingency plan should consider the safety of school students and staff as well as that of neighboring communities.

The District reiterates its request that the County seek revisions to its environmental analyses to specifically address the Project's potential incremental impacts to students and school staff during a wildfire evacuation. Once the County has appropriately analyzed these Project impacts, the District can work with the County to identify and implement appropriate mitigation measures to reduce these impacts to the greatest extent possible.

Construction Traffic Impacts

The construction activities generated by the proposed project would result in trucks and heavy equipment traveling adjacent to schools in the area, particularly Travis Ranch K-8 School and Fairmont Elementary School, both of which abut Yorba Linda Boulevard. The DEIR anticipates heavy equipment (such as dozers and scrapers on flatbed trucks) will be delivered to the project site intermittently throughout the construction phase based on need, but likely not on a daily basis.

Construction vehicles travelling to and from the project site would generally travel along Yorba Linda Blvd., to Via Del Agua (to access Planning Area 1) and along Yorba Linda Blvd., to San Antonio Road to Aspen Way (to access Planning Area 2). These construction-related vehicles would have an adverse impact on pedestrian safety, pedestrian circulation, and vehicular access to the schools. The project applicant and/or the construction contractors should be *required* to avoid the movement of construction traffic adjacent to these schools except when school is not in session, and/or avoid student arrival and departure times. Further, the project applicant should contact each school to determine the appropriate time periods to avoid construction traffic past each school.

The DEIR identifies as potentially significant the impacts from construction traffic on school pedestrian routes and school access. The DEIR Traffic section (4.14) includes one mitigation measure (MM 4.14-1) and references four other mitigation measures in the DEIR's Public Services section (MMs 4.12-4; 4.12-5; 4.12-6; and 4.12-7) to address this significant impact. The DEIR states that implementation of these five mitigation measures would reduce the potentially significant construction related traffic impacts regarding school routes and access to a less than significant level. The DEIR (p. 4.14-22) further states these five "mitigation measures include on-going communication with school administration; presence of crossing guards and usage of temporary traffic control, signage, and/or flaggers; and avoidance of construction vehicles hauling past the schools, except when school is not in session."

The District appreciates the proposed mitigation measures and is optimistic they will be effective, if implemented and enforced appropriately. However, the only schools mentioned in the referenced mitigation measures are Travis Ranch School and Yorba Linda High School. Fairmont Elementary School also abuts Yorba Linda Boulevard and will be subject to potentially significant construction traffic impacts. Therefore, we request that Fairmont Elementary School be specifically identified and included in the mitigation measures.

In summary, the District requests that the County extend the EIR process, work with the District and the OCFA to address these concerns, then recirculate the revised document. The District restates its commitment to work with the County to solve these issues in a constructive and cooperative manner.

Sincerely,

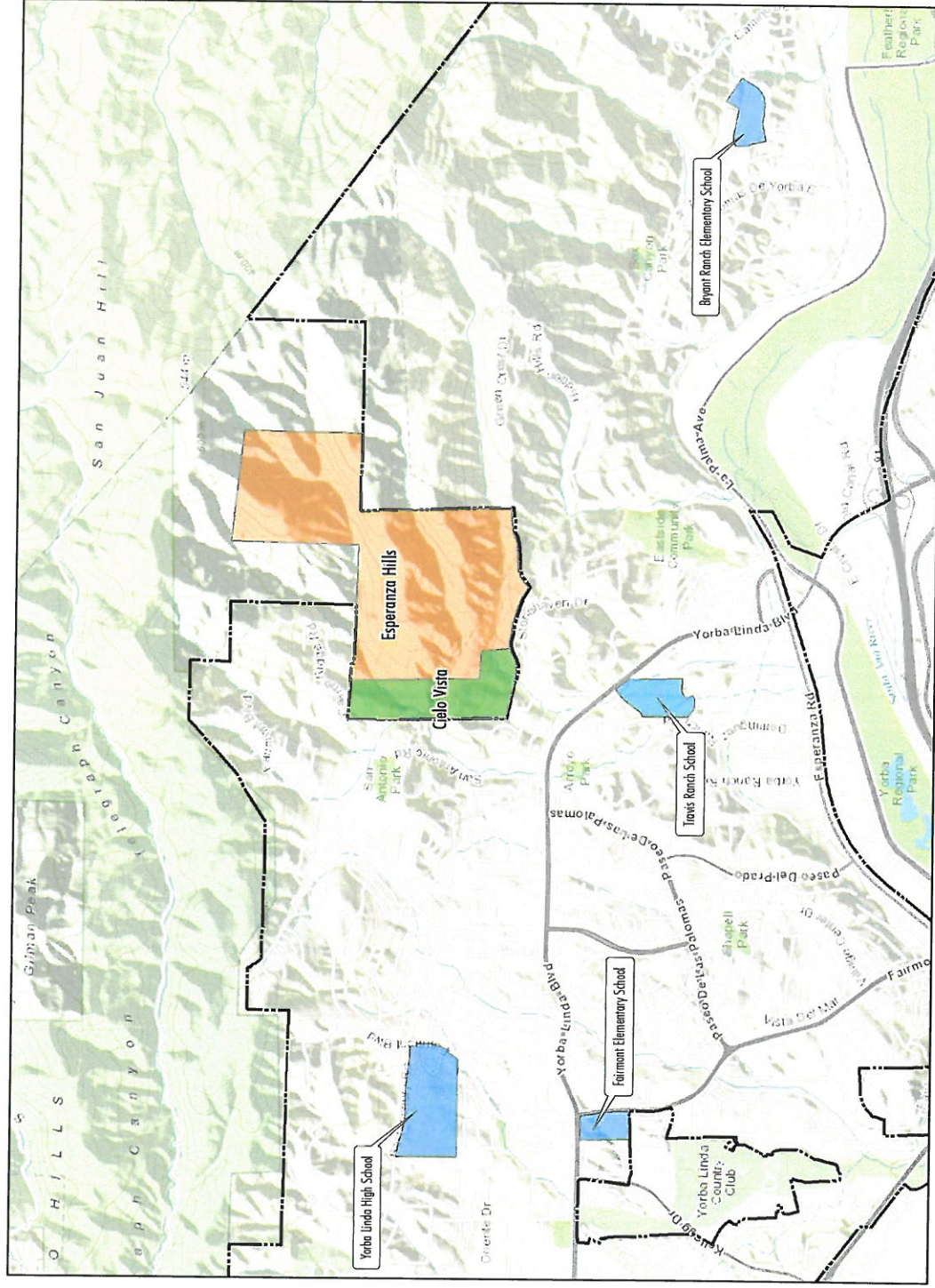


Rick Guaderrama
Director, Maintenance and Facilities
Placentia-Yorba Linda Unified School District
1301 E. Orangethorpe
Placentia, CA 92870

cc: Doug Domene, PYLUSD Superintendent of Schools
File

Enclosures:
Exhibit A – Four PYUSD Schools Near the Proposed Cielo Vista Project

Exhibit A – Four PYUSD Schools Near the Proposed Cielo Vista Project



Source: The Planning Center | DC&E, 2014; ESRI, 2014.

January 7, 2014

LETTER: PYLUSD

Placentia-Yorba Linda Unified School District
Rick Guaderrama, Director, Maintenance and Facilities
1301 E. Orangethorpe Avenue
Placentia, CA 92870
(January 22, 2014)

RESPONSE PYLUSD-1

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE PYLUSD-2

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. This plan specifically contemplates impacts to students within the Placentia-Yorba Linda Unified School District.

RESPONSE PYLUSD-3

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. As noted above, this plan specifically contemplates impacts to students within the Placentia-Yorba Linda Unified School District.

The commenter also requests that the EIR require the preparation of a Community Evacuation Plan to be submitted to the Orange County Fire Authority for review and approval prior to Project approval. Per Comment PYLUSD-3, such a plan would address four schools in the District and evaluate bus storage/staging areas, travel time to/from schools, ingress and egress routes, and potential impacts and mitigation measures for each school. It should also include a contingency plan covering both the District's schools and the larger community in the event that circumstances prevent early evacuation.

Although the County agrees that advance planning for emergency situations is an important pursuit, it respectfully declines to prepare the requested Community Evacuation Plan. The scope of impacts contemplated by that Plan would neither directly nor indirectly result from Project implementation, therefore the County is not obligated to address them under CEQA. (CEQA Guidelines § 15126.2.) The evacuation plan and traffic study addressed in Topical Response 3 appropriately include and account for the schools and students within the Placentia-Yorba Linda Unified School District. The Community Evacuation Plan would more appropriately be the subject of a cooperative effort among the District, City, County, and various emergency response agencies, as opposed to a condition or mitigation measure associated with the Project.

RESPONSE PYLUSD-4

The Draft EIR addressed public service impacts, including impacts on schools, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. This comment requests that the Project's construction-related traffic mitigation measures pertaining to school impacts be revised to include Fairmont

Elementary School, which abuts Yorba Linda Boulevard. Per that comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Pages ES-34 and ES-35. Modify Mitigation Measures 4.12-4, 4.12-5, 4.12-6 with the following changes:

Mitigation Measure 4.12-4 During construction, on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-5 In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-6 During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

Section 4.12, Public Services

1. Pages 4.12-15 and 4.12-16. Modify Mitigation Measures 4.12-4, 4.12-5, 4.12-6 with the following changes:

Mitigation Measure 4.12-4 During construction, on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-5 In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-6 During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety. This mitigation measure to be verified by the Manager, OC ~~Planning~~ Development Services in quarterly compliance certification reports submitted by project contractor.

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ORANGE COUNTY SHERIFF'S DEPARTMENT

INTERNAL MEMO



TO: Ron Tippetts
FROM: [REDACTED]
DATE: January 2, 2014
RE: Cielo Vista Project

General Plan Amendment from 5 to 1B to subdivide and develop 112 single family lots within the unincorporated Yorba Linda Area. This area is north of Yorba Linda Blvd and east of San Antonio Road. Access to this development will be via Aspen Way and Via Del Agua. Planned Area #1 will have 95 homes and is closest to the Via Del Agua entrance. Planned area #2 is closest to the Aspen Way entrance and will have 17 homes.

4.12 PUBLIC SERVICES

4.12(2) Police Protection and Law Enforcement Services

Pages 4.12-6 and 4.12-7 quotes from the City of Yorba Linda Staff Report on the law enforcement contract between the City of Yorba Linda and the Orange County Sheriff's Department (July 17,2012) and identifies Yorba Linda Police Services as the law enforcement provider for The Project.

No Response

4.12 (2) Police Protection and Law Enforcement Services

Pages 4.12-13 states that The Project would generate a population of 358 persons which represents a 0.5% increase in the population served by Yorba Linda Police Services and would not substantially change demand for service and its effect would be, "less than significant."

No Response

Pages 4.12-23 and 24 state that The Project would generate taxes and fees and therefore would avoid potentially significant cumulative adverse impacts on law enforcement services.

As part of the law enforcement services contract, the County of Orange and the City of Yorba Linda currently share the cost of six deputy sheriffs. Adding additional unincorporated patrol area would affect the terms of that contract and that change would have to be addressed by the City of Yorba Linda and the County and should be discussed and evaluated in the EIR document.

4-14 TRAFFIC/TRANSPORTATION

4-14-14 The Highway Capacity Manual (HCM) rates the level of service at intersections by the length of the delay at each intersection during peak hours. Intersections are rated "A" through "F." Via Del Agua and Yorba Linda Blvd is the only street with an "F" rating. Imperial Highway and Yorba Linda Blvd



received a "C" rating. All other intersections in the study received an "A" rating. The study predicts that putting a traffic signal at Via Del Agua and Yorba Linda Blvd would improve that intersection from an "F" to an "A."

According to the study, The Project will not adversely affect any intersections other than Via Del Agua and Yorba Linda Blvd and that adverse impact can be remedied. There is no indication of The Project's impact on traffic during an emergency evacuation of the areas that were evacuated during the Freeway Complex Fire and should be discussed and evaluated in the EIR document.

Pages 4-14-69 and 70 state that The Project would create less than significant traffic impacts and there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles. On page 70, AlertOC and CERT are cited as programs that would assist during an emergency evacuation.

According to the EIR, the Project's impact on traffic volumes during non-emergency periods will be less than significant. There is no indication in the report of The Project's impact on traffic during an emergency evacuation of the areas that were evacuated during the Freeway Complex Fire and this should be discussed and evaluated in the EIR document.

AlertOC has proven to be a valuable tool for the purposes cited in the report. However, there is no indication as to how many of the residences are registered to receive AlertOC messages or if there are any plans to ensure the residents of The Project will be encouraged to sign up and this information should be provided and evaluated in the EIR document.

CERT is listed as a resource that would be utilized during emergency evacuations. CERT is a valuable program for the purpose of preparing people for emergencies but CERT personnel would not assist with evacuations or traffic control during an evacuation and this information should be clarified in the EIR document.

The EIR states that, "the goal of the evacuation plan Lt. Bob Wren unveiled in October 2013 is to prevent the same kind of gridlock that occurred on Imperial Highway, Yorba Linda Blvd., and La Palma Avenue during the 2008 freeway complex fire." Residents would be diverted by deputies southbound from the main east/west streets away from the evacuation zone which will allow other residents to evacuate efficiently and provide access for emergency vehicles.

There is no indication in the report how many additional vehicles could reasonably be anticipated during an evacuation as a result of The Project or how that increased volume or the changes to the roadway as a result of The Project could affect the evacuation of the existing residents in that area.

There is no indication of The Project's impact on traffic during an emergency evacuation of the areas that were evacuated during the Freeway Complex Fire. This should be provided and evaluated in the EIR document.



Cumulative Impacts

The project area not only includes the Cielo Vista project, but it also included the 340 home Esperanza Hills project. Together, the projects present significant evacuation issues. The most significant issue is the limited number of entrance and exit points. There are only four potential entrance and exit points and they all need to be built. In addition, all of the homes from both of the developments need to be able to access all four exits during an emergency evacuation. Both access and egress points on Via Del Agua and both access points onto San Antonio Road (via the easement and via Aspen Way) must be developed.



LETTER: SHERIFF

Orange County Sheriff's Department

Internal Memo

(January 2, 2014)

RESPONSE SHERIFF-1

For law enforcement services, as stated on page 4.12-13 of Section 4.12, *Public Services*, the Project would be subject to a potential development impact fee. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added to further ensure impacts to police services are less than significant. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR to reference Mitigation Measure 4.12-2(B).

Section 4.12, Public Services**1. Page 4.12-13. Modify the last paragraph with the following changes:****(2) Police Protection and Law Enforcement Services**

As discussed in the Existing Conditions above, the Project would be serviced by the OCSD out of the Yorba Linda Police Services Facility located at 20994 Yorba Linda Boulevard (located at Arroyo Park), which is approximately 0.25 miles from the project site. The Project would generate a population of approximately 358 residents. This incremental increase in population, compared to the City's population of approximately 67,000 people, would not create a need for expanding existing facilities or staff, construction of a new facility, or adversely impact types of services provided.¹² With development of the site, patrol routes in the area would be slightly modified to include the site, however, the Department's current adequate response times would not be substantially changed such that response time objectives are compromised in any manner. Thus, impacts regarding police services would be less than significant. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees.

In the event that such a fee is not in place before issuance of grading permits and the Sheriff's Department determines that additional resources are needed to serve the project site, Mitigation Measure 4.12-2B ensures that sufficient facilities will be available for this purpose.

¹² According to the US Census Bureau, the population estimate for the City of Yorba Linda was approximately 67,000 people in 2012. Thus, the Project's population of 358 residents would represent approximately 0.5% of the City's population. Data obtained from the US Census Bureau website: <http://quickfacts.census.gov>, accessed October 17, 2013.

Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

RESPONSE SHERIFF-2

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE SHERIFF-3

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE SHERIFF-4

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE SHERIFF-5

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. This analysis includes and accounts for the development of related projects, including the Esperanza Hills Project, that might contribute to cumulative evacuation impacts.



ORANGE COUNTY FIRE AUTHORITY

P.O. Box 57115, Irvine CA 92619-7115 • 1 Fire Authority Rd., Irvine, CA 92602

Keith Richter, Fire Chief

(714) 573-6000

www.ocfa.org

January 6, 2014

Ron Tippetts
Orange County Planning
PO Box 4048
Santa Ana, CA 92702-4048

Re: Cielo Vista DEIR

Dear Sir,

OCFA previously responded to the DEIR on 12/17/13. The mitigations requested by OCFA have been incorporated into the document; however, it has come to our attention that the Evacuation Plan has not been jointly approved by both the OC Sheriff's Department and OCFA. Please add the following condition to the project:

Prior to grading, the development emergency evacuation plan shall be submitted and approved by the Orange County Sheriff's Department and the Orange County Fire Authority.

All standard conditions and guidelines will be applied to the project during the normal plan review process.

If you have any additional questions, please contact me at (714) 573-6199.

Sincerely,

Michele Hernandez
Management Analyst/Strategic Services Section

LETTER: OCFA

Orange County Fire Authority

Michelle Hernandez, Management Analyst/Strategic Services Division

P.O. Box 57115

Irvine, CA 92619-7115

(January 6, 2014)

RESPONSE OCFA-1

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan.

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Orange County Sanitation District

10844 Ellis Avenue, Fountain Valley, CA 92708

(714) 962-2411 www.ocsewers.com

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Yorba Linda

County of Orange

Costa Mesa
Sanitary District

Midway City
Sanitary District

Irvine Ranch
Water District

January 21, 2014

OC Planning
Attn: Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702

SUBJECT: Draft Environmental Impact Report for the County of Orange Cielo
Vista Project

This letter is in response to the above referenced Draft Environmental Impact Report (DEIR) in the unincorporated area of the County of Orange (County). The County is within the jurisdiction of the Orange County Sanitation District (OCSD).

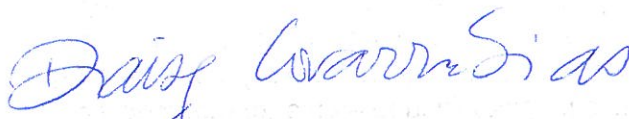
As mentioned, OCSD has several regional sewers in the project area. The Sewer Study included in DEIR provides flow projections; however, the numbers used to calculate the flow are inaccurate and as such reflect a much lower number that is potentially expected from the proposed development.

OCSD requests that the following flow factors be used to accurately reflect the projected flow so OCSD can determine if the regional sewers in the area have the flow capacity to serve the proposed project.

- 727 gpd/acre for estate density residential (0-3 d.u. /acre)
- 1488 gpd/acre for low density residential (4-7d.u. /acre)
- 3451 gpd/acre for medium density residential (8-16 d.u./acre)
- 5474 gpd/acre for medium-high density residential (17-25 d.u./acre)
- 7516 gpd/acre for high density residential (26-35 d.u./acre)

Also, please note that any construction dewatering within the County (public or private) that involve discharges to the local or regional sanitary sewer system must be permitted by OCSD prior to discharges. OCSD staff will need to review/approve the water quality of any discharges and the measures necessary to eliminate materials like sands, silts, and other regulated compounds prior to discharge to the sanitary sewer system.

Thank you for the opportunity to comment on the proposed Cielo Vista Project. If you have any questions, please contact me at 714-593-7119.



Daisy Covarrubias, MPA
Senior Staff Analyst

DC:sa

EDMS:003982800/1.8g



LETTER: OCSD

Orange County Sanitation District
Daisy Covarrubias, MPA, Senior Staff Analyst
10844 Ellis Avenue, Fountain Valley, CA 92708
(January 21, 2014)

RESPONSE OCSD-1

In November 2013, Fuscoe Engineering prepared a report entitled "Sewer System Analysis: City of Yorba Linda Tentative Tract Map No. 17341" based on the more recent OCSD generation factors of 0.0024 cfs per acre, or 0.0005 cfs per DU. This is the equivalent of the 1,488 gpd/acre that OCSD recommended for low density residential uses in Comment OCSD-1. That study concluded that the existing sewer lines are adequate to serve the proposed Cielo Vista Project.

RESPONSE OCSD-2

As discussed in Section 4.8 of the Draft EIR, *Hydrology and Water Quality*, construction dewatering wastes (except stormwater) are regulated as *de minimus* threat discharges to surface waters that are subject to the terms and conditions of Order No. 2009-0030 (NPDES No. CAS618030) Waste Discharge Requirements for Discharges for the County of Orange, and all such dischargers must comply with the effluent limitations specified in the Construction General Permit Order No. 2009-009-DWQ CAS 000002. However, given that historic high groundwater levels within the project site range from 0 to 30 feet and that significant excavation of the canyon areas is not anticipated as part of the Project, dewatering is not anticipated. Regardless, in the unanticipated event that construction groundwater is encountered and dewatering is necessary, the Project would need to comply with the applicable NPDES and Construction General Permits. Further, that County acknowledges that OCSD would need to review/approve the water quality of discharges into the sanitary sewer system, where appropriate per applicable regulatory standards and processes.

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1919 S. State College Blvd.
Anaheim, CA 92806-6114



February 4, 2014

Orange County Public Works Planning Services
300 N. Flower St
Santa Ana, CA 92702

Attn: Ron Tippets

Subject: Environmental Impact Report for Cielo Vista Project Residential Development

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a Public Utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

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

Armando Torrez
Technical Services Supervisor
Orange Coast Region- Anaheim

LETTER: GAS CO

The Gas Company

Armando Torrez, Technical Services Supervisor, Orange Coast Region - Anaheim

1919 S. State College Boulevard

Anaheim, CA 92806-6114

(February 4, 2014)

RESPONSE GAS CO-1

Comment noted. Consistent with Chapter 2.0, *Project Description*, in the Draft EIR, this comment letter acknowledges that the Southern California Gas Company has facilities in the area where the Project is proposed. Gas service to the Project can be provided from an existing gas main located in various locations.

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CITY OF YORBA LINDA

P. O. BOX 87014

CALIFORNIA 92686-8714

(714) 961-7130

FAX 961-7101

COMMUNITY DEVELOPMENT

November 12, 2013

Mr. Richard J. Sandzimier
Deputy Director, OC Public Works
Director, OC Planning Services
300 N. Flower Street
Santa Ana, CA 92703

SUBJECT: CIELO VISTA PROJECT – DRAFT ENVIRONMENTAL IMPACT REPORT (EIR NO. 615)

Dear Mr. Sandzimier:

Please consider this correspondence as the City of Yorba Linda's formal request to extend the Public Comment Period for the Cielo Vista Project Draft EIR (SCH #2012071013) to a minimum of 60 days as provided for in Section 15105(a) of the CEQA Guidelines. The City is requesting that the Comment Period be extended due to the public's need to be given adequate opportunity to review and comment on the Draft EIR. As originally cited in the Notice of Availability (NOA), the Public Comment Period is to run from November 7, 2013 through December 23, 2013. The City of Yorba Linda respectfully requests, that due to the number of legal holidays that fall within this period, that an extension is warranted.

Thank you for your consideration in this matter.

Respectfully submitted,

Steven K. Harris, AICP
Director of Community Development

Cc: Supervisor Todd Spitzer, Third District
Members of the Yorba Linda City Council
Mark A. Pulone, City Manager
Todd Litfin, City Attorney
Ron Tippetts, Planner, OC Planning Services

LETTER: CITY1

City of Yorba Linda – Community Development Department

Steven K. Harris, Director of Community Development

P.O. Box 87014

Yorba Linda, CA 92686-8714

(November 12, 2013)

RESPONSE CITY1-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

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CITY OF YORBA LINDA

P. O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7110

FAX 993-7530

OFFICE OF THE CITY MANAGER

January 22, 2014

Mr. Ron Tippetts, Planner
Current & Environmental Planning Section
COUNTY OF ORANGE
OC Planning Services
P.O. Box 4048
Santa Ana, California 92702-4048

Subject: Comments on the November 2013 Draft Environmental Impact Report for the Cielo Vista Project

Dear Mr. Tippetts:

The City of Yorba Linda has reviewed the County's November 2013 Draft Environmental Impact Report (EIR) prepared for the Cielo Vista Project. Given the proximity of the project site to the City and the potential for the project to affect our communities, residents, and infrastructure, we have identified concerns related to the adequacy of the analysis under the California Environmental Quality Act (CEQA). Several of these concerns were identified within the City's comment letter regarding the Notice of Preparation (NOP) and have not been properly addressed.

The City's comments on the Draft EIR are attached for your consideration and review. The City requests that the County revise the Draft EIR to fully address the attached comments and recirculate the document for public review to ensure compliance with CEQA.

We appreciate the opportunity to review the Draft EIR for the Cielo Vista Project, and request to be included on any future CEQA distribution pertaining to the proposed project. Should you have any questions, please do not hesitate to contact Steve Harris, Director of Community Development at 714.961.7131 or at sharris@yorba-linda.org.

Sincerely,

Mark A. Pulone
City Manager
City of Yorba Linda

GENERAL COMMENTS ON THE DRAFT EIR

1. The Draft EIR concludes that no significant unavoidable impacts would occur as part of the proposed project. The EIR's methodology, particularly in regards to air quality and aesthetics, appear to utilize aggressive assumptions to reach less than significant conclusions. For a project that includes 660,000 cubic yards of grading and substantial landform alteration, it is typical to see a significant impact related to short-term construction pollutant emissions and significant impacts related to scenic vistas and/or visual character.
2. Access for the adjacent Esperanza Hills project is not properly addressed within the Cielo Vista Project Draft EIR. The Esperanza Hills Draft EIR identifies two options for site access, both of which include a primary or emergency access across the Cielo Vista site. A potential access across the Cielo site is addressed in the Alternatives section but nowhere else within the Draft EIR. Consistency between these two EIRs (both of which are within their EIR public review periods) is required.
3. The project's preliminary Fire Master Plan and Fuel Modification Plan are documents that are critical to the Draft EIR and support the project's conclusions regarding wildfire hazards and public safety. These documents are not included in the appendices to the EIR, and as such, the reader cannot verify the methodology, assumptions, and results that are integral to the environmental analysis.
4. All project design features and mitigation measures should use the terminology "shall" when describing verification of enforcement.
5. Each EIR impact section that has a subsection entitled "Cumulative Impacts" should include a "Threshold Statement" that precedes the statement of significance.
6. References to the City of Yorba Linda Community Services should be changed to City of Yorba Linda Parks and Recreation Department.
7. As noted within the City's NOP comment letter regarding the project, the City of Yorba Linda will have discretionary approval authority over the proposed project. As such, the City should be considered a responsible agency for the project under CEQA Guidelines Section 15381.

EXECUTIVE SUMMARY

Page/Section - Specific Comments

1. Page ES-1, Section 1a, Project Location: The location discussion should clarify that the property is situated in the County of Orange, is to be processed through the County and is within the City's Sphere of Influence. The subsection which follows (b. Land Uses) does indicate the site is within the City's Sphere of Influence but the location section should also reference this.
2. Page ES-2, Section 2, Issues Raised During NOP Process: The section summarizes the NOP process but does not reference the NOP scoping meeting on July 19, 2012 (although it is referenced on page 1-2).

3. Page ES-5, Recreation: Impacts on existing and planned “equestrian facilities” gives the impression that equestrian arenas and amenities may be built. Please update to say “planned” equestrian trails.”
4. Page ES-5, Transportation/Traffic: The City of Yorba Linda provided an NOP comment letter that expressed concern regarding the provision of access to the Murdock property (Esperanza Hills) through the project site. This NOP comment should be included in this section.
5. Page ES-7, Last sentence of first paragraph: The word “achieved” should be changed to “achieve.”
6. Page ES-9, Environmentally Superior Alternative, First Sentence: The apostrophe after “No Project” should be deleted.
7. Page ES-10, Table ES-1: The Executive Summary table cites mitigation measures applicable to each impact issue area but does not cite PDFs. If PDFs are being utilized by the County to minimize impacts and are to be incorporated into the Mitigation Monitoring Program for the project, they should also be included in the Executive Summary table. Otherwise, the reader cannot discern how these PDFs minimize impacts relative to the impact conclusions under CEQA.
8. Page ES-30, Water Quality: Add implementation of Low Impact Development and Green Street design features to the Issue column. Revise project impact from Less than Significant Impact to Potentially Significant Impact and identify the proposed water quality mitigation measures and BMPs.

1.0 INTRODUCTION

General Comments

1. This section does not clearly describe the County’s public disclosure process. Subheadings clearly describing scoping/solicitation activities during the NOP review and EIR review should be provided. A subheading describing “Responsible/Trustee Agencies” should also be included, as should an “Incorporation by Reference” section, which should acknowledge the primary reference materials and purpose for use in the Draft EIR.

Page/Section Specific Comments

1. Page 1-3, Third Paragraph: The description of the public review period should be revised in the Final EIR to reflect the extended 75-day public review and adjusted end date of January 22, 2014.

2.0 PROJECT DESCRIPTION

General Comments

1. All roadway sections or street improvements that are not of a public agency standard shall be deemed private streets and privately maintained.

Page/Section - Specific Comments

1. Page 2-2, Paragraph 2: Statements in this paragraph are incorrect. Based on Figure 4.5-1 in the Geology and Soils (Section 4.5), residential lots are overlayed into the fault hazard zone and not just the open space area. The graphic and text require resolution.
2. Page 2-9, Section 4, Project Objectives: The project objectives are overly-specific in that they do not allow for the consideration of a reasonable range of alternatives. For instance, the objectives cite the provision of 36 acres of open space, the construction of single-family residences, and creation of two planning areas. The objectives should allow flexibility to analyze varying alternatives that have the potential to reduce the impacts of the proposed project.
3. Page 2-9, Objective #4: Add drainage and water quality objectives that address protection of drainage facilities, sustainable/low impact development, and the Clean Water Act.
4. Page 2-10, Section b. Access and Circulation: This section should provide a description or discussion of fire/emergency access.
5. Page 2-13, Item 2, Local Streets: Address 11' travel lanes required per Standard 1107, Note 6 for Streets D, E, F. Parking on both sides of the street.
6. Page 2-13, Item 2(a), Streets A and B: Add that Street "A" shall not allow parking and will be signed "No Stopping at Any Time".
7. Page 2-14, c. Grading: The grading discussion specifies 660,000 cubic yards of grading balanced on the site. The discussion also states that export of contaminated soils due to oil operations may be required. The analysis in the EIR should be based on the conservative assumption that the export of contaminated soil will be required (i.e., utilization of a conservative worst-case assumption rather than a best-case assumption). The short-term construction air quality analysis should also reflect this assumption.
8. Page 2-14, Section d. Fire Protection Plan: The paragraph states that the Orange County Fire Authority (OCFA) has approved the Project's preliminary Fire Master Plan and Fuel Modification Plan. This statement should be footnoted and the Plan should be provided as a reference in the EIR Appendices.
9. Figure 2-6, Master Circulation Plan: Traffic calming features shall be considered for all downhill streets.
10. Figures 2-7 and 2-8: Revise references to OCEMA to OCPWD.

11. Figure 2-7 and 2-12: Add the 10' earthen multipurpose trail and enhanced parkway to the Street 'A' roadway section. Fencing shall be provided consistent with surrounding improvements.
12. Figure 2-8: Add a street section for Aspen Way that indicates the 10' wide earthen multipurpose trail and enhanced parkway. Fencing shall be provided consistent with surrounding improvements.
13. Page 2-22, Section e. Utilities and Infrastructure: The description of potable water facilities is limited to a brief discussion of on-site mains within the boundaries of the site. The discussion of off-site facilities defers to future YLWD improvements. Unless the project can operate independently of any future YLWD improvements, the project description should (at a minimum) identify what off-site improvements are required in order to provide adequate potable water and fire flow to the project site.
14. Page 2-23, Off-Site Improvements: The discussion references "minor improvements within the right-of-way of Via Del Agua and Aspen Roads near the Project entrances to provide access to the project site." The EIR should specify exactly what these "minor improvements" consist of as the reader cannot ascertain what impacts may result.
15. Figure 2-12, Primary Entry at Via Del Agua: A landscape plan has been provided for the primary entry at Via Del Agua. A similar plan for the entry to Planning Area 2 at Aspen Way should be provided for the reader's reference.
16. Page 2-28, Section i. Oil Operations: The discussion of oil operations states that the project does not propose the drilling of new oil wells. However, Project Design Feature 7-4 provides regulations for "all new wells drilled in the 1.8-acre oil drilling pad". This discrepancy should be rectified in the project description, and the hazards associated with the drilling of new oil wells must be fully analyzed in the EIR. If the project does not include the drilling of any new wells, a PDF regulating such activities should not be required.
17. Page 2-31, Section 6, Project Design Features: The introductory paragraph should clarify whether Project Design Features will also constitute Project Conditions for Approval.
18. Page 2-37, Section 7, Construction Schedule: The project construction schedule shows a 2.5 to 3 year timeline, commencing in early 2014. The paragraph concludes that the project would be fully occupied in 2015. Please update the construction schedule.
19. Page 2-37, Section 8, Approvals and Permits: This section should include certification of the EIR under the County of Orange.
20. Page 2-38, Section 8, Approvals and Permits: The description of approvals required for YLWD should also cite required sewer connection(s).
21. Page 2-38, Section 8, Approvals and Permits: This section cites a potential pre-annexation agreement with the City in the event annexation occurs. As such, potential LAFCO approvals should also be included.

3.0 BASIS FOR CUMULATIVE ANALYSIS

Page/Section - Specific Comments

1. Page 3-2, Table 3-1: Please verify whether water infrastructure improvements proposed by YLWD under the Northeast Area Planning Study should be included in the list of cumulative projects and associated analysis within the EIR. Since the project relies on such improvements for adequate water service, it appears a listing and analysis is appropriate.
2. Page 3-5, Figure 3-1: Project #1 is labeled "Yorba Linda Estates (Murdock Property)". This does not match Table 3-1, where it is labeled "Esperanza Hills".

4.1 AESTHETICS

General Comments

1. The Draft EIR does not explain the project's viewshed very clearly. The proposed project is a hillside residential project located at higher elevations compared to the larger area. The project site is situated along the urban fringe, as viewed from distant locations toward the San Juan Hills. The Draft EIR should more clearly define the project's anticipated overall viewshed.
2. The proposed project appears to potentially be visible from the eastbound travel lanes of State Route 91 between the State Route 55 Interchange and the Lakeview Avenue Interchange. As this portion of State Route 91 is designated as a State Scenic Highway and a Scenic Viewshed Highway per the County's General Plan, the project's visual impacts to this view corridor must be discussed in the Draft EIR. If this is not the case, the Draft EIR should better clarify why the project is not visible from this location.
3. Confirm that there are no views to the project from Shapell Park and/or San Antonio Park (in the City of Yorba Linda), as well as trails located in the City (see Exhibit RR-2 of the City of Yorba Linda General Plan).
4. Photosimulations appear to use an excessive amount of vegetation growth at maturity. Plant maturity should be considered 10 to 15 years of growth.
5. The cumulative analysis should also consider view impacts as a result of new water facilities (including water tanks) that may be required as a result of future development in the area by the YLWD.

Page/Section - Specific Comments

1. Page 4.1-1, Introduction: The paragraph references site surveys and photographs in the spring and summer of 2012. Given the time that has elapsed, the photographs should be updated to depict current conditions.
2. Page 4.1-1, 2nd Paragraph, 3rd Sentence: Update this sentence based on the general viewshed comments made above.

3. Page 4.1-1, 2nd Paragraph, 4th Sentence: Update this sentence based on the general viewshed comments made above. Further, if Section 2(a) of Section 4.1 the Draft EIR discusses County scenic highways, although they are claimed to be not visible, then Section 1 should also discuss the State Scenic Highway Program.
4. Page 4.1-1, 3rd Paragraph: Update this paragraph based on the general viewshed comments made above.
5. Page 4.1-1, 4th Paragraph: This discussion should mention what scenic resources are called out by the County's General Plan. The analysis cannot determine whether or not scenic vistas are present and encompass the project site without clarifying this information.
6. Page 4.1-1, Last Paragraph: This discussion should mention what scenic resources are called out by the City's General Plan. The analysis cannot determine whether or not scenic vistas are present and encompass the project site without clarifying this information.
7. Page 4.1-2, 1st Paragraph: This discussion should summarize what types of regulations/standards that would be imposed on the Project should the Project be annexed into the City of Yorba Linda.
8. Page 4.1-3, 1st Paragraph, 1st Sentence: This discussion mentions a visually prominent scenic ridgeline. However, the regulatory framework does not outline what this is and how it is regulated. If this is not specific terminology that triggers regulatory action, then it should be defined via a footnote here.
9. Page 4.1-3, 2nd Paragraph: This paragraph suggests that since the hillsides are not unique, they are not visual resources. However, if these hillsides are part of a larger ridgeline that is enjoyed by the public, the uniformity of those vast ridgelines may be considered the scenic resource. Further, as the City of Yorba Linda does have a Hillside Development Ordinance, although other residential developments are present, this suggests that preservation of the hillsides is important for visual resource protection purposes for the City of Yorba Linda. Please revise this discussion accordingly.
10. Page 4.1-3, 3rd Paragraph, 3rd Sentence: Update this sentence based on the general viewshed comments made above. This analysis of existing conditions needs to have a better explanation of the Project's viewshed. Further, as the Project is located along the hillsides and the City of Yorba Linda has a Hillside Development Ordinance, it is anticipated that any public views, particularly from parks, trails, and/or scenic highways, could be considered scenic vistas and more detailed information needs to be included in the Draft EIR in order to come to conclusions regarding impacts to scenic vistas.
11. Page 4.1-3, 4th Paragraph: This discussion should include a methodology for view selection. Due to the nature of the proposed project (hillside development). Longer views encompassing the project site should have been included (specifically from parks and/or scenic highways) in order to better illustrate the degree of visibility the project site offers. Further, the "after" project conditions should not be presented in the existing conditions.

12. Page 4.1-3, 5th Paragraph: This discussion mentions local trails. The Draft EIR fails to clearly identify where the existing trails in the area are (particularly in the City of Yorba Linda) and where the proposed trails could be. This information is key to identifying potential scenic vistas as well as impacts to the character/quality of the site and surrounding community.
13. Page 4.1-5, 3rd Paragraph: This paragraph discusses the methodology used to analyze scenic views. The Draft EIR states that this analysis is based on the evaluation of visual simulations. However, no information is provided on how the locations for photosimulation were selected or how the photosimulations were prepared are provided. Further, this methodology notes that an analysis of whether or not scenic resources are afforded are mentioned; however, as discussed above, the Draft EIR fails to discuss scenic resources in both the regulatory framework and existing conditions of this section.
14. Page 4.1-6, 1st Paragraph: This discussion should include consideration of light spillover onto adjoining properties.
15. Page 4.1-7, PDF 1-9: This PDF references the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. However, this ordinance is not identified in the regulatory framework of this section.
16. Page 4.1-8, Scenic Vista/Visual Character and Visual Quality: These thresholds have been combined in this analysis. However, based on the methodology discussed on page 4.1-4 (section a), these analysis use different criteria to determine significance. Since the scenic vistas analysis only considers public views and the degradation of character/quality analysis considers a change in the overall landscape, these analyses should be broken up for clarification purposes.
17. Page 4.1-9, (1) Construction: This analysis should clearly define who would have views to construction activities. Would views only be afforded from residential uses, roads, and trails in the immediate vicinity, or would views include more distant views from Scenic Highways, parks (in the City of Yorba Linda), roads, and/or trails?
18. Page 4.1-9, 3rd Paragraph: This analysis does not specify what the construction duration would be, thus it is not clear how this reduces the impact. Further, the conclusion states that construction disturbance activities are commonplace nature in its interruption to surrounding views to and across the site and character/quality of this site. It is not clear what this means. If this is referring to the existing disturbance activities on-site this information needs to be provided. The existing site disturbance is for minimal oil disturbance activities that do not significantly alter the existing character of the site. However, major earthmoving activities and vegetation removal would appear significantly different than the existing condition. The Draft EIR should be revised to clarify this conclusion statement.
19. Page 4.1-9, Section (2) Operation: A comparative analysis of the project density, when compared to adjacent residential areas should be presented.
20. Page 4.1-11, 1st Paragraph, 1st Sentence: A reference to an Area Plan is made. However, neither the Regulatory Framework, nor the PDFs, mention an Area Plan, what it is, or what it requires or suggests. Please clarify this information.

21. Page 4.1-9 through 4.1-11, Aesthetic Character: This analysis does not describe the existing character of the site and then compare it to the resultant character of the site upon project completion (as described in the methodology section on page 4.1-5). This analysis fails to include a discussion of the project's consistency with the City of Yorba Linda's Hillside Development Ordinance, which is intended to protect views toward the hillsides. Further, this analysis does not adequately describe the character of the surrounding residential neighborhoods and whether or not the project would result in a similar character as the surrounding community. Further, this analysis does not explain any of the required retaining walls as part of the Project, where they are located, how high they would be, and what type of wall would be required. For hillside residential projects, these walls can be as high as 30 feet or higher. Thus, these hardscape features would be highly visible and would impact the character/quality of the site.
22. Page 4.1-11, Last Paragraph: Update this discussion based on the general viewshed comments made above.
23. Page 4.1-11, (3) Scenic Views: If the scenic vistas analysis is conducted based on photosimulations (per the methodology discussed on page 4.1-4 and 4.1-5) and photosimulations have been prepared, this suggests that scenic vistas are afforded. However, if they are not, this section should be revised accordingly and the analysis of photosimulations should be moved to the character/quality analysis. Further, this analysis needs to be updated per the comments submitted above with regards to visual resources.
24. Figure 4.1-2: The existing view has equestrian trail fence, but in the proposed view the fencing is eliminated. Please verify whether the trail fence would be removed as part of the proposed project.
25. Page 4.1-25, Scenic Resources: This analysis is incorrect in assuming that no scenic resources are on-site. The project site is located in the hillsides, which are considered scenic by the City of Yorba Linda, County of Orange, as well as the State of California (via the designated State Scenic Route, which calls out a view corridor toward the hills). This analysis needs to be updated to take into account the general viewshed and visual resources comments provided above.
26. Page 4.1-25, Light and Glare: County Ordinances related to construction and lighting are presented but there is no reference to City standards, codes and requirements, which should also be presented in this analysis.
27. Page 4.1-26, 2nd Paragraph, 2nd Sentence: This sentence needs to be updated to include the proposed traffic signals as well. Further, this analysis needs to be updated to take these project features into consideration.
28. Page 4.1-27, Mitigation Measure 4.1-1: This mitigation measure requires clarification. Please clarify the definition of what Manager of Permit Services (County?), and the statement "confined to the premises". These terms are unclear as presented in the text.
29. Page 4.1-27, (1) County of Orange General Plan: This discussion should be updated based on the general viewshed comments made above.

30. Page 4.1-27, Consistency with County Of Orange and City of Yorba Linda Plans and Policies: Each consistency review section should be set up consistent with other EIR subsections, including a statement of the threshold, an impact statement and a conclusion at the end of the subsection with regard to the finding of significance/mitigation.
31. Page 4.1-27, Policy 6: This discussion should be updated to reflect the character/quality comments provided above. The specific character of the surrounding community should be considered to determine if the project's character is compatible.
32. Page 4.1-28, Policy 5: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance in order to demonstrate that the proposed grading activities would be maintaining the County's hillside views.
33. Page 4.1-29, Goal 1 and Policies 1.2 and 1.3: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance in order to demonstrate that the project is preserving/protecting the visual quality of the hillside areas.
34. Page 4.1-30, Policy 7.5: This discussion needs to specify how steep slopes and important natural resources have been properly delineated.
35. Page 4.1-30, Policy 8.2: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance.
36. Page 4.1-30, Policy 8.6: This consistency analysis states that generally, visual quality impacts are not considered significant because implementation of the proposed residential development would not result in a significant loss of an important view and/or would not significantly impact designated unique or important aesthetic elements. This statement is incorrect. This is true for scenic vistas analysis; however, not for an analysis of the degradation of character/quality. The Draft EIR must determine if a project degrades the quality of the site and its surroundings. This analysis must be updated accordingly.
37. Page 4.1-30, Goals 8 and 9, and Policies 8.1, 9.1, and 9.2: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance.
38. Page 4.1-31, Table 4.1-3: This consistency analysis should be updated to specifically discuss what grading techniques are proposed to achieve compliance with the ordinance. This analysis should also specify what types of retaining walls will be required as part of the proposed project and how those new walls would be compliant with this ordinance.
39. Page 4.1-32, Table 4.1-3, Yorba Linda Hillside Development Zoning Code Regulations D-4 through D-7: The regulations pertaining to PDFs, house styles, heights, roof elements, colors, and construction materials should be considered in the project analysis pertaining to character/quality in order to aid in a determination of whether or not the proposed Project is consistent with the surrounding hillside communities.

40. Page 4.1-33 through 4.1-34, 3rd and 4th Paragraphs and 1st Paragraph: This viewshed analysis should be updated based on the general viewshed comments above. The overall cumulative visual impact of these projects with the proposed Project, as seen from distant views (such as parks located in Yorba Linda) and those afforded along SR-91 should be fully disclosed in the Draft EIR.
41. Page 4.1-34, 3rd Paragraph, 3rd Sentence: Refer to comment above regarding an Area Plan noted, but not referenced in the regulatory framework or project design features discussions.
42. Page 4.1-35, References: All references used throughout the impact section should be cited.

4.2 AIR QUALITY

General Comments

1. The Air Quality Assessment uses an outdated version of the CalEEMod model. The analysis should be updated with the latest version (version 2013.2.2).
2. Pursuant to guidance issued by the Office of Planning and Research, the construction analysis should address Naturally Occurring Asbestos. Refer to: http://opr.ca.gov/planning/publications/asbestos_advisory.pdf.

Page/Section - Specific Comments

1. Table 4.2-1, Ambient Air Quality Standards: Please update the Ambient Air Quality Standards table. CARB posted an updated version on June 4, 2013.
2. Page 4.2-9, Wind Patterns and Project Location: This section should include a discussion of the local meteorological conditions and should include a wind rose map.
3. Page 4.2-13, Last Paragraph: This table references the incorrect name for Table 4.2-3.
4. Table 4.2-3, Project Area Air Quality Monitoring Summary 2009-2011 Monitoring Data: This table should include the monitoring data for year 2012.
5. Page 4.2-16: OFFROAD2001 is referenced instead of OFFROAD2011.
6. Page 4.2-18, Second to Last Paragraph: The Traffic Study is referenced as being available in Appendix K. The reference should be changed to Appendix L.
7. Page 2-14 and Figure 2-10: Indicate that the project would require 560,000 cubic yards of cut and fill for PA-1 and 100,000 cubic yards of cut and fill in PA-2. However, the volume of earthwork is not referenced in Draft EIR Section 4.2 (Air Quality) or Appendix B (Air Quality Study). Please confirm that the CalEEMod run conducted for the project incorporates a sufficient number of equipment and vehicle trips for this volume of earthwork. It should be noted that CalEEMod does not include specific input categories for cut and fill that is balanced on-site. Therefore, it is necessary to include cut and fill in the material imported and/or exported categories and set the hauling trip length to an appropriate distance for moving material across the site.

8. Page 4.2-24, Localized Construction Emissions Impacts: To ensure that localized particulate matter emissions are below thresholds, the following details should be added to Mitigation Measure 4.2-1:
- Apply water and/or approved nontoxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).
 - Replace ground cover in disturbed areas as quickly as possible.
 - Enclose, cover, water three times daily, or apply approved chemical soil binders to exposed piles with 5 percent or greater silt content.
 - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
 - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
 - Sweep streets at the end of the day.
 - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip on a gravel surface to prevent dirt and dust from impacting the surrounding areas.
 - Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
 - Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
 - All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.
 - All delivery truck tires shall be watered down and scraped down prior to departing the job site.
 - Visible dust beyond the property line which emanates from the project shall be minimized to the extent feasible.

4.3 BIOLOGICAL RESOURCES

Page/Section - Specific Comments

1. Page 4.3-6, Section b. Existing Conditions: The first paragraph of this section indicates that the biological survey and mapping for the site was conducted in May 2012. The typical standard for reviewing agencies, such as State Fish and Wildlife, is for surveys

and mapping within one year of the Draft EIR public review. In this case the information is over a year and updates to the baseline information on conditions should be provided.

2. Page 4.3-31, Mitigation Measure 4.3-1: The measure references FESA and CESA permitting and on/offsite replacement and/or enhancement of least bell's vireo habitat. The measure goes on to list the possibilities for the off-site mitigation. The mitigation has an element of deferment to the permitting process and there should be more specific information on the possible actions, where offsite replacement/enhancement would occur. Otherwise the mitigation cannot be considered viable without further validation.
3. Page 4.3-39, Mitigation Measure 4.3-2: Similar to Mitigation Measure 4.3-1, the emphasis is to the permitting process and an element of deferral.
4. Page 4.3-43, Cumulative Impacts, Paragraph 3: The reference in paragraph 3 is to "Related Project No. 1". It is recommended that the cumulative section be consistent with other references and call out the cumulative project by name, and in this case, this would be the Esperanza Hills project.
5. Page 4.3-45, Paragraph 4: First sentence refers to the "Missing Linkages report". It is unclear what this report entails as it is not referenced or footnoted and no details are provided.

4.4 CULTURAL RESOURCES

Page/Section - Specific Comments

1. Page 4.4-8, Section (d) Pedestrian Survey: This section does not provide details on the pedestrian survey methodology, including extent of transects. Please provide these details.
2. Page 4.4-11, Mitigation Measure 4.4-1: Please clarify what is meant by "spot check observations".
3. Page 4.4-12, Mitigation Measure 4.4-4: How does this mitigation measure work? Who takes responsibility if archaeological resources are encountered when the monitor is not present?
4. Page 4.4-13, Mitigation Measure 4.4-5: The measure refers to a "qualified paleontologist". Qualified by whom?

4.5 GEOLOGY AND SOILS

Page/Section - Specific Comments

1. Page 4.5-6, Figure 4.5-1: Graphic entitled Preliminary Geologic Map overlays residential lots within the Whittier Fault Zone/Fault Rupture Hazard Zone. The zone has been noted for rupture, liquefaction, seismic settlement, slides and moderate soil expansion potential.

2. Page 4.5-13, Section c. Project Design Features: The section states that “There are no specific Project Design Features (PDFs) that relate to potential geology and soils impacts”.
3. Page 4, 5-14, Section (1) Fault Rupture: The section acknowledges that the Alquist Priolo Earthquake Fault Zone Act prohibits the construction of buildings for human occupation across the fault trace and a minimum 50 foot setback is required. The section further acknowledges that the site plan shows some residential lots proposed within the hazard zone. The section further states that potential residential structures would be located at a distance of greater than 100 feet from the Fault Trace however the specific location of the fault trace has not been determined. Thus there has not been any level of geotechnical review, subsurface investigations and analysis to support the viability of the plan, in consideration of geologic conditions.

The section relies on mitigation measure 4.5-1 requiring design level geotechnical review and subsurface investigations to identify the trace location. The section concludes that with mitigation measure 4.5-1, impacts are reduced to less than significant levels. This analysis is deficient as a proper subsurface analysis has not been conducted at this time and is a deferment to a later date. It remains unclear with regard to significance and if the analysis is inadequate. It is not clear how it can be concluded that there is the ability to implement a project of this type without verification of geologic conditions, especially in terms of safety consideration. The referenced mitigation should occur as a part of the draft EIR and not deferred to a later time.

4. Page 4.5-21, Table 4.5-2, Policy 1.1: The consistency review for policy 1.1 in Table 4.5-2 references the potential for liquefaction and states design level parameters to address liquefaction can include over-excavating/recompacting and other measures. The discussion goes on to refer to replacement fill and other “engineering solutions.” The problem again here is deferring and not having complete information presented in the Draft EIR. For example, if there is the determination substantial earthwork beyond what has been identified in the EIR is required, then the resulting construction air emissions may be higher than analyzed. Thus, further CEQA review may be required, based on the deferred subsurface analysis and pending final site specific design level geotechnical investigation referenced in mitigation 4.5-1.

4.6 GREENHOUSE GAS EMISSIONS

General Comments

1. The Greenhouse Gas Assessment uses an outdated version of the CalEEMod model. The analysis should be updated with the latest version (version 2013.2.2).

Page/Section - Specific Comments

1. Page 4.6-22, Mobile Sources: This paragraph references the incorrect Appendix (references Appendix K) and date (references July 2012) for the Traffic Study.

4.7 HAZARDS AND HAZARDOUS MATERIALS

General Comments

1. Throughout the analysis of this section, chemicals of concern (COCs) are discussed, analyzed, and mitigated. It is noted that petroleum-related hydrocarbons (PHCs) are not COCs, as these are not regulated by the EPA, pertaining to CERCLA. This analysis should be revised/updated to note whether or not PHCs are also a concern.

Page/Section - Specific Comments

1. Page 4.7-5, (3) Regional/Local: The Air Quality Management District's Rule 1166 needs to be added to this analysis as it pertains to regulations of methane gas in soil during construction activities, which are later discussed in the analysis.
2. Page 4.7-11, 2nd Paragraph, Last Sentence: The ASTM standard should reference "E 1527-00" not "E1528-05". Please note that as ASTM no longer recognizes E 1527-00 as a current standard, this standard has been replaced with E 1527-13 Standard Practice for Environmental Site Assessments as of November 2013.
3. Page 4.7-17, 3rd Paragraph, 2nd Sentence: Replace the word "including" with "included".
4. Page 4.7-17, 3rd Paragraph, Last Sentence: Delete the word "Please" at the beginning of the sentence.
5. Page 4.7-19, 1st Paragraph following PDFs: Delete the word "Please".
6. Page 4.7-19, d. Analysis of Project Impacts, Hazardous Materials: This analysis needs to include a discussion of long term operation impacts associated with oil drilling activities continuing on-site. What types of hazardous materials used as part of these operations, if any, need to be disclosed. Use, storage, and/or transport activities associated with these materials/waste need to be included. Potential impacts of exposure of these materials to new on-site residence should be discussed.
7. Page 4.7-20, Risk of Upset, 1st Paragraph: This discussion was already included in the previous Hazardous Materials analysis and should be deleted from this discussion.
8. Page 4.7-21, 2nd Paragraph: This discussion needs to be updated to reflect impacts to both future residents as well as construction workers.
9. Page 4.7-24, Mitigation Measure 4.7-4, 2nd to Last Sentence: Repword text to state, "Also, DOGGR shall be contacted to perform a 'Construction Site Review' of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these distances and not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR."

10. Page 4.7-25, Existing On-Site Hazards: This heading should be renamed to “Existing Cortese Listings”, as this is what this threshold is addressing. This analysis should be rewritten to just identify if the project site is listed on the existing Cortese regulatory database, which it is not. This information is provided in existing conditions and should just be re-stated accordingly.
11. Page 4.7-26, 2nd Paragraph: This discussion should clearly identify whether or not the OCFA has reviewed the proposed site access plans and confirmed that the proposed emergency site access is adequate for the OCFA to adequately serve the site. This information should also be cited via footnote.
12. Page 4.7-27, 1st Paragraph: This discussion needs to be updated to reflect the fact that the 2008 fire did not have enough fire flow (based on the existing conditions discussion of the Draft EIR) and that new water facilities will be required to serve the project site, including adequate fire flow. This discussion should also cross reference the cumulative analysis, where the future water facilities to serve the project site and surrounding proposed development needs to be added.
13. Page 4.7-27, 3rd Paragraph: This discussion needs to also note that the proposed project will be a gated community. The analysis needs to mention how the OCFA will access the gated community during an emergency.
14. Page 4.7-27, 3rd Paragraph, Last Sentence: This statement needs to be footnoted with a source.
15. Figure 4.7-1: Indicate the potential emergency ingress/egress location for the Esperanza Hills development on the Fire Master Plan.
16. Page 4.7-33, 1st Paragraph, 3rd Sentence: The Mitigation Measure 4.7-7 requires the construction of six-foot high block walls/radiant heat walls at the bottom of a portion of the fuel modification zone. These required wall features are omitted from the aesthetics section of the Draft EIR. Per CEQA Guidelines, secondary impacts resulting from required mitigation measures must be considered in the Draft EIR. Further, the Draft EIR needs to include these wall features in the photosimulations, if visible. If not, this needs to be stated.
17. Page 4.7-33, 3rd Paragraph, 6th Sentence: The Aesthetics Section of the Draft EIR needs to confirm that the plant palette used for the photosimulations includes that required for the fuel modification zones, as statement claims that the entire project site will be re-vegetated, which would require a substantial amount of vegetation disturbance.
18. Page 4.7-34, 2nd Paragraph: This discussion needs to be updated to include the existing fire flow deficiency for the project area and anticipated water facility infrastructure needed, then this discussion should cross reference the cumulative analysis for further information. The cumulative analysis needs to be updated accordingly. The Aesthetics Section needs to be updated to reflect potential water facilities (including water tanks).
19. Page 4.7-35, Mitigation Measure 4.7-10: This mitigation measure should be discussed in the construction analysis presented above.

20. Page 4.7-36, Policy 3: The project consistency response does not clarify what rating the project achieves.
21. Page 4.7-38, Policy 3.3: The document references should cross reference the appropriate appendix.
22. Page 4.7-38, Goal 4 and Policy 4.3: The document references should cross reference the appropriate appendix.
23. Page 4.7-40, 2nd Paragraph: This discussion needs to include the anticipated water infrastructure project needed to serve the project site and surrounding area.

Comments on Appendix G, Hazardous Materials Assessment:

1. Confirm that potential contamination from the four former aboveground storage tanks utilized for storage of crude oil was considered.
2. The Avanti ESA states that the contaminants noted were consistent with that of a typical oilfield setting, but whether or not this is adequate for residential uses is not discussed.
3. The Phase I and Phase II Investigations, conducted by Phase One Inc., were prepared consistent with ASTM E 1527-00 and per Section 1.4 on page 1-4, the only exceptions to the rule were identified as accessibility of the site and interview questionnaires. However, it is noted that the terminology used to define a minor, medium, and major environmental concern for RECs is a deviation to the rule. The rule does not include these definitions.
4. The Phase I and Phase II Investigations, conducted by Phase One Inc., makes note of the on-site aboveground storage tanks, but does not provide any findings or opinions as to their conclusion that the tanks have not resulted in a REC. These tanks have been present since at least 1981. Further information regarding potential contamination from on-site tanks should be included.
5. It is unclear if on-site sampling events including consideration of on-site tanks.

4.8 HYDROLOGY AND WATER QUALITY

General Comments

1. The maps provided do not accurately show the proposed or existing streets (they are referenced in the text) and there is no graphic that shows the Planning Areas on the hydrology map.

Page/Section - Specific Comments

1. Page 4.8-9 last paragraph, 1st Sentence: Refers to a large natural area west of the project site, which is apparently named Wire Springs Canyon (also not noted on the hydrology map), however the area appears to be east of the development, not west of the development.

2. Page 4.8-9, Last 2 Paragraphs: Discuss that the increases in flow to the channel adjacent to San Antonio Road and the existing Storm Drain in Stonehaven Drive can accept the flow increases without significant impacts; however, the CEQA drainage Study only discusses the impacts to the existing storm drain in Stonehaven. The impacts to the channel along San Antonio also need to be addressed.
3. Page 4.8-14, 1st Paragraph, refers to the Drainage Study and Technical Memorandum conforming to Section B.4 of Orange County Hydrology Manual: The hydrology presented in the two studies follows the high confidence methodology for the analysis of the 2- and 10- year events. For mitigation and impact purposes, the study should be comparing the 2 and 100-year expected value events in accordance with the 1995 Orange County Hydrology Manual Addendum No. 1.
4. Page 4.8-17, Item 2, WQMP Features: Provide Green Street design BMPs and Low Impact Development design BMPs throughout the project site. The project shall implement the Low Impact Development design process to the project to arrive at the appropriate BMPs. Preferred site treatment options shall be applied to the maximum extent possible.
5. Page 4.8-22, PDF 8-4: Please show the streets in an exhibit within this section of the document.
6. Page 4.8-22, PDF 8-5: The document should refer to a water surface from a specific storm event.
7. Page 4.8-32, Policy 3.2: The document needs to address the potential for downstream erosional impacts associated with Debris Basins on Existing Creek C in the north area. The reduction in sediment due to development and the debris basins has the potential to significantly impact the stability of the downstream channel.

Comments on Appendix H, Conceptual WQMP/Hydrology Analysis

1. Note that Subarea S-4 appears to drain to a separate drainage not directly tributary to Creek A based on topography and google earth imagery. Please provide a clear discussion as to how the area in the existing conditions drains east to the existing storm drain in Stonehaven.
2. Justify the use of TR-55 and hand hydrograph calculations. Why are two different models used? The document should clearly state the purpose of both of the calculations.
3. Note that onsite rational method calculations were performed but not used in the CEQA documentation. What is the purpose of the calculation? The calculations were made using AES version 14.3. The current version of AES is 18.1. Justify the use of older software.
4. The WQMP shows calculations for the hydromodification basin and the LID volume requirements for the north area and add them together, note that only the larger of the two volumes is required.

5. Hydrograph calculations for both the 2 and the 100-year events should be before the expected value events as noted above.
6. The documents mention preparing the hydrographs in conformance with the Orange County Hydrology Manual Section B.4. Section B.4 discusses the development of the precipitation for the hydrograph analysis. While hand calculation methods are accepted by the County, the AES Unit Hydrograph Model is the County's preferred method of calculating mitigation hydrographs. It appears that the hand calculations utilized the Intensity data from the rational method procedure rather than the depth data in Table B.2 or for expected value calculation in Tables 1 and 2 of the Hydrology Addendum. If the hand calculations are used, they should conform to the example shown in Section E of the Orange County Hydrology Manual.
7. While the Orange County Hydrology Manual mentions the use of the lag imperial formula, it clearly states in Section E.3 Item 2, that the formula $Lag=0.8T_c$ (based on the rational method T_c) is the preferred method. Therefore, justification for the use of the empirical formula and concurrence from the County on its acceptability should be provided.
8. Justify the use of the Foothill S-graph in the hydrograph development.

4.9 LAND USE AND PLANNING

Page/Section - Specific Comments

1. Table 4.9-1, Project Consistency with Orange County General Plan: Policy 1 Balanced Land Use – The consistency statement states the project proposes single family homes in an area designated for suburban residential land uses. It does not account for the proposed GPA and how the project will maintain balanced land use.
2. Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 1.1 – The consistency statement does not consider that by introducing a greater density than anticipated by the City's General Plan for this specific site, it could contribute to an increase in the overall average density in the City. This should also be addressed in the Cumulative Impacts discussion.
3. Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 1.2 – The consistency statement relies on the overall acreage for the Murdock/Travis Property in stating the number of units proposed would be potentially consistent; however, the proposed project (the topic of this Draft EIR) does not involve development of the remaining portions of the property and specific development within the remaining portion of the Murdock/Travis Property (other than Esperanza Hills) is not currently known/proposed. The consistency statement should consider the amount of acreage specific to the proposed project to determine density, which is not consistent with the average density of 1.0 dwelling units per acre identified by the City's General Plan. The combined development of the proposed project site and Murdock/Travis Property (specifically, Esperanza Hills) should be addressed in the Cumulative Impacts discussion, as Esperanza Hills is identified as a cumulative project.
4. Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 7.4 – Refer to comment regarding Policy 1.2, above.

5. Page 4.9-2: Under Safety Element subheading, second sentence – remove “are” after “other hazards”.
6. Page 4.9-3: Under Growth Management Element subheading, first sentence – replace “is” with “are” after “the natural environment”.
7. Page 4.9-4: Second full paragraph beginning with “The City’s General Plan...” – capitalize “Resources” in reference to the Recreation and Resources Element of the City’s General Plan.
8. Page 4.9-8: Last paragraph – capitalize “Amendment” in reference to “General Plan Amendment”.
9. Page 4.9-19 and 4.9-20, Cumulative Impacts: The project’s individual cumulative contribution to the City’s overall average density along with the other cumulative project’s should be addressed.
10. Page 4.9-20: Sentence beginning with “In the case of the Esperanza Hills Project...” – replace “requires” with “require”.
11. Page 4.9-20: Sentence beginning with “That project would be at a density...” – remove “the” before “Murdock/Travis Property”.

4.10 NOISE

General Comments

1. No noise measurements were conducted to quantify the existing on- and off-site acoustical environment. These measurements should be performed to provide the reader with background regarding existing ambient conditions.

Page/Section - Specific Comments

1. Page 4.10-9, Stationary Noise Sources: The existing on-site oil wells are not included in the discussion of existing stationary noise sources.
2. Page 4.10-11, Methodology: The “Off-Site Traffic Noise Impacts” is under the “Construction Noise Impacts” heading. This discussion should be separated.
3. Page 4.10-17, Mitigation Measures: In order to further reduce construction related noise impacts, the following measures should be incorporated as mitigation:
 - Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

- Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, are implemented where feasible.
 - Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.
 - Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.
4. Page 4.10-24, On-Site Traffic Noise Impacts: The FHWA Traffic Noise Model (TNM) 2.5 should be used to calculate on-site traffic noise levels. It is far more accurate than the FHWA-RD-77-108 model that was used and takes topography, background noise, and the site plan into account.
5. Page 4.10-27, Groundborne Vibration and Noise: Based on the level of construction activities that are planned, the qualitative vibration analysis is insufficient to demonstrate that a vibration related impact would not occur during construction. The anticipated vibration levels should be quantified from the nearest grading activities to the closest off-site structures. A suitable threshold could be the Federal Transit Administration architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second Peak Particle Velocity).

4.11 POPULATION AND HOUSING

Page/Section - Specific Comments

1. Page 4.11-1, Subsection 3, Regional Housing Needs Assessment (RHNA): Delete "A Regional Housing Needs Assessment" and remove the brackets from RHNA.
2. Page 4.11-2, First Sentence beginning with "According to ..." and Table 4.11-1: Should be moved to "b. Existing Conditions."
3. Page 4.11-3, Table 4.11-2: Table should note increases and percentages for clarification with the text description.
4. Page 4.11-3, Table 4.11-3: Table information needs to be clarified with the paragraph below, percentages in paragraph do not directly translate to the percentages in table.
5. Page 4.11-3, 2nd to Last Paragraph: Replace 34 percent with 35 percent.
6. Page 4.11-4, Table 4.11-4: The table should note increases and percentages for clarification.

7. Page 4.11-4, Subheading a. Methodology, Last Sentence: This discussion should also clarify that this would be similar to that for the City of Yorba Linda per footnote 6 on page 4.11-8.
8. Page 4.11-5, Subheading Population Growth: The Threshold Statement wording differs from Section b on page 4.11-4.
9. Page 4.11-5, 1st Paragraph, 2nd Sentence: This sentence needs to clarify which criteria is relevant (the calculation that is lowest or highest), as the lowest maximum allowable density would be 1,912, which would result in a worst case increase of population on-site by 304 persons (18 dwelling units [du] * 41 acres * 2.59 persons per du). Revise this discussion accordingly. Update footnote 4 accordingly.
10. Page 4.11-5, Subheading Population Growth, 2nd Paragraph: This discussion states that the project helps the County meet their RHNA housing allocations, but does not clearly state what the County's existing deficiencies are and what categories the Project fills. Thus, it is not clear how the Project meets the RHNA allocations. Based on the surrounding community, the general area appears to adequately supply moderate and above moderate income levels, the Project does not appear to supply a variety of housing opportunities in the area.
11. Page 4.11-6, Table 4.11-5, Policy 3 Housing Densities: Refer to comment above regarding the RHNA allocations.
12. Page 4.11-7, Table 4.11-6, Goal 3 and Policy 3.1: Refer to comment above regarding the RHNA allocations.
13. Page 4.11-8, 1st Paragraph, Last Sentence: Refer to comment above regarding the RHNA allocations, as it pertains to cumulative impacts as well.
14. Page 4.11-9, Subheading 4. References: California Department of Finance. There is now 2013 data available in order to have current estimates.

4.12 PUBLIC SERVICES

Page/Section - Specific Comments

1. Page 4.12-5, Last Paragraph: Please clarify that the four service calls per day on average is calculated per station.
2. Page 4.12-8, Paragraph 2: What is the existing libraries service ratio that serves the project site, and is the current condition adequate to serve the area?
3. Page 4.12-10, Subheading Fire Protection and Emergency Medical Services: The 1,460 calls annually should match with existing conditions. This comment also applies to footnote 13.
4. Page 4.12-10, 7th Sentence: Should cite a source (such as the OCFA) for this statement.

5. Page 4.12-10, Last Sentence: Should this read 7 minutes and 20 sec (like existing conditions) or 5 minutes? Please clarify.
6. Page 4.12-11, 1st Paragraph, Last Sentence: This analysis suggests that improvements and equipment are necessary to serve the project site, but do not generally discuss what those needs are.
7. Page 4.12-11, 2nd Paragraph, 3rd Sentence: This discussion suggests that the fire flow water requirements in the area not being met as a result of the existing demand. Based on Page 4.15-21, Mitigation Measure 4.15-1, of the Draft EIR, future improvements associated with the Northeast Area Planning Study are required prior to construction of the project. The Draft EIR should clearly identify if the proposed project is reliant on some or all of these project components for development. If so, considerations of whether or not this is CEQA “piecemealing” must be included. If this is a separate project, then cumulative considerations throughout the Draft EIR (such as aesthetics [view impacts to new water tank features], wildfire, and fire protection services) should be included.
8. Page 4.12-12, Last 3 Sentences of 2nd Paragraph: This discussion should provide more detail regarding whether or not there are adequate site access for fire services to adequately serve the project site, particularly in the event of a fire. This analysis should cite a specific source from OCFA confirming that the site would be served by adequate fire access.
9. Page 4.12-13, Sentence 2: It states that service response timeframes can be met but is the equipment and facilities adequate to meet the timeframe?
10. Page 4.12-13, Mitigation Measure 4.12-1: Revise the last sentence to state, “This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the Project, to the satisfaction of the Fire Chief.”
11. Page 4.12-13, Mitigation Measure 4.12-2: This mitigation measure references electric operating gates which were not discussed anywhere in the analysis. Please include this project information in the emergency fire access analysis provided in this section.
12. Page 4.12-13, Subheading Police Protection and Law Enforcement Services, Sentence 4: Please add the word “Project” before the word “site”. Delete the word “Department’s” and replace with “OCSD’s”. Further, clarify how much of a “substantial” change there will be in response time objectives.
13. Page 4.12-14, Subheading (3) Schools, (a) Operation: Add the word “School” after “Travis Ranch.” Also, this is over-enrolled already and the project exacerbates this condition. This section needs to better disclose to what extent the project would be exacerbating this impact prior to discussing the mitigation measure.
14. Page 4.12-15, Subheading Mitigation Measures: Delete the word “Please” before “refer.”

15. Page 4.12-14, Mitigation Measure 4.12-4: The Draft EIR should cross-reference this Mitigation Measure with the Traffic Management Plan mitigation measure to ensure consistency.
16. Page 4.12-19, Table 4.12-4, Policy 3: None of this discussion specifies exactly how the project is achieving consistency with this policy and the ISO standard.
17. Page 4.12-19, Table 4.12-4, Goal 1: Delete “Orange County Sheriff’s Department” and replace with “OCSD.”
18. Page 4.12-19, Table 4.12-4, Objective 1.1: Delete the word “Please.”
19. Page 4.12-19, Table 4.12-4, Policy 1 Land Use Review: Replace “...as discussed in Section 4.12, Public Services,” with the terminology, “this EIR Section,”.
20. Page 4.12-20, Table 4.12-4, Orange County Public Library, Goal 1: What is the existing libraries service ratio that serves the project site and is the current condition adequate to serve the area?
21. Page 4.12-21, Table 4.12-5, Goal 10: What are the standards of the school district that this policy is referring to? This consistency analysis does not clearly discuss how the project is achieving this policy.
22. Page 4.12-21, Table 4.12-5, Policy 10.1: Delete the word “please” in the last sentence.
23. Page 4.12-21, Table 4.12-5, Goal 10.2: Delete the word “please.”
24. Page 4.12-21, Table 4.12-5, Goal 10.2: Incorporate more information regarding to what extent the project would be exacerbating impacts to schools prior to discussing the mitigation measure.
25. Page 4.12-22, Table 4.12-5, Policies 5.2 and 5.3: The Draft EIR should also provide this in the impact analysis that discusses police protection services earlier in the Section.
26. Page 4.12-23, Subheading (1) Fire Protection and Emergency Medical Services: This analysis should also consider the potential cumulative impacts of providing water services to this area.
27. Page 4.12-23, Subheading (1) Fire Protection and Emergency Medical Services, 3rd Paragraph: This section should include correspondence information with the OCFA discussing their opinion on whether or not their anticipated facilities can accommodate this growth.
28. Page 4.12-24, Subheading (3) Schools, 1st Paragraph: There is no mention of overcrowding of the elementary school and to what extent the cumulative impacts would exacerbate this impact prior to discussing the payment of school fees. This section should also specify how many students the cumulative growth would result in since the increased number of persons is known.

29. Page 4.12-25, Subheading (4) Libraries, 1st Paragraph: This section should include specific impacts to library service performance criteria since the increased number of persons is known.

4.13 RECREATION

General Comments

1. Please refer to the City's Parks and Recreation Master Plan Update as "The City of Yorba Linda DRAFT Parks and Recreation Master Plan Update". Since the March 21, 2013 reference and posting of the document it has been revised numerous times. Significant changes have been made in particular to the Park In-lieu requirements and parkland inventory. Please view the Council Meeting and Staff Report from January 7, 2014 in regards to the Park In-lieu updates. The next posting and review of the DRAFT Parks and Recreation Master Plan Update will be at the Parks and Recreation Commission Meeting on February 20, 2014. The entire document will be presented at this time, not just Chapter 3 and Chapter 6.
2. To clarify, there is reference throughout the document about making accommodations for the planned trails in the "project" and dedication of easements for these sections. However, who should be building or improving these trails? Will the developer also provide money to complete or improve the trails? If so, will the money go to the County and then to the City? Ultimately who will build these trails in the project and potentially the connector trails just outside the project? For example, see Mitigation Measures 4.13-1 and 4.13-2 and page 4.1-3, fifth paragraph.
3. Can any of the 36 acres of undeveloped open space be graded for a neighborhood park and dedicated to the City in order to assist with the City of Yorba Linda's Neighborhood/Community Park deficiency? Refer to PDF 1-4, and page 4.1-29, Table 4.1-2.

Page/Section - Specific Comments

1. Page 4.13-1: First paragraph, first sentence – "vicinity of the project site" should be revised to say "City of Yorba Linda."
2. Page 4.13-1, (1) Quimby Act: Add final sentence to this paragraph referencing the County's parkland acreages goal and state the City's parkland acreage goal of 4 acres per 1,000. This is mentioned later in the section but would also be useful here.
3. Page 4.13-2, OC Parks Strategic Plan (2007): How is the Strategic Plan relevant to the regulatory framework of the project if there is no plan associated with the project to implement require components (e.g., trails, bikeways)?
4. Page 4.13-2, County of Orange Code of Ordinances, Title 7: Note that the City's Municipal Code Title 17 and Park in-lieu fees have been updated as of January 7, 2014 and will go into effect February 20, 2014.
5. Page 4.13-4: First paragraph, third sentence – "...the City's recommended parkland standard if 15 acres..." replace "if" with "is".

6. Page 4.13-4, fourth paragraph: This paragraph will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting.
7. Page 4.13-6, last paragraph: Revise reference to Figure 4.13-1 to Figure 4.13-2.
8. Table 4.13-1: This table will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting.
9. Page 4.13-11, first paragraph: The discussion of trails should identify who will be responsible for construction of the trails and potential connectors.
10. Page 4.13-11, (a) Methodology: It is unclear if this methodology accounts for City of Yorba Linda requirements. There is a reference to a "Local Parks Code" but it is unclear what agency's code this is.
11. Page 4.13-11, Threshold 2: The word "requires" should be replaced with "require".
12. Page 4.13-11: Last sentence – add "to" between "applicable" and "parks".
13. Page 4.13-12, Item 2(d): Provide a figure that indicates the alternative routes for the continuation of Trail 35a across Planning Area 2 and Trail 36 through Planning Area 2 to the existing City trail staging facility at Casino Ridge Road.
14. Page 4.13-12, Item 2(d), first paragraph, second to last sentence: This sentence should be revised to clarify that the Level 2 demand for San Antonio Park was only in relation to adding parking (and not physical expansion, which is not possible).
15. Page 4.13-12: First full paragraph, first sentence – add "by" between "operated" and "OC Parks".
16. Page 4.13-12: Last paragraph, first sentence – move "park" to after "neighborhood".
17. Page 4.13-12: Last paragraph: This paragraph will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting.
18. Pages 4.13-12 through 4.13-16, Analysis of Project Impacts: The analysis acknowledges potentially significant impacts to City of Yorba Linda park facilities and states that Mitigation Measure 4.13-1 would reduce the impact to a less than significant level. It is unclear how payment of fees to the County will reduce the potential impact to City of Yorba Linda park facilities, which the analysis acknowledges could be significantly impacted by the proposed project. The nearest neighborhood park, San Antonio Park, is located within the City and would most likely be used by residents of the proposed project. This park has been identified as having a current demand for expansion or improvements to the park in the City's CIP. The mitigation measure should demonstrate how the payment of park fees will specifically be used to provide neighborhood parkland that will serve the proposed project area or make improvements to existing neighborhood parkland, within the City of Yorba Linda.

19. Page 4.13-16, Mitigation Measures 4.13-1 and 4.13-2: These measures indicate that the developer would provide fee for parkland acquisition as a means to adhere to the Quimby Act. However, there is a need to: 1) obtain additional land; and 2) enact an impact fee that would then also require the construction of the park that would help with the City's Neighborhood/Community Park deficit. The EIR should specify whether the City would receive these fees directly or as a pass-through through the County.
20. Table 4.13-3, Project Consistency with Yorba Linda General Plan: Goal 3, Policy 3.1, Goal 4, Policy 4.1, and Policy 1.5: Refer to the comment on Pages 4.13 through 4.16, above.
21. Page 4.13-19, Cumulative Impacts, 2nd Paragraph: The reference to in-lieu fees should be further defined as it is unclear whose standards would be utilized.
22. Page 4.13-19, Cumulative Impacts: Refer to the comment on Pages 4.13-12 through 4.13-16, above.

4.14 TRAFFIC/TRANSPORTATION

General Comments

1. Peak hour factors (PHF) were not applied in the ICU analysis of the study intersections under any of the analysis scenarios. Therefore, the reported ICU calculations are reflecting a better LOS than what existing and future peak hour operations should reflect. Peak hour factors are usually applied in the ICU 2000 and HCM 2000 methods of intersection analysis to take into account the peaking characteristics of traffic within the peak hour. It is usually based on the peak 15-minute period. The application of peak hour factors in ICU analysis is discussed in the Federal Highway Administration (FHWA) *Signalized Intersections: Informational Guide* (August 2004).
2. Peak (95th percentile) queue lengths should be evaluated at the southbound approaches of the intersections of Yorba Linda Blvd./San Antonio Way and Yorba Linda Blvd./Via Del Agua to determine if peak queuing will potentially block access to and from side streets immediately north of the intersections. A queuing analysis should also be provided for the westbound approach of Aspen Way to San Antonio Road. There are two residential units on the north side of Aspen Way and a nearby cul-de-sac (Willow Tree Lane) that may have access blocked during the morning peak periods.
3. The estimated Opening Year date of 2015 may be outdated; the consultant should work with project applicant to obtain a revised project completion date. The revised project Opening Year date would need to be revised throughout report where referenced.
4. The Peak Hour Intersection Level of Service analysis tables should show the change in the ICU ratio and HCM delay between the "without project" and "with project" scenarios. Furthermore, the "with project" analysis tables should include columns indicating whether or not the change in ICU ratio or HCM delay is significant.
5. The project applicant shall be responsible for installing a traffic signal at the intersection of Yorba Linda Blvd. and Via del Aqua in compliance with the City of Yorba Linda standards.

6. The existing eastbound left turn lane at the intersection of Yorba Linda Blvd. and Via del Agua may not be able to accommodate the projected future left turn traffic. Further analysis must be conducted to address this issue. The intersection of Yorba Linda Boulevard and San Antonio eastbound left turn capacity needs to be reviewed for the Esperanza Hills Development Option 2 alternative as well.
7. The Project must provide justification that it has the legal right to require third parties to extend Aspen Way or Via Del Agua to connect to the Project.
8. The City's existing traffic signal system is running on time-of-day plans and it is not capable of handling special signal timing required for fire emergency evacuation. The Cielo Vista Project should contribute fair-share funding towards the cost to upgrade the City's current traffic signal system to a traffic responsive system.

Page/Section - Specific Comments

1. Page 4.13-12, Item 2(d): Provide a figure that indicates the proposed routes for the continuation of Trail 35b through Planning Area 1 of the project site. Show the Street "A" crossing at the open space and north/south route along Street "A" crossing Stonehaven Drive and joining the existing earthen multipurpose trail. Fencing shall be provided consistent with surrounding improvements.
2. Comments on Appendix L, Traffic Study, are provided below. These comments also apply to Section 4.14, Traffic/Transportation of the Draft EIR and should be updated accordingly.

Comments on Appendix L, Traffic Study

1. Page 8, Paragraph 1: Unacceptable LOS F at the intersection of Yorba Linda Boulevard/Via Agua occurs during the AM peak hour, not PM peak hour, under Existing conditions. In third sentence, "as measure" should read "as measured."
2. Page 18, Exhibit 3-1: Defacto right-turn lanes should not be designated at the northbound and westbound intersection approaches of San Antonio Road/Aspen Way. Curb parking is allowed along both approaches and therefore the defacto lane may occasionally be blocked by parked vehicles. In addition, the westbound lane width is 18 feet, which is less than the minimum required width of 20 feet to include a defacto lane. This intersection should be re-evaluated for each scenario without the defacto right-turn lanes.
3. Page 21, Section 3.2 – Congestion Management Program Compliance: Please correct typo in second sentence of first paragraph from "...element f the CMP..." to "...element of the CMP...".
4. Page 22, Section 3.4 – Transit Service: It should be stated that transit service will not be provided within a reasonable walking distance of the project site (1/4 mile or less).
5. Page 31, Section 3.6 – Existing (2012) Traffic Volumes: Traffic counts for this analysis were collected over 18 months ago and may no longer be valid for reflecting current traffic conditions. Please provide justification for using older counts, or collect new counts to update the traffic analysis and EIR.

6. Page 35, Exhibit 3-12: The intersection of Yorba Linda Boulevard/Via Del Agua should show an acceptable LOS (LOS D) during the p.m. peak hour under existing conditions.
7. Page 36, Table 3-1: Remove defacto right-turn lane designation at Intersection #7 (San Antonio Road / Aspen Way). Also remove from all tables in report and in traffic analysis model.
8. Page 39, Section 4.0 – Projected Future Traffic: In the last sentence of Paragraph Two, the assumption that the proposed project would be constructed and fully occupied by 2015. The year 2015 was the anticipated completion date in early 2012 when the traffic study was initiated but is now outdated. The traffic consultant should obtain a revised completion date for the proposed project from the project applicant.
9. Page 43, Exhibit 4-1: The exhibit should show trip distribution percentage for eastbound trips between Paseo De Las Palmas and San Antonio Road.
10. Page 47, Sub-Section 4.4.1 – Employee Trips: First paragraph states that employee trips were estimated on the number of employees, but no trip estimates are provided. The second paragraph states that the impacts of construction-related employee trips are less than significant, but based on what? Please provide some basis for why the employee trips would not result in significant traffic impacts.
11. Page 47, Sub-Section 4.4.2 – Heavy Equipment: Last paragraph states that if heavy equipment delivery and removal occurs outside of peak traffic hours, then impacts are less than significant. This paragraph should be revised to state that if the recommended delivery/removal of heavy equipment outside of peak hours is not implemented, then the impacts may be significant. This recommendation should also be stated as a project mitigation measure during the construction phase of the project.
12. Page 48, Section 4.5 – Background Traffic: The estimated Opening Year date of 2015 may be outdated; the consultant should work with project applicant to obtain a revised project completion date.
13. Page 48, Section 4.6 – Cumulative Development Traffic: The cumulative projects list and analysis may need to be updated to account for other projects that may be completed by the revised Opening Year date of the proposed project.
14. Page 49, Table 4-3: The occupancy percentages of the cumulative developments may need to be revised to reflect an updated Opening Year date of the proposed project.
15. Page 53, Section 4.8 – Opening Year 2015 Conditions: Opening Year date and analysis may need to be revised to reflect updated project completion date.
16. Page 56, Section 4.9 – Horizon Year 2035 Conditions: Horizon Year 2035 peak hour turning movement volumes may need to be revised to reflect any adjustments to the Opening Year volumes based on a revised project completion date under Opening Year conditions. In addition, if justification for using outdated 2012 traffic counts cannot be provided and new counts need to be collected, the post-processing of 2035 turning movement volumes will need to be revised to reflect updated existing conditions.

17. Page 65, Section 5.4 – Project Mitigation Measures: Last sentence of first paragraph should be revised; instead of stating that project traffic “has the potential....potentially resulting...”, this sentence should clearly state that the addition of project traffic WILL result in a significant impact at the intersection of Via del Agua / Yorba Linda Boulevard.
18. Page 65, Section 5.4 – Project Mitigation Measures: In second paragraph, first sentence, “as measure” should read “as measured”.
19. Page 67, Section 6.0 – Opening Year 2015 Traffic Analysis: As indicated in previous comments, the Opening Year date and analysis may need to be revised to reflect an updated project completion date.
20. Page 78 (Section 6.5 – Project Mitigation Measures): Last sentence of first paragraph should be revised; instead of stating that project traffic “has the potential....potentially resulting...”, this sentence should clearly state that the addition of project traffic WILL result in a significant impact at the intersection of Via del Agua/Yorba Linda Boulevard.
21. Page 78, Section 6.5 – Project Mitigation Measures: In second paragraph, first sentence, “as measure” should read “as measured”.
22. Page 80, Subsection 6.6.1 – Opening Year 2015 Traffic Volume Forecasts: In last sentence of paragraph, please provide space between “6.14” and “show”.
23. Page 93, Section 7.3 – Intersection Operations Analysis: Horizon Year 2035 forecast peak hour turning movement volumes may need to be revised to reflect any adjustments to the Opening Year volumes based on a revised project completion date under Opening Year conditions. In addition, if justification for using outdated 2012 traffic counts cannot be provided and new counts need to be collected, the post-processing of 2035 turning movement volumes will need to be revised to reflect updated existing conditions. As a result, there may be new project-related impacts that are currently not identified in this section.
24. Page 118, Section 8.2 – Access for Emergency Response Vehicles: There is no discussion of how the project will impact emergency evacuation time for the surrounding areas that will share access. Also, under the scenario where the Esperanza Hills Project (378 DU's) will share access with Cielo Vista via Aspen Way, the combined dwelling unit count will exceed the 150-unit threshold for only one fire apparatus access road. Where will the additional fire access road(s) be provided?
25. Page 118, Sub-Section 8.3.1 – Sight Distance Criteria: In first sentence of first paragraph, “County of Orange” should be replaced with “Caltrans”. This section appears to provide conflicting information. The first paragraph states that only the minimum stopping distance was evaluated for Street “A” / Via Del Agua, yet the second paragraph describes the criteria used to evaluate intersection corner sight distance.
26. Page 119, Sub-Section 8.3.3 – Sight Distance Assessment at Street “A” at Via Del Agua: The sight distance analysis should indicate whether the minimum sight distance required (280 feet) is based on the minimum corner or stopping sight distance. The prevailing or posted speed used in determining the minimum sight distance required should also be stated in this section. Please include the County's *Standard Plan No. 1117* in the technical appendix of the report.

5.0 ALTERNATIVES

General Comments

1. It is difficult to discern the reason(s) the selected alternatives were carried forward for analysis. This issue is further complicated by the fact the Draft EIR determined that no significant unavoidable impacts are expected to occur. Each selected alternative should include a statement regarding why it was selected and what impacts it is intended to eliminate or reduce.
2. The Draft EIR analyzes an alternative with a reduced impact area but with a higher unit count, in addition to an alternative with a reduced density but with a larger impact area. A true “reduced density” alternative (one that analyzes a reduced unit count with an equal or smaller impact area) should be included within the EIR.

Page/Section - Specific Comments

1. Page 5-4, Alternative Location: The Draft EIR dismisses an alternative location on the grounds that the selection of another parcel in the site vicinity would likely result in similar or greater impacts than the project. This statement is unsubstantiated – for instance, one of the City’s primary concerns regarding the proposed project is limitations on site access for the project site and adjacent Esperanza Hills property. An alternative site may provide for multiple points of access that reduce impacts related to daily and emergency use. An Alternative Location should be further analyzed and substantiation should be provided for the rejection of any such alternative.
2. Page 5-8, (n) Transportation/Traffic: The conclusion that the No Project/No Development Alternative would result in greater impacts than the proposed project is misleading. This conclusion is based upon a single study intersection rather than the traffic impacts of the project as a whole. Other study intersections would be adversely affected by project traffic, and such impacts would not occur under the No Project/No Development Alternative.
3. Page 5-9, Alternative 2 (Planning Area 1 Only Alternative): This alternative assumes development within Planning Area 1 only. While the County’s existing development standards allow between 0.5 to 18 dwelling units per acre, this Alternative arbitrarily assumes 2 dwelling units per acre (which is higher than the project’s density of 1.3 dwelling units per acre). A substantiation for the selection of 2 dwelling units per acre should be provided, and how this density is appropriate in regards to the intent under CEQA to analyze a range of alternatives that eliminate or reduce the impacts of the project.
4. Page 5-10, (b) Air Quality, Third to Last Sentence: Insert “to” between the words “Due” and “the.”
5. Page 5-14, (f) Global Climate Change, Second to Last Sentence: Insert “with” between the words “inconsistent” and “the.”
6. Page 5-16, First Paragraph: The Draft EIR concludes that impacts related to land use and planning would be significant and unavoidable for the Planning Area 1 Only Alternative. Additional substantiation is required to support this conclusion. This

alternative would require fewer land use entitlements than the proposed project so it is unclear how this significance conclusion was reached.

7. Page 5-20, (b) Air Quality: The Large Lot/Reduced Grading Alternative would result in less overall grading.
8. Page 5-29, Contested Easement Alternative: It is unclear why the EIR includes analysis of the "Contested Easement" Alternative. From a CEQA perspective, this Alternative has no potential to reduce any environmental impacts associated with the proposed project.

6.0 OTHER MANDATORY CEQA CONSIDERATIONS

Page/Section - Specific Comments

1. Page 6-7, (i), Recreation: As within comments on Section 4.13, clarification and/or negotiations are required in regards to parkland quantity and quality in order to have an outcome that best meets the needs of the community and the surrounding residents. Again, there are limited park improvements available, therefore adequate parkland dedication and construction would be beneficial.

LETTER: CITY2

City of Yorba Linda – Community Development Department

Mark A. Pulone, City Manager

P.O. Box 87014

Yorba Linda, CA 92686-8714

(January 22, 2014)

RESPONSE CITY2-1

This comment provides general comments on the Draft EIR regarding impact conclusions presented in the Draft EIR, and generally comments on the assumptions utilized in the Draft EIR in making impact conclusions pertaining to air quality and aesthetics. The commenter states that a project that includes as much grading as the project typically results in a significant impact related to short-term construction pollutant emissions and significant impacts related to scenic vistas and/or visual character. The commenter does not, however, provide any data, references or other evidence to support these comments. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) For detailed individual responses to the topics raised by the commenter, please refer below to Responses City2-42 to City2-88 regarding the aesthetics analysis in the Draft EIR. Please refer to Responses City2-89 to City2-98 regarding specific comments on the air quality analysis presented in the Draft EIR. Also, the commenter is referred to Response SCAQMD-2 for a discussion of cubic yards of cut and fill in the air quality analysis. The Draft EIR fully and adequately evaluates the project's potential environmental on air quality and aesthetics and includes information sufficient to allow the decisionmakers to intelligently take account of environmental consequences. (CEQA Guidelines § 15151.)

RESPONSE CITY2-2

This comment correctly notes that the Esperanza Hills Draft EIR identifies two options for site access, both of which include primary or emergency access across the Cielo Vista site. As described in the Esperanza Hills Draft EIR, access Option 1 calls for emergency ingress and egress “through the adjacent Cielo Vista property” while Option 2 “will require an access and grading easement over the Cielo Vista property or other legal entitlement.” (Note that the Orange County Board of Supervisors approval of the Esperanza Hills Project on June 2, 2015 authorized Option 2B and Modified Option 2, and not Option 1.)

The easement relied upon for Option 1—a 50-foot wide strip that traverses in a north-south direction through Cielo Vista Planning Area 1. At the time of preparation of the Draft EIR, the easement was being contested through litigation brought by the Esperanza Hills Project Applicant. Further, at the time the Draft EIR was prepared, no court of law had rendered a decision on the existence of the claimed easement. On September 2, 2014 the Superior Court of California for the County of Orange issued its tentative decision in *Yorba Linda Estates, LLC vs. Virginia Richards as Trustee of the Virginia Richards Revocable Intervivos Trust dated May 1, 1986*. That decision determined that a non-exclusive 50-foot wide easement existed in favor of the plaintiff. The existence of this easement was analyzed as a possibility in the Cielo Vista Draft EIR as an alternative (the “Contested Easement Alternative”). With respect to Option 2 and Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be

speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-3

This comment incorrectly states that the preliminary Fire Master Plan and Fuel Modification Plan are not included as appendices to the Draft EIR. Appendix G of the Draft EIR includes these documents, in addition to the *Fire Behavior Analysis Report* prepared for the Project. Further, these documents will be provided to the City for their review prior to their final approval.

RESPONSE CITY2-4

This comment suggests using the terminology “shall” in the project design features and mitigation measures when describing verification of enforcement. Although all mitigation measures are required to be fully enforceable, and must be monitored to ensure they are implemented pursuant to Public Resources Code Section 21081.1, the comment is acknowledged and the MMRP will use “shall” when describing verification of enforcement, as appropriate.

RESPONSE CITY2-5

This comment states that each cumulative impact sub-section in the Draft EIR include a “Threshold Statement” that precedes the statement of significance. The cumulative impact analysis is based on the requirements set forth in Section 15130, *Discussion of Cumulative Impacts*, in the CEQA Guidelines. The context for analyzing cumulative impacts is described in Section 3.0, *Basis for Cumulative Analysis*, of the Draft EIR. As discussed therein, CEQA *Guidelines* Section 15130(b) indicates that the analysis of cumulative impacts shall reflect the severity of the impacts and the likelihood of occurrence, but the discussion need not provide the same level of detail as is provided for the impacts attributable to the project alone. A lead agency is not required to provide evidence supporting every fact underlying the EIR’s evaluation of cumulative impacts nor is an exhaustive analysis required. (*Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th, 1383, 1404.) Instead, the discussion of cumulative impacts is guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of the other projects which do not contribute to the cumulative impact. Moreover, an EIR need not follow any particular format as long as it contains the information required by CEQA and CEQA Guidelines. (CEQA Guidelines § 15160.) CEQA does not require a specific format for an EIR’s analysis of cumulative impacts nor does it specify that the analysis be set forth in any particular place in the EIR. (See *Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411, fn 7 [stating that the analysis may be set forth either in a section on cumulative impacts or elsewhere in the EIR].) While the discussions of cumulative impacts for each environmental issue discussed in Chapter 4.0 of the Draft EIR do not specifically state a “Threshold Statement,” the analyses of cumulative impacts assume that potential impacts associated with the related projects being evaluated would be subject to the same or similar thresholds of significance used to evaluate project-specific impacts, which are already listed in each environmental issue section within Chapter 4.0 of the Draft EIR.

RESPONSE CITY2-6

Per this comment, references to City of Yorba Linda Community Services will be changed to the City of Yorba Linda Parks and Recreation Department. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Pages ES-36. Modify Mitigation Measure 4.13-2 with the following changes:

Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

Chapter 4.13 – Recreation

1. Page 4.13-1. Modify 1st paragraph with the following changes:

This section analyzes the potential impacts of the Project on recreational facilities and resources, including parks, trails, and bicycle facilities, in the County of Orange and in the vicinity of the project site. The analysis provides a description of the existing recreational facilities and resources within the project area, relevant policies pertaining to recreation, and analyzes the potential impacts. Information in this section is based in part on the County of Orange General Plan (2005), the Orange County Parks Strategic Plan (2007), the County of Orange Code of Ordinances (Local Park Code), the Orange County Parks Website, the City of Yorba Linda General Plan (1993), the City of Yorba Linda Parks and Recreation Master Plan Update Report (memorandum dated March 21, 2013), and the City of Yorba Linda ~~Recreation and Community Services Department Website~~ website.

Chapter 4.13 – Recreation

1. Pages 4.13-16. Modify Mitigation Measure 4.13-2 with the following changes:

Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

Chapter 6.0 – Other Mandatory CEQA Considerations

1. Page 6-7. Modify last paragraph with the following changes:

Mitigation Measure 4.13-1 requires the Project Applicant to pay applicable park in lieu fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. Payment of such fees would not result in secondary environmental impacts. Mitigation Measure 4.13-2 requires that the Project Applicant coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks to identify potential planned trail alignments through the project site, as identified in

the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. As the final site plan can accommodate such a trail(s), no secondary environmental impacts would occur.

RESPONSE CITY2-7

A "Responsible Agency" is a public agency other than the Lead Agency which has discretionary approval power over the Project. (CEQA Guidelines § 15381.) The City is a responsible agency for purposes of the Cielo Vista Project.

RESPONSE CITY2-8

Per this comment's request for clarification regarding the property location, a reference to the location within the City of Yorba Linda Sphere of Influence will be added to the Project Location description. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-1. Modify 2nd paragraph with the following changes:

The 84-acre project site is located within an unincorporated area of the County of Orange, but is also located within the Sphere of Influence of the City of Yorba Linda. Regional access to the project site is provided via State Route (SR) 91 (91 Freeway) located approximately two miles southwest of the site. The nearest arterial to the project site is Yorba Linda Boulevard, which is located approximately 0.25 miles to the south of the site. From Yorba Linda Boulevard, the site is accessed by Via del Agua and by San Antonio Road through Aspen Way. The Casino Ridge residential community abuts the project site on the north, and established residential neighborhoods abut the project site on the south and west. An undeveloped parcel commonly referred to as the Esperanza Hills property abuts the project site on the east. The project site and the adjacent undeveloped parcel to the east are within an area commonly referred to as the Murdock Properties. The majority of the 84-acre project site is vacant, with the exception of several operational and abandoned oil wells and various dirt roads and trails which traverse the site.

RESPONSE CITY2-9

This comment states that the summary of the NOP process does not reference the NOP scoping meeting held on July 19, 2012. On Page ES-2 of the Draft EIR, Subsection 2 of the Executive Summary, "Issues Raised During NOP Process" the Draft EIR summarizes the key potential environmental issues raised in response to the NOP and during the public scoping meeting (the numerical reference in parenthesis is the EIR section in which the analysis is provided) and provides that Section 1.0 of the Draft EIR includes a detailed discussion of the EIR process. As noted by the commenter, the July 19, 2012 scoping meeting is included in Section 1.0 of the Draft EIR. Thus, a reference to the scoping meeting is provided in this sub-section.

RESPONSE CITY2-10

This comment states that the Draft EIR's discussion of impacts on existing and planned "equestrian facilities" gives the impression that equestrian arenas and amenities may be built. The commenter requests that references to equestrian trails state that they are "planned" equestrian trails. Although the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, the

references to “planned equestrian facilities” will be changed to “planned equestrian trails.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-5. Modify the 2nd bullet point under “Recreation” with the following changes:

- Impacts on existing and planned equestrian ~~facilities~~ trails (refer to Section, 4.13, *Recreation*, of this Draft EIR); and

RESPONSE CITY2-11

The City’s August 1, 2012 NOP comment letter notes that *Figure 4, Land Use Plan* of the NOP includes a “Potential Access Corridor” from the Cielo Vista property to the adjacent Murdock property (i.e., Esperanza Hills), and suggests that the Cielo Vista project may ultimately accommodate the Esperanza Hills development. The comment letter then requests that the developers of the Cielo Vista and Esperanza Hills Projects provide for a coordinated primary and emergency access plan. First, as discussed in Topical Response #1, the Esperanza Hills development is not a component of the Cielo Vista Project, implementation of the Cielo Vista project will not enable the development of the Esperanza Hills Project, and both developments therefore need not be considered together in a single EIR. Second, given the separate nature of the projects, it would be inappropriate to prepare coordinated primary and emergency access plans. Instead, the Cielo Vista EIR properly considered the potential environmental impacts associated with Esperanza Hills as a related project for cumulative impacts purposes (See Cielo Vista EIR Section 3.0 and Table 3-1) and in the EIR’s analysis of growth inducing impacts (See Cielo Vista EIR Section 6.0), given that the two projects may share and benefit from some of the same infrastructure improvements.

RESPONSE CITY2-12

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-13

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-14

Table ES-1 has been revised to include the PDFs applicable to each environmental issue area. The revisions to Table ES-1 are included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-15

This comment requests the following changes to the Water Quality Section of Table ES-1, Summary of Project Impacts and Mitigation Measures: (1) the addition of the implementation of Low Impact Development and

Green Street design features to the issue column; (2) a revision of the project impact from Less than Significant impact to Potentially Significant impact; and (3) identification of the proposed water quality mitigation measures and BMPs. The commenter does not provide any evidence that conflicts with the conclusions in the Draft EIR. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) As indicated in Response City2-14, Table ES-1 will be revised to include the applicable PDFs to each environmental issue area, including those pertaining to Hydrology and Water Quality. However, Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, evaluated the potential water quality impacts resulting from the project construction and operation. As discussed therein, impacts were concluded to be less than significant with implementation of the PDFs, BMPs and compliance with applicable regulatory requirement such as the NPDES Construction General Permits. Thus, no changes to the impact conclusions in Table ES-1 are necessary. Also, see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR).

RESPONSE CITY2-16

This comment states that the Introduction in Chapter 1.0 does not clearly describe the County's public disclosure process. In part, it suggests additional sub-headings to clarify the County's NOP disclosure process, responsible/trustee agencies, and incorporated reference materials. The County's CEQA-related public disclosure process is described under sub-section 2, *Compliance with CEQA*, in Chapter 1.0. The commenter is also referred to Response City2-7 for a discussion of responsible agencies. Approvals and permits to be issued by responsible agencies are listed on pages 2-37 and 2-38 of the Draft EIR. In addition, reference materials are cited throughout the Draft EIR document, where they are utilized to support the environmental analysis. Overall, this comment's requests for formatting preferences do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-17

The extension of the public review period for the Draft EIR occurred after preparation of the Draft EIR. Therefore, the extension is noted as part of this Final EIR, but is not an appropriate correction to the Draft EIR text. See Chapter 1.0, *Introduction*, of this Final EIR for a discussion of the extended public review period. As discussed therein, this Final EIR document is comprised of two components: 1) The Draft EIR and Technical Appendices A through L (Volumes I-IV); and 2) This Final EIR (Volume V).

RESPONSE CITY2-18

Comment noted. All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange. The comment does not raise any new substantive issues and no revisions to the Draft EIR are warranted.

RESPONSE CITY2-19

This comment is correct in that the description of the fault hazard zone is incorrect. The Whittier Fault trace location and orientation have been delineated in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re: Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange,

California, dated July 31, 2014 (included in Appendix B of this Final EIR). As shown therein, the fault hazard zone traverses through a portion of the Project's open space, as well as through some residential lots within Planning Areas 1 and 2. However, the fault trace traverse only through a portion of the open space and some residential lots within Planning Area 1. A revised Figure 4.5-1 illustrating the fault trace location is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR. Also, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0 of this Final EIR:

Chapter 2.0 – Project Description

1. Page 2-2. Modify 2nd paragraph with the following changes:

~~A branch of the~~ The Whittier Fault Rupture Hazard Zone traverses the project site in an east-west direction. The fault zone is ~~located within~~ traverses through a portion of the open space area of the Project, as well as through some residential lots within Planning Areas 1 and 2 (refer to Figure 4.5-1 in Section 4.5, *Geology and Soils*). The Whittier Fault trace traverses only through a portion of the Project's open space and some residential lots within Planning Area 1. In addition, a potential ancient landslide exists along the primarily north-west facing slope located within the northerly portion of the project site. As discussed below, this geologic feature lies within the Project's open space area and would not be affected by proposed development.

[Note: Figure 4.5-1 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

RESPONSE CITY2-20

According to Section 15124 of the CEQA Guidelines, project objectives must be a part of an EIR's project description and should include the underlying purpose of the project. Such objectives are typically set forth as a list of goals and aspirations. CEQA does not mandate that project objectives be established in any specific manner because the rationale behind those objectives intended to reflect the applicant's interests. (See *California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276-277, holding that "CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives.")

As set forth in Section 2.0 of the Draft EIR, the Project's eleven objectives relate to the creation of a residential community that preserves open space. The objectives are not, as the commenter states, so narrow and specific that they prevent the consideration of a reasonable range of alternatives. To illustrate that point, one need only to see that the Project's "Planning Area 1 Only Alternative" is not consistent with the objective of creating two planning areas. This objective did not inhibit the consideration of the "Planning Area 1 Only Alternative."

RESPONSE CITY2-21

This comment suggests adding drainage and water quality objectives to Objective No. 4. The Project objectives listed on page 2.-9, in Chapter 2.0, *Project Description* (subsection 4.), of the Draft EIR, were established for the Project by the Project Applicant. Regarding protection of drainage facilities and sustainable/low impact development, see Objective 2, which indicates 36 acres, or approximately 43 percent of the site would be set aside as open space; Objective 5, which highlights efforts to reduce grading and respond to the site topography; Objective 8, which supports concentrated development and buffering of

open space areas from new development; and Objective 11, which supports development in accordance with County and other agency planning and regulatory standards, which would reasonably include regulations that support water quality objectives and the Clean Water Act. Thus, the stated objectives encompass drainage and water quality objectives. In this regard, also see page 2-35 and PDF 8-1 through PDF 8-5 under the heading “Hydrology and Water Quality.” These PDFs present in detail provisions that would be undertaken by the Project to support drainage and water quality objectives.

RESPONSE CITY2-22

The comment does not raise any new substantive issues and no revisions to the Draft EIR are warranted. The commenter is referred to Topical Response 3 for a discussion of the Project’s fire/emergency evacuation plan. As discussed on page 4.7-26, in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, pursuant to OCFA Guidelines B-09 (Fire Master Plans for Commercial and Residential Development), the number of fire apparatus access roads required for a residential development is limited to one if the development contains less than 150 residential units. The portion of the Project taking access from Via del Agua proposes 95 residential units while the portion taking access from Aspen Way proposes 17 residential units, both of which are below the 150 unit threshold. As such, the Project has been designed in accordance with Guideline B-09 as both portions of the Project (located off of Aspen Way and off of Via del Agua) would include a fire apparatus access road.

RESPONSE CITY2-23

This comment requests that 11-foot travel lanes required per Standard 1107, Note 6 for Streets D, E, and F be addressed, as well as parking on both sides of the street. OCEMA Standard Plan 1107 establishes a minimum travel lane width of 11 feet for streets with and less than 500 average daily trips (ADTs). Figure 2-8 on page 2-18 of Chapter 2.0, *Project Description*, in the Draft EIR shows an 18 foot travel lane width which will be reduced to not less than 11 feet with parking available on both sides of the street as discussed on page 4.14-21 of Section 4.14, *Traffic/Transportation*. Streets D, E and F as depicted on Figure 2-9 on page 2-19 shows these streets to be short cul-de-sacs which will not generate greater than 500 ADTs. Applicable street standards would be met by the Project and no revisions to the Draft EIR are warranted.

RESPONSE CITY2-24

This comments requests adding that Street “A” will not allow parking and will be signed “No Stopping at Any Time.” Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description

1. Page 2-13. Modify last paragraph with the following changes:

Street “A” would serve as the access roadway to Planning Area 1 and extend approximately 150 feet north from a connection at Via del Agua to the southerly boundary of the site. Within the project site, Street “A” would extend north to intersect with Street “B.” Street “B” forms the backbone local street for Planning Area 1 extending east to west and north to south. Streets “A” and “B” are planned with a total right of way of 56 feet and include a 40-foot wide travel area and a 4-foot sidewalk separated from the street by a 4-foot wide landscaped parkway between the curb and sidewalk on both sides of the street. Street “A” will not allow parking and will be signed “No Stopping at Any Time.” Street “B”

would provide for parking on both sides of the street. The design for Streets “A” and “B” is illustrated in Figure 2-7.

RESPONSE CITY2-25

This comments states that the analysis in the Draft EIR should be based on a Project Description that includes a conservative assumption that the export of contaminated soil will be required. The grading plan for the site assumes that nearly all of Planning Area 1 would be graded to accommodate the proposed residential and supporting infrastructure uses. The locations of the existing oil wells are within the grading footprint areas of Planning Area 1. As discussed in Section 4.7, *Hazards and Hazardous Materials*, the Phase II Subsurface Investigation report concluded that the soils tested on the site, including those near the oil facilities, do not contain chemicals of concern (COCs) that exceed applicable health risk screening levels. Appropriately, the Project Description provides assumptions relating to soil removal that are not “best case,” but reasonable based on the results of the Phase II Subsurface Investigation report. Accordingly, the Draft EIR analysis provided in Section 4.7 conservatively concluded that there may be potential for the Project to encounter impacted soils during soil-disturbing/grading activities associated with Project construction. As such, a Soils Management Plan (SMP) has been prepared for the Project that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. The SMP is required by Mitigation Measure 4.7-1 and included in G of the Draft EIR. Furthermore, Mitigation Measures 4.7-2 and 4.7-3 are prescribed to address potentially encountered contaminated soils during construction activities. Furthermore, because there is no current evidence of COCs on the site that exceed applicable health risk screening levels, and as soils requiring removal may not be encountered, it would be speculative to quantify export of such materials. As required by CEQA, the Project Description contains a general description of the Project's technical, economic, and environmental characteristics, considering the principal engineering proposals, without supplying extensive detail beyond that needed for evaluation and review of the environmental impact. (CEQA Guidelines § 15124(c).) Nonetheless, it is expected that if soils did require removal, the number of required truck trips would be well below the Project's worse-case number of peak hour vehicle trips, which would be 84 weekday A.M. peak hour trips and 113 weekday P.M. peak hour trips. These truck trips were assumed to potentially occur during the Project's construction, as discussed on page 4.14-22 in Chapter, 4.14, *Traffic/Circulation*, of the Draft EIR. These truck trips would be short-term and subject to Mitigation Measure 4.14-1, which requires implementation of a Construction Staging and Traffic Management Plan during construction of the Project. Implementation of the prescribed mitigation measure would ensure that potentially significant construction traffic-related impacts are reduced to a less than significant level by requiring interim construction period traffic management to allow for construction traffic to blend with existing pedestrian and vehicular traffic patterns with minimal disruption thereby not creating adverse traffic impacts.

RESPONSE CITY2-26

The Fire Master Plan and Fuel Modification Plan are included in Appendix G of the Draft EIR. Also, the Fire Master Plan is shown as Figure 4.7-1 in the Draft EIR and the conceptual Fuel Modification Plan is shown in Figures 4.7-2a and 4.7-2b in the Draft EIR.

RESPONSE CITY2-27

Comment noted. However, traffic calming features are not necessary to mitigate any potentially significant impact and therefore no changes to the Draft EIR are warranted.

RESPONSE CITY2-28

Per this comment, the reference to OCEMA in Figure 2-8 will be changed to OCPWD. The revised figure is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-29

This comment requests the addition of a 10-foot earthen multipurpose trail and enhanced parkway to the Street “A” roadway section on Figures 2-7 and 2-12. Figure 2-12 on page 2-29 in the Draft EIR shows a conceptual landscape entryway theme for the main access to the Project’s Planning Area 1. A trail is not being proposed. The street configuration is the same as that shown for Street A in Figure 2-7 on page 2-17. Because the conceptual landscaped entryway is located adjacent to the roadway itself within the same 8-foot area that includes the sidewalk and setback from the curb, there is no need depict any vegetation on the Figure 2-7 roadway standard plan exhibit. Additionally, the conceptual landscape entryway includes a portion of it within the HOA common area outside of the roadway configuration shown on Figure 2-7.

RESPONSE CITY2-30

This comment requests the addition of a street section for Aspen Way on Figure 2-8 that indicates a 10’ wide earthen multipurpose trail and enhanced parkway. No enhanced landscaping or trails are proposed for Streets D, E and F as shown in Figure 2-8 on page 2-18 of the Draft EIR. Therefore, no changes are required for this figure.

RESPONSE CITY2-31

Please refer to Topical Response 2 for a discussion of the Project’s water supply infrastructure.

RESPONSE CITY2-32

This comment requests specificity as to what comprises the “minor improvements” referenced on page 2-23 of Draft EIR. The referenced “minor” off-site improvements referenced on page 2-23 would include activities such as paving and landscaping improvements associated with connecting Via Del Agua and Aspen Road to the Project’s proposed local streets. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description**1. Page 2-23. Modify the paragraph titled” Off-Site Improvements” with the following changes:**

Off-Site Improvements. The Project would include minor improvements, such as paving and landscaping, within the right-of-way in Via Del Agua and Aspen Roads near the Project entrances to provide access to the project site.

RESPONSE CITY2-33

This comment suggests a landscape plan for the entry to Planning Area 2 at Aspen Way be provided for the reader’s reference. The Aspen Way entrance to the project site allows access to Planning Area 2 and its 17 residences. Therefore, no enhanced landscaping or trails are proposed. The landscape plan for the project, including this secondary entrance will be developed during the design phase of the Project, and will be

subject to review and approval by the Manager, OC Development Services prior to issuance of building permit.

RESPONSE CITY2-34

As the Project is developed, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped prior to grading activities for the Project. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR provides the requirements for closure and abandonment of oil wells. PDFs 7-2 through 7-8 on pages 2-33 and 2-34 as well as on page 4.7-18 provide for oil well setback requirements, operational requirements, and that any future operations would be required to be consolidated on a 1.8 acre parcel. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards. PDFs which address setback requirements and access prohibitions applicable to future wells provide the context, framework and known operational requirements should the reserved 1.8 acre site be used for consolidated oil operations. The Project does not propose any oil drilling or extraction activities on the 1.8 acre site and none can be presumed in the absence of an oil drilling and operations plan which has not been proposed or contemplated as of the preparation of the Draft EIR. Should such a plan be proposed by existing site operators or other potential operators, this EIR would have to be addended or supplemented or a new document would be prepared for compliance with CEQA to evaluate the impact of any proposed plan with such impacts mitigated to ensure the safety of residents in the area of the new oil operations building upon the PDFs provided in the Draft EIR.

RESPONSE CITY2-35

Section 2.0, *Project Description*, in the Draft EIR on page 2-3 states that Project Design Features (PDFs) will be included with mitigation measures in the Project's Mitigation Monitoring and Reporting Program (MMRP). The MMRP, as reviewed by County staff, tracks the PDFs and mitigation measures for compliance throughout Project implementation and after build-out for any mitigation measures or PDFs having continuing compliance requirements. Therefore, there is no need for their inclusion as project conditions of approval which would be duplicative of the purpose served by the MMRP.

RESPONSE CITY2-36

This comment requests an update to the Project schedule. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description

1. Page 2-37. Modify subsection 7, Construction Schedule, with the following changes:

It is anticipated that construction of the Project could commence ~~as early as early 2014~~ in late 2015 and would last approximately 2.5 to 3 years. Assuming this construction time frame for site work, the earliest the first units would be ready for initial occupancy would be in ~~2015~~ 2017. The occupancy date is subject to change based on the construction start date and future market conditions. For purposes of this EIR analysis, it is assumed that construction of the Project would occur in one phase and that the Project would be fully occupied in ~~2015~~ 2018.

RESPONSE CITY2-37

This comment suggests adding “Certification of the EIR” as an approval by the County of Orange for the Project. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. **Page 2-37. Add the following bullet point to the list of approvals under the County of Orange.**
 - Certification of the Environmental Impact Report (EIR).

Section 4.9, Land Use and Planning

1. **Page 4.9-6. Add the following bullet point to the list of approvals under the County of Orange.**
 - Certification of the Environmental Impact Report (EIR).

RESPONSE CITY2-38

This comment suggests adding “required sewer connections” as an approval by the Yorba Linda Water District for the Project. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. **Page 2-38. Add the following bullet point to the list of approvals under the Yorba Linda Water District.**
 - Connection to sewer (wastewater) systems.

Section 4.9, Land Use and Planning

1. **Page 4.9-7. Add the following bullet point to the list of approvals under the Yorba Linda Water District.**
 - Connection to sewer (wastewater) systems.

RESPONSE CITY2-39

Page 2-37 of the Draft EIR references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City in the event that the Project Applicant pursues annexation in the future. The agreement would be a negotiated framework document between the project applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to

compliance with CEQA either through an addendum or supplement to this DEIR or in a separate compliance document prepared for the annexation as a project. Because the pre-annexation agreement would not yet be a start to the LAFCO process, no changes are proposed on this page of the DEIR in response to this comment.

RESPONSE CITY2-40

The Draft EIR's cumulative impacts analysis relies upon a list of past, present, and probable future projects producing related or cumulative impacts. The cities of Anaheim, Brea and Yorba Linda, were contacted to inquire about past, present, and probable future projects that could be included on the list of cumulative projects. The list of identified related projects is provided in Table 3-1, *Related Projects List*, with the locations of each of the related projects listed in Figure 3-1, *Related Projects Map*. The Northeast Area Plan was not identified by any of these agencies and was therefore properly excluded from consideration as a cumulative project.

RESPONSE CITY2-41

The correct name for Cumulative Project No. 1 is Esperanza Hills. Figure 3-1 will be updated accordingly. Chapter 3.0, *Corrections and Additions*, of this Final EIR, includes the updated figure.

RESPONSE CITY2-42

This comment provides a general comment on the Project's viewshed. Aesthetics are addressed in Section 4.1, *Aesthetics*, of the Draft EIR. The Project's viewshed is clearly defined in the Draft EIR. The commenter is referred to sub-section (2) *Surrounding Land Uses and Off-Site Views*, on page 4.1-3 of the Draft EIR. As discussed therein, generally, the public views afforded by the surrounding land uses are limited to vantage points from short-stretches along local roadways. Despite the elevation of the site, the site's topography and surrounding topography limit the extent of public views of the site. Representative surrounding views to the site are analyzed under Impact Statement 4.1-1. Generally, as shown in the visual simulations and discussed under the analysis provided under Impact Statement 4.1-1, the site and surrounding topography limit the availability of public views of the site such that development of the site in context with the existing neighboring single-family residential uses would not substantially alter scenic views or substantially degrade the visual character of the site and its surroundings such that a significant impact would occur.

RESPONSE CITY2-43

This comment suggests that the Project's potential visibility from the eastbound travel lanes of State Route 91 between the State Route 55 Interchange and the Lakeview Avenue Interchange was not adequately analyzed. Views toward the project site from the 91-Freeway between the State Route 55 Interchange and Lakeview Interchange would originate more than 4 miles to the southwest of the project site at an elevation of roughly 325 feet amsl. Within this approximately 4 mile area there is significant topography as well as intervening development. Planning Area 2 would clearly be blocked from views of the site from the freeway given the intervening topography. Planning Area 1 would be located at elevations between roughly 550 feet amsl and 780 feet amsl; and, east of the existing 2-story residential uses along Dorinda Road, which are at similar elevations as the proposed residential uses in Planning Area 1. Thus, there are existing intervening uses in the line of sight towards Planning Area 1 and this stretch of the 91 Freeway. Regardless, given the extent of intervening development and the substantial distance between this stretch of freeway and the project site, no discernible view of the project site is available from this stretch of the 91 Freeway.

RESPONSE CITY2-44

No notable scenic views of the areas within the project site proposed for development are available from San Antonio Park, Shapell Park or other existing trails identified on Exhibit RR-2 of the City of Yorba Linda's General Plan. Regardless, the analysis of aesthetics impacts in Section 4.1 of the Draft EIR provides an analysis of views and visual character from various locations along the boundaries of the site, which represent views no further than any existing park or trail facility within the City. As concluded therein, impacts were determined to be less than significant.

RESPONSE CITY2-45

This comment asserts that photo simulations appear to use an excessive amount of vegetation growth at maturity and that plant maturity should be considered 10 to 15 years of growth. Under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR, the analysis of visual quality includes an assessment of "Construction" impacts on page 4.1-9. As discussed therein, the EIR analysis acknowledges that there would be large graded areas devoid of vegetation that would be exposed to views from surrounding residential areas. The construction analysis indicates that short-term visual impacts would be less than significant given their temporary nature and the fact that there are no major viewsheds accessible and utilized by a large number of people near the Project development area. Although the maturity of the plants shown in the simulations may be at various levels of maturity, growth portrayed at less mature stages would still be a temporary short-term impact. Regardless, as indicated in the analysis under Impact Statement 4.1-1, impacts regarding scenic vistas and visual quality and character were determined to be less than significant. Thus, while it is acknowledged it would take time for vegetation to mature, the impact analysis provided under Impact Statement 4.1-1 covers visual impacts from construction to build-out of the Project, inclusive of the plant maturity shown in the visual simulations, which in turn would address younger stages of plant maturity.

Furthermore, newly planted vegetation within the site would utilize plantings at various stages of maturity. It would be speculative to determine the exact age of the plantings as part of this EIR. The plantings maturity would be in part dependent on the availability of vegetation at the time of development. Regardless, the simulations are intended to provide a reasonably accurate depiction of the site during its built-out, final state, which would include mature vegetation. Finally, neither the County nor CEQA requires that the simulations depict all vegetation at 10 to 15 years of growth. Under CEQA, the analysis of aesthetic impacts can generally be more subjective than for other impacts. (See *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 627-628 [concluding that the significance of aesthetic impacts is a judgment call for the agency to decide as a matter of policy in light of the setting].) The Draft EIR contains a sufficient decree of analysis in light of what is reasonably feasible. (CEQA Guidelines § 15151.)

RESPONSE CITY2-46

This comment states that the cumulative analysis should consider view impacts as a result of new water facilities (including water tanks) that may be required as a result of future development in the area by the Yorba Linda Water District. The commenter is referred to Topical Response 2 regarding impacts associated water infrastructure proposed as part of the Northeast Planning Study.

RESPONSE CITY2-47

The Notice of Preparation (NOP) was circulated for 30 days in July and August of 2012. As specified in the CEQA Guidelines, Section 15125(a), the environmental conditions described in an EIR should normally constitute the baseline physical conditions at the time the NOP is published. The photographs and site surveys were conducted during spring and summer of 2012, which is generally consistent with the NOP timeframe. Furthermore, no notable conditions have changed on the site that would affect the aesthetics analysis presented in the Draft EIR. The commenter does not provide any evidence to the contrary. Therefore, it is not necessary to update the photographs to depict current conditions.

RESPONSE CITY2-48

Please refer to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-49

Please refer to Responses City2-42 to City2-46 regarding general viewshed comments. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR. Also, as no State Scenic Highways have views of the site, the State Scenic Highway Program is not applicable to the Project.

RESPONSE CITY2-50

Please refer to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-51

This comment states that the discussion should mention what scenic resources are called out by the City General Plan but does not otherwise identify any scenic resources. This is a comment on the “regulatory framework” applicable to the Project. As stated on page 4.1-1 of the Draft EIR, a discussion of the Project’s consistency with the applicable County policies is provided in the impact analysis (see Table 4.1.1 on page 4.1-27). Scenic vistas, as discussed for analysis in the EIR, are defined on page 4.1-3 of the Draft EIR and analyzed under Impact Statement 4.1-1. Further, based on the analysis provided under Impact Statement 4.1-2 on page 4.1-25 of the Draft EIR, no scenic resources would be impacted by the Project. Also, the project site does not include any specific scenic resources called out by the County General Plan.

RESPONSE CITY2-52

This comment repeats the prior comment. Please refer to Response City2-51.

RESPONSE CITY2-53

Section 4.1, *Aesthetics*, page 4.1-2, references the City’s Hillside Development zoning regulations against which the Project is subsequently analyzed for consistency on page 4.1-31 and -32. Additionally, pages 4.9-16 and 4.9-17 in Section 4.9, *Land Use and Planning*, indicate that the project will adhere to the City’s Residential Urban (RU) Zone with respect to having a minimum lot size of 7500 square feet and also

complying with the RU Zone's key site development standards -- building height, setback and parking requirements. With respect to roadway design, Project Design Feature (PDF) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City.

RESPONSE CITY2-54

This comment seeks clarification regarding the definition of a "visually prominent scenic ridgeline" as used in the first paragraph on page 4.1-3 of the Draft EIR and whether it "triggers regulatory action." The term "visually prominent scenic ridgeline" is a term utilized in the EIR analysis to help guide the assessment of aesthetic impacts. The term is defined in the paragraph referenced in this comment and it does not represent a defined term specified in relevant plans or regulations that would trigger regulatory action. Also, this comment's requests for formatting preferences (providing the term definition in a footnote) does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-55

This comment requests revisions to the discussion regarding hillsides as a potential visual resource. The paragraph referenced in this comment provides a discussion of existing conditions at the site. The extent as to whether the site's visual quality and character would be impacted by the Project is discussed under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR. Scenic resources impacts are discussed under Impact Statement 4.1-2 beginning on page 4.1-25 of the Draft EIR. In addition, the Project's consistency with the City's Hillside Development Ordinance is provided in Table 4.1-3 on page 4.1-31 of the Draft EIR.

RESPONSE CITY2-56

The commenter is referred to Responses City2-42 to City2-46 for a discussion of responses provided to the City's general viewshed comments. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR. Also, the analysis under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR discusses impacts regarding scenic vistas.

RESPONSE CITY2-57

This comment states that the discussion should include a methodology for view selection. Public views afforded by the surrounding locations are limited to vantage points from short-stretches along local roadways. View from parks or scenic highways to the site are not available. Thus, the viewpoint locations analyzed in the Draft EIR are a general representation of public views available from surrounding locations. The most available long-range view of the site is from the north within the Casino Ridge Community. The visual impact to this view is analyzed as Viewpoint #6 under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR.

RESPONSE CITY2-58

The Project's impact on planned bicycle, riding and hiking trails is discussed on page 4.13-15 and shown on Figure 4.13-2, both in Section 4.13, *Recreation*, of the Draft EIR. There are no County planned bikeways or other County planned trails in the project area. The project site is traversed by an earthen multipurpose City

trail in an east-west direction, and a similar trail paralleling the project's western boundary at the City limit as contained in the City's Trail Study Recommendation. Both trails can be accommodated as shown on Figure 4.13-2. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City.

RESPONSE CITY2-59

This comment states that the Draft EIR fails to provide information regarding how the locations for photo simulation were selected and how the photo simulations were prepared, and fails to discuss scenic resources in both the regulatory framework and existing conditions of this section. The commenter is referred to Response City2-57 regarding the selection of viewpoint locations analyzed in the Draft EIR. The visual simulations were prepared by VisionScape Imagery. Their methodology for the simulations included identification of reference points with GPS coordinates for each view. VisionScape then developed an exact computer model of the proposed development illustrating elevations, natural and finished grades, including the existing and surrounding contextual elements such as streets, terrain, pads, and adjacent buildings, which can be used for reference. Upon completion of the 3D modeling phase, realistic materials, maps, and textures were then applied. The next phase of the process was assembly, during which Vision Scape inserted the modeling into photographs taken from the site visit using a full frame camera and camera match technology. 3D pads were used to situate the structures to the proposed positions as shown on the CAD grading plan and the sum was rendered. During this process, a computer model camera was aligned with the on-site photography to depict the project setting within the view. Lastly, the proposed landscape concept was applied, and final artistic touches were made to ensure that the accuracy, as well as the look and feel, is consistent with the vision of the Project.

In addition, scenic resources are discussed in the Existing Conditions section on page 4.1-3 of the Draft EIR. Further, the Regulatory Framework Section identifies the applicable regulations relative to the analysis of aesthetic impacts resulting from implementation of the Project. In this case, the applicable County of Orange and City of Yorba General Plan policies are referenced, in addition to the City's Hillside Development Zoning Code Regulations. A reference is provided in the Regulatory Framework section to the impact analysis subsection (refer to page 4.1-27 of the Draft EIR), which lists all the applicable policies and regulations, along with an analysis of the Project's consistency to these policies and regulations.

RESPONSE CITY2-60

This comment states that the discussion should include consideration of light spillover onto adjoining properties. The discussion referenced in this comment assumes light spillover onto surrounding areas, stating in part, that "The analysis then determines whether such lighting and building materials would adversely affect day or nighttime views in surrounding areas." As discussed under Impact Statement 4.1-3 beginning on page 4.1-25 of the Draft EIR, lighting impacts would be less than significant.

RESPONSE CITY2-61

This comment indicates that the County Zoning Code is not identified in the "Regulatory Framework" section. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics

1. Page 4.1-1. Modify the subsection “(2) Local” with the following changes:

(2) Local

(a) ~~County of Orange General Plan~~

County of Orange General Plan

The Scenic Highways Plan of the General Plan identifies the County’s scenic highway routes and provides policy guidelines to incorporate safety, utility, economy, and aesthetics into the planning, design and construction of scenic highways. The scenic highway designation is intended to minimize the visual impact on the highway from land development upon the significant scenic resources along the route. The nearest Scenic Viewshed Highway to the project site is the 91 Freeway. Due to intervening topography and development, the project site is not visible from the 91 Freeway or any other County scenic highway. As such, the County’s Scenic Highway policy guidelines would not be applicable to the Project.

The Land Use and Resources Elements of the General Plan also include various policies to protect natural resources within the County and to ensure new development projects are visually compatible with adjacent areas. The Project’s consistency with these policies is discussed in the impact analysis below.

County of Orange Zoning Code

The Codified Ordinances of the County of Orange Section 7-9-55.8(f) provides requirements for exterior lighting. As stated therein, “All lights shall be designed and located so that direct light rays shall be confined to the premises.”

RESPONSE CITY2-62

This comment suggests that the analyses of Scenic Vista/Visual Character and Visual Quality should be broken up for clarity. The analysis purposefully combined the discussion of impacts regarding scenic vistas and visual quality/character as these issues have overlapping aesthetic considerations, as well as the analysis of “Visual Quality/Character” provides context for the assessment of impacts regarding scenic views. (See *Eureka Citizens v. City of Eureka* (2007) 147 Cal.App.4th 357, 376 [upholding a brief but reasoned explanation supporting the EIR determination of significance that cited to staff’s statement that determining the significance of aesthetic impacts is a “qualitative judgment not a set of quantifiable parameters”].) Regardless, the analysis provides separate sub-sections to address “Aesthetic Character” impacts (refer to page 4.1-9 of the Draft EIR) and “Scenic View” impacts (refer to page 4.1-11 of the Draft EIR) for purposes of clarifying the applicable impact criteria and associated analyses.

RESPONSE CITY2-63

This comment states that the analysis of construction impacts should clearly define who would have views to construction activities. As stated in the impact analysis for short-term visual construction impacts, construction impacts would occur from the “surrounding residential areas.” The commenter is referred to Responses City2-44 and City2-56 for a discussion regarding views from scenic highways, parks and trails.

RESPONSE CITY2-64

This comment requests specificity with regard to construction duration and further explanation of construction activities. The construction duration is described under sub-section 7, Construction Schedule (page 2-37), in Chapter 2.0, *Project Description*, of the Draft EIR. It is anticipated that construction of the project will last approximately 2.5 to 3 years. Per this comment, the references to the “commonplace nature” of construction activity impacts will be removed to clarify the discussion of short-term construction-related visual impacts. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics**1. Page 4.1-9. Modify the 3rd paragraph with the following changes:**

Although construction activities would result in large graded areas devoid of vegetation that would be exposed to views from the surrounding residential areas, short-term construction impacts would be less than significant because of their temporary ~~and commonplace~~ nature ~~in its~~ and interruption to surrounding views to and across the site and the visual character of the project site.

RESPONSE CITY2-65

This comment states that a comparative analysis of the project density compared to adjacent residential areas should be presented. The analysis beginning on page 4.1-9 in Section 4.1, *Aesthetics* (subsection 2.a) discusses impacts to the aesthetic character of the site and its surrounding impacts as a result of Project implementation. The analysis indicates that the Project would include single-family residential uses that are consistent with the type of uses located to the north, south and west of the project site, with a reference provided to Section 4.0, *Land Use and Planning*, in the Draft EIR for a consistency discussion of applicable land use designations for the site. The commenter is referred to pages 4.9-18 and 4.9-19, under Section 2.d(5), “Compatibility with Adjacent Neighborhoods,” and Table 4.9-3 for a density comparison analysis between the Project and surrounding residential uses. To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Therefore, the Project would be generally compatible with existing off-site land uses.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan’s density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE CITY2-66

Subsection 5 of Chapter 2.0, *Project Description*, pages 2-10 through 2-31 are extracted from the Cielo Vista Area Plan, including Figures 2-4 through 2-13 and Tables 2-1 and 2-2. The Area Plan provides the design and regulatory criteria for build out of this residential community and for preservation of open space located between its two proposed planning areas.

RESPONSE CITY2-67

This comment is multifaceted requiring separate responses.

1. A total of six (6) pre- and post-project viewpoints, with accompanying photographs, are analyzed on ages 4.1-11 through 4.1-24 which collectively allow the reader to understand how the project site will be modified by a completed project.
2. Page 4.1-2 in Section 4.1, *Aesthetics*, of the Draft EIR references the City's Hillside Development zoning regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and 4.1-32.
3. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and 4.9-17 indicate that the Project will adhere to the City's Residential Urban (RU) Zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU Zone's key site development standards -- building height, setback and parking requirements.
4. Consistency with the retaining wall criteria of the City's Hillside Development Zoning Code Regulations is addressed in Table 4.1-3 on page 4.1-31 of the Draft EIR. The retaining wall criteria associated with grading is stated to be six (6) feet, with additional height to be avoided in order to preserve a more natural slope character. As stated in Table 4.1-3, retaining wall heights above 6 feet will be used only when needed to ensure manufactured slope stability with wall features landscaped and adjacent grading to be blended in furtherance of restoring a more natural slope appearance to ensure that the character and quality of the site affected by such slopes can be minimized, as feasible.

RESPONSE CITY2-68

The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-69

This comments suggests that the analysis of scenic views should be revised based on the photo simulations. The inclusion of the viewpoint in the photo simulation does not imply the viewpoint location is a scenic vista. Rather, the intent of the visual simulations is to illustrate the extent of visual change from the representative available surrounding viewpoint locations to the site. Regardless, the threshold utilized to assess impacts to scenic vistas is whether there would be "substantial adverse effects" to a scenic vista. As concluded in each of the "Viewpoint" (#1-6) analyses under Impact Statement 4.1-1 on pages 4.1-12 to 4.1-24 of the Draft EIR, there would not be a "substantial adverse effect" resulting from Project implementation from any of the representative view locations regardless if they are considered a scenic vista or not.

RESPONSE CITY2-70

Per the commenter's request for verification, at the Project's primary entry point shown in Figure 4.1-2, the fence would be removed as part of the proposed project.

RESPONSE CITY2-71

The analysis included under Impact Statement 4.1-2 focuses on “scenic resources,” as described and defined therein. Impacts regarding visual character and quality of the site are discussed under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR. If the commenter’s reference is to a state designated scenic highway in the project area, this would be the 91 Freeway with the designation applicable to a 4 mile section of the roadway between the 55 Freeway to east of the Anaheim city limit, with a driving time of 3 minutes for this segment at 50 miles per hour according to the Caltrans web site. Views along this section of the roadway include residential and commercial development with intermittent riparian and chaparral vegetation. While there are broader views of the higher elevation, undeveloped hillsides to the east of the project site, the project site due to its lower comparable elevation and intervening development is not within a distinguishable view corridor from the 91 Freeway. Given that the 91 Freeway is reasonably characterized as an urban scenic highway, the addition of the project site at a 1.7 miles distance would not be distinguishable during a 3 minute drive, with the car occupants typically concentrating on the roadway and with the urban uses (commercial and residential) on either side along the 4 mile segment. Without a substantial change in the viewshed, the commercial and residential uses within close proximity of the 91 Freeway, and not the Project, would continue to dominate the viewshed. Therefore, no changes to the Draft EIR are necessary in response to this comment.

RESPONSE CITY2-72

This comment suggests that City standards, codes and requirements should be presented in the analysis of construction-related light and glare. The time restrictions for construction hours specified in the County’s Noise Ordinance are the same as those set forth in the City of Yorba Linda Municipal Code Title 8, Chapter 8.32.090 and Title 15, Chapter 15.48.010. As the Project would comply with the County’s standards, it would also comply with the City’s standards. Thus, while the City’s construction hours are noted, the addition of the City’s construction standards to the Draft EIR would not change the analysis conclusions presented in the Draft EIR regarding construction lighting impacts.

Further, as indicated in the construction lighting analysis on page 4.1-25 of the Draft EIR, if required, construction lighting would be limited to the immediate areas of construction activity and would be directed downward and not cast outward or into open space areas, in compliance with Section 7-9-55.8 of the Orange County Codified Ordinances. Compliance with this County regulatory requirement would ensure construction lighting impacts are less than significant, regardless of applicable City requirements.

RESPONSE CITY2-73

This comment states that the discussion of light impacts must take the proposed traffic signals into consideration. The traffic signal prescribed per Mitigation Measure 4.14-2 is not a Project component, but rather a requirement prescribed by the Draft EIR to address traffic related impacts. Secondary impacts resulting from implementation of Mitigation Measures 4.14-2 are discussed on page 6-8, in Chapter 6.0, *Other Mandatory CEQA Consideration* (subsection J. Traffic/Transportation), of the Draft EIR. A discussion of lighting impacts will be added to this analysis (see below), which concludes that such impacts would be less than significant. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 6.0, Other Mandatory CEQA Considerations

1. Page 6-8. Modify the 1st paragraph with the following changes:

Mitigation Measure 4.14-1 requires the Project Applicant, in coordination with the County of Orange, to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. Per Mitigation Measure 4.14-2, a traffic signal is required to mitigate project impacts at the Via del Agua and Yorba Linda Boulevard intersection with the Project paying its fair share for the signal, installing the signal, or paying the full cost for installation, with the latter two alternatives subject to reimbursement. If installation of the traffic signal were completed as part of the Project, appropriate construction practices intended to minimize impacts would be implemented. For example, the implementation of best management practices with regard to erosion, the watering of construction sites, the use of properly operating equipment, and the use of noise reduction devices would minimize environmental impacts to below applicable thresholds. In addition, with regards to lighting impacts, appropriate shielding of the traffic lights would be installed, as necessary, per City Standards. Also, in recognition of the setbacks from the nearest residences to the Via Del Agua/Yorba Linda Blvd. intersection of at least 30 feet and the intervening landscaping (inclusive of mature trees) and fencing, lighting impacts to residential uses would be less than significant. Therefore, there would be no significant secondary impacts with implementation of these mitigation measures.

RESPONSE CITY2-74

This comment requests clarification on Mitigation Measure 4.1-1 regarding its implementation and approval requirements. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Pages ES-10. Modify Mitigation Measure 4.1-1 with the following changes:

Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the ~~property~~ project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to in a manner meeting the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

Section 4.1, Aesthetics

1. Pages 4.1-27. Modify Mitigation Measure 4.1-1 with the following changes:

Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the ~~property~~ project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to in a manner

~~meeting~~ the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

RESPONSE CITY2-75

The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-76

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. The comment requests that the consistency review analysis in the Draft EIR's Aesthetics section "be set up consistent with other EIR subsections, including a statement of the threshold, an impact statement, and a conclusion at the end of the subsection with regard to the finding of significance/mitigation." This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Moreover, the comment is factually inaccurate. The consistency review analysis in the Draft EIR's Aesthetics section is not among the four Aesthetics thresholds listed on page 4.1-6 and therefore need not abide by the format used in the Draft EIR to evaluate potential impacts against stated thresholds of significance.

RESPONSE CITY2-77

This comment states that the specific character of the surrounding community should be considered to determine the project's compatibility. The commenter is referred to Response City2-65.

RESPONSE CITY2-78

This comment states that the Project's consistency with the City of Yorba Linda's Hillside Grading Ordinance should be included to demonstrate that the grading activities would maintain the County's hillside views. Section 4.1, *Aesthetics*, of the Draft EIR analyzes hillside development and impacts on views and vistas. The policy analysis contained on page 4.1-28 of the Draft EIR pertains to consistency with the County of Orange's General Plan. A consistency analysis with the City's Hillside Development Zoning Code Regulations (see Chapter 18.30 of the City's Code, *Hillside Development/Grading/Fire Protection*) is provided in Table 4.1-3 on page 4.1-31 and 4.1-32 of the Draft EIR. The City's Hillside Development Zoning Code Regulations provide standards and guidelines for hillside development, and the Draft EIR analysis evaluates consistency with the standards and guidelines contained therein. As discussed therein, the Project would be "potentially consistent" with the applicable regulations of the City's Hillside Development Zoning Code Regulations. The notation of "potentially consistent" is in deference to the City's authority for making such determinations for projects located within the City limits.

RESPONSE CITY2-79

This comment states that the Project's consistency with the City of Yorba Linda Hillside Grading Ordinance should be included. The commenter is referred to Response City2-78.

RESPONSE CITY2-80

This comment states that the discussion must specify how steep slopes and important natural resources have been properly delineated. Due to formatting of the table, the “Project Consistency” analysis for Policy 7.5 occurs on the previous page (4.1-29). As shown in the table, the “Project Consistency” for Goal 7 is also applicable to Policy 7.5. As stated therein, the Project would be “Potentially Consistent” with this policy and a reference is provided to the response for Goal 1, and Policies 1.2 and 1.3 in Table 4.1-2. Per PDF 1-1, single-family residences up to two-stories in height would occur in two clustered planning areas (Planning Areas 1 and 2) to maximize the potential for open space and retain the primary east-west canyon within the central portion of the site. Per PDF 1-4, the Project would provide approximately 36 acres of undeveloped open space (on the approximate 84-acre site) which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space would be owned and maintained by the Project HOA. The open space to be provided by the Project is shown on Figure 2-4, *Land Use Plan*, in Chapter 2.0, *Project Description*. Figures 2-9 (*Conceptual Grading Plan*) and 2-10 (*Grading Cut and Fill*) in Chapter 2.0 illustrate the slopes in the primary east-west canyon within the central portion of the site, which include the steepest slopes on the project site. While some areas to be developed as part of the Project do include sensitive biological resources, mitigation measures have been prescribed in Section 4.3, *Biological Resources*, in the Draft EIR to ensure that all potentially significant impacts to biological resources are reduced to a less than significant level.

RESPONSE CITY2-81

In Comment City2-81, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-82

This comment states that the EIR must determine whether the project degrades the quality of the site and its surroundings. The commenter is referred to the analysis under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR for a discussion of impacts regarding the site’s visual quality and character. Also, refer to Response City2-65. Finally, the essence of this policy requires an analysis of visual quality of development projects on a project-by-project basis. This EIR provides an analysis of visual quality in the spirit of this policy.

RESPONSE CITY2-83

In Comment City2-83, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-84

In Comment City2-84, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-85

In Comment City2-85, the commenter requests an analysis of the Project's consistency with those provisions of the City of Yorba Linda's Hillside Grading Ordinance set forth in Yorba Linda Municipal Code Sections 18.30.040.D4-D7). The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City's jurisdiction. Consistency with the City's Hillside Grading Ordinance is therefore not required. Nevertheless, the Development Standards Comparison Matrix below provides a comparison between key County and City standards regarding the General Plan, Zoning, Local Park Requirements, and Street Design. As demonstrated in this matrix, the proposed Project will be consistent with these key standards.

DEVELOPMENT STANDARDS COMPARISON MATRIX**GENERAL PLAN (Development Area)**

	<u>CV Development Plan</u>	<u>County General Plan</u>	<u>City General Plan</u>
Description	"1B" Suburban Residential	"1B" Suburban Residential	Low Density
Density	1.3 du/ac with clustering	0.5 – 18 du/acre	≤ 1 du/ac
Clustering Criteria	43%/36 acres of property dedicated as open space	Density range for diverse housing types	Can exceed 1 du/ac to compensate for topographical constraints
Buildout (range/maximum)	112 du's	20.5 – 738 du's	536 du's for Murdock/Travis Properties
Density (existing development)	N/A	N/A	1.04 – 1.96 du/ac approved ^[1] development in the City

ZONING (Development Area)

	<u>CV Development Plan</u>	<u>County Zoning</u>	<u>City Zoning</u>
Designation	R1 (Single Family Residence District); compliance with City R-U (Residential Urban Zone) standards ^[2]	R1 (Single Family Residence District)	UNC – Unincorporated Area
Lot Size (minimum)	7,500 square feet	7,200 square feet	None
Building Height (maximum)	35 feet or 2 stories, whichever is less	35 feet	None
Front Setback (minimum)	20 feet	20 feet	None
Side Setback (minimum)	10 feet	5 feet	None
Rear Setback (minimum)	25 feet	25 feet	None
Average Lot Size (approximate)	15,000 square feet	N/A	N/A

LOCAL PARK REQUIREMENTS

	<u>CV Development Plan</u>	<u>County</u>	<u>City</u>
Park Standard	4 acres per 1,000 residents – fee equivalent payment	2.5 acres per 1,000 residents – fee equivalent and/or land (General Plan Recreation Element & Local Park Code)	4 acres per 1,000 residents of local neighborhood and community park land or in-lieu fees (Parks and Recreation Master Plan)

STREET DESIGN REQUIREMENTS (Local Streets)

	<u>CV Development Plan</u>	<u>County</u>	<u>City</u>
Street Standard	County of Orange street and intersection design	County of Orange street and intersection design	County of Orange street and intersection design

[1] Residential density of City subdivisions adjacent to Cielo Vista.

[2] The City's R-U (Urban Residential Zone) most closely corresponds to the County's R1 (Single Family Residence District).

RESPONSE CITY2-86

This comment states that the viewshed analysis should be updated based on the general viewshed comments made, and that the overall cumulative visual impact of the projects with the proposed project as seen from distant views and those afforded along SR-91 should be fully disclosed. The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-87

Please refer to Response City2-66.

RESPONSE CITY2-88

This comment requests references to be cited that were utilized in the aesthetics impacts section. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics**1. Pages 4.1-35. Modify the list of "References" with the following changes:**

County of Orange. County of Orange General Plan. Chapter III. Land Use Element. Chapter IV. Transportation Element. Chapter VI. Resources Element. March 22, 2011.

County of Orange. County of Orange General Plan. Scenic Highway Plan. Chapter IV. Transportation Element. April 2005.

County of Orange Municipal Code. <http://library.municode.com>. Various Sections as updated through March 2014.

City of Yorba Linda General Plan. Chapter II Land Element. Chapter IV. Recreation and Resources Element. Adopted 1993.

City of Yorba Linda Municipal Code. Various Sections. <http://library.municode.com>. Updated through January 2014.

RESPONSE CITY2-89

This comment states that the Air Quality Assessment used an outdated version of the CalEEMod model and should be updated based on the latest version 2013.2.2 of the model. The Notice of Preparation (NOP) for the Project was released on July 5, 2012 and analysis of the Project started at that time using CalEEMod (version 2011.1.1). The first revision of CalEEMod was released in July 2013 (version 2013.2) and the latest version (version 2013.2.2) was released October 2013. As the air quality analysis had been completed prior to release of the latest version, the Air Quality Assessment does not need to be updated with the latest version of CalEEMod.

RESPONSE CITY2-90

Per the comment, the construction analysis has been updated to include discussion of Natural Occurring Asbestos. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-24. Modify the 1st paragraph with the following changes:

As discussed above, the appropriate SRA for the LST is the Riverside area (SRA 23). LSTs apply to CO, NO₂, PM₁₀, and PM_{2.5}. It is noted that with regards to asbestos, the types of rocks known to contain asbestos include serpentine and ultramafic rock. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human hazard when airborne. The project is located in Orange County, which is not among the counties listed as containing serpentine and ultramafic rock.^{5b} Therefore, the impact from naturally occurring asbestos (NOA) during project construction would be minimal to none. The nearest existing sensitive receptor to the development boundaries are located immediately adjacent to the project site. As such, the LSTs for receptors at 25 meters are utilized in this analysis. **Table 4.2-7, Localized Significance Summary Construction (Without Mitigation)**, identifies the unmitigated localized impacts at the nearest receptor location in the vicinity of the project site. It should be noted that the impacts without mitigation do not take credit for reductions achieved through best management practices (BMPs) and standard regulatory requirements (SCAQMD's Rule 403). As outlined above in the description of Project Features, there must be compliance with SCAQMD's Rule 403. As shown in Table 4.2-7, without mitigation, emissions during construction activity would exceed the SCAQMD's localized significance thresholds for emissions of PM_{2.5}. Because the PM_{2.5} emissions exceed the LST for that pollutant, a potentially significant impact would occur. Mitigation Measures 4.2.-1 and 4.2-2 are prescribed to reduce PM_{2.5} emissions impacts to a less than significant level.

^{5b} California Office of Planning and Research Memorandum Re: Addressing Naturally Occurring Asbestos in CEQA Documents. August 1, 2007.

RESPONSE CITY2-91

Per this comment, Table 4.2-1 will be updated with the latest version of the CARB Ambient Air Quality Standards table (June 4, 2013). This table has been revised in the Draft EIR and is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-92

A discussion of local meteorological conditions is provided on page 4.2-9, in Section 4.2, *Air Quality*, of the Draft EIR. Per this comment, a wind rose will be added to the wind patterns discussion. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. **Page 4.2-9. Modify the “Wind Patterns and Project Location” discussion with the following changes:**

(3) Wind Patterns and Project Location

The distinctive climate of the project area and the Basin is determined by its terrain and geographical location. The Basin is located in a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter.

Wind patterns across the south coastal region are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

As shown in **Figure 4.2-1, Wind Rose for La Habra Station**, wind patterns at the nearest monitoring station are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

[Note: Figure 4.2-1 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

RESPONSE CITY2-93

Per this comment, the reference to Table 4.2-3, *Project Area Air Quality Monitoring Summary 2008-2010 Air Monitoring Data*, will be changed to Table 4.2-3, *Project Area Air Quality Monitoring Summary 2009-2011 Air Monitoring Data*^a. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-13. Modify last paragraph with the following changes:

The most recent three (3) years of data available is shown on **Table 4.2-3, Project Area Air Quality Monitoring Summary 2008–2010 2009-2011 Air Monitoring Data^a**. Table 4.2-3 also identifies the number of days standards were exceeded for the study area, which was chosen to be representative of the local air quality at the project site. Additionally, data for SO₂ has been omitted from this analysis as attainment is regularly met in the Basin and few monitoring stations measure SO₂ concentrations.

RESPONSE CITY2-94

Per comment, Table 4.2-3 will be updated to include monitoring data for 2012. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-15. Revise Table 4.2-3 with the following changes:

[Note: Table shown on following page]

RESPONSE CITY2-95

Per this comment, the reference to OFFROAD2001 will be changed to OFFROAD2011. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-16. Modify 2nd full paragraph with the following changes:

The duration of activities was estimated based on the Project's expected opening year and specific construction activities were modeled utilizing CalEEMod model defaults for the number and type of equipment that would be used were utilized, as appropriate. Also, as stated above, ~~OFFROAD2001~~ OFFROAD 2011 was utilized to accurately depict "site preparation" and grading activities.

RESPONSE CITY2-96

Per this comment, the reference to Traffic Study as Appendix K will be changed to Appendix L. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-18. Modify second to last paragraph with the following changes:

Vehicles. Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the project site. The Project related operational air quality impact centers primarily on the

Table 4.2-3

Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a

Pollutant	Standard	Year		
		2009	2010	2011
Ozone (O ₃)				
Maximum 1 Hour Concentration (ppm)	—	0.115	0.118	0.095
Maximum 8 Hour Concentration (ppm)	—	0.082	0.096	0.074
Number of Days Exceeding State 1 Hour Standard	>0.09 ppm	4	2	1
Number of Days Exceeding State 8 Hour Standard	>0.07 ppm	9	4	3
Number of Days Exceeding Federal 1 Hour Standard	>0.12 ppm	0	0	0
Number of Days Exceeding Federal 8 Hour Standard	>0.075 ppm	3	1	0
Number of Days Exceeding Health Advisory	≥0.15 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 1 Hour Concentration (ppm)	—	4	3	—
Maximum 8 Hour Concentration (ppm)	—	2.3	1.8	2.1
Number of Days Exceeding State 1 Hour Standard	>20 ppm	0	0	0
Number of Days Exceeding Federal / State 8 Hour Standard	>9.0 ppm	0	0	0
Number of Days Exceeding Federal 1 Hour Standard	>35 ppm	0	0	0
Nitrogen Dioxide (NO ₂)				
Maximum 1 Hour Concentration (ppm)	—	0.10	0.0825	0.0698
Annual Arithmetic Mean Concentration (ppm)	—	0.0206	0.0201	0.0177
Number of Days Exceeding State 1 Hour Standard	>0.18 ppm	0	0	0
Inhalable Particulates (PM ₁₀) ^b				
Maximum 24 Hour Concentration (µg/m ³)	—	63	43	53
Annual Arithmetic Mean (µg/m ³)	—	30.9	22.4	24.8
Number of Samples Exceeding State Standard	>50 µg/m ³	1	0	2
Number of Samples Exceeding Federal Standard	>150 µg/m ³	0	0	0
Fine Particulates (PM _{2.5}) ^b				
Maximum 24 Hour Concentration (µg/m ³)	—	64.6	31.7	39.2
Annual Arithmetic Mean (µg/m ³)	—	11.8	10.2	11
Number of Samples Exceeding Federal 24 Hour Standard	>35 µg/m ³	4	40	2

^a—North Orange County (SRA 16) monitoring station data used unless otherwise noted.^b—Central Orange County (SRA 17) monitoring station data.Source: South Coast AQMD (www.aqmd.gov)

Table 4.2-3**Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a**

<u>Pollutant</u>	<u>Standard</u>	<u>Year</u>		
		<u>2010</u>	<u>2011</u>	<u>2012</u>
<u>Ozone (O₃)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.118</u>	<u>0.095</u>	<u>0.100</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.096</u>	<u>0.074</u>	<u>0.078</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.09 ppm</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>Number of Days Exceeding State 8-Hour Standard</u>	<u>> 0.07 ppm</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 0.12 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 8-Hour Standard</u>	<u>> 0.075 ppm</u>	<u>1</u>	<u>0</u>	<u>2</u>
<u>Number of Days Exceeding Health Advisory</u>	<u>≥ 0.15 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Carbon Monoxide (CO)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>3</u>	<u>--</u>	<u>--</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	<u>---</u>	<u>1.8</u>	<u>2.1</u>	<u>2.4</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 20 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal / State 8-Hour Standard</u>	<u>> 9.0 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 35 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Nitrogen Dioxide (NO₂)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.0825</u>	<u>0.0698</u>	<u>0.0675</u>
<u>Annual Arithmetic Mean Concentration (ppm)</u>	<u>---</u>	<u>0.0201</u>	<u>0.0177</u>	<u>0.0180</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.18 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Inhalable Particulates (PM₁₀)^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	<u>---</u>	<u>43</u>	<u>53</u>	<u>48</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	<u>---</u>	<u>22.4</u>	<u>24.8</u>	<u>22.4</u>
<u>Number of Samples Exceeding State Standard</u>	<u>> 50 µg/m³</u>	<u>0</u>	<u>2</u>	<u>0</u>
<u>Number of Samples Exceeding Federal Standard</u>	<u>> 150 µg/m³</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Fine Particulates (PM_{2.5})^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	<u>---</u>	<u>31.7</u>	<u>39.2</u>	<u>50.1</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	<u>---</u>	<u>10.2</u>	<u>11</u>	<u>10.81</u>
<u>Number of Samples Exceeding Federal 24-Hour Standard</u>	<u>> 35 µg/m³</u>	<u>40</u>	<u>2</u>	<u>4</u>

^a North Orange County (SRA 16) monitoring station data used unless otherwise noted.^b Central Orange County (SRA 17) monitoring station data.Source: South Coast AQMD (www.aqmd.gov)

vehicle trips generated by the project. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., February 22, 2013) were utilized in this analysis (included as Appendix K ~~L~~ in this EIR).

RESPONSE CITY2-97

This comment points out that the volume of earthwork is not referenced in the Section 4.2, *Air Quality*, of the Draft EIR or Appendix B, the Air Quality Study, and requests confirmation that the CalEEMod run conducted for the Project incorporates a sufficient number of equipment and vehicle trips for the volume of earthwork. The commenter is referred to Response SCAQMD-2 for a discussion of cubic yards of cut and fill in the air quality analysis.

RESPONSE CITY2-98

This comment suggests incorporation of mitigation measures to be included as part of Mitigation Measure 4.2-1 to further reduce localized particulate matter emissions impacts. The suggested measures proposed by the comment are generally consistent with applicable SCAQMD Rule 403 requirements, which would be implemented by the Project in any case per applicable SCAQMD regulatory requirements. In response to this comment, Mitigation Measure 4.2-1 has been revised to include specific measures generally consistent with those provided in the comment and consistent with SCAQMD requirements, all of which will be implemented by the Project and included in the Mitigation Monitoring and Reporting Program (MMRP). The addition of the measures does not change the construction air quality impact conclusions stated in the Draft EIR as the Project would result in a less than significant construction air quality impacts with implementation of the prescribed mitigation measures. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-11. Revise Mitigation Measure 4.2-1 with the following changes:

Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 ~~all disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid morning, afternoon, and after work is done for the day. and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:~~

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.

- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

- (i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

- (i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or
- (ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day, or more frequently as needed to control track out.
- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- Plant ground cover in planned areas as quickly as possible after grading.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

Section 4.2, Air Quality

1. Page 4.2-25. Revise Mitigation Measure 4.2-1 with the following changes:

Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 ~~all disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid morning, afternoon, and after~~

work is done for the day. and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

- (i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

- (i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or
 - (ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
 - Sweep streets at the end of the day, or more frequently as needed to control track out.
 - To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
 - Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
 - Plant ground cover in planned areas as quickly as possible after grading.

- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

RESPONSE CITY2-99

This comment states that the biological survey and mapping for the site should be updated and updates to the baseline information on conditions should be provided. The project study area surveys were completed during the months of April, May, June and July, of 2012.¹ The surveys were conducted when the CEQA environmental review process commenced with the release of the Notice of Preparation on July 5, 2012. CEQA specifies that the baseline normally consists of the physical conditions that exist in the area affected by the project at the time the notice of preparation is issued and the EIR process begins. (CEQA Guidelines § 15125(a).) The commenter provides no evidence to support a deviation from this general rule. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components, may benefit from yearly surveys to accurately document baseline conditions for purposes of impact assessment. In shrubland and woodland areas, however, surveys at intervals of three to five years may adequately represent current conditions because the dominant species comprising these vegetation communities routinely require three or more years to reach maturation during which time the number of herbaceous species gradually decreases as the shrub canopy fills in. Had substantial changes in vegetation or species distribution occurred subsequent to 2012, updated baseline surveys may be warranted; however, no substantial changes to the natural communities on the project study area have occurred. Although CEQA does not specifically require an adjustment or update to the baseline for analysis if conditions change after the issuance of a notice of preparation and while an EIR is being prepared, lead agencies generally have discretion to do so. Here, there is no evidence that an update is necessary and thus, the biological resource inventory contained in Section 4.3, *Biological Resources*, of the Draft EIR is a valid assessment consistent with the CEQA baseline requirements.

RESPONSE CITY2-100

This comment suggests that Mitigation Measure 4.3-1 improperly defers mitigation of potential impacts on the least Bell's vireo habitat. As described on page 4.3-31 of the Draft EIR, it is anticipated that the U.S. Army Corps of Engineers (USACE) will consult with United States Fish and Wildlife Service (USFWS) on any actions that may affect a threatened or endangered species such as the least Bell's vireo for the Project. During the mandatory Federal Endangered Species Act (FESA) Section 7 consultation by USACE with USFWS for any Clean Water Act 404 permit for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species-specific Biological Assessment as part of the consultation process), prepare a Biological Opinion with respect to whether the Project is likely to jeopardize the continued existence of the species and within which USFWS would recommend mitigation/conservation measures where appropriate.

Mitigation Measure 4.3-1 requires habitat replacement or enhancement at a minimum of twice the acreage lost in order to support the survival of this endangered species for compliance with provisions of the federal and state endangered species acts. Details of the complete mitigation requirements are not yet known

¹ The "project study area" is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

because consultation between USACE and USFWS has yet to commence. Priority would be given to mitigation implementation within the same regional watershed of the Santa Ana River and where viable long-term success for least Bell's vireo habitat occupation is assured. Where USFWS and CDFW agency-approved off-site mitigation banks (e.g., the pending Soquel Canyon Mitigation Bank within the City of Chino Hills in San Bernardino County) that support least Bell's vireo are available, purchase of mitigation credits would be a preferred option because mitigation banks have demonstrated to the resource agencies the long-term viability for successful mitigation. However, the Project Applicant may elect to pursue satisfaction of the replacement and enhancement obligations for the permit compliance by independently developing a mitigation plan acceptable to both the resource agencies and the Manager, OC Development Services. Authorization for ground disturbance through the issuance of a grading permit would not occur unless the County is confident of successful mitigation compliance.

Consultation with the USFWS and Mitigation Measure 4.3-1 would reduce any potentially significant impacts to a less than significant level. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [consultation with the USFWS was not an improper deferral of mitigation].) When a public agency evaluates the potentially significant impacts of a project and identifies measures that will mitigate those impacts, it does not have to commit to any particular mitigation measure...as long as it commits to mitigating the significant impact of the project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.) Here, the Draft EIR provides measures which are sufficiently definite and commit to mitigating the impact to a less than significant level, including incorporating mitigation measures recommended by the USFWS and replacement and/or enhancement of habitat at a ratio of no less than 2:1.

RESPONSE CITY2-101

This comment suggests that Mitigation Measure 4.3-2 improperly defers mitigation of potential impacts on federally protected wetlands. As described on page 4.3-36 of the Draft EIR, the Project would result in impacts to 0.42 acre of USACE/RWQCB "Waters of the U.S.", 1.38 acres of CDFW jurisdictional streambed and associated riparian habitat, and 0.24 acre of USACE/RWQCB and CDFW jurisdictional wetland areas. Implementation of Mitigation Measure 4.3-2 requires that prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a Clean Water Act Section 404 permit, a Clean Water Act Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of the same to the Orange County Planning Manager. Mitigation Measure 4.3-2 includes a list of specific measure that may be required by these agencies.

These specific measures would replace a minimum of 1.32 acres of jurisdictional streambed and associated riparian habitat under federal law and 3.24 acres of jurisdictional streambed and associated riparian habitat under state law. The mitigation ratio of not less than 2:1 reflected in the above acreage figures, as required by Mitigation Measure 4.3-2, for replacement of jurisdictional resource lost to project impacts does not appear feasible as the Project is currently designed. As a consequence, off-site mitigation would be a major component for satisfactory compliance with this mitigation requirement. Because the objective of mitigation habitat is to provide long-term and permanent replacement of the impacted ecological function of the "Waters of the U.S./State," it is prudent to allow flexibility for an option where mitigation implementation may be satisfied in a single off-site location, preferably adjacent to existing preserved habitat, rather than in

isolated drainage islands or a combination of fragmented on- and off-site locations. As stated above in Response City2-100, USACE must consult with USFWS for any Clean Water Act 404 permit for this Project, and through consultation with USFWS appropriate mitigation/conservation measures would be proposed to address potential Project-related impacts on the least Bell's vireo, a special-status species that makes use of the jurisdictional resources.

It is through the jurisdictional regulatory agency permitting process that the highest quality mitigation solutions are typically achieved. Southern willow scrub would be replaced with a minimum of 2.5 acres because this is the primary habitat of least Bell's vireo occupancy and the only riparian habitat impacted. Blue elderberry woodland would also be a component of the mitigation requirements as it provides cover and foraging habitat for riparian avian species like least Bell's vireo, yellow breasted chat, and yellow warbler. The Project Applicant will need to demonstrate acceptable and feasible mitigation implementation to both the jurisdictional regulatory agencies and the Manager, OC Development Services before authorization for ground disturbance through issuance of a grading permit is granted.

Consultation with the USACE and Mitigation Measure 4.3-2 would reduce any potentially significant impacts to a less than significant level. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [consultation with the USFWS was not an improper deferral of mitigation].) When a public agency evaluates the potentially significant impacts of a project and identifies measures that will mitigate those impacts, it does not have to commit to any particular mitigation measure...as long as it commits to mitigating the significant impact of the project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.) Here, the Draft EIR provides measures which are sufficiently definite and commit to mitigating the impact to a less than significant level, including incorporating mitigation measures recommended by agencies with regulatory jurisdiction.

RESPONSE CITY2-102

This comment suggests a minor editorial revision. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-103

As noted by this comment, proper citation of the Missing Linkages report was inadvertently omitted on page 4.3-45 of the Draft EIR. The correct and full citation to this reference, which is included on page 4.3-47, is the following:

Penrod, K., R. Hunter, and M. Merrifield. Missing Linkages: Restoring Connectivity to the California Landscape, Conference Proceedings. Co-sponsored by California Wilderness Coalition, The Nature Conservancy, U.S. Geological Survey, Center for Reproduction of Endangered Species, and California State Parks. 2001.

RESPONSE CITY2-104

This comment states that the section relating to the pedestrian survey does not provide details regarding the methodology used, including the extent of transects. The field survey focused on areas that were accessible to the surveyors, including ridges, hilltops, canyon bottoms, and along dirt roadways. For areas that were surveyed, the ground surface was examined for archaeological, historical, and paleontological resources. For those areas accessible during the survey, the survey consisted of systematic parallel transects spaced approximately 10- to 15-meters (m) (33 to 40 feet) apart depending on the ground conditions.

RESPONSE CITY2-105

Per this comment, Mitigation Measure 4.4-1 will be revised to clarify the term “spot check observations.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-15. Modify Mitigation Measure 4.4-1 with the following changes:**

Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Planning Development Services, that the Applicant has retained a qualified archaeological monitor to conduct ~~spot-check~~ daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The ~~spot-check~~ observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

Chapter 4.4, Cultural Resources**1. Page 4.4-11. Modify Mitigation Measure 4.4-1 with the following changes:**

Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Planning Development Services, that the Applicant has retained a qualified archaeological monitor to conduct ~~spot-check~~ daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The ~~spot-check~~ observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

RESPONSE CITY2-106

Per this comment, Mitigation Measure 4.4-4 will be revised to clarify the implementation of the mitigation measure. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-16. Modify Mitigation Measure 4.4-4 with the following changes:**

Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

Chapter 4.4, Cultural Resources**1. Page 4.4-12. Modify Mitigation Measure 4.4-4 with the following changes:**

Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

RESPONSE CITY2-107

Per this comment, Mitigation Measure 4.4-5 will be revised to clarify the term “qualified paleontologist.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-17. Modify Mitigation Measure 4.4-5 with the following changes:**

Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

Chapter 4.4, Cultural Resources

1. Page 4.4-13. Modify Mitigation Measure 4.4-5 with the following changes:

Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

RESPONSE CITY2-108

The commenter is referred to Topical Response 4 for a detailed discussion of the Project's relationship to the Whittier Fault Zone/Fault Rupture Hazard Zone.

RESPONSE CITY2-109

The commenter correctly notes that the EIR does not include any Project Design Features that relate to the Project's potential geology and soils impacts. As discussed in Section 5.5, *Geology and Soils*, in the Draft EIR, compliance with applicable regulatory requirements and implementation of Mitigation Measure 4.5-1 would reduce potentially significant seismic and geologic stability hazards to a less than significant level. The

commenter is also referred to Topical Response 4 for a discussion of seismic and geologic stability hazards. Comment City2-109 does not raise environmental issues concerning the analysis in the EIR. It will be provided to the County decision makers for their consideration.

RESPONSE CITY2-110

The commenter is referred to Topical Response 4 for a detailed discussion of the Project's relationship to the Whittier Fault Zone/Fault Rupture Hazard Zone.

RESPONSE CITY2-111

Comment City2-111 alleges that Mitigation Measure 4.5-1 improperly defers mitigation. According to established case law, "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*City of Long Beach v. Los Angeles Unified School Dist.* (2009)176 Cal.App.4th 889.) However, while it is true that CEQA prohibits the deferral of the formulation of mitigation measures, CEQA also provides that "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." (CEQA Guidelines §15126.4(a)(1)(B); *see also Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011, 1029 (upholding a mitigation measure that provided a variety of options for mitigating the project's parking impact because the lead agency committed itself to devising measures that would satisfy specific performance criteria).) Consistent with CEQA and *Sacramento Old City Ass'n*, Mitigation Measure 4.5-1 has been revised to reflect the metrics and standards set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014 (see copy of letter in Appendix B of this Final EIR). If the additional evaluation contemplated by that letter conclude that the FT-1 and FT-4 are not active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a) of Mitigation Measure 4.5-1. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, building permits for Lots 20 to 52 shall not be issued unless additional studies are prepared and approved by the County confirming that some or all of these lots are suitable for residential construction. Given this specificity, Mitigation Measure 4.5-1 does not constitute an impermissible deferral of mitigation.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Pages ES-21. Modify Mitigation Measure 4.5-1 with the following changes:

Mitigation Measure 4.5-1 Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by the County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist ~~and geotechnical engineer~~ to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's ~~registered geotechnical engineer or third party registered~~

~~engineer~~ engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) ~~Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.~~
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.
- b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a

factor of safety lower than these minimum requirements, the development slopes shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

~~e)d)~~ Conduct representative sampling and laboratory ~~expansion~~ testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable expansive soils that could create geotechnical stability hazards to the Project.

~~d)e)~~ Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered ~~geotechnical engineer~~ engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

Section 4.5, Geology and Soils

1. Pages 4.5-17. Modify Mitigation Measure 4.5-1 with the following changes:

Mitigation Measure 4.5-1 Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by the County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist ~~and geotechnical engineer~~ to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's ~~registered geotechnical engineer or third party registered engineer~~ engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) ~~Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.~~
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.
- b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development slopes shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides,

typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

- e)d) Conduct representative sampling and laboratory ~~expansion~~ testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable expansive soils that could create geotechnical stability hazards to the Project.
- d)e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered ~~geotechnical engineer~~ engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

RESPONSE CITY2-112

As discussed on page 4.5-15, in Section 4.5, *Geology and Soils*, within the Draft EIR, potential liquefaction hazards could occur within a small portion of the project site, near the southwest corner. In addition, the Draft EIR acknowledges that possible alluvial sediments within the two main canyons that exist within the central and northern portion of the project site are also susceptible to liquefaction and seismic settlement. Air quality impacts are addressed in Section 4.2, *Air Quality*, of the Draft EIR. With regards to short-term construction-related air quality impacts, impacts are based on daily thresholds established by the SCAQMD. If earthwork, such as over-excavating/recompacting or other measures, are required to mitigate geologic hazards, the extent of equipment and grading on a daily basis in the Draft EIR's daily air quality modeling input assumptions would not increase given that mass grading is already assumed to occur on the project site. Essentially, the daily equipment assumed for the Project's grading (cut and fill) activities could be utilized for earthwork activities related to geologic hazards. Such work would not occur in addition to the Project's assumed full extent of daily grading activities, but rather in place of and/or with a lesser extent of the Project's assumed grading activities such that the overall daily emissions would not exceed those already calculated in the Draft EIR. Accordingly, such work would not change the construction air quality impact assessment provided in Section 4.2 of the Draft EIR. Please refer to Response SCAQMD-2 for further discussion of daily equipment assumptions.

RESPONSE CITY2-113

This comment states that the Greenhouse Gas Assessment should be updated using the latest version of the CalEEMod model (version 2013.2.2). The commenter is referred to Response CITY2-89 for a discussion of the latest version of CalEEMod.

RESPONSE CITY2-114

Per this comment, the reference to the Traffic Study date of July 2012 will be changed to February 22, 2013. References to Traffic Study as Appendix K will be changed to Appendix L. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.6, Greenhouse Gas Emissions**1. Page 4.6-22. Modify fourth paragraph with the following changes:**

Mobile Source Emissions. GHG emissions would also result from mobile sources associated with the Project. These mobile source emissions will result from the typical daily operation of motor vehicles by visitors, employees, and customers. Project mobile source emissions are dependent on both overall daily vehicle trip generation. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., ~~July 2012~~ February 22, 2013) were utilized in this analysis. This report is included as Appendix ~~K~~ L in this Draft EIR.

RESPONSE CITY2-115

This comment generally states that the analysis of Hazards and Hazardous Materials should discuss whether petroleum-related hydrocarbons (PHCs) are a concern. The Draft EIR does not state that “PHCs” are a COC. However, on page 4.7-20, there is a statement that COCs can include “heavy end petroleum hydrocarbons (e.g., total petroleum hydrocarbons as oil [TPH-o] and heavy metals (e.g., arsenic, lead and chromium).” PHCs are discussed in both the Existing Conditions and “Analysis of Project Impacts” sub-sections within Section 4.7 of the Draft EIR. Existing PHC conditions are discussed on pages 4.7-13 to 4.7-15 of the Draft EIR. Impacts associated with PHCs are discussed under Impact Statement 4.7-2 beginning on page 4.7-20 of the Draft EIR.

RESPONSE CITY2-116

Per this comment, text regarding the SCAQMD’s Rule 1166 will be added. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials**1. Page 4.7-10. Add the following to the end of the Regulatory Framework sub-section:****(j) South Coast Air Quality Management District**

The South Coast Air Quality Management District (SCAQMD) regulates emissions associated with the excavation and remediation of certain contaminated materials through SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. The

rule sets standards for the handling of VOC-contaminated soil at or from an excavation or grading site.

RESPONSE CITY2-117

Per this comment, the reference to ASTM E1528-05 will be changed to ASTM E1527-00. The comment regarding the replacement of ASTM E1527-00 with E1527-13 as Standard Practice for Environmental Site Assessments as of November 2013 is acknowledged. While conformance to certain ASTM standards may be required in order to obtain liability protections under CERCLA, CEQA does not require such conformance. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-11. Modify second paragraph with the following changes:

(1) Hazardous Materials/Records Review

The Phase I and II ESA and the Site Assessment Report assessed the presence or likely presence of historical, existing, or threatened releases of any hazardous substances or petroleum products into structures, soil, and/or groundwater beneath the project site, to the extent practical. These are referred to as recognized environmental conditions (RECs), as defined under the American Society of Testing and Materials (ASTM) ~~E1528-05~~ E1527-00.

RESPONSE CITY2-118

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-119

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-120

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-121

Please refer to Response City2-34.

RESPONSE CITY2-122

The referenced discussion in this comment provides an introduction to the analysis provided under Impact Statement 4.7-2 (Risk of Upset). This comment is noted by the County. However, no further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-123

The referenced paragraph in this comment discusses Mitigation Measures 4.7-1 to 4.7-3. As discussed therein, Mitigation Measure 4.7-1 addresses the Soils Management Plan, which outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. Clearly, this is applicable to construction workers. The discussion also states that, "This mitigation measure ensures that soils impacted with VOCs are handled and disposed of appropriately so that health of the Project's future residents is not endangered." Mitigation Measure 4.7-2 sets forth the requirements for a VOC mitigation plan consistent SCAQMD Rule 1166 requirements. As discussed in the referenced paragraph, Rule 1166 sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil. Thus, the plan would address impacts to construction workers. With regards to Mitigation 4.7-3 and the requirements for a site-specific health and safety plan (HASP), the analysis states that the HASP "would be implemented in conjunction with the SMP when handling soil with suspected or confirmed COC impacts." Further, the analysis concludes that, "...this mitigation measure [referring to Mitigation Measure 4.7-3] ensures that appropriate actions are taken with respect to other chemicals of concern so that they will not endanger future Project residents." Thus, the analysis discusses impacts and mitigation measures to both construction workers and future Project residents.

RESPONSE CITY2-124

Per comment, Mitigation Measure 4.7-4 would be revised as shown below. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Pages ES-26. Modify Mitigation Measure 4.7-4 with the following changes:**

Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. ~~The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.~~

Section 4.7, Hazards and Hazardous Materials**1. Page 4.7-24. Modify Mitigation Measure 4.7-4 with the following changes:**

Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a “Construction Site Review” of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. ~~The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.~~

RESPONSE CITY2-125

This comment’s request for a change to the name and analysis format do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-126

As noted on page 4.7-27 of the Draft EIR, the OCFA has reviewed and approved the Project’s preliminary Fire Master Plan and Fuel Modification Plan, which identifies emergency site access within the project site. Also, please refer to Topical Response 3 regarding emergency access and wildland fire impacts. Figure 4.7-1, *Fire Master Plan*, illustrates the locations of the fire hydrants, fire access roads, OCFA hammerhead locations.

RESPONSE CITY2-127

Topical Response 2 addresses the location of future water facilities required in order to serve the Project and explains how the Project’s water infrastructure will provide adequate fire flow to the Project site.

RESPONSE CITY2-128

Neither the access to Planning Area 1 from Via del Agua nor the access to Planning Area 2 from Aspen Road will be gated. No access gates are planned for the Project. Therefore, no changes are proposed to the first paragraph on page 4.7-27 in response to this comment.

RESPONSE CITY2-129

This comment requests a source regarding the “approval” of the Fire Master Plan by OCFA. The commenter is referred to the “Scanned Copy of OCFA Approval Stamp” provided on Figure 4.7-1, *Fire Master Plan*, in the Draft EIR.

RESPONSE CITY2-130

Comment City2-130 requests that the Draft EIR’s Fire Master Plan (Figure 4.7-1) also include the emergency ingress and egress location for the Esperanza Hills development. The Esperanza Hills Specific Plan originally proposed three unique ingress and egress plans, known as Option 1, Option 2 Modified, and Option 2B. On June 2, 2015, the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan and two access options: Option 2B and Option 2 Modified. Option 1 was subsequently removed from the Esperanza Hills Specific Plan. Please see Topical Response 5 for a description and discussion of the access configurations. Notwithstanding the Board of Supervisor’s June 2, 2015 action on the Esperanza Hills

Specific Plan, the proposed emergency egress for Option 1 was analyzed as part of Alternative 4, the Contested Easement Alternative, in Chapter 5.0, *Alternatives*, of the Draft EIR. This Alternative includes a north-south easement within Planning Area 1 that would be used as an emergency ingress/egress road to be constructed by the Esperanza Hills Project. The impacts of this potential future road are analyzed under the Alternative 4 impact assessment provided in Chapter 5.0 of the Draft EIR. Under CEQA, lead agencies may adopt a Project alternative instead of the proposed Project. (See, e.g., Public Resources Code §§ 21002-21002.1, 21004, CEQA Guidelines § 15002.) With respect to Option 2 and the Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-131

The lots that would require radiant heat walls include lots 40, 41, 49, 50, 85, 86, and 87 as shown in Figure 4.7-2a, *Conceptual Fuel Modification*, of the Draft EIR. Each of these lot's radiant heat wall would face to the east/northeast. As such, because of their orientation and due to intervening development and topography associated with the Project, would not be visible to the surrounding locations from the north, west or south. Thus, the photo simulations presented in Section 4.1, *Aesthetics*, accurately depict the Project as proposed. Also, as depicted in Figure 4.7-2a, the radiant heat walls will be located in close proximity to proposed residences, which will be of a greater height and mass than the heat walls. Any views from the east will view the radiant heat walls in the context of the larger development project, similar to fences associated with housing. Thus, because the radiant heat walls will be incorporated with future development, the radiant heat walls will not have a significant aesthetic impact.

RESPONSE CITY2-132

The photo simulations provided in Section 4.1, *Aesthetics*, do include the plant palette required for the fuel modification zones. However, re-vegetation would not occur in the open space areas beyond the fuel modification zones presented in Figure 4.7-2(a-b), *Conceptual Fuel Modification*. Therefore, a correction to the referenced paragraph in this comment is necessary. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-33. Modify 3rd paragraph with the following changes:

Fire behavior relative to topography and structures within the project site is an important factor in development of the fire protection system for the Project. The largest flame length impacting the fuel modification zone would be less than 25 feet. While modeling within the Fire Behavior Report indicates that flame lengths of just under 50 feet are possible under perfect conditions, this is unlikely due to predominant winds that drive wildland fires as well as the arrangement of slopes and fuel relative to the structures. The predominant fuels within the project site are grasses, grass/scrub mixtures, and chaparral. The only locations which have areas of moderate to heavy fuels are on the northern slopes of the steeper canyon. Some of these areas would be adjacent to the project site, but none are below or immediately aligned with the wind and topography as to create a condition where slope, wind, and fuel are in full alignment. All of the fuels within the project area's fuel modification zones as shown on Figure 4.7-2(a-b) would be removed and replaced with plants from the approved

palette. Flanking fire of six to eight feet maximum is expected at the property line of the lots within the development or at the base of the fuel modification zones or block walls/radiant heat walls. By compliance with the applicable regulatory requirements cited above and implementation of the prescribed mitigation measures, in all areas, the minimum requirement of providing a 2:1 safety ratio (2 flame heights/lengths in distance from the fuel modification zone) for a “safety zone” needed for protecting the structures would be achieved and in most...

RESPONSE CITY2-133

The Project’s anticipated water supply infrastructure is identified, and its potential Project- and cumulative-level impacts are discussed, in Topical Response 2.

RESPONSE CITY2-134

Mitigation Measure 4.7-10 is discussed on page 4.7-33 of the Draft EIR. The analysis of wildland fire impacts presented under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR does not separate “construction” and “operational” wildland fire impacts. This comment does not raise any new significant issues of address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-135

Because the residential portions of the project site are General Plan designated as 1B, Suburban Residential and Open Space, the ISO rating is ISO 3.

RESPONSE CITY2-136

Both the Phase II Subsurface Investigation Report and the Soil Management Plan are included in Draft EIR Appendix G. The contents of Appendix G are listed on page 4.7-1 of Section 4.7, *Hazards and Hazardous Materials*.

RESPONSE CITY2-137

The Conceptual Fuel Modification Plan and Fire Management Plan are included in Draft EIR Appendix G and are included in the content list for Appendix G on page 4.7-1 of Section 4.7 and are also included in Tables 4.7-2 and 4.7-1, respectively, on pages 4.7-29, 4.7-30 and 4.7-31 of Section 4.7.

RESPONSE CITY2-138

The anticipated water infrastructure required to serve the Project is discussed at length in Topical Response 2.

RESPONSE CITY2-139

The hazardous materials assessments do account for the former aboveground oil storage tanks. As indicated in the “Site Assessment Report,” the boring locations considered the locations of the on-site tank farm. The “Phase I and II ESA” visually inspected the site for obvious indications of existing and previously existing storage tanks (aboveground and underground). Also, the review of historical information and regulatory agency records conducted for the Phase I and II ESA accounted for the former aboveground storage tanks. Finally, the Phase II Subsurface Investigation Report and SMP considered the information provided in the Site Assessment Report and Phase I and II ESA.

RESPONSE CITY2-140

The purpose of the Avanti “Site Assessment Report” was to assess soil conditions at the on-site wells and former aboveground storage tank locations. This report was not intended to address the potential for future land uses on the site. The whole of the analysis presented in the Section 4.7, *Hazardous Materials*, in the Draft EIR, which considers data from four technical reports pertaining to hazardous materials, forms the basis for the ability of the site to support residential uses.

RESPONSE CITY2-141

This comment is acknowledged by the County. This comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR. Despite the terminology, the site’s environmental concerns pertaining to hazardous materials are adequately analyzed in Section 4.7 of the Draft EIR with mitigation measures prescribed to address potentially significant impacts, where necessary.

RESPONSE CITY2-142

The Phase I and II ESA identifies the storage tanks on the site on page 5-1, with corresponding ID# ET-01 to ET08. The Phase I and II ESA and the Site Assessment Report assessed the presence of likely presence of historical, existing, or threatened releases of any hazardous substances or petroleum products into structures, soil, and/or groundwater beneath the project site. Section 7 of the Phase I and II ESA contains full descriptions of any major, medium, or minor environmental concerns identified in the report. Page 7-2 of the report identifies “Concern #1” (also shown in Table 4.7-1 of the Draft EIR), which includes all eight of the storage tanks (ET-01 to ET-08). Thus, the tanks are identified as a “minor” environmental concern within the greater “Concern #1” as presented on page 7-2 of the report. Phase One, Inc. classifies an environmental concern as a major, medium, or minor concern when it is one that involves a recognized environment condition for which, in the opinion of Phase One, Inc., further investigation, action, and/or remediation is recommended. Within the table on page 7-2, a description of Concern #1 and the “Action Suggested” to address this concern is provided.

RESPONSE CITY2-143

The commenter is referred to Response City2-139. As noted in Figures 2A and 2B of the Phase II ESA, the assessment noted the location of the storage tanks and conducted boring at locations in close proximity to those tanks.

RESPONSE CITY2-144

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As shown therein, Figure 4.8-2 has been updated to include the Project’s proposed BMP features as described in the updated Conceptual Drainage Study and Conceptual Water Quality Management Plan.

The proposed and existing streets are shown in EIR Figures 4.8-2a and 4.8-2b, *BMP Plan*, which are included Chapter 3.0 of this Final EIR. Also, Figure 4.8-1, *Hydrology Map*, purposefully did not show the Project’s proposed planning areas, but rather only the project site boundaries, to clearly illustrate the offsite tributary

areas (creeks) that pass through the project site and to provide context of the site in relationship to the overall watershed boundary and its primary hydrology features.

RESPONSE CITY2-145

This comment correctly indicates that Wire Springs Canyon (Creek A) is to the east of the site. Per comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.8, Hydrology and Water Quality

1. Page 4.8-9. Modify the 1st sentence in the last paragraph with the following changes:

~~With regards to Runoff from the South Site, Wire Springs Canyon (Creek A), inclusive of Creek A and a large offsite natural tributary area located partially on-site and to the west of the project site (Creek E), drains to the receiving sSouthern portion Boundary and Southwest Outlet facilities, respectively. of the project site, discharging to the receiving box culvert (8 feet by 7 feet) storm drain located within Stonehaven Drive.~~

RESPONSE CITY2-146

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed in that Chapter and Appendix D, impacts to the channel located between San Antonio Road and Via Corona (Esperanza Channel) would be less than significant. Planning Area 2 would drain into the Esperanza Channel. However, with incorporation of specific measures and BMPs, the Project would not increase flows at the Esperanza Channel. Please refer to the studies contained in Appendix D of this Final EIR for further information.

RESPONSE CITY2-147

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Between both of the updated reports, the revised hydrology analysis meets the County's requirements in regards to modeling the required storm events per the Orange County Hydrology Manual and current County Technical Guidance Document requirements.

RESPONSE CITY2-148

Section 4.8, *Hydrology and Water Quality*, specifically notes that because the "Project is defined as a Priority Project, the [Conceptual] WQMP includes both source control and treatment control BMPs, as well as site design BMPs, and would implement LID principles, where applicable and feasible. A Final WQMP, subject to the approval by the County, would update the Project's Conceptual WQMP based" on the final design and would include applicable BMPs. The project is proposing a variety of bio-retention, bio-filtration, and proprietary BMPs to meet WQMP requirements. A hierarchy analysis will be performed to identify what types of treatments are most feasible for the project within the final WQMP, which will be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map (see PDF 8-1). The final WQMP will propose specific BMPs from the options identified in the water quality report that

meet the current MS4 permit and implement low impact design elements. Compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure that operation of the Project would not result in a significant water quality impact. As concluded in the Conceptual WQMP, the Project's drainage features (inclusive of BMPs) will not increase peak runoff conditions.

RESPONSE CITY2-149

Please see revisions in Chapter 3.0 of this Final EIR, which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As shown therein, Figures 4.8-2a and 4.8-2b have been updated to include the Project's proposed BMP features as described in the updated Conceptual Drainage Study and Conceptual Water Quality Management Plan. The planning areas and subdivision detail, including the local street system and street layout, are clearly depicted in Figures 4.8-2a and 4.8-2b, BMP Plan. The commenter is referred to this exhibit. For frame of reference, See Figure 2-6 in Section 2, *Project Description*, of the Draft EIR, which identifies the proposed streets on the Project site by name.

RESPONSE CITY2-150

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). PDF 8-5 of the Draft EIR has been revised, which is currently PDF 8-3. PDF 8-3 requires all habitable building floor elevations to be constructed at a minimum of 1-foot (or greater) above the 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site

RESPONSE CITY2-151

Per the updated Conceptual Drainage Study, the Project is no longer proposing a debris basin within Creek C. This was removed as flows from Creek C will be conveyed along the south easterly portion of the development within an open channel that would be a debris carrying facility. Therefore, the Project will be consistent with the existing condition as it relates to Creek C.

RESPONSE CITY2-152

The commenter is correct in identifying that area S-4 does not currently drain to Creek A as assumed in the hydrologic study. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Watershed "E" is shown in Figure A.2 of the updated Drainage Study. As shown in the figure and discussed in Chapter 3.0 of this Final EIR, runoff from the South Site (Planning Area 1), inclusive of Creek A and a natural tributary area located partially on-site and to the west of the project site (Creek E), drains to the receiving Southern Boundary [Stonehaven Drive – 8'x7' Reinforced Concrete Box (RCB)] and Southwest Outlet [Dorinda Road – 36" Reinforced Concrete Pipe (RCP)] facilities, respectively.

Creek E would be filled to create the Planning Area 1 development area. This would result in roughly 2.2 acres of the proposed developed portions of Planning Area 1, which would drain to the westerly property line, to be conveyed southerly and directed offsite towards the existing 36" RCP at Dorinda Road. To

maintain drainage patterns similar to predeveloped conditions, BMP-HM1 requires a split-flow/bifurcation structure to be installed along storm drain Line “B” in “B” Street to bifurcate storm flows to both the 36” RCP at Dorinda Road and the 8’x7’ RCB at Stonehaven Drive (see Figure 4.8-2 in Chapter 3.0 of this Final EIR).

As discussed in Chapter 4.3 of the Draft EIR, a jurisdictional delineation of all existing ephemeral and artificially supported perennial flow features was conducted to assess the extent of “waters of the U.S., waters of the State” and/or wetlands under the jurisdiction of the United States Army Corps of Engineers (Corps)/Regional Water Quality Control Board (RWQCB), and/or streambed and associated riparian habitat under the jurisdiction of the California Department of Fish and Wildlife (CDFW). Detailed methodology and results of the jurisdictional delineation are included in *Investigation of Jurisdictional Waters and Wetlands* report prepared for the Project (refer to Appendix C of this EIR). The Creek E flow features within Planning Area 1 do not possess the necessary indicators to be under the jurisdiction on any of the above referenced agencies. Indicators include such things as the “ordinary high water mark,” limits of wetlands based on USACE guidelines and publications, and presence of a defined bed and bank and/or streambed associated riparian vegetation.²

RESPONSE CITY2-153

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analysis does not utilize TR-55 and hand hydrograph calculations, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-154

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-155

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed therein, an infiltration basin would be provided in Planning Area 2. The basin would be sized to capture the necessary stormwater volume to comply with applicable hydromodification requirements to prevent hydrologic conditions of concern. Applicable hydrology calculations are provided in Appendix A.1 and A.2 of the updated Conceptual WQMP.

² USACE’s *Field Guide to the Identification of the OHWM in the Arid West Region of the United States* (USACE 2008), *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (Environmental Laboratory 2008)

RESPONSE CITY2-156

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The assessment of hydrology impacts in the Drainage Study follows guidelines set forth in the Orange County Hydrology Manual and the Orange County Local Drainage Manual – January 1996. The Orange County Hydrology Manual uses a return period of 25-year and 100-year storm event to describe drainage characteristics and design capacity. The 100-year storm event is analyzed to model the off-site tributary flows and hydraulic conveyance through the project site. The 25-year storm is analyzed for the proposed condition street capacities and hydraulic conveyance of the onsite storm drain facilities. The analysis compares the existing conditions to the proposed conditions with and without the Project's proposed storm drain facilities, where necessary. The results of these comparisons are included within the analysis to determine the Project's consistency with the current Orange County drainage requirements.

Also, the WQMP evaluates the 2-year (24-hour) storm event to determine if the Project would be susceptible to hydromodification impacts, which would be considered a "hydrologic condition of concern" per the Countywide Model WQMP Technical Guidance Document (TGD) (May 2011). As analyzed therein, by implementing the Project's proposed drainage facilities, no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Areas 1 or 2 based on applicable County standards.

RESPONSE CITY2-157

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-158

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-159

Please refer to Response City2-156.

RESPONSE CITY2-160

A total of 41 acres of the project site are designated by the County General Plan for 1B, Suburban Residential use with the designation viewed as this area's component of promoting a balance of land uses east of the City. While the project applicant is requesting an increase the project site's 1B designated acreage to a total of approximately 47 acres, even before this acreage is added to the project site, the range of allowable residential build-out is 21-738 dwelling units. The Project's proposed 112 units is near the lower end of the

1B designation which provides this area's component of balanced land use to complement the 5, Open Space designation also on the project site, and the various City land use designations to the west of the project site.

RESPONSE CITY2-161

A General Plan Land Use Element policy of the City is to not exceed an average of 2.8 dwelling units per acre citywide. If the property is annexed to the City, with its proposed residential density of 1.3 dwelling units per gross acres, the City's average number of dwelling units per acre would be incrementally reduced.

RESPONSE CITY2-162

Comment City2-162 raises questions about the Project's consistency with the City of Yorba Linda General Plan's density requirements. The commenter incorrectly presumes that the Project is bound by the Yorba Linda General Plan. Rather, since the Project site is within the County's jurisdiction, it is governed by the County's General Plan. The fact that the Yorba Linda General Plan includes the project site (which is within its sphere of influence) does not mean that the Project must be consistent with all the policies associated with that General Plan.

Nevertheless, the EIR analyzes the Project's consistency with the Yorba Linda General Plan for informational purposes. As evidenced by Table 4.9-2 of the Draft EIR and the preceding discussion regarding the Yorba Linda General Plan, the Draft EIR appropriately analyzed consistency with the Yorba Linda General Plan, looking at both specific policies and general consistency. As noted therein, the Project would be potentially consistent with the Yorba Linda General Plan. A lead agency's determination that a project is consistent with a general plan carries a strong presumption of regularity. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.)

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan's density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE CITY2-163

The commenter is referred to Response City2-162, above.

RESPONSE CITY2-164

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-165

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-166

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-167

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-168

Please refer to Response City2-161. Because the Project will incrementally reduce the City's residential density (assuming the current citywide residential density is at or below 2.8 dwelling units per acre, but greater than 1.3 dwelling units per acre), there is no need to revise the Cumulative Impact analysis on page 4.9-19 in Section 4.9, *Land Use and Planning*.

RESPONSE CITY2-169

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-170

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-171

This comment suggests providing noise measurements to quantify the existing on- and off-site acoustical environment for background information. Per comment, existing noise measurements were taken to provide this background information. The noise measurements data is consistent with the daytime and nighttime noise levels cited in the Draft EIR on page 4.10-9 under the "Stationary Noise Sources" sub-section. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.10, Noise

1. Page 4.10-9. Add the following discussion to the end of the “Stationary Noise Sources” subsection :

(b) Stationary Noise Sources

The project site and surrounding area primarily consists of residential uses with schools and parks uses located within the project vicinity. Noise levels in single-family residential areas such as those adjacent to the project site typically range from 45 to 55 dBA during daytime hours and are generally less than 50 dBA during nighttime hours.

As shown in in **Figure 4.10-2, Noise Measurement Locations**, long-term (24-hour) measurements were conducted at one location, identified as R1 to quantify the existing noise environment. Short-term (15-minute) measurements were recorded at two additional locations, identified as R2 and R3. The long-term ambient noise measurements at locations R1 were conducted from Wednesday, June 25, through Thursday, June 26, 2014. The short-term noise measurements at locations R2 and R3 were conducted on June 25, 2014 between the hours of 7:00 A.M. and 9:00 A.M. Descriptions of the noise measurement locations are provided below:

- Measurement Location R1: This measurement location is representative of the highest noise level(s) at the project site given its proximity to Dorinda Road (vehicular noise), as well as the nearby residential uses. The sound measuring device (sound level meter) was placed on the southwestern boundary of the project site along Dorinda Road.
- Measurement Location R2: This measurement location represents the noise environment of the nearest single-family residential uses along Dorinda Road. The sound level meter was placed at the end of Dorinda Road west of the project site.
- Measurement Location R3: This measurement location represents the noise environment of the nearby single-family residential uses along Aspen Way west of the project site. The sound level meter was placed at the end of Aspen Way nearby the single-family residential uses west of the project site.

[Note: Figure 4.10-2 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

The ambient noise measurements were conducted using a Larson-Davis 820 Precision Integrated Sound Level Meter (SLM). The Larson-Davis 820 SLM is a Type 1 standard instrument as defined in the American National Standard Institute (ANSI) S1.4. Measurement instruments were calibrated and operated according to manufacturer specifications. The microphone was placed at a height of 5 feet above the local grade.

The results of the ambient sound measurement data are summarized in **Table 4.10-4(b), Summary of Ambient Noise Measurements**. As shown therein, the long-term measured CNEL level at Locations R1 is 51 dBA in which the primary source of noise was traffic along Dorinda Road. The measured ambient noise levels do not exceed the daytime noise limit of 55 dBA Leq and the nighttime noise limit of 50 dBA Leq.

Table 4.10-4(b)**Summary of Ambient Noise Measurements**

<u>Receptor Location</u>	<u>Measured Ambient Noise Levels^a (dBA)</u>		
	<u>Daytime</u> <u>(7 A.M. to 10 P.M.)</u>	<u>Nighttime</u> <u>(10 P.M. to 7 A.M.)</u>	<u>24-Hour Average,</u>
	<u>Hourly L_{eq}</u>	<u>Hourly L_{eq}</u>	<u>CNEL</u>
<u>R1 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 11:59 P.M.)</u> <u>through 6/26/14 Thursday (12:00 A.M. to 8 A.M.)</u>	<u>43 – 52</u>	<u>42 – 46</u>	<u>51</u>
<u>R2 –</u> <u>6/25/14 Wednesday (7:00 A.M. to 8:00 A.M.)</u>	<u>48</u>	<u>N/A</u>	<u>N/A</u>
<u>R3 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 9:00 A.M.)</u>	<u>41</u>	<u>N/A</u>	<u>N/A</u>

^a Detailed measured noise data, including hourly L_{eq} levels, are included in Appendix B of this Final EIR document.

Source: PCR Services Corporation, 2014.

RESPONSE CITY2-172

Noise levels from the existing project site, inclusive of the oil wells, were measured in response to Comment City2-171, above. The commenter is referred to Response City2-171 for existing noise levels at the site.

Also, as discussed in the Section 2.0, *Project Description*, of the Draft EIR, prior to grading for development, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Therefore, no oil well related noise is expected to occur upon occupancy of the proposed Project. However, the drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations if permitting and site planning were pursued by the oil operators which would also be subject to compliance with the California Environmental Quality Act with mitigation to address oil facility development and operational impacts. Should the oil drilling pad be proposed for development, that project would be subject to environmental review under CEQA. As required by CEQA, the environmental impacts of such development, including potential noise impacts, would be analyzed.

RESPONSE CITY2-173

This comment suggests separating the "Off-Site Traffic Noise Impacts" from the "Construction Noise Impacts" on page 4.10-11, in Section 4.10, *Noise* (subsection 2.a.1). This distinction was made in the Draft EIR. However, a formatting error occurred on page 4.10-11 and will be corrected. Per comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.10, Noise

1. **Page 4.10-11. Revise sub-headings under subsection “a. Methodology” with the following changes:**

- a. Methodology**

- (1) Construction Noise Impacts**

Construction noise impacts were evaluated by estimating the noise levels generated by construction activity, calculating the construction-related noise level at nearby sensitive receptor property line locations, and comparing construction-related noise to the Project significance threshold to determine significance.

- (2) Off-Site Traffic Noise Impacts**

Traffic generated by the Project would influence the traffic noise levels in surrounding areas. To quantify the traffic noise impacts on the surrounding areas, the changes in traffic noise levels on 32 roadway segments surrounding the project site were estimated based on the change in the average daily traffic volumes. The traffic noise levels provided in this analysis are based on the traffic forecasts provided in the Noise Study.

RESPONSE CITY2-174

This comment suggests incorporation of following mitigation measures in order to further reduce construction related noise impacts. Please note that with the mitigation incorporated in the Draft EIR the Project’s potential noise impacts are mitigated to a less than significant level. Therefore, no additional mitigation is required. However, in response to this comment and to further reduce the already less than significant impacts, the suggested mitigation measures will be included in Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). One of the suggested mitigation measures regarding noise attenuation measures, such as sound barriers, would be implemented “where feasible.” This measure has been included as a project design feature (PDF) and will be included in the MMRP, as revised in Chapter 3.0 of this Final EIR. The addition of the suggested mitigation measures does not change the construction noise impact conclusions stated in the Draft EIR as the Project would result in a less than significant construction noise impact. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. **Page 32. Add the following mitigation measures and project design feature after Mitigation Measure 4.10-3 to further reduce construction noise impacts:**

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Project Design Feature 10-1

Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

Section 4.10, Noise

1. **Page 4.10-17. Add the following mitigation measures to further reduce construction noise impacts:**

Mitigation Measures

Mitigation Measure 4.10-1 During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.

Mitigation Measure 4.10-2 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.

Mitigation Measure 4.10-3 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC ~~Planning~~ Development Services prior to the issuance of any grading permits.

In addition to the above prescribed mitigation measures, the following mitigation measures have been prescribed at the request of the City of Yorba Linda to further reduce construction noise impacts. In addition, PDF 10-1 would be implemented by the Project to further reduce construction noise impacts.

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Project Design Feature 10-1

Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

RESPONSE CITY2-175

This comment suggests that the FHWA Traffic Noise Model (TNM) 2.5 should be used to calculate on-site traffic noise levels instead of the FHWA-RD-77-108. However, the FHWA-RD-77-108 has been in use for over 20 years by FHWA and is recognized as an effective model and continues to be used to assess potential noise impacts. While suggesting the alternative model, the commenter does not provide any evidence that the model used in the Draft EIR was inadequate or misrepresented any of the environmental conclusions contained in the Draft EIR. "CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required" (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396.) The Draft EIR appropriately analyzes the potential noise impacts of the Project.

RESPONSE CITY2-176

A technical discussion of construction activity-related vibration is provided in Section 12.2 of the Federal Transit Administration (FTA) publication titled "Transit Noise and Vibration Impacts Assessment," May 2006. As described therein, a ground-borne vibration level of 0.2 inch-per-second peak particle velocity (PPV) should be considered as damage threshold criterion for structures deemed "fragile," and a ground-borne vibration level of 0.12 inch-per-second PPV should be considered as damage criterion for structures deemed "extremely fragile," such as historic buildings.³ As the single-family, wood-framed, residential structures near the project site are not considered "fragile" or "extremely fragile" structures, construction activities would not result in an exceedence of such standards. With respect to residential and commercial structures, the California Department of Transportation (Caltrans) technical publication titled "Transportation- and Construction-Induced Vibration Guidance Manual" June 2004, provides a vibration damage potential threshold criteria of 0.5 inch-per-second PPV for older residential structures, 1.0 inch-per-second PPV for newer residential structures, and 2.0 inch-per-second PPV for modern industrial/commercial buildings.

The FTA has published standard vibration velocities for construction equipment operations. Based on the vibration data provided in the FTA, Noise and Vibration Impact Assessment (2006), vibration velocities from operation of construction equipment, such as loaded trucks and large bulldozer, would range from approximately 0.076 to 0.089 inches per second PPV at 25 feet from the source of activity. The closest existing sensitive receptor structures in the vicinity of the project site are single-family residences located approximately 60 feet to the west and south of the project site (as measured from the closest point where the Project's proposed grading activities would occur utilizing heavy construction equipment), which would be exposed to vibration velocities ranging approximately from 0.02 to 0.024 inches per second PPV. As these values are considerably lower than Caltrans' 0.5 inches per second PPV significance threshold regarding potential building damage for older residential buildings, vibration impacts associated with construction would be less than significant at the nearest residential structures. This "less than significant" impact finding is consistent with the Draft EIR's impact assessment finding for vibration impacts as stated on page 4.10-28 of the Draft EIR.

RESPONSE CITY2-177

This comment suggests an editorial correction. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-178

This comment suggests to move Table 4.11-1 to the "Existing Conditions" sub-section, but does not does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

³ Per Table 12-3, *Construction Vibration Damage Criteria*, in FTA's "Transit Noise and Vibration Impacts Assessment," "fragile" buildings are considered "non-engineered timber and masonry buildings." "Extremely fragile" buildings are "buildings extremely susceptible to vibration damage."

RESPONSE CITY2-179

This comment suggests additions to Table 4.11-2, but does not does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-180

The percentages referenced in the paragraph below Table 4.11-3 refer to single-family and multi-family “homes” or “housing.” Thus, the referenced percentages in the text correctly add together the “single-family detached” and “single-family attached” unit types referenced in Table 4.11-3.

RESPONSE CITY2-181

Per comment, the reference to 34 percent will be changed to 35 percent. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11, Population and Housing**1. Page 4.11-13. Modify 1st paragraph with the following changes:**

Compared to Orange County as a whole, the unincorporated areas of the County have a higher percentage of single-family housing and a lower percentage of multi-family housing. Single-family homes comprise approximately 85 percent of unincorporated County compared to only about 64 percent of housing units in the entire County. There is a significantly greater percentage of multi-family homes in all of Orange County, ~~over 34~~ approximately 35 percent, than in unincorporated areas, at approximately 14 percent.

RESPONSE CITY2-182

This comment’s request for formatting preferences do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-183

Per comment, the referenced household size will be clarified to indicate that the City of Yorba Linda and unincorporated areas of the County of Orange have the same average household size. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11-3, Population and Housing**1. Page 4.11-4. Modify last sentence of subheading “a. Methodology” with the following changes:**

This section includes an analysis of the population and housing units generated by the Project and how the population and housing relates to the County. Information was obtained from the State of California Department of Finance, Census 2010, SCAG, and the County of Orange. Additionally, County regulations were reviewed for project applicability, including the County’s General Plan and Housing Element. Impacts on population were determined by calculating the population generated

by the Project (based on the average household size for the unincorporated County of Orange and City of Yorba Linda (as they have the same household size) multiplied by the number of housing units proposed by the Project) and comparing to the population anticipated in the County.

RESPONSE CITY2-184

This comment includes a request for a formatting preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-185

This comment requests clarification of the criteria relevant to the maximum allowable population allowed at the project site per the Orange County General Plan Land Use Element. The “Intensity/Density Characteristics and Standards” in Table III-1, *Building Intensity/ Population Density Standards*, of the Land Use Element in the County’s General Plan provides the building intensities and indicators of population densities for each land use category. As noted in the General Plan Land Use Element, the standard for building intensity for residential land use categories is stated as the number of dwelling units per gross acre. The “average persons per dwelling unit” factors were used to calculate residential population density and were determined by 1990 U.S. Census data. The persons per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. The Draft EIR’s person per household size of (3.2 persons/household) is based on more current data available from the County and the City (as provided in the Oakcrest Terrace Initial Study, March 2012) as compared to the data utilized in preparation of the General Plan (see Footnote 3 on page 4.11-5). Even with the current household size increase, as compared to the 1990 Census data provided in the General Plan, the Project’s number of anticipated residents would be well within the indicators of population density for the Suburban Residential (1B) land use category, which indicates a maximum population of approximately 1,927 at the Project.

To clarify the County’s criteria relevant to building standards and indicators of population density for the Project’s proposed residential land use, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11-3, Population and Housing

1. Page 4.11-5. Modify the 1st paragraph with the following changes:

The Project includes the construction of 112 single-family detached residential dwellings that would generate a population of approximately 358 residents.³ Per Table ~~II-1~~ III-1, *Building Intensity/Population Density Standards*, in the Land Use Element of the County’s General Plan, the Suburban Residential land use designation allows a maximum intensity/density characteristics and standards of 0.5 to 18 dwelling units (du) per acre. ~~2.59 persons per du, and Table II-1 further indicates that this land use category has populations that range from 1-47 persons per acre. There is a large variation in the number of persons per acre because the Suburban Residential designation includes a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements).~~ As noted in the Land Use Element of the County’s General Plan, the person per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. As the project site includes approximately

41 acres of Suburban Residential designated land, the Project, if applying the highest characteristic number of persons per acre (47 per acre as identified in the General Plan) could support a maximum population of approximately 1,927 persons.⁴ As stated above, Project implementation would result in approximately 358 new residents. Therefore, the direct population generated by the Project would be within the maximum population anticipated for the site within the County's General Plan.

³ 358 persons = 112 X 3.2. Based on the average household size of 3.2 persons/household for unincorporated areas of Orange County. It should be noted that the average household size for all of Orange County is 3.0 persons/household (U.S. Census Bureau, 2010). The average household size of 3.2 persons/household is also consistent with population estimates of the City of Yorba Linda, Initial Study for Oakcrest Terrace, prepared by Impact Sciences, March 2012.

⁴ 1,927 persons = 47 persons/acre X 41 acres. It is acknowledged that Table III-1 also cites "2.59 Persons per DU" as a population indicator of the Suburban Residential land use category. However, this population per household is based on 1990 Census data and is not representative of current household sizes expected for the Project based on 2012 data from the City of Yorba Linda (see footnote 3 above). If the current household size estimate (3.2 persons/household) were applied, to the lands designated as Suburban Residential the projected population range for such lands would increase from 1 to 47 persons per acre to approximately 1 to 57 persons per acre (3.2 persons/household x 18 units per acre).

Even if applying the number of persons per dwelling unit contained in the General Plan, the Project would still not exceed the maximum population anticipated for the site within the County's General Plan. For instance, the General Plan permits up to 18 units per acre, which would amount to a total of 738 units on the 41 acres designated as Suburban Residential (18 x 41 = 738). 738 units times 2.59 persons per unit would result in a maximum population of 1,911 persons (or 2,361 persons at 3.2 persons/household). The Project proposes 358 new residents, which is significantly below the maximum contemplated in the General Plan.

RESPONSE CITY2-186

The Draft EIR does include a discussion of the Regional Housing Needs Assessment (RHNA) for unincorporated Orange County in Table 4.9-1 (see p. 4.9-9). Between 2006 and 2014, the RHNA for the unincorporated county was 1597 dwelling units and 3159 dwelling units in the Moderate Income and Above Moderate Income categories, respectively. The RHNA for these categories is 979 dwelling units and 2,174 dwelling units, respectively, for the 2014 through 2021 period.

The Project adds a total of 112 units in these two income categories which is within the total of 3,153 dwelling units identified for the two income categories for the unincorporated county for the 2014 to 2021 RHNA period.

RESPONSE CITY2-187

Please refer to Response City2-186.

RESPONSE CITY2-188

The 2008-2014 RHNA for the City included 1208 dwelling units in the Moderate Income and Above Moderate Income categories from a total allocation of 2039 dwelling units for all income categories. The 2014-2021 RHA for the City is 669 dwelling units with 396 dwelling units in these two income categories. In April 2014, the City prepared a status summary of meeting income category goals of the 2014-2021 RHNA. As of that date, 281 dwelling units in these two income categories remained unmet. Therefore, the Project's 112 dwelling units in these two income categories would contribute to the unmet need from the 2008-2014

RHNA, as well as the unmet need from the 2014-2021 RHNA as of April 2014 should the property be annexed to the City.

RESPONSE CITY2-189

Please refer to Response City2-188. Because the Project is within the total 2014-2021 RHNA for the City, and whether housing goals for all categories will be met by 2021 cannot be determined at this time, no changes to the cumulative impact summary would be appropriate in response to the comment.

RESPONSE CITY2-190

Table 4.11-3 on page 4.11-3 of Section 4.11, *Population and Housing*, and associated text has been revised based on updated information through January 1, 2014 from the California Department of Finance.

RESPONSE CITY2-191

Per comment, the reference to four service calls per day will be clarified that this applies to each station. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services

1. Page 4.12-5. Modify last paragraph with the following changes:

The OCFA goal for response (travel time) is to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call. The standard OCFA response to a medical emergency is with a paramedic engine or paramedic van, accompanied by an engine. If the medical emergency requires transportation to a hospital, a commercial (private) ambulance company would be utilized for this purpose. The response travel time to the project site is estimated at three minutes, which is within the response time goals of the OCFA. The primary access routes to the project site from the fire stations include Yorba Linda Boulevard, San Antonio Road, Aspen Way, and Via Del Agua. In 2011, the engine (E32) and medic van (M32) of Station 32 responded to 1,161 incidents and 1,486 incidents, respectively. The engine (E10) of Station 10 responded to 1,478 incidents. Thus, these stations each respond to approximately four service call per day on average. Historically, the vast majority of the service calls made by OCFA are for reasons other than fire response.

RESPONSE CITY2-192

The County library standard is 0.2 square feet per capita and 1.3 book volumes per capita. The City's service standard is 1.6 to 1.0 square feet per resident. Please refer also to Response City2-210.

RESPONSE CITY2-193

The call number of calls referenced in this comment are stated as an approximate number (based upon the four service calls per day average), while the number of calls cited in the Existing Conditions section are the actual number of calls provided by the OCFA. The difference between the numbers cited does not raise any new significant environmental issues or address the adequacy of the environmental impact analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-194

It is unclear to which sentence commenter is referring, as it is unclear from which sentence commenter begins counting. The number of service calls was based on data provided by OCFA. Refer to Footnote 2 on page 4.12-5 of the Draft EIR for reference to the OCFA letter correspondence.

RESPONSE CITY2-195

Per comment, the referenced 5 minute travel time maximum is inaccurate and the correct OCFA goal for response (travel time) to have the first engine on the scene is within seven minutes and 20 seconds from the receipt of the call. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services**1. Page 4.12-10. Modify last sentence with the following changes:**

The Project would introduce 112 single-family detached residential dwellings that would generate a new residential population of approximately 358 persons.¹² As mentioned above, the closest OCFA fire stations to the project site that would provide fire protection and emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. Station 32 and Station 10 are located approximately 0.3 miles and three miles from the project site, respectively. According to the OCFA, the response travel time to the project site is estimated at three minutes, which is well within the OCFA response time goal of seven minutes and 20 seconds. The servicing fire stations respond to approximately four calls per day on average, or approximately 1,460 calls annually.¹³ The Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires (see Project Features section above). As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. It is noted that the OCFA response travel time to this Project (3 minutes) from Station 32 is less than the ~~allocated 5 minute travel time maximum~~ OCFA goal for response (travel time) to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call.

RESPONSE CITY2-196

Orange County Fire Authority (OCFA) Stations 32 and 10 are located within 0.3 and three miles from the project site, respectively. It is anticipated that primary service (fire protection and paramedic) to the project site will be from Station 32. The need for facility and equipment enhancements to serve the project site at either fire station is determined through a negotiated Fire Protection Agreement with OCFA required before grading permit issuance as per Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, and potentially through an adopted fee program for fire facilities and equipment as discussed in the first paragraph of page 4.12-11. Facility and equipment enhancement requirements to be defined by OCFA will ensure effective responses for fire protection and paramedic service needs.

RESPONSE CITY2-197

The Project's anticipated water supply infrastructure is identified, and its potential Project- and cumulative-level impacts are discussed, in Topical Response 2.

RESPONSE CITY2-198

Access to Planning Area 1 will be from Via del Agua connecting to Yorba Linda Boulevard to the south. Access to Planning Area 2 will be from Aspen Way connecting to San Antonio Road to the west which connects to Yorba Linda Boulevard to the south. Yorba Linda Boulevard is a County master planned Major Arterial and Primary Arterial with six and four lanes, respectively, to the south of the project site. San Antonio Road, Aspen Way and Via del Agua are City designated local roadways. All existing and planned roadways comply with standard design and engineering plans of both the County and City, are existing and planned public roadways and are currently used for fire protection access. As such, they will also provide adequate access to the project site from Orange County Fire Authority Stations 32 and 10 as confirmed by OCFA on page 4.12-5 of Section 4.12, *Public Services*.

RESPONSE CITY2-199

Please refer to Response City2-196.

RESPONSE CITY2-200

Per comment, Mitigation Measure 4.12-1 will be modified with this comment's suggested changes. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-34. Modify Mitigation Measure 4.12-1 with the following changes:**

Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the ~~project site~~ Project, to the satisfaction of OCFA.

Section 4.12, Public Services**1. Page 4.12-13. Modify Mitigation Measure 4.12-1 with the following changes:**

Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the ~~project site~~ Project, to the satisfaction of OCFA.

RESPONSE CITY2-201

The Project does not propose any electric operating gates. Therefore Mitigation Measure 4.12-2 will be revised. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-34. Modify Mitigation Measure 4.12-2 with the following changes:

Mitigation Measure 4.12-2 All new traffic signals on public access ways ~~and all electric operating gates installed for the Project~~ shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

Section 4.12, Public Services

1. Page 4.12-13. Modify Mitigation Measure 4.12-2 with the following changes:

Mitigation Measure 4.12-2 All new traffic signals on public access ways ~~and all electric operating gates installed for the Project~~ shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

RESPONSE CITY2-202

This comment requests several editorial preferences. These corrections have been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

Also, this comment requests clarification on the extent of impacts regarding responses OCSD time objectives. As described on page 4.12-7 of the Draft EIR, the OCSD prioritizes calls for service, with Priority One being the highest (life threatening emergency). It is the goal of each patrol officer to respond to Priority One Calls in 5 minutes, Priority Two Calls⁴ in 12 minutes and Priority Three Calls⁵ in 20 minutes. Police services in the local project vicinity were recently evaluated as part of the contract for OCSD police services between the City and OCSD, with staff provided to meet response time objectives. The Project would add up to 112 new residences (up to approximately 358 residents), which is an incremental increase (0.5%) relative to the City's population of approximately 67,000 people. The OCSD's patrol routes would be modified to include the project site. As discussed on page 4.12-13 of the Draft EIR, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added further ensure impacts to police services are less than significant. This mitigation measure requires that prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site. The proposed mitigation measure is shown in Response LAFCO-8. In consideration of the Project's incremental population increase to OCSD's service area and the payment of development impacts by the Project, there would not be a "substantial" change in OCSD response times resulting from Project implementation. That is, the change

⁴ Requires immediate response and may not be assigned Code 3 (lights and siren) response. Includes crimes which have just occurred and the suspect has left the area and the victim is not in any further danger; any incident with potential of quickly escalating to a crime against person, i.e., family disturbance, custody disputes where all parties are present; bomb threats; any incident where a delay in response could impede further investigation, i.e., deceased person or situation involving delicate evidence; alarm calls; or similar circumstances.

⁵ Requires immediate response unless assigned a priority 1 or 2 call. Includes calls where the informant is to be contacted for a report only; most routine situations where there is an informant; suspicious person, loud parties or similar disturbances.

would not be such that response time objectives would not be met with the Project, compared to without the Project.

RESPONSE CITY2-203

The referenced discussion of impacts to Travis Ranch School on page 4.12-14 of the Draft EIR provides the student enrollment and capacity of the school, in addition to stating that the student enrollment exceeds the capacity of the school. The analysis further states that the projected number of elementary students (26) would further exceed the total elementary student capacity at the school. Furthermore, the commenter is referred to the discussion of schools in the “Existing Conditions” section of the Draft EIR on pages 4.12-7 and 4.12-8, which provides more detailed data on student enrollment and capacities on the schools serving the site.

Also, this comment’s request for an editorial preference does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-204

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-205

Per comment, Mitigation Measure 4.12-4 will be modified with this comment’s suggested changes. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-34. Modify Mitigation Measure 4.12-4 with the following changes:

Mitigation Measure 4.12-4 During construction, the Project’s Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication ~~shall to~~ be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.

Section 4.12, Public Services

1. Page 4.12-15. Modify Mitigation Measure 4.12-4 with the following changes:

Mitigation Measure 4.12-4 During construction, the Project’s Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going

communication ~~shall~~ to be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.

RESPONSE CITY2-206

The Public Services and Facilities Element of the County General Plan places the 1B, Suburban Residential General Plan designation within the Insurance Services Office (ISO) rating of ISO 3 because the project site is within 0.3 and three miles of two Orange County Fire Authority fire stations, and no Project structures will be located 1,000 feet or more from a fire hydrant. The project consistency analysis at the top of page 4.12-19, of Section 4.12, *Public Services*, details the project features which will make the development “fire safe.”

RESPONSE CITY2-207

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-208

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-209

This comment identifies an editorial correction (typo). This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-210

Page 4.11-5 of Section 4.11, *Population and Housing*, of the Draft EIR indicates that 3.2 residents are expected to inhabit each household on the project site. With 112 proposed dwelling units, 358 residents are expected to be generated by the project. With a County library standard of 0.2 square feet per capita and 1.3 book volumes per capita, as discussed on page 4.12-8, the project will generate the need for approximately 72 square feet of library space and approximately 465 book volumes as discussed on Page 4.12-16. The Villa Park branch library is the nearest County library to the project site at a distance of 6.3 miles to the southwest. Because the City’s public library is located 3.2 miles to the west of the project site, residents will likely prefer to use this facility for library services. According to the City’s Library Building Needs Assessment and Building Program Summary, the existing city library consists of 28,350 square feet. With a

library standard of 0.6 to 1.0 square feet identified as being needed per resident, the City is seeking a total of 50,820 square feet of library space for a build-out population of 70,000 residents which would include the project site, should it be annexed to the City. The City is seeking to relocate the existing library and build a new 50,820 square foot facility according to its 2009-2014 Library Strategic Plan. The Project's incremental need for additional library facilities can be met through payment of a library development fee as required by Mitigation Measure 4.12-8, or pursuant to a facilities and equipment (books, technology) agreement pursuant to the proposed additional mitigation measure provided below. Since OCPL does not have a specific fee program in place to address project-related impacts to library services/facilities in unincorporated areas, Mitigation Measure 4.12-8 enables the County to enter into development agreements with an applicant on a project-by-project basis.⁶ Mitigation Measure 4.12-8(b) would address impacts to City of Yorba Linda library facilities, as necessary.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-36. Add the following mitigation measure under "Libraries":

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

Section 4.12, Public Services

1. Page 4.12-16. Add the following mitigation measure under "Libraries":

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

RESPONSE CITY2-211

SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." As an absolute fee based formulaic mitigation, no analysis is required addressing school facility standards.

⁶ Per phone conversation with Andrea Callo, Budget Analyst, with OCPL on September 19, 2014, the OCPL does not have a specific fee program in place for new residential projects in unincorporated County areas. Each project is evaluated on a project-by-project basis in the unincorporated areas, with Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and Board Resolution 87-168 enabling the County to enter into development agreements with a project applicant,

RESPONSE CITY2-212

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-213

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-214

The referenced policy (10.2 of the City's Land Use Element) states that new development must pay its fair share fees for impacts to school services or provide new facilities as a condition of approval. The "Project Consistency" analysis provided in Table 4.12-5 appropriately addresses this policy by indicating that per Mitigation Measure 4.12-3, the Project Applicant would pay SB-50 fees to mitigate its impact on school facilities which can be used to rehabilitate and improve existing facilities or contribute to new facilities, with fees being paid at the issuance of building permits. The commenter is referred to the school impact analysis provided on page 4.12-14 of the Draft EIR for further discussion of impacts to Travis Ranch School. Also the commenter is referred to the discussion of schools in the "Existing Conditions" section of the Draft EIR on page 4.12-7, which provides more detailed data on student enrollment and capacities on the schools serving the site.

RESPONSE CITY2-215

The referenced policy consistency analysis pertaining to police services will be updated to reflect the police services analysis provided under Impact Statement 4.12-1 on page 4.12-13 of the Draft EIR. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services**1. Page 4.12-22. Modify 2nd paragraph in Column 2 in Table 4.12-5 with the following changes:**

Both the City and unincorporated County areas are served by the OCSD for law enforcement services. ~~OCSD has indicated that a small population increase from the project would not affect maintenance of the staff ratio of 0.46 deputies per 1,000 population.~~ As discussed in this EIR section, impacts regarding police facilities and services would be less than significant. Further, pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that adequate Sheriff patrol services are provided through a fee program or Secured Police Protection Agreement for this Project (refer to Mitigation Measure 4.12-2(B)).

RESPONSE CITY2-216

Please refer to Topical Response 2 for a discussion of the Project's water supply infrastructure.

RESPONSE CITY2-217

Please refer to Response City2-196.

RESPONSE CITY2-218

The Project would be served by Travis Ranch Elementary and Middle Schools. None of the related projects identified in the Draft EIR are located within the boundaries of Travis Ranch Elementary School. Elementary students generated by the Esperanza Hills Project would attend Bryant Ranch Elementary. Middle school students generated by the Esperanza Hills would attend Travis Ranch Middle School. The Draft EIR issued for the Esperanza Hills Project indicates that it would generate approximately 42 middle school students. The Cielo Vista Project would generate approximately 14 middle school students. Thus, both projects would generate approximately 56 middle school students combined. According to the 2012 enrollment data provided in the Cielo Vista Draft EIR, Travis Ranch Middle School had an enrollment of 790 students and a capacity of 860 students. Thus, there would be capacity at Travis Ranch Middle School to accommodate students generated by both the Cielo Vista and Esperanza Hills Projects.

Related Project Nos. 1, 2, 4, 8, 12, 13, 14 and 15 would generate high school students that would attend Yorba Linda High School (YLHS). These projects would include a total of approximately 848 single-family residences and 580 multi-family residences. Based on a single-family (SF) generation factor of 0.1826 students per SF residence and 0.1154 students per multi-family (MF) residence, these related projects would generate a total of 222 high school students.⁷ Together with Cielo Vista, the total number of high school students generated would be approximately 242 students. As stated in the Draft EIR on page 4.12-14, YLHS had a total student enrollment of 1,733 students and a total student capacity of 1,850 students (as of 2012). Thus, the additional students generated by the Project and related projects could exceed the high school's capacity, based on 2012 enrollment data. It would be up to the discretion of the PYLUSD as to how to accommodate the anticipated student population at YLHS (i.e., portable classrooms, new school facilities, school boundary modifications, etc.). Pursuant to SB 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD is considered full mitigation for Project impacts, including impacts related to the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3. All the related projects would be required to pay similar fees to ensure adequate school services are provided within PYLUSD. Payment of such fees would ensure cumulative impacts to schools are less than significant.

RESPONSE CITY2-219

Please refer to Response City2-210.

RESPONSE CITY2-220

Section, 4.13, *Recreation*, in the Draft EIR was prepared based on the information available at the time of preparation of the Draft EIR consistent with the State's CEQA Guidelines. During preparation of the EIR recreation analysis, the City's Parks and Recreation Department was contacted to obtain the most current

⁷ MF student generation rate from the Yorba Linda Housing Element and Implementation Programs Draft EIR, prepared by Impact Sciences, Inc. in February 2011. SF student generation rates from the Cielo Visas Draft EIR.

information available regarding the City's Parks and Recreation Master Plan Update. The City provided the Parks and Recreation Master Plan Update Report (memorandum dated March 21, 2013), which is referenced in the EIR analysis. The County acknowledges that updates to the Parks and Recreation Master Plan Update have occurred since release of the Draft EIR for public review and the final Master Plan will be forthcoming. The County also acknowledges that changes to the park in-lieu requirements and parkland inventory have changed since preparation of the Draft EIR. However, despite any new information as part of updates to the Master Plan, the Draft EIR concludes that the Project would result in a potentially significant impact to parks and recreation facilities. Thus, Mitigation Measure 4.13-1 has been prescribed. Per the prescribed mitigation measure, the Project Applicant would pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. As the mitigation measure contains a provision to meet City standards for local parks, the Project would be subject to the applicable park in-lieu requirements to be included in the Final Parks and Recreation Master Plan. Based on the above, the impact conclusions and prescribed mitigation measures in the Draft EIR pertaining to parks and recreation will not change based on the City's updated Parks and Recreation Master Plan.

RESPONSE CITY2-221

Please refer to Response City2-58. It would be premature to address local trail planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-2 on page 4.13-16 of Section 4.13, *Recreation*, of the Draft EIR addresses local trail planning and implementation.

RESPONSE CITY2-222

It would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-2 on page 4.13-16 of Section 4.13, *Recreation*, of the Draft EIR addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

RESPONSE CITY2-223

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-224

Because the project application is through the County, it would be confusing to reference the City standard as part of and under the County's Quimby Act standard. The City standard is clearly explained on page 4.13-4 of Section 4.13, *Recreation*, in the Draft EIR. Additionally the need for the County and the City to coordinate over local park planning, especially if the property is annexed to the City is addressed in Mitigation Measure 4.13-1.

RESPONSE CITY2-225

CEQA requires the environmental setting to be included for all impact subject areas in an EIR as per CEQA Guidelines Section 15125. Because the Project is located in the unincorporated county, the County's Parks Strategic Master Plan is an appropriate reference as a prelude to planning a local park whether or not that master plan is ultimately used to provide parameters for local park planning, especially if the property is annexed to the City.

RESPONSE CITY2-226

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE CITY2-227

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-228

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-229

Per comment, the reference to Figure 4.13-1 will be changed to Figure 4.13-2. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.13, Recreation**1. Page 4.13-6. Modify last paragraph with the following changes:**

The City of Yorba Linda's *Riding, Hiking and Bikeway Trail Component Map*, (Figure 4.13-~~1~~2) found within the City's General Plan, shows several planned trails within the project area. Trail 35a (San Antonio Park Trail) begins at Yorba Linda Boulevard near San Antonio Road. From that location the trail is proposed to extend northeast through an area of open space (part of Tract 9813) to the western edge of the project boundary.

RESPONSE CITY2-230

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-231

Please refer to Response City2-221.

RESPONSE CITY2-232

The methodology utilized in the parks and recreation analysis does consider the City of Yorba Linda requirements. The impact analysis under Impact Statement 4.13-1 beginning on page 4.13-12 of the Draft EIR references the City's standards and requirements, where appropriate.

RESPONSE CITY2-233

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-234

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-235

Trails planned in the local project vicinity, as envisioned in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map are conceptually shown on Figure 4.13-2 of the Draft EIR to be designed and constructed by the City of Yorba Linda. Future trails to be developed by the City are discussed on pages 4.13-15 and 4.13-16 of the Draft EIR. As discussed therein, the Project would not conflict with any of the contemplated trails through and near the project site as illustrated on the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Nonetheless, Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents.

RESPONSE CITY2-236

Per comment, the improvements to San Antonio Park will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.13, Recreation**1. Page 4.13-12. Modify the 2nd to last sentence in the 1st paragraph with the following changes:**

With regards to San Antonio Park, there was a Level 2 demand for added parking ~~expansion or improvements~~ to the park.

RESPONSE CITY2-237

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not

raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-238

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-239

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-240

Please refer to Response City2-222.

The Project is being processed through the County and may be annexed at some future time to the City. As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition.

RESPONSE CITY2-241

Please refer to Response City2-240.

RESPONSE CITY2-242

Please refer to Response City2-240.

RESPONSE CITY2-243

Please refer to Response City2-240.

RESPONSE CITY2-244

This comment provides a reference to earlier comments provided earlier in this letter. Individual responses to this letter are provided above in Responses City2-235 to City2-241, above.

RESPONSE CITY2-245

The most current ICU methodology (2003 edition), prepared by Trafficware, indicates that "older versions of ICU use a 15-minute period where 60-minute counts are converted to 15-minute counts using a PHF;

however, the ICU 2003 eliminates the PHF. The resulting LOS scale has been adjusted to balance out this change in analysis methodology.”⁸ For this reason a PHF of 1.00 was utilized for the purposes of the analysis. In effect, the reported LOS results account for the PHF by using a revised LOS scale. This is done for compatibility with the Highway Capacity Manual (HCM) methodology.

RESPONSE CITY2-246

The traffic impact analysis shows that the peak hour intersection capacity, average vehicle delay and associated LOS are anticipated to far exceed the City of Yorba Linda intersection level of service standard of LOS “D” or better. With the proposed mitigation measure to install a traffic signal at the intersection of Via Del Agua at Yorba Linda Boulevard (Intersection #11), the intersections of San Antonio Way at Aspen Way (Intersection #7), San Antonio Way at Yorba Linda Boulevard (Intersection #8), and Via Del Agua at Yorba Linda Boulevard (Intersection #11) are each anticipated to operate at LOS “A” or “B” during the peak hours. Therefore, the vehicle queue lengths for the southbound approaches for the intersections of Yorba Linda Blvd./San Antonio Way and Yorba Linda Blvd./Via Del Agua are expected to dissipate entirely during each cycle of the traffic signal at the intersection of San Antonio and Yorba Linda Drive. A review of the potential vehicle queuing for the westbound approach of Aspen Way to San Antonio suggest a queue length of approximately 24 feet or roughly one vehicle. The nearest driveway for the home located on the north side of Aspen Way is located approximately 65 feet behind the stop bar. This indicates that adequate storage capacity is available during long-range future 2035 conditions with the Project for the westbound approach of Aspen Way.

RESPONSE CITY2-247

The purpose of the Opening Year analysis is to identify potential short-term traffic impacts that may occur before planned improvements are developed to support long-range traffic demand. In addition, opening year analysis is often used to identify the phasing of improvements needed to for long-range 2035 cumulative traffic conditions. When improvements are required for long-range conditions, the opening year phasing analysis helps to stage improvements based on the expected traffic growth over time. However, it is important to recognize that since no additional traffic improvements (beyond the prescribed Mitigation Measure 4.14-2) are needed to support long-range 2035 cumulative with project traffic conditions for Cielo Vista, the timing or phasing of the improvements is no longer important. In effect, if all intersections operate at an acceptable LOS for long-range 2035 cumulative traffic condition they will also operate an acceptable LOS for any opening year condition between 2015 and 2035.

Consistent with the City of Yorba Linda Traffic Impact Analysis guidelines, a project opening year of 2015 was established prior to preparation of the Traffic Impact Analysis in consultation with the City of Yorba Linda and the County of Orange as part of the normal traffic study scoping process. The traffic study scoping process approach is considered best practice and is done in an effort to identify the project traffic study assumptions used to prepare the study before the analysis is done.

The traffic study includes an analysis of traffic conditions, for existing, opening year 2015 and long-range horizon year 2035 conditions. In addition to the opening year, the traffic study also includes horizon year

⁸ “Intersection Capacity Utilization, Evaluation Procedures for Intersections and Interchanges”, 2003 edition, prepared by Trafficware. Page 19.

2035 cumulative traffic scenarios. The 2035 scenarios assume full buildout of all identified cumulative development projects, and are included as part of the long-range 2035 growth projections for the study area. Therefore, the Project's potential cumulative impacts have been adequately addressed as part of the horizon year 2035 traffic analysis. In order to identify the Project's impacts, intersection level analysis was performed for each of these traffic conditions. The traffic study identifies the Project traffic mitigation measures needed to maintain an acceptable level of service for each of these traffic conditions. Based on the findings of the analysis, a traffic signal is needed at the intersection of Via del Agua at Yorba Linda Boulevard under existing plus Project conditions. No additional traffic mitigation is needed as a result of the proposed Project for horizon year 2035 conditions. Since the recommended Project improvements are needed under existing with Project conditions, and no additional Project improvements are needed for long range year 2035 conditions, any opening year condition between 2015 and 2035 will not trigger the need for additional mitigation.

RESPONSE CITY2-248

The County of Orange Growth Management Program (CMP) guidelines state that project traffic volumes resulting in a 1% increase in the Volume/Capacity ratio of a DEFICIENT intersection as compared to the No Project condition is considered significantly impacted and mitigation measures are required to reduce the project's impact to a level of insignificance. However, since all study area intersections evaluated in the traffic report were found to operate at an acceptable LOS (with the exception of the intersection of Via Del Agua at Yorba Linda Boulevard, which was identified in the traffic report as a direct project impact) during the peak hours for Opening Year and Horizon Year (2035) traffic conditions, a comparison of the change in delay/ICU values for the purposes of determining potential impacts was not provided. The 1% significance threshold is ONLY applied to DEFICIENT intersections. Since all of the intersections operate at an acceptable LOS and none of the intersection locations are DEFICIENT the tables do not show the change in ICU.

RESPONSE CITY2-249

This comment is acknowledged by the County. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14, *Traffic/Transportation*, of the Draft EIR requires the traffic signal installation at Via del Agua and Yorba Linda Boulevard in consultation with the City. The signal is to be located in the City and will be required to be integrated and phased with other cross traffic signals along Yorba Linda Boulevard. Therefore, the traffic signal must be designed, built, and electronically interconnected pursuant to City standards.

The Draft EIR incorrectly states the timing of the traffic signal installation in Mitigation Measure 4.14-2. The Draft EIR indicated the traffic signal would be installed prior to issuance of building permits. However, as correctly indicated in the text of the Draft EIR on pages 4.14-30 and 4.14-75 of the Draft EIR, the traffic signal would be installed prior to issuance the first occupancy permits for the Project. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-37 and ES-38. Modify Mitigation Measure 4.14-2 with the following changes:

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of building the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda

Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

Chapter 4.14, Traffic/Transportation

1. Page 4.14-30. Modify Mitigation Measure 4.14-2 with the following changes:

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of building the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

RESPONSE CITY2-250

The future long-range Year 2035 traffic analysis for the intersection of Via Del Agua and Yorba Linda Boulevard indicates that 80 to 248 vehicles will make an eastbound left turn movement during the peak hour conditions. Based on field review, the existing eastbound left turn pocket length is approximately 100 feet, not including the transition, which would appear to allow for an additional 30 feet of vehicle storage without intruding into the eastbound through travel lane. As the minor street volumes are significantly lower than the major street volumes along Yorba Linda Boulevard, the future traffic signal timing plans could be developed to address specific peak traffic events (e.g., school pickup and drop-off). Because this is a local residential collector street, a shorter cycle length should be possible to help address queues. With changes to the traffic signal timing during peak hour conditions, the eastbound left turn lane will provide adequate capacity to accommodate the peak hour vehicle queues.

With respect to Option 2 and the Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-251

This comment is noted by the County. As discussed on page 2-10, in Section 2.0, *Project Description* (subsection 1. Overview), of the Draft EIR, access to Planning Area 1 would be provided from Via Del Agua within an existing, unimproved right-of-way between the southerly boundary of Planning Area 1 and Via Del Agua. As part of the approval of an existing adjacent residential development to the south of the project site, right-of-way was dedicated to, and accepted by, the City in order allow for construction of a future street connecting the project site with Via Del Agua. Access to Planning Area 2 would be provided from Aspen Way. Aspen Way, a local roadway, extends easterly from San Antonio Road with the paved improvements terminating approximately 400 feet from the westerly boundary of the project site. The existing dedicated right-of-way for Aspen Way would be improved as part of the project to provide access to Planning Area 2.

RESPONSE CITY2-252

Should the City upgrade its signal system to include special signal timing required for fire emergency evacuation, the project applicant would be required to fund that component only for this particular signal installation. Should the City adopt a fee program for signal coordination in the event of a fire emergency, and the project site is annexed to the City, building permit issuance would be connected to the payment of such a fee.

RESPONSE CITY2-253

The commenter is referred to Response City2-235 for a discussion of future trails within the project site.

RESPONSE CITY2-254

This comment provides a general introduction to comments on the Traffic Study. The County acknowledges that these comments are also applicable to the traffic analysis included in Section 4.14 of the Draft EIR. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE CITY2-255

Per comment, the reference to PM peak hour will be changed to AM peak hour. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 8. Modify first paragraph with the following changes:****1.5 Summary of Project Impacts and Mitigation Measures**

This section provides a summary of direct Project impacts and associated mitigation measures. Section 2.0 *Methodologies* provides information on the methodologies used in the analyses and Section 6.0 *Opening Year (2015) Traffic Analysis* includes the detailed analysis. Although the intersection of Via del Agua at Yorba Linda Boulevard is currently operating at unacceptable LOS (i.e., LOS “F”) during the ~~PM~~AM peak hour under Existing (2012) traffic conditions, the addition of Project traffic (as measured by 50 or more peak hour trips) is anticipated to contribute to the deficiency at this intersection. Based on the stated significance threshold for intersections already operating at LOS “E” or LOS “F” under pre-project conditions, the impact is considered “significant”.

This second portion of this comment identifies an editorial correction (typo) and will be corrected, as noted above. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-256

Field reviews conducted by Urban Crossroads (Traffic Consultant) show that defacto right-turns at the northbound and westbound approaches for the intersection of San Antonio Road and Aspen Way occur during peak hour conditions. A review of the long-range traffic conditions indicates that between 4 and 9 vehicles will make a right-turn movement at the northbound and westbound approaches for the intersection

of San Antonio Road and Aspen Way. This translates into one vehicle turning right anywhere from 6 to 15 minutes during the peak hour conditions. The intersection of San Antonio at Aspen Way is expected to operate at LOS “A” and LOS “B” for long range 2035 traffic conditions irrespective of the use of defacto right-turns or the existence of parked cars at the northbound and westbound approaches for the intersection of San Antonio Road and Aspen Way.

RESPONSE CITY2-257

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-258

This comment is noted by the County. However, the does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-259

The baseline conditions identified for 2012 are consistent with CEQA, which allows the baseline conditions to be established at the time of the NOP. (14 Cal. Code Regs § 15125(a).)

RESPONSE CITY2-260

Exhibit 3-12 has been corrected to maintain consistency with the intersection operational analysis provided in Table 3-1. The Exhibit has been revised to reflect acceptable peak hour operations during the PM peak hour and is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR .

RESPONSE CITY2-261

Please refer to Response City2-256.

RESPONSE CITY2-262

Please refer to Response City2-247.

RESPONSE CITY2-263

Exhibit 4-1 illustrates both the outbound trip distribution pattern, consistent with the approved project scoping agreement, as well as the reverse (or inbound) project trip distribution pattern. For example, if 6% of the outbound project traffic is shown making a southbound right at San Antonio Way, this same 6% of project traffic is expected to represent the inbound traffic volumes making an eastbound left turn at the intersection. The inbound project traffic distribution pattern simply mirrors the outbound project traffic distribution pattern shown on Table 4-1.

RESPONSE CITY2-264

It is conservatively anticipated that the majority of construction-related employees would arrive and depart from the site during peak commute traffic periods (i.e., 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) with a period of overlap. Employee trips are based on the number of employees estimated to be on site during different points throughout the project's construction. The potential impacts resulting from construction-related parking and employee trips are considered less-than-significant. It is anticipated that that up to 38 worker trips would occur per day during the construction phase (conservatively assuming all 112 dwelling units are under construction at once). These trips represent two-way daily trips, or one trip inbound and one trip outbound. Conservatively assuming that all inbound trips occur in the morning and all outbound trips occur in the evening, a total of 19 inbound and 19 outbound trips are estimated (i.e., 38/2).

RESPONSE CITY2-265

In addition to the employee trips, there are heavy equipment trips (classified as vendor trips). It is anticipated that that up to 12 vendor trips would occur per day during the construction phase (conservatively assuming all 112 dwelling units are under construction at once). These trips represent two-way daily trips, or one trip inbound and one trip outbound. Conservatively assuming that all inbound trips occur in the morning and all outbound trips occur in the evening, a total of 6 inbound and 6 outbound trips are estimated (i.e., 12/2). When taken into consideration with the construction employee trips, there are a total of 25 inbound and 25 outbound trips estimated (i.e., 38/2 + 12/2). However, this is a conservative estimate as vendor trips are likely to occur throughout the day as opposed to during the morning and evening commute periods. In addition, all of the area intersections are expected to operate at an acceptable LOS with mitigation during the peak hours and these 25 inbound and 25 outbound trips would not trigger a significant impact.

RESPONSE CITY2-266

Please refer to Response City2-247.

RESPONSE CITY2-267

Please refer to Response City2-247. Consistent with the traffic scoping agreement, a cumulative project list was established at the time of the NOP to support the Traffic Impact Analysis. The cumulative project list identifies other potential project traffic volumes to include as part of the opening year analysis. However, as indicated in Response City2-247, all cumulative projects have been included and accounted for in the long-range future Year 2035 conditions

RESPONSE CITY2-268

Please refer to Responses City2-247 and City2-267.

RESPONSE CITY2-269

Please refer to Response City2-247.

RESPONSE CITY2-270

Please refer to Responses City2-247 and City2-259.

RESPONSE CITY2-271

Per the comment, the impact conclusion referenced in the Traffic Study will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 65. Modify subsection 5.4 with the following changes:****5.4 Project Mitigation Measures**

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location's peak hour delay and improve the associated LOS grade to LOS "D" or better. As shown on Table 5-1, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

RESPONSE CITY2-272

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-273

Please refer to Response City2-247.

RESPONSE CITY2-274

Per comment, the impact conclusion referenced in the Traffic Study will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 78. Modify subsection 6.5 with the following changes:****6.5 Project Mitigation Measures**

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location's peak hour delay and improve the associated LOS grade to LOS "D" or better. As shown on Table 6-2, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

RESPONSE CITY2-275

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-276

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-277

Please refer to Responses City2-247 and City2-259.

RESPONSE CITY2-278

The commenter's question regarding emergency evacuation time for residents in the area surrounding the Project site is comprehensively addressed in Topical Response 3.

The commenter's second question regarding emergency access from the Esperanza Hills' site should be addressed to the County in connection with that EIR (Esperanza Hills Draft Environmental Impact Report, State Clearinghouse No. 2012121071.) Although a response from the assigned Esperanza Hills' planning staff would ultimately be most appropriate, we would point the commenter to page 5-297 of that document, which indicates that primary access would be via Aspen Way and that an "...improved fire apparatus access road would align with the existing dirt road from Stonehaven Drive across Blue Mud Canyon in approximately the same alignment as an existing dirt road that historically has been used by oil well operators, the OCFA, the YLWD, SCE, Chino Hills State Park, and neighboring residents for vehicular and foot access into the project area.

RESPONSE CITY2-279

The County is referenced as they are the lead jurisdiction, but the report text also recognizes that their standards are consistent with Caltrans sight distance standards. The corner sight distance was evaluated at the access point per Standard No. 1117, which requires an intersection sight distance using a 3.5 foot high driver eye height with a 4.25 foot high object height while in a vehicle at an intersection 10 feet back from the edge of the travelled way.

RESPONSE CITY2-280

The corner sight distance was evaluated at the access point per County of Orange Standard No. 1117, which exceeds the minimum stopping sight distance per the Caltrans Highway Design Manual for a street with a posted speed limit of 30 mile per hour. Per the Caltrans Highway Design Manual, the minimum stopping sight distance for 30 miles per hour is 200-feet. This Highway Design Manual standard is less than the 280-feet relied upon in the traffic study. Therefore, the minimum intersection sight distance of 280 feet relied upon in the traffic study exceeds the Caltrans minimum stopping sight distance standard by 80 feet.

RESPONSE CITY2-281

Comment City2-281 asks a series of questions about the EIR's alternatives. First, with respect to the alternatives carried forward for analysis in the Draft EIR, the Draft EIR considers four alternatives to the Project: the No Project Alternative, the Planning Area 1 Only Alternative, the Large Lot/Reduced Grading Alternative, and the Contested Easement Alternative. In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative. The EIR also considers and rejects two additional alternatives: Alternative Location and Alternative Land Use. The No Project Alternative is required by CEQA Guidelines Section 15126.6(e)(1) and was therefore included in the EIR. The three other alternatives selected for analysis were chosen because they are consistent with CEQA Guidelines Section 15126.6(a) in that they all "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Each also includes the types of residential uses that are currently permitted on the site and is compatible with the existing single-family uses to the north, west and south of the site.

Next, the commenter asks why the EIR evaluated alternatives given that the Project would not result in any significant and unavoidable environmental impacts. Simply put, the answer is that such analysis is required by CEQA Guidelines Section 15126.6(a), which provides that EIRs "shall describe a range of reasonable alternatives to the project, or to the location of the project." An EIR is required to include an alternatives analysis regardless of whether the underlying project would result in any significant and unavoidable environmental impacts (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, (1988) 47 Cal. 3d 376).

Finally, the commenter asks that the EIR include a discussion explaining why each alternative was selected and what impacts it is intended to eliminate or reduce. As noted above, each alternative was selected because they "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project," consistent with CEQA Guidelines Section 15126.6(a). In terms of the impacts that each alternative would eliminate or reduce, Table 3-1 in Chapter 3.0 of this Final EIR comprehensively compares the impacts of each of the proposed alternatives, on a threshold-by-threshold basis, against the proposed Project.

RESPONSE CITY2-282

This Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE CITY2-283

The commenter asserts that the Draft EIR improperly dismissed off-site alternatives and should have included and analyzed an alternative location for the project site. CEQA requires the consideration of a reasonable range of alternatives, but it does not mandate the consideration of off-site alternatives. (Pub. Resources Code §§ 21001(g), 21002.1(a), 21061; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491.) The Draft EIR considered a reasonable range of alternatives sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) Specifically, the Draft EIR analyzed four alternatives to the Project, a No Project Alternative, a Planning Area 1 Only Alternative, a Large Lot/Reduced Grading Alternative, and a Contested Easement Alternative. In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5

for a discussion of the Modified Planning Area 1 Only Alternative. This range of alternatives represents enough variation to allow informed decisionmaking. (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.) The comment does not challenge the adequacy of the range of alternatives.

With regard to off-site alternative locations, the Draft EIR reasonably concluded that, given the scope of the Project, which was designed specifically for the site's geographic limitations, and the Project's objectives, an alternative site in the general vicinity of the project site would likely result in similar or greater impacts than the Project, assuming implementation of generally similar mitigation measures that are not site-specific. Alternative sites may include areas of higher and more varied topography resulting higher visibility from surrounding areas. Other sites potentially could have neighboring uses that are less compatible in terms of similar density. Further, the project site is surrounded by residential uses on three sides, which allows the site to connect with existing utility infrastructure. While the commenter suggests that an alternative location be considered, the commenter does not provide an alternative location or any evidence that an alternative location would reduce the impacts of the proposed project at the project site. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

The commenter is also referred to Response 114-7, which notes that an alternative off-site location must be able to meet the project's objectives, avoid or substantially lessen the project's impacts, and be feasible. Given the project objectives (which include provision of residential units and significant open space) and the scope of the project, the Draft EIR reasonably concluded that an off-site alternative would likely result in similar or greater impacts than the proposed project. CEQA makes abundantly clear that the project objectives should drive the agency's selection of alternatives for analysis an approval. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991.)

Moreover, the project proponent does not own any other properties in the nearby local vicinity, which is highly indicative of infeasibility. (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 522.)

RESPONSE CITY2-284

Contrary to the comment, the impact conclusion under the No Project Alternative is not based on a single-study intersection (Yorba Linda Boulevard and Via Del Aqua). That impact analysis considered the fact that the Project's traffic impacts at all other intersections would be less than significant. The analysis further acknowledges that the No Project Alternative would not affect the local and regional traffic network. Also, the analysis indicates that the prescribed mitigation measure (Mitigation Measure 4.14-2) for the Project would eliminate an existing deficiency on the local circulation network. Thus, while the elimination of the intersection deficiency was a substantial consideration in the impact conclusion, it was not the only intersection considered in the impact conclusion, as the commenter suggests.

RESPONSE CITY2-285

The comment requests an explanation for the EIR's Planning Area 1 Only Alternative. The Planning Area 1 Only Alternative excludes development of Planning Area 2, which consists of 17 lots at the extension of Aspen Way, and provides for development of Planning Area 1 at a density well below allowed by the County General Plan. As with all alternatives analyzed in the EIR, the Planning Area 1 Only Alternative was selected for analysis because it is consistent with CEQA Guidelines Section 15126.6(a) in that it "feasibly attain[s] most of the basic objectives of the project but would avoid or substantially lessen any of the significant

effects of the project.” Here, the Planning Area 1 Only Alternative includes the types of residential uses that are currently permitted on the site and is compatible with the existing single-family uses to the north, west and south of the site. The density proposed under this Alternative was selected based upon consideration of the gross densities provided in the surrounding areas as shown in Table 4.9-3 on page 4.9-19 of the Draft EIR. As shown in the table, the gross densities in the surrounding areas range from approximately 1.04 to 1.96 lots per acre. While the proposed density of this Alternative (2.0) would be on the high end of this range, the proposed density would be closest to the density of the adjacent Dorinda Road tract (1.96 gross density). Moreover, as summarized in Table 3-1 in Chapter 3.0 of this Final EIR, it “would avoid or substantially lessen any of the significant effects of the project” (e.g., biological resources and cultural resources) because it excludes development in Planning Area 2. In so doing, it would create 6.4 acres of additional open space as compared to the Project. Finally, note that the Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE CITY2-286

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-287

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-288

This comment correctly states that land use impacts were concluded to be significant and unavoidable for the Planning Area 1 Only Alternative. As discussed on pages 5-15 and 5-16 of the Draft EIR, similar to the Project, implementation of this Alternative would generally be consistent with land use plans or policies, zoning, and land use designations of the site and with relevant land use goals and policies, with the exception that the increased density would not be consistent with the applicable City of Yorba Linda General Plan land use designation which permits residential uses up to 1.0 dwelling units per acre. In addition, the higher density under this Alternative in Planning Area 1 would not be as complementary to the housing density of the adjacent single-family neighborhoods when compared to the Project and, therefore, may not be compatible. Due to the increased density within Planning Area 1, land use impacts would be greater under this Alternative when compared to the Project. As the higher density of this Alternative would result in significant and unavoidable environmental impacts (e.g., GHG emissions), land use impacts are concluded to be significant and unavoidable. This analysis provided in the Draft EIR substantiates the rationale to support the significant and unavoidable impact conclusion.

RESPONSE CITY2-289

Consistent with this comment, the air quality analysis provided for the Large Lot/Reduced Grading Alternative provided on page 5-20 of the Draft EIR indicates that this Alternative would result in less overall grading than the Project.

RESPONSE CITY2-290

Please refer to Response 114-5, which discusses Alternative 4, Contested Easement Alternative, and its inclusion in the Draft EIR.

RESPONSE CITY2-291

Please refer to Response City2-240.



P.O. Box 54132
Irvine, CA 92619-4132

California Cultural Resource Preservation Alliance, Inc.

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

December 14, 2013

Ron Tippets
OC Planning Contract Planner

RE: Cielo Vista Project Draft Environmental Impact Report (EIR)

Upon review of Cultural Resources 4.4, we concur with the determination that the project has low archaeological sensitivity based on the hilltop terrain, lack of water, and lack of recorded cultural resources and surface expression based on a pedestrian archaeological survey. However, we also concur with the determination that it is possible that previously undiscovered buried archaeological resources exist within the project area at locations consisting of younger Quaternary Alluvium and support Mitigation Measure 4.4-1 archaeological monitoring.

Archaeological sites that are significant because they contain important scientific data are also significant and important to Native American descendants because they contain religious and cultural values. Unlike scientific data, religious and cultural values cannot be mitigated to a less than significant level with the implementation of data recovery excavations. Therefore we request that in the event significant buried archaeological resources are discovered, Mitigation Measure 4.4-2 be revised to focus on avoidance and preservation. This is consistent with the United Nations Declaration on the Rights of Indigenous Peoples which was adopted by the United States in 2010 (See www.achp.gov/undeclaration.html).

Sincerely,

A handwritten signature in dark ink, appearing to read "Patricia Martz", is written over a light-colored, textured background.

Patricia Martz, PhD.
President

LETTER: CCRPA

California Cultural Resource Preservation Alliance, Inc.
Patricia Martz, PhD., President
P.O. Box 54132
Irvine, CA 92619-4132
(December 14, 2013)

RESPONSE CCRPA-1

The comment is noted. No further response is required because this comment concurs with the archaeological sensitivity determination for the Project, and does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CCRPA-2

The comment is noted. No further response is required because this comment concurs that possible previously undiscovered buried archaeological resources exist within the project area at locations consisting of younger Quaternary Alluvium and supports Mitigation Measure 4.4-1 archaeological monitoring, and does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CCRPA-3

Per the provided comment, Mitigation Measure 4.4-2 will be revised to focus on avoidance and preservation as a first priority when archaeological resources are encountered during construction. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-15. Modify Mitigation Measure 4.4-2 with the following changes:**

Mitigation Measure 4.4-2 In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place. All archaeological resources recovered shall be documented on

California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.

Chapter 4.4, Cultural Resources

1. Page 4.4-11. Modify Mitigation Measure 4.4-2 with the following changes:

Mitigation Measure 4.4-2 In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.



November 18, 2013

Via E-Mail and U.S. Mail

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Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

Friends of Harbors, Beaches and Parks is writing to request an extension of the public comment period for the Cielo Vista Draft Environmental Impact Report (EIR). There are complex legal and technical issues surrounding the Cielo Vista Project and adequate time is needed to review the document. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is insufficient for a thorough review by the public that the California Environmental Quality Act proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, we respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your consideration of this request.

Sincerely,

Jean Watt
President
Friends of Harbors, Beaches and Parks

cc: The Honorable Todd Spitzer

Post Office Box 9256
Newport Beach, CA 92653
949-399-3669

www.FHBP.org

LETTER: FHBP1

Friends of Harbors, Beaches and Parks
Jean Watt, President
P.O. Box 9256
Newport Beach, CA 92653
(November 18, 2013)

RESPONSE FHBP1-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE FHBP1-2

The commenter is referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE FHBP1-3

Please refer to Response FHBP1-1.

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January 17, 2014

Via E-Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

Friends of Harbors, Beaches and Parks (FHBP) provides the following comments on the Cielo Vista Draft Environmental Impact Report (DEIR). We would like to first express our support for preservation of the entire property as opposed to its development. Additionally, the project's DEIR must be recirculated to provide more complete data and analysis especially as it relates to the following sections: GHGs, Hazards and Hazardous Waste, Traffic and Transportation, and Recreation.

Our specific comments are as follows:

Section 4.6 – GHGs

As you know, the state has passed two important laws related to greenhouse gas emissions—AB 32 (The Global Warming Solutions Act of 2006) and SB 375 (The Sustainable Communities Planning Act of 2008). AB 32 requires that we reduce our greenhouse gas (GHG) emissions to 1990 levels by 2020. SB 375 requires each region to create a Sustainable Communities Strategy (SCS) that reduces vehicle miles travelled (VMT) and meets the target of an 8% reduction in those VMT by 2020 and 13% reduction by 2035.

Currently, the site is sequestering carbon through vegetation and soil. If the development is approved it will generate carbon and GHG emissions as well as VMT. As noted in the DEIR, it will generate 2,283 metric tons per year of CO₂e. In June of 2011 the Orange County Council of Governments (OCCOG) adopted a sub-regional SCS. This document was incorporated into the Southern California Association of Governments (SCAG) SCS in April 2012. To actually meet the aforementioned targets, decision makers can no longer approve developments in the “business as usual” model. Instead they must consider how proposed developments, on the urban edge especially, will increase the number of VMT due to their distance from major roadways, freeways, transit opportunities, and amenities (grocery stores, office stores, cleaners, etc.); increase the need for and maintenance of new services (water, trash, sewer, roads, etc.); increase the risk of loss of life and property due to wildland fires by continuing to build in fire prone hills of Orange County; and decrease the quality of life for the existing community members due to increased traffic, larger classroom sizes in schools, etc.

Consequently, we disagree with the DEIR's statement 4.6-2. This project is in direct conflict with the SCS approved by the OCCOG and SCAG, and adds to the regional VMT instead of reducing it.

Further, OCCOG adopted the state's first carbon avoidance and sequestration strategy in the SCS, we believe under the circumstances, given these approved plans and standards the appropriate and logical mitigation measure is to transfer the rights to develop the property to a site located in a more urban setting adjacent to transportation corridors and transit. This would have multiple benefits, including: reducing VMT, creating vibrant communities in our urban areas through the use of infill development, and reducing the requisite additional, ongoing and permanent services the development proposal would have required.

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Caspers Wilderness Park
Volunteers
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Equestrian Coalition of O.C.
Environmental Nature Center
Great Park Environmental
Coalition
Huntington Beach Wetlands
Conservancy & Wildlife
Care Center
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Post Office Box 9256
Newport Beach, CA 92653
949-399-3669

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Continued development at the wildland-urban interface does not align with the legislation nor either SCS (OCCOG and SCAG) and clearly does not meet the regional targets set to reduce VMT by the California Air Resources Board. These hard facts must be squarely addressed in the DEIR.

As a side note, Cielo Vista property has been included on the FHBP Green Vision Map as a property conservation groups' support for permanent preservation. The Map has been in existence since 2000 and is supported our 80+ member coalition.

Section 4.7 – Hazards and Hazardous Waste

FHBP works closely with a coalition of conservation organizations that each provides their own unique perspective on varying land use related conditions. As it relates to this section one partner; Hills For Everyone (HFE) recently completed a comprehensive Fire Study, which included the Cielo Vista site, in a scientific report called: "A 100 Year History of Wildfires Near Chino Hills State Park" (Fire Study) (**See Attachment 1**) and the other partner, the California Chaparral Institute similarly provides scientific information about chaparral ecosystems and wildfire. Based on the inaccurate information about the Wildlife Fire Hazards (page 4.7-16 of DEIR), the DEIR must be revised and recirculated with more accurate and complete information.

Specifically, the DEIR contends that lightning is a main source of wildfires in the region. While it is accurate that wildfires can be caused by lightning, it is not accurate to state that lightning is a main source of wildfire in this region. The HFE Fire Study, which documented 103 wildfires between 1914 and 2011, methodically demonstrates that only two (2) wildfires were caused lightning (**See Attachment 2**). The remainder (101 fires) was caused by humans—both intentionally and unintentionally. Further as additional roads were built, highways expanded or homes constructed at the wildland-urban interface the wildfires burning the hills tripled since the early 1980s.

The Chaparral Institute's research indicates that scrub and chaparral ecosystems should burn every 30 to 150 years (Halsey, Rick. Fire, Chaparral, and Survival in Southern California, pg. 3) (**See Attachment 3**). Further, based on the HFE Fire Study, this region is suffering from an increased, and therefore unnatural, fire frequency (**See Attachment 4**). The Study shows the area's ecosystems are actually burning every year. This increased fire frequency is actually type converting the scrub and chaparral habitats to non-native grasses (**See Attachment 5**). These grasses dry out earlier in the season, ignite easier, and spread fire faster especially in Santa Ana wind conditions. Therefore the greater risk, not addressed in the DEIR's assessment is the fine fuel load created by non-native grasses on the project site as opposed to the excess plant fuel.

Additionally, the HFE Fire Study is available online, as is the majority of the associated fire data in kmz format. The Fire Study is attached to this letter for your convenience (see again, Attachment 1). This Fire Study is a repository of fires from many different agencies, including CalFire. In addition to the two fires indicated in the DEIR that burned the Cielo Vista site, the property was also burned, in its entirety, by the November 8, 1943 Santa Ana Canyon fire, which burned 9,375 acres (**See Attachment 6**). Also, the cause of the Freeway Complex Fire, the first of the two fires that eventually merged together to form the complex fire, did NOT start in the riverbed of the Santa Ana River. There is no access to the Santa Ana River at that location (in Corona) for vehicles. The Orange County Fire Authority's (OCFA) After Action Report indicates the fire started on the westbound side of the 91 Freeway at the Green River exit (OCFA After Action Report, p. 6).

Research by fire scientists, including United States Geological Survey expert Jon Keeley, indicates that land use planning has largely been absent from the debate about home loss by wildfire. Keeley contends that the location of houses and their arrangement contribute to the likelihood of the homes being lost during a wildfire. His research indicates where fires have burned before they will burn again (**See Attachment 7**). Keeley states, "We're losing homes in fires because homes are being put into hazardous conditions" ... "The important thing is not to blame it on the fire event, but instead to think about planning and reduce putting people at risk" (**See Attachment 8**). The DEIR should address these facts.

The Freeway Complex Fire damaged or destroyed over 230 houses in Yorba Linda alone (more than 300 when looking at the region) (**See Attachment 9**). The homes that burned in the 2008 Freeway Fire are in the same type

of steep hillside communities as would be built by the developers of the Cielo Vista project. There is no defense against ember attacks during Santa Ana wind conditions, as witnessed in the Freeway Complex Fire where houses miles from the flame front burned down. Seventy six (76) houses were damaged or destroyed within ½ mile of the Cielo Vista project site (**See Attachment 10**). Had homes already been on the Cielo Vista property when the Freeway Complex Fire occurred many of those homes would likely have also been engulfed in flames, through exposure to radiant heat or ember attacks. CJ Fotheringham, a colleague of Keeley's notes, "There's really two types of fires: the ones we plan for, and the ones that do the damage" (quote from Attachment 8). The Freeway Complex Fire was the latter type of fire.

Based on this current research, wind-drive fire events and fire history, the Cielo Vista site is not a site that should have houses on it. This project should be denied due to its public safety risks to both life and property.

Section 4.14 – Traffic and Circulation

The DEIR's transportation section underestimates traffic impacts for the proposed project. The projected total of only 84 weekday A.M. peak hour trips from the proposed 112 residential units (DU's) is unusually low for the type of project and remote location proposed. The DEIR must be revised and recirculated to demonstrate more realistic traffic projections.

The DEIR does not address existing-future and with-without project intersection analysis for Yorba Linda Boulevard at Esperanza Road and at the 91 freeway. Given the well-known congestion challenges for these locations as reported by Yorba Linda residents during the Cielo Vista NOP hearing, the project proponent should have included impact analysis and mitigation measures, as appropriate, for them. The DEIR must be revised and recirculated to demonstrate this more comprehensive analysis.

The DEIR proposes no alternative transportation measures, despite locating new residential development at an urban fringe location. Such planning would reduce travel options for the new residents and demonstrates a conflict with the County's SCS to pursue reductions in VMT. The DEIR must be revised and recirculated to detail more appropriate options for its future residents.

We also note that the existing intersection of Via del Agua at Yorba Linda Boulevard currently operates at LOS "F" during the A.M. peak hour (Cielo Vista Traffic Impact Analysis, pg. 8). The DEIR asserts the Project (112 DU's) is anticipated to generate a total of approximately 84 weekday A.M. peak hour trips and 113 weekday P.M. peak hour trips. We have serious questions about these figures being understated. The intersections are already operating at unacceptable levels. Therefore, the DEIR must be revised and recirculated to detail more appropriate options for its future residents.

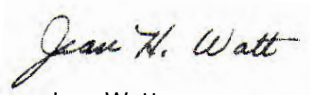
Section 4.13 – Recreation

There are inconsistencies throughout the DEIR when reporting the acreage of Chino Hills State Park. According to the California Department of Parks and Recreation website, Chino Hills State Park is 14,102 acres (**See Attachment 11**). Additionally, the nearest accessible entrance to the State Park from the project site is not on Carbon Canyon Road as mentioned in the DEIR, it is the Quarter Horse/Rim Crest entrance in Yorba Linda (roughly 1.4 direct miles from the project site). However, due to the close proximity of this project to the State Park (roughly two-thirds of a mile) there are numerous impacts to the Park and its resources. These impacts, which must be studied in the DEIR, include edge effect, potential for fire ignition, loss of foraging habitat for golden eagles and other raptors, loss of habitat for the mountain lion, etc.

Additionally, Figure 4.13-1 and 4.13-2 on page 7 and 13 respectively of this section's PDF inaccurately shows the State Park boundaries. In 2006, 1,262 acres were added to the State Park in the hills of Yorba Linda (**See Attachment 12**). By excluding this parkland acreage, the project impacts are reduced because the State Park seems farther away than it actually is. The DEIR ignores impacts to State Park's natural resources which must be addressed in the DEIR.

To conclude, we find the DEIR for the Cielo Vista project is lacking in its analysis of GHGs, Hazards and Hazardous Waste, Traffic and Transportation, and Recreation and request the DEIR be at a minimum recirculated and revised for additional public comments.

Sincerely,



Jean Watt
President
Friends of Harbors, Beaches and Parks

cc: The Honorable Todd Spitzer

Attachments:

- 1 – HFE Report: “A 100 Year History of Wildfires Near Chino Hills State Park”
- 2 – HFE Fire Causes Map
- 3 – Halsey’s Excerpt from Fire, Chaparral, and Survival in Southern California
- 4 – HFE Fire Frequency Map
- 5 – HFE Type Conversion Photo
- 6 – HFE Map of the 1943 Santa Ana Canyon Fire
- 7 – Keeley, Jon, et al. “Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire” March 2012, Volume 7, Issue 3
- 8 – Oskin, Becky. “Fighting Fires: You’re Doing it Wrong.” LiveScience. 12 Jan 2013
- 9 – HFE Properties Damaged or Destroyed in the Freeway Complex Fire Map
- 10 – HFE Map of Properties Damaged or Destroyed within ½ Mile of the Cielo Vista Project Site
- 11 – California Department of Parks and Recreation webpage for Chino Hills State Park
- 12 – The Official Chino Hills State Park Map

LETTER: FHBP2

Friends of Harbors, Beaches and Parks

Jean Watt, President

P.O. Box 9256

Newport Beach, CA 92653

(January 17, 2014)

RESPONSE FHBP2-1

This comment in opposition to the Project is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process. Also, this comment provides a general introduction to the issues raised in this letter. Individual responses to this letter are provided below in Responses FHBP2-2 to FHBP2-14.

RESPONSE FHBP2-2

Sustainable Communities Strategies (SCS) targets are not project-specific and are achieved through region-wide vehicle miles traveled (VMT) reduction measures. These VMT reduction goals contained in the SCS may be achieved through other means such as mass transit or transit oriented development within the region. The commenter is incorrect in that the Project is in direct conflict with the SCS.

Per the comment, a discussion of the Orange County Council of Governments (OCCOG) SCS has been added to the Draft EIR. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.6, Greenhouse Gas Emissions

1. **Page 4.6-26. Add the following text below the 1st paragraph in the discussion of “Consistency with Applicable GHG Plans”:**

Further, as discussed previously, SB 375 was enacted to reduce GHG emissions by requiring MPOs to develop an SCS as part of their RTP. As a result, SCAG has included an SCS element to their RTP which encompasses the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Riverside. Each SCS must outline the strategies being undertaken in order to reduce GHG emissions from automobiles and light trucks in the region. SB 375 also allows for subregional council of governments to develop a subregional SCS. The Orange County Council of Governments (OCCOG) has developed a subregional SCS specific to Orange County. The subregional SCS is a collective regional effort to link transportation and land uses, and includes a variety of progressive measures undertaken by Orange County jurisdictions, agencies, and groups that lead to changes in the use of automobiles and light duty trucks, resulting in reductions in GHGs. These strategies and actions are Orange County’s contribution to the region’s efforts to achieve both 2020 and 2035 GHG thresholds established by CARB.¹ Thus, the subregional SCS is a planning level document which includes

¹¹ See Orange County Sustainable Communities Strategy, Executive Summary.

measures intended to be implemented on a countywide scale, not measures specifically applicable to individual projects.

The OCCOG subregional SCS contains goals (VMT reduction) identical to the regional SCAG SCS. However, goals of the SCS are not project specific. As stated in the OCCOG subregional SCS, “no subregional GHG emissions reduction targets were set by CARB or SCAG. GHG emission reduction targets are only calculated at the regional level.” Therefore, the SCS does not target specific projects, but reductions will be achieved on a regional level.

In order to achieve VMT and GHG reduction goals, the SCS contains several strategies and VMT reduction measures which are regional in nature. Such measures include transportation system efficiency improvements and transit oriented development. As these VMT reduction measures are more regional in nature, the Project would not be able to implement such measures. Therefore, the Project would not conflict with goals of the SCS.

RESPONSE FHBP2-3

Please refer to Response FHBP2-2 for a discussion of the Project’s consistency with the SCS. As discussed in Section 5.0, *Alternatives*, of the Draft EIR and Response POHH-Johnson2-7, relocating the site to a more urban setting is not feasible and would not meet the objectives of the Project, for example, implementing a land plan at a density compatible with adjacent single family residential neighborhoods and providing a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities.

RESPONSE FHBP2-4

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE FHBP2-5

This comment provides a general introduction to fire-related comments raised in this letter and asserts that the Draft EIR should be re-circulated based on the report prepared by Hills For Everyone (HFE) titled “A 100-year History of Wildfires Near Chino Hills State Park.” This comment consists of mere argument and unsubstantiated opinion, and does not provide any specific evidence or a factual foundation. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Individual fire-related responses to this letter are provided below in Responses FHBP2-6 to FHBP2-8, below.

RESPONSE FHBP2-6

This comment states that the Draft EIR should be re-circulated because of inaccurate information provided in the EIR stated on page 4.7-16. This comment indicates that, based on the HFE report most fires near Chino Hills State Park are caused by humans (intentional or unintentional). The comment further implies that the Draft EIR states that lightning is the main source of wildfires in the region. This is not accurate. Rather, the Draft EIR acknowledges that the two main weather patterns associated with wildfires in Southern California are lightning and the Santa Ana winds. However, no statement is made that lightning is a

main source wildfires in the region. Accordingly, the Draft EIR does not conflict with the HFE report regarding the cause of wildfires. The comment does not otherwise raise any specific challenge to the analysis or conclusions contained in the Draft EIR.

RESPONSE FHBP2-7

This comment provides background information from the HFE “Fire Study” regarding non-native grasses in the region and how they are highly prone to fires. This information is acknowledged by the County. However, the analysis contained in Section 4.7, *Hazardous and Hazardous Materials*, in the Draft EIR assumes the project site is within a “Very High Fire Hazard Severity Zone” (VHFHSZ) and is very highly prone to wildland fire hazards. Thus, the information regarding non-native grasses presented in this comment would not change the analysis of wildland fire impacts presented in the Draft EIR. Moreover, the Draft EIR does describe the existence of non-native plant species on the site. As noted in Section 4.3, *Biological Resources*, non-native, invasive plant species pervade the project study area, a problem which was further promoted as a result of the Freeway Complex 2008 wildfire.

Additionally, this comment provides information regarding (1) an additional fire which burned the Project site and (2) the start of the Freeway Complex Fire. These comments are noted, but do not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE FHBP2-8

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Further, the analysis was prepared understanding the site is within a VHFHSZ and has been subject to previous wildland fires. The commenter is also referred to Topical Response 3 regarding wildland fire impacts.

Also, the comment’s statement of opposition to the Project because of potential fire hazards is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE FHBP2-9

The number of traffic trips identified for the Project in Section 4.14 of the Draft EIR is based on industry standard trip generation rates utilized for similar residential project traffic studies prepared throughout the City of Yorba Linda and the County of Orange. Thus, the number of trips is typical of similar single-family residential projects and is not understated in any regard.

RESPONSE FHBP2-10

Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Neither

of these thresholds was met for Yorba Linda Boulevard at Esperanza Road and at the 91 Freeway. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

RESPONSE FHBP2-11

The Draft EIR was not required to propose alternative transportation mitigation measures because all potentially significant traffic impacts were found to either be less than significant or mitigated to a level that is less than significant. Moreover, the Draft EIR addressed whether the Project would conflict with adopted policies, plans, or programs regarding alternative transportation in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant. Therefore, no mitigation measures regarding alternative transportation were necessary.

RESPONSE FHBP2-12

Please refer to Response FHBP2-9 for a discussion of the number of Project trips. Also, Section 4.14 of the Draft EIR concludes that the Project's addition of traffic at the intersection of Yorba Linda Boulevard and Via Del Agua and Yorba Linda Boulevard would be a potentially significant impact. Thus, Mitigation Measure 4.14-2 is prescribed to reduce this potentially significant impact to a less than significant level. The comment consists of unsubstantiated opinion and does not provide any evidence to support its assertions. "To constitute substantial evidence, comments by members of the public must be supported by an adequate factual foundation." (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.)

RESPONSE FHBP2-13

This comment asserts that there are inconsistencies regarding the acreage and access ways stated in the Draft EIR. The Draft EIR indicates that the Chino Hills State Park has over 14,000 acres, which is consistent with this comment which states that the Park has 14,102 acres. Regardless, any minor inconsistencies would not change the recreation analysis and findings presented in Section 4.13, *Recreation*, of the Draft EIR.

Also, the analysis included in the Draft EIR acknowledges the proximity of Chino Hills State Park, where applicable. The Draft EIR addressed biological resources, including golden eagles and raptors, in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Wildland fire impacts were addressed in Section 4.7, *Hazards and Hazardous Materials*. As discussed therein, applicable impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. No large mammal species with the potential to occur within the project study area, i.e., mountain lion (*Puma concolor cougar*), coyote, mule deer and bobcat (*Lynx rufus californicus*), are included in the CDFW 2011 Special Animals List and are not considered to be special-status species. As is concluded on page 4.3-27 of the Draft EIR, impacts on common wildlife species are considered less than significant.

This comment further asserts that Figure 4.13-1 and 4.13-2 inaccurately show the boundaries of Chino Hills State Park. This comment is acknowledged by the County. Regardless, the Park's boundaries shown in Attachment 12 to the comment letter do not change the analyses presented in the EIR because the area

within the revised park boundaries was assumed to be open space as part of the Draft EIR analysis. Thus, the Draft's EIR's findings pertaining to indirect impacts regarding natural resources, particularly biological resources, would not change.

RESPONSE FHBP2-14

This comment provides a general conclusion regarding the issues raised in this letter. Individual responses to this letter are provided above in Responses FHBP2-2 through FHBP2-13. Based on the responses above, no recirculation of the Draft EIR is warranted.

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California Native Plant Society

ORANGE COUNTY CHAPTER

P.O. Box 54891
Irvine, CA 92619-4891
occnps.org

January 21, 2014

The California Native Plant Society is a statewide non-profit organization. Its membership is open to all.

CNPS is dedicated to the preservation and enjoyment of California's native plants and their habitats.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

Ron Tippetts, Planner
Current and Environmental Planning Section
OC Planning Services
P.O. Box 4048
Santa Ana, CA 92702-4048

RE: Cielo Vista Project Draft Environmental Impact Report (EIR No. 615)

Dear Mr. Tippetts:

The Orange County Chapter of the California Native Plant Society has long had an interest in preservation of the Chino-Puente Hills as natural open space. They are a refuge for native plants, which in turn provide habitat for wildlife that passes along the corridor sheltered by the Hills. The corridor in turn is essential to maintaining healthy native plant and animal populations throughout the greater Los Angeles area. The Cielo Vista Project would remove approximately 50 acres from that natural open space and correspondingly impact the corridor's functioning.

GENERAL COMMENTS:

A regional-level map that locates the project site in relation to Chino Hills State Park boundaries, with the Park labeled, should be included in Chapter 1, *Introduction*, and/or Chapter 2, *Project Description*. Figures 2-1 and 2-2 don't include that information. Figure 4.13-1 does, but isn't regional in scope.

The DEIR often mentions the "region" in which the Cielo Vista Project is located, in discussions of impacts and mitigations. But the "region" seems to have rather elastic boundaries. Sometimes it appears to be the area covered by Figure 3-1, or a smaller area. Elsewhere, the "region" appears to be much larger, perhaps including much of northern Orange County and adjacent portions of Riverside and San Bernardino Counties. OCCNPS finds that the "region" boundaries should be defined and be constant throughout, so that discussions of the Project's various impacts and proposed mitigations are all referring to the same place.

COMMENTS ON CHAPTER 4.3: BIOLOGICAL RESOURCES

Chapter 4.3 should include a map that shows the cumulative study area, including both the existing open space conservation reserves and the 18 proposed projects within the study area. The study area itself should be enlarged to include other current (e.g. Brea's Madroña Project) and long-

term (e.g. the Aera property) threats to the Puente-Chino Hills. The map should clearly show reserve, project, city and county boundaries--which Figure 3-1 does not.

On p. 4.3-6 it is stated: "The Chino Hills State Park is a broad swath of open space that provides the same variety of habitat and wildlife found on the project study area but in less disturbed conditions due to the effect of the 2008 Freeway Complex fire that affected the property and the protected nature of the park." This is a confusing sentence. It seems to say that the Park's habitat is less disturbed due to the 2008 fire? Suggested rewording: "... Park ... is in less disturbed condition due to its protected status. The 2008 Freeway Complex Fire burned across the entire Cielo Vista property and 95% of the Park."

Figure 4.3-2 shows that most of the project site's Sensitive Natural Communities occur in Drainage A2. Figure 4.3-3 shows occupied Least Bell's Vireo habitat in the willow woodland there. Figure 4.3-4 shows that Drainage A2 is a Jurisdictional Wetland. Figures 4.3-5 through 4.3-8 show that almost all of Drainage A2's Sensitive Natural Communities, and the vireo habitat--i.e. all the best natural habitat and vegetation on the project site--will be removed to develop the 17 dwelling units of Planning Area #2.

Mitigation Measures 4.3-1 and 4.3-2 call for replacement of the willow woodland and the jurisdictional wetland at 2:1, at some other location, and/or the purchase of mitigation credits at an agency-approved off-site mitigation bank. The loss of 14.56 acres of the site's 19.69 acres of Sensitive Natural Communities "is not considered cumulatively significant and does not warrant mitigation due to the wide spread distribution of these natural communities within the cumulative impacts study area." (p. 4.3-45).

The Cumulative Impacts discussion (pp. 4.3-43 to -44) sees the Cielo Vista Project as a small bite out of the Puente-Chino Hills' natural open space, and that the Cielo Vista and "Related Project No. 1" together are a somewhat larger bite. The Cumulative Impacts analysis further sees that: "Common plant species present within the project study area occur in large numbers throughout the region, *particularly within the preserved open space areas of Chino Hills State Park*, (emphasis added) and their removal, in addition to their removal as a result of related projects would not be cumulatively considerable due to the abundance and wide spread distribution of such species in the region."

OCCNPS finds that the removal of common plant species by this and related projects would in fact be cumulatively considerable. We see that Chino Hills State Park is being increasingly surrounded by development, while at the same time the Park is being assumed to be the mitigation site for all the natural habitat that's being removed by the development. If that assumption and practice continues, eventually Chino Hills State Park will be the only place in or near northern Orange County where "common plant species" grow, which would be a considerable impact indeed to Southern California's native habitat.

COMMENTS ON CHAPTER 2: LANDSCAPE PLAN AND OPEN SPACE:

P. 2-10: "The Project would preserve 36.3 acres of the site as undeveloped open space, including fuel modification zones ... in the northern portion of the site. Environmental stewardship of the permanent open space would be provided for through offering dedication of open space areas to a public agency or an appropriate land conservation/trust organization. As an alternative, the open space would be owned and maintained by the Project Homeowner's Association (HOA)."

- OCCNPS recommends that the fuel modification zones be (re)vegetated with native plants, under OCFA guidelines. Native plants in the zones would provide home for native animals, in effect increasing the overall habitat area; non-native plants would not offer the same kind of complete wildlife habitat. Table B, attached, lists the many local native species that OCFA considers acceptable in fuel modification zones.
- OCCNPS recommends that environmental stewardship of the preserved area be settled before the Project is finalized. Otherwise, we fear that the area will become an orphan, to the detriment of its existing habitat value.

P. 2-22: “Private Homeowner Side Yard Slopes: Planting Plans for the private homeowner side yard slopes ... would be devoid of eucalyptus, juniper, cedar, cypress, *Washingtonia robusta* (mexican fan palm), *Acacia* (except for *Acacia* ‘Desert Carpet’) and pine trees, California sagebrush, chamise, buckwheat and black and white sage (*Salvia* spp.). ...” These species are all on OCFA’s “Target List”: plants considered to be highly fire-susceptible and that must be removed from (or not planted in) fuel modification zones. Thus it is puzzling that pines are included in the *Conceptual Plant Palette*, Table 2-2; see Table A, attached. Pines are fire-susceptible wherever they are: yard, street or common area. OCCNPS recommends that pines be removed from the plant palette of any place that’s in a fire corridor--which Cielo Vista is.

COMMENTS ON CHAPTER 2: THE PLANT PALETTE, See Table A, attached

PDF 1-5: “As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2) ... The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities”

OCCNPS comment: Table 2-2 includes just three native species (and 2 genera that have some native species) out of 43. This is not what is implied by the above sentence: that the landscaping would use more natives than non-natives. We’d like to see all-native landscaping. See Table B; many of the OCFA-approved native plants therein are good landscaping subjects.

PDF 1-5: “... The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area.”

OCCNPS comment: Table B lists about 40 native shrubs and 6 trees, mostly long-lived, all native to the region, and all well-adapted to our climate and soils. All would fulfill this PDF at least as well as the non-natives in Table 2-2, and add habitat value as well.

PDF 1-6: “... planting plan for streets shall include shrubs, grasses, and stands of native and non-native trees.”

OCCNPS comment: Table 2-2 contains no native trees, only three native shrubs and no grasses at all. Table B lists about 6 native trees, 40 native shrubs and 4 native grasses, all OCFA-approved for fuel modification zones and many appropriate for street-landscape use.

PDF 1-7: “Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. ...”

OCCNPS comment: Seeking to contrast “landscape” with “open space” leads to landscaping that pretends it’s someplace else, not right here in OC, in a Mediterranean-climate, next to real native plants. That pretending requires use of water imported from someplace else to keep alive plants from someplace else, with long-term negative effects on both our scarce water supply and our native plants and habitats.

PDF 7-13: “... plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines.”

OCCNPS comment: See Table B for fire-resistant, drought-tolerant native plants that fulfill OCFA guidelines.

COMMENTS ON CHAPTER 4.7: FIRE PROTECTION FEATURES

Chapter 4.7 includes specific requirements for long-term continuance and maintenance of the OCFA-required fuel modification measures. It’s not clear whose responsibility it will be to see that these requirements are met in perpetuity.

The OCFA Guidelines (Figure 4.7-2b and p. 4.7-28) call for “undesirable species” to be removed from the fuel modification zones and replaced with OCFA-approved species. But doing such vegetation

modification doesn't take into account that native plants grow where they grow due to a synergy of soil chemistry and texture, ground water availability, slope, aspect, mycorrhizal flora, herbivory, and more. If the plants best adapted to a site are removed, the replacement plants may not be as well-adapted and the planting may fail. That leaves the site open to invasion by non-native weeds--which are apt to be more of a fire hazard than the original "undesirable" plants.

Much of the specified fuel modifications' continuing effectiveness appears to rely on regular irrigation of the Fuel Modification Zones and especially the Special Maintenance Areas. In these days of drought and climate change, how can it be certain that water will be available to continue such irrigation into the perpetuity that seems implied? The DEIR does not appear to include any provision for bringing recycled water to the Zones that are mandated to be regularly irrigated. OCCNPS recommends that this lack be remedied.

Thank you for the opportunity to comment on the Cielo Vista Project DEIR.

Respectfully,

Celia Kutcher
Conservation Chair

attachments:

- Table A: Annotations On DEIR Table 2-2, Cielo Vista Conceptual Plant Palette
- Table B: OC Native Plants that are OCFA-Approved for Fuel Mod Zones



TABLE A

ANNOTATIONS ON DEIR TABLE 2-2, CIELO VISTA CONCEPTUAL PLANT PALETTE (DEIR Table 2.2 contains the same palette as Cielo Vista Area Plan Table 6.1)

“OC Native?” and “Invasive in OC?” information from F.M. Roberts Jr., 2008,
The Vascular Plants of Orange County, California, an Annotated Checklist

botanical name	common name	oc native?	invasive in oc?	occnps comments
TREES				
<i>Agonis flexuosa</i>	Peppermint Tree			
<i>Arbutus</i> ‘Marina’	Arbutus			
<i>Geijera parviflora</i>	Australian Willow			
<i>Lagerstroemia indica</i>	Crape Myrtle (mildew-resistant selections)			
<i>Lophostemon confertus</i>	Brisbane Box			
<i>Melaleuca</i> (= <i>Callistemon</i>) <i>viminalis</i>	Weeping Bottlebrush		Y	uncommon, persisting escape from cultivation
<i>Melaleuca</i> spp.	Melaleuca		Y	uncommon, persisting escape from cultivation
<i>Olea europaea</i> ‘Wilsonii’	Fruitless Olive		Y	known to occasionally fruit; bird-dispersed; Cal-IPC: limited
<i>Pinus</i> spp.	Pine	some	some	OCFA: prohibited in fuel-mod zones
<i>Quercus ilex</i>	Holly Oak		Y	uncommon, persisting escape from cultivation
<i>Rhus lancea</i>	African Sumac		Y	uncommon, persisting escape from cultivation
<i>Schinus molle</i>	“California” Pepper Tree		Y	bird-dispersed; Cal-IPC: limited
GROUNDCOVERS				
<i>Acacia redolens</i> ‘Lowboy’	Acacia		?	animal-dispersed

botanical name	common name	oc native?	invasive in oc?	occnps comments
<i>Aptenia cordifolia</i> 'Red Apple'	Aptenia		Y	Cal-IPC Watch List OCFA: prohibited in fuel mod zones adjacent to reserve lands
<i>Bougainvillea</i> spp. & cvs.	Bougainvillea		Y	uncommon, persisting escape from cultivation
<i>Carissa macrocarpa</i>	Natal Plum			
<i>Coprosma x kirkii</i>	Coprosma		?	<i>C. repens</i> is on Cal-IPC Watch List
<i>Lantana montevidensis</i> & cvs	Lantana		Y	uncommon, persisting escape from cultivation
<i>Myoporum parvifolium</i>	Myoporum		?	
SHRUBS				
<i>Agapanthus africanus</i> & cvs	Lily of the Nile			
<i>Agave</i> spp.	Agave		Y	uncommon, persisting escape from cultivation
<i>Aloe</i> spp.	Aloe		Y	uncommon, persisting escape from cultivation
<i>Alyogyne huegelii</i>	Blue Hibiscus			
<i>Coreopsis verticillata</i>	Coreopsis			
<i>Cotoneaster</i> spp.	Cotoneaster			Cal-IPC: moderate
<i>Dodonaea viscosa</i>	Hop Bush		Y	uncommon, persisting escape from cultivation
<i>Echium fastuosum</i> (= <i>E. candicans</i>)	Pride of Madeira		Y	Cal-IPC: limited
<i>Eleagnus x ebbingei</i>	Silverberry			
<i>Euryops pectinatus</i> 'Viridis'	Euryops			
<i>Hemerocallis</i> hybrids.	Daylily		Y	animal-dispersed
<i>Heteromeles arbutifolia</i>	Toyon	Y		

botanical name	common name	oc native?	invasive in oc?	occnps comments
<i>Kniphofia</i> spp.	Red-Hot Poker			Cal-IPC Watch List
<i>Leptospermum</i> spp.	Tea Tree			Cal-IPC: <i>L. laevigatum</i> is invasive
<i>Leucophyllum frutescens</i>	Texas Ranger			
<i>Myrtus communis</i> "Compacta"	Myrtle			
<i>Phormium</i> spp.	Flax			
<i>Pyracantha</i> spp.	Fire Thorn		Y	uncommon, persisting escape from cultivation; Cal-IPC: limited
<i>Rhamnus californica</i> (= <i>Frangula c.</i>)	Coffeeberry	Y		
<i>Rhus ovata</i>	Sugar Bush	Y		
<i>Rosmarinus officinalis</i> 'Huntington Carpet'	Dwarf Rosemary		Y	uncommon, persisting escape from cultivation
<i>Salvia</i> spp.	Sage	some		
<i>Senna</i> spp.	Cassia		Y	Cal-IPC Watch List
<i>Teucrium</i> spp.	Germander			



TABLE B

OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 1 of 3

common name	botanical name	type
Big Leaf Maple	<i>Acer macrophyllum</i>	tree
Southern Woolly Lotus	<i>Acmispon [=Lotus] heermannii</i>	perennial
Deerweed	<i>Acmispon [=Lotus] scoparius</i>	shrub
White Alder	<i>Alnus rhombifolia</i>	tree
Sand Bur	<i>Ambrosia chamissonis</i>	perennial
False Indigobush	<i>Amorpha fruticosa</i>	shrub
Nuttall's Snapdragon	<i>Antirrhinum nuttallianum</i> ssp. <i>nuttallianum</i>	subshrub
Eastwood Manzanita	<i>Arctostaphylos glandulosa</i> ssp. <i>glandulosa</i>	shrub
Mulefat	<i>Baccharis salicifolia</i>	shrub
Willow Baccharis	<i>Baccharis salicina</i> [= <i>B. emoryi</i>]	shrub
Coyote Bush	<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	shrub
California Brickellbush	<i>Brickellia californica</i>	shrub
California Brome Grass	<i>Bromus carinatus</i>	bunch grass
Beach Evening Primrose	<i>Camissoniopsis</i> [= <i>Camissonia</i>] <i>cheiranthifolia</i>	ground cover
Big Pod Ceanothus	<i>Ceanothus megacarpus</i>	shrub
Greenbark Ceanothus	<i>Ceanothus spinosus</i>	shrub
Punchbowl Clarkia	<i>Clarkia bottae</i>	annual
Bushrue	<i>Cneoridium dumosum</i>	shrub
Chinese Houses	<i>Collinsia heterophylla</i>	annual
Summer Holly	<i>Comarostaphylis diversifolia</i>	shrub
California Coreopsis	<i>Coreopsis californica</i>	annual
California Croton	<i>Croton californicus</i>	perennial
Bush Poppy	<i>Dendromecon rigida</i>	shrub
Blue Dicks	<i>Dichelostemma capitatum</i>	bulb
Lance-leaved Dudleya	<i>Dudleya lanceolata</i>	succulent
Chalk Dudleya	<i>Dudleya pulverulenta</i>	succulent
Giant Wild Rye	<i>Elymus</i> [= <i>Leymus</i>] <i>condensatus</i>	bunch grass
Coast Sunflower	<i>Encelia californica</i>	shrubby perennial
Hoary California Fuchsia	<i>Epilobium</i> [= <i>Zauschneria</i>] <i>canum</i>	perennial
Sapphire Woolly Star	<i>Eriastrum sapphirinum</i>	annual

TABLE B: OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 2 of 3

common name	botanical name	type
Yerba Santa	Eriodictyon trichocalyx	shrub
Thickleaf Yerba Santa	Eriodictyon crassifolium	shrub
Golden Yarrow	Eriophyllum confertiflorum	shrub
California Poppy	Eschscholzia californica	perennial
California Coffee Berry	Frangula [=Rhamnus] californica	shrub
Alkali Heath	Frankenia salina	ground cover
Globe Gilia	Gilia capitata	annual
Gum Plant	Grindelia stricta	ground cover
Rush Rose	Helianthemum scoparium	perennial
Salt Heliotrope	Heliotropium curassavicum	ground cover
Chaparral Yucca	Hesperoyucca [=Yucca] whipplei	shrub
Toyon	Heteromeles arbutifolia	shrub
Coastal Goldenbush	Isocoma menziesii	shrub
Bladderpod	Isomeris arborea	shrub
California Black Walnut	Juglans californica	tree
Spiny Rush	Juncus acutus	perennial
Yellow Bush Penstemon	Keckiella antirrhinoides	shrub
Heart Leaved Penstemon	Keckiella cordifolia	viny shrub
Blue Stemmed Bush Penstemon	Keckiella ternata	shrub
Coastal Goldfields	Lasthenia gracilis [=L. californica]	annual
Chaparral Honeysuckle	Lonicera subspicata	vining shrub
Miniature Lupine	Lupinus bicolor	annual
Coulter's Lupine	Lupinus sparsiflorus	annual
Chaparral Mallow	Malacothamnus fasciculatus	shrub
Monkeyflower	Mimulus species	perennial
Wishbone Bush	Mirabilis californica	perennial
Baby Blue Eyes	Nemophila menziesii	annual
Chaparral Nolina	Nolina cismontana	shrub
Yellow Evening Primrose	Oenothera elata ssp. californica [=O. hookeri]	perennial
Prickly Pear	Opuntia littoralis	cactus
Oracle Cactus	Opuntia oricola	cactus
Coastal Cholla	Opuntia prolifera	cactus

TABLE B: OC NATIVE PLANTS THAT ARE OCFA-APPROVED FOR FUEL-MOD ZONES, p. 3 of 3

common name	botanical name	type
California Plantain	Plantago erecta	annual
California Sycamore	Platanus racemosa	tree
Western Cottonwood	Populus fremontii	tree
Sticky Cinquefoil	Potentilla glandulosa	perennial
Holly Leafed Cherry	Prunus ilicifolia ssp. ilicifolia	shrub
California Everlasting	Pseudognaphalium [=Gnaphalium] californicum	short-lived perennial
Coast Live Oak	Quercus agrifolia	tree
Scrub Oak	Quercus berberidifolia	shrub/tree
Nuttall's Scrub Oak	Quercus dumosa	shrub
Spiny Redberry	Rhamnus crocea	shrub
Hollyleaf Redberry	Rhamnus ilicifolia	shrub
Lemonade Berry	Rhus integrifolia	shrub
Sugarbush	Rhus ovata	shrub
Golden Currant	Ribes aureum	shrub
White Flowered Currant	Ribes indecorum	shrub
Fuchsia Flowered Gooseberry	Ribes speciosum	shrub
Coulter's Matilija Poppy	Romneya coulteri	perennial
Mexican Elderberry	Sambucus mexicana	shrub/tree
San Miguel Savory	Satureja chandleri	perennial
Common Tule	Schoenoplectus [=Scirpus] acutus	perennial
California Bulrush	Schoenoplectus [=Scirpus] californicus	perennial
Blue Eyed Grass	Sisyrinchium bellum	perennial
White Nightshade	Solanum douglasii	shrub
Purple Nightshade	Solanum xantii	shrub
Foothill Needlegrass	Stipa [=Nassella] lepida	bunch grass
Purple Needlegrass	Stipa [=Nassella] pulchra	bunch grass
Creeping Snowberry	Symphoricarpos mollis	shrub
Woolly Blue Curls	Trichostema lanatum	shrub
California Bay Laurel	Umbellularia californica	shrub/tree
Western Verbena	Verbena lasiostachys	perennial
Desert Wild Grape	Vitis girdiana	vine

LETTER: OCCNPS

California Native Plant Society – Orange County Chapter
Celia Kutcher, Conservation Chair
P.O. Box 54891
Irvine, CA 92619-4891
(January 21, 2014)

RESPONSE OCCNPS-1

The Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed on page 4.3-40 of the Draft EIR, impacts on wildlife movement and the function of wildlife corridors were concluded to be less than significant. Please also refer to Response USFWS-5 which provides further discussion of wildlife movement impacts.

RESPONSE OCCNPS-2

Figure 2-1, *Regional Location and Project Vicinity Map*, in Section 2.0, *Project Description* of the Draft EIR provides the regional setting for the Cielo Vista Project. While the figure does not label “Chino Hills State Park,” the impact analyses conducted in Chapter 4.0, *Environmental Analysis*, all discuss and consider impacts to Chino Hills State Park, where necessary. As discussed on page 3-1 in Chapter 3.0, *Basis for Cumulative Analysis*, of the Draft EIR, the Draft EIR utilizes a “list” approach when considering cumulative impacts. This approach is consistent with the CEQA Guidelines for providing an adequate discussion of cumulative impacts. Figure 4.13-1, *Parks Near Project Site*, is not intended to provide a regional setting, but a vicinity depiction of the public parks facilities proximate to the project site. By the nature of the definition of the adjective “regional,” it does not specify a precise area but refers to the general character of a geographic region. For a discussion of the regional setting of the project site in relation to wildlife movement, the commenter is referred to page 4.3-45 in Section 4.3, *Biological Resources*, of the Draft EIR where the project location is placed in context with the regional open space areas such as Chino Hills State Park.

Commenter asserts that the “region” boundaries should be defined and constant throughout the Draft EIR so that impact discussions are all referring to the same place. This comment misunderstands the nature of environmental impacts, the area of which is necessarily defined by the resource area. Thus, a defined and constant area for aesthetics is not necessarily suitable for biological resources or traffic. As noted above, the regional setting for the Cielo Vista Project is described in Section 2.0, *Project Description*, while the areas used to assess individual resource areas are discussed in each resource area section.

RESPONSE OCCNPS-3

The Cumulative Impacts discussion on page 4.3-43 of Section 4.3, *Biological Resources*, of the Draft EIR clearly specifies the geographic extent of the analysis as being “the region from the City of Yorba Linda to the west, north to Chino Hills State Park, south to the Santa Ana River, and east beyond California State Route 71 into Prado Basin.” Between Figure 2-1, *Regional Location and Project Vicinity Map* and Figure 3-1, *Related Projects Map*, the area of the cumulative impact analysis is depicted. The cumulative impacts discussion in Section 4.3, *Biological Resources*, identifies the scope of the cumulative impact study area for purposes of biological resources. As discussed therein, “the biological CEQA assessment of the Project impacts considered past, present and reasonably foreseeable projects within the vicinity of the project study area.”

Please see Response POHH-Johnson2-4 for a discussion of the sufficiency of the cumulative projects analysis and why other projects, such as the Madrona Project, need not be included in the analysis. While the recently approved Madrona project in Carbon Canyon of the City of Brea and the adjacent Aera Energy project contribute to cumulative impacts in the greater regional setting, these projects are sufficiently distant from the Cielo Vista project site to be excluded from the cumulative biological analysis that focused on the southern Chino Hills and the Santa Ana River.

RESPONSE OCCNPS-4

The comment requests clarification on the discussion of the quality of habitat in Chino Hills State Park compared to the project site. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.3, Biological Resources

1. Page 4.3-6. Modify 1st paragraph with the following changes:

The Chino Hills State Park is located to the north and east of the project study area and occupies 12,452 acres. The Chino Hills State Park is a broad swath of open space that provides the same variety of habitat and wildlife found on the project study area but in less disturbed conditions due to ~~the effect of the 2008 Freeway Complex fire that affected the property and~~ the protected nature of the park. The 2008 Freeway Complex Fire burned across the entire Cielo Vista site and 95% of the Park.

RESPONSE OCCNPS-5

As clarification to the references to Cielo Vista jurisdictional drainages, Drainage A2 is a tributary to Drainage A and does not support southern willow scrub, which is found principally within Drainage A1 but also near the confluence with Drainage A. The least Bell's vireo occupied habitat corresponds to the southern willow scrub in the west central portion of the project site and mule fat scrub in the southern portion of the project site, the latter plant community is not considered to be a sensitive natural community. The sensitive natural communities in the project site include 4.60 acres of blue elderberry woodland, about 2.3 acres of blue elderberry woodland/laurel sumac chaparral, 2.57 acres of blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, 1.5 acres of southern willow scrub, and about 8.1 acres of encelia scrub.

The Project would impact 14.56 acres of sensitive plant communities, blue elderberry woodland, blue elderberry woodland/laurel sumac chaparral, blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, encelia scrub and southern willow scrub. This loss is not considered cumulatively significant and does not warrant mitigation due to the wide spread distribution of these natural communities within the cumulative impacts study area and beyond. The blue elderberry communities are found within the South Coast ranges from Ventura County through San Diego County, with Orange County being the center for this distribution². The neighboring Esperanza Hills project site contains nearly 24 acres of blue

² Sawyer, J.O., T. Keeler-Wolf and J.M. Evens. 2008. *A Manual of California Vegetation, Second Edition*. California Native Plant Society in collaboration with the California Department of Fish and Game. Sacramento, CA.

elderberry woodland and 1.75 acres of blue elderberry woodland/laurel sumac chaparral. Blue elderberry is also a component of purple sage scrub and California sagebrush-monkeyflower scrub. Encelia scrub is reported from the southern outer Central Coast, South Coast (including Western Riverside and San Diego Counties), western Transverse Ranges (including Santa Monica Mountains), and the Channel Islands.³ There is no vegetation mapping resource documenting the various plant communities of the Chino Hills, so a quantitative assessment is not possible. The southern willow scrub habitat will be mitigated through implementation of Mitigation Measure 4.3-1, which will mitigate for its contribution to cumulative impacts to this biological resource.

With respect to sensitive plant species in the discussion of cumulative impacts, the impact conclusion is based on the Project construction after mitigation measures are implemented. Many of the sensitive plant species discussed may occur within the region, but are not expected to occur within the cumulative impact study area due to the lack of suitable habitat, the project study area being outside of the known geographical range or elevation range for these species, or due to the negative results of focused sensitive plant surveys within the project area. However, five sensitive plant species were documented on the Esperanza Hills project site, including Braunton's milk-vetch (*Astragalus brauntonii*), Catalina mariposa lily (*Calochortus catalinae*), intermediate (foothill) mariposa lily (*Calochortus weedii* var. *intermedius*), southern California black walnut (*Juglans californica*), and small flowered microseris (*Microseris douglasii* var. *platycarpa*), of which only southern California black walnut was documented as scattered on the Cielo Vista project site. Catalina mariposa lily, intermediate mariposa lily, and southern California black walnut are CNPS Rank 4 species, impacts to which are considered to be less than significant. The Esperanza Hills Draft EIR (page 5-171) concludes that impacts to Braunton's milk-vetch and intermediate mariposa lily would be less than significant after mitigation implementation. However, as no sensitive plants occur in the project area that would be significantly impacted by the Cielo Vista Project, the Project would make no contribution to cumulative impacts in this regard.

As mentioned on page 4.3-45 of the Draft EIR, implementation of Mitigation Measure 4.3-2 at a minimum 2:1 ratio would replace more than the jurisdictional acreage present on-site proposed to be impacted by the Project. Thus, this impact would not significantly contribute to cumulatively considerable impacts to jurisdictional resources within the region and would increase the acreage of jurisdictional resources in the cumulative impacts study area over that which exists today. Similarly, Mitigation Measure 4.3-1 would replace impacted least Bell's vireo habitat at a minimum 2:1 ratio and would increase the acreage of available habitat for this species. Also, the Cielo Vista Project is not proposing the Chino Hills State Park as mitigation for impacts to biological resources.

With respect to *common plant species*, although not required to be analyzed under the State CEQA Guidelines as there is no corresponding threshold of significance, the Draft EIR included a qualitative assessment of cumulative impacts to common plant and wildlife species. Common plant species are those species that do not qualify as "a sensitive or special status species" as they are not considered to be rare, threatened or endangered. Common plant species present within the project study area occur in large numbers throughout the region, particularly, but not exclusively, within the preserved open space areas of Chino Hills State Park, and their removal from the Cielo Vista project site, in addition to their removal as a result of

³ Klein, A. and J. Evens. 2005. *Vegetation Alliances of Western Riverside County, California*. Unpublished Report, Revised 2006, Prepared for California Department of Fish and Game, Habitat Conservation Division. California Native Plant Society, Sacramento, CA.

related projects, would not be cumulatively considerable due to the abundance and wide spread distribution of such species in the region. Loss of common plant or wildlife individuals from implementation of the Project would not threaten survival of regional populations of these common species in a cumulative impact context. These species would persist in available nearby large habitat areas in the surrounding area (e.g., within the preserved open space areas of Chino Hills State Park, where the preservation of native habitats and plant and wildlife populations is part of the mission of the public park). The project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only about 0.5 percent.⁴ When combined with the adjacent Esperanza Hills Project, the cumulative area is approximately 5 percent the size of Chino Hills State Park and the proposed cumulative development footprint of the two projects (about 400 acres) is approximately 3.3 percent. In context to the greater undeveloped Chino Hills area (of 21,152 acres or 85.6 square kilometers), the cumulative project area is approximately 2.8 percent of this large habitat block and the proposed cumulative development footprint of the two projects is approximately 1.9 percent. For these reasons, the Draft EIR concluded that cumulative impacts to common species are less than significant.

RESPONSE OCCNPS-6

This comment recommends that fuel modification zones be re-vegetated with native plants, under OCFA Guidelines. Please see Response USFS-2, which revises project design features PDF 1-5 and PDF 7-13 to prohibit the use of, and requires the removal of, any non-native species that appears on the California Invasive Plant Council list of invasive species. PDF 7-13 would be verified prior to issuance of building permits by the Manager, OC Development Services.

This comment also recommends that environmental stewardship of the preserved area be settled before the Project is finalized. The comment is also noted and will be provided to the decision makers for review and consideration as part of the decision making process. As required by project design feature PDF 1-4, the dedication of the open space area will precede the recordation of the subdivision map by the Manager of OC Development Services.

RESPONSE OCCNPS-7

This comment suggests removing pine trees from the Project's tree plant palette listed in Table 2-2 given that pines are fire-susceptible. Per comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 2.0, Project Description

- 1. Pages 2-27. Modify Table 2-2, *Cielo Vista Conceptual Plant Palette*, with the following changes:**

⁴ The "project study area" is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

Table 2-2

Cielo Vista Conceptual Plant Palette

Scientific Species Name	Common Name
Trees	
Agonis Flexuosa	Peppermint Tree
Arbutus 'Marina'	Arbutus
Callistemon viminalis	Weeping bottlebrush
Geijera parviflora	Australian Willow
Lagerstroemia indica (mildew resistant hybrids)	Crape Myrtle
Lophostemon <u>Lophostemon confertus</u>	Brisbane Box
Melaleuca <u>Melaleuca</u> spp.	Melaleuca
Olea europaea 'Wilsonii'	Fruitless Olive
Quercus ilex	Holly Oak
Pinus spp.	Pine
Rhus lancea <u>lancea</u>	African Sumac
Schinus Molle	California Pepper Tree

RESPONSE OCCNPS-8

This comment pertains to the use of native plants as cited within PDF 1-5 and 1-6. The comment advocates for the use of native plantings to the maximum extent possible. All plantings provided by the Project will be subject to the plant palette requirements as prescribed by OCFA for very high fire hazard zones. Nonetheless, this comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE OCCNPS-9

Please see Response OCCNPS-6, which explains that PDFs 1-5 and 7-13 have been modified to remove and/or exclude invasive species identified by the California Invasive Plant Council from the fuel modification zones and the landscape plant palette.

RESPONSE OCCNPS-10

This comment pertains to the use of native plants as cited within PDF 7-13. The comment advocates for the use of fire resistant, drought-tolerant native plantings to the maximum extent possible. This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Note that PDF 7-13 has been revised as described in Response USFS-2. In addition, refer to Response OCCNPS-7 and OCCNPS-8 which discuss the Project's plant palette and requirements prescribed by OCFA for very high fire hazard zones.

RESPONSE OCCNPS-11

The fuel modification zones would be maintained by the HOA. The “undesirable species” to be removed as part of the on-going future maintenance activities within the fuel modification zones would include non-native weeds that may grow on the site. Please see Response OCCNPS-6, which explains that PDFs 1-5 and 7-13 have been modified to remove and/or exclude invasive species identified by the California Invasive Plant Council from the fuel modification zones and the landscape plant palette.

RESPONSE OCCNPS-12

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. As noted in the Draft EIR, drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. Also, PDFs 1-5 and 7-13 further provide that native species shall be used in the fuel modification zones and the landscape plant palette. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. With an understanding of the drought conditions, YLWD has made significant investments reducing reliance on imported water from 50% in 2000 to 30% in 2014, in addition to increasing storage, and investing in water conservation.⁵ On April 1, 2015, Governor Brown issued Executive Order B-29-15 that directs the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016. In response to Governor Brown’s April 1st Executive Order issuing mandatory water allocations across the State, and the subsequent Regulations approved by the State Water Resources Control Board mandating a 36% reduction for Yorba Linda Water District, YLWD is in Stage Three of the District’s Conservation Ordinance (Ordinance No. 09-01) (described below) effective June 1, 2015. In order to comply with the Governor’s Executive Order, which requires water districts to develop rate structures and other pricing mechanisms, including surcharges, fees, and penalties, to maximize water conservation consistent with statewide restrictions, on May 28, 2015, Yorba Linda Water District adopted Emergency Ordinance 15-01. This Ordinance, implements water use restrictions and establishes and imposes administrative penalties upon customers who exceed those restrictions.⁶

The Water Conservation Ordinance imposes various water use restrictions depending on the severity of drought conditions. The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on

⁵ Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

⁶ Yorba Linda Water District website, <https://www.ylwd.com/> Accessed May 28, 2015.

MWD's declared "water condition alert." As the wholesaler of imported water, MWD not only directly affects 50% of YLWD's water supply, but as they provide "replenishment water" to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD's water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD's water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant. As noted in the UWMP, supply reliability was analyzed by projecting supply and demand conditions for the single and multi-year drought conditions. The analysis contained in the UWMP shows that the region can provide reliable water supplies not only under normal conditions but also under both the single driest year and the multiple dry year hydrologies. In addition, neither Emergency Ordinance 15-01 nor any Executive Order in effect at this time would prohibit new connections to the Cielo Vista Project.

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COASTKEEPER®

3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.Coastkeeper.org

January 22, 2014

Ron Tippetts
OC Planning Services
300 N. Flower Street
Santa Ana, CA 92702-4048
Phone: (714) 667-8856
Email: Ron.Tippetts@ocpw.ocgov.com

RE: Draft Environmental Impact Report (EIR No. 615) - Cielo Vista Project (the “Project”)

Dear Mr. Tippetts,

Orange County Coastkeeper (“Coastkeeper”) is an environmental organization with the mission to protect and promote sustainable water resources that are swimmable, drinkable, and fishable. As concerned Orange County residents and strong supporters of environmental quality and public health, we respectfully submit the following comments on behalf of our collective membership to express our reservations regarding the Draft Environmental Impact Report (DEIR) issued for the Cielo Vista Project by OC Planning Services. As we will discuss in detail below, the DEIR fails to provide adequate protections for water quality and subjects the general public, as well as both marine and freshwater ecosystems, to serious risk of harm. The DEIR is legally inadequate under the California Environmental Quality Act (“CEQA”) as it fails to provide adequate analysis and appropriate mitigation with respect to Project impacts on water quality, endangered species and habitat.

We urge for OC Planning Services to require that DEIR be modified in accordance with our comments submitted below.

I. INTRODUCTION - APPLICABLE LAW

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code, § 21100(b)(1); CEQA Guidelines, § 15126(a); *Berkeley Keep Jets Over The Bay Committee v. Board of Port Commissioners of the City of Oakland*, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); *Berkeley Keep Jets Over the Bay Committee*, supra, 91 Cal. App. 4th at p. 1354; *Citizens of Goleta Valley*, supra, 52 Cal.3d at p.564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines,

§15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Res. Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines, § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (Id., at § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved. CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts (Pub. Res. Code, §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Res. Code, § 21100(b)(3); CEQA Guidelines, § 15126.4.)

A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County*, supra, 221 Cal.App.3d at p. 727.) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines, § 15364.) To demonstrate economic infeasibility, “evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.) This requires not just cost data, but also data showing insufficient income and profitability. (See *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327.); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694.) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(2).)

II. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES.

A. The DEIR Fails to Adequately Analyze Project Impacts on Sensitive Biological Resources.

The Project May Result in Serious Harm to Wildlife and fails to apply appropriate measures to mitigate this harm.

The Threshold applied to the analysis of project impacts for these sensitive and special status species is as follows:

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Wildlife Service?

During biological surveys conducted from April to July of 2012, four special status wildlife species were observed on-site: (1) the least Bell's vireo, a species listed as Endangered under both the California and Federal Endangered Species Acts, (2) the yellow-breasted chat, (3) the yellow warbler, and (4) the red-diamond rattlesnake, all three of which are classified as California Department of Fish and Wildlife (CDFW) Species of Special Concern. Additionally, the golden eagle, a State Fully Protected Species, utilizes identical habitat to that of the project area. The Project will directly and adversely impact habitat supporting all of five of these sensitive species and these on-site impacts to habitat are potentially significant.

DEIR Mitigation Measure 4.3-1 is the only mitigation measure that mitigates impacts to wildlife and calls for the Project Applicant, "to obtain regulatory permits by way of an authorization pursuant to FESA and CESA. On- and/or off-site replacement and/or enhancement of **least Bell's vireo habitat** shall be provided by the Project Applicant at a ratio no less than 2:1, in coordination with the regulatory permitting processes of the United States Fish and Wildlife Service (USFWS) and CDFW. Off-site replacement may include, but is not limited to, the purchase of mitigation credits in an agency-approved off-site mitigation bank supporting **least Bell's vireo**. A Mitigation Plan for the least Bell's vireo will be approved by the USFWS and/or CDFW shall be provided to the Manager, OC Planning prior to issuance of a grading permit.

The DEIR goes on to explain that given the small amount of acreage that would be impacted by the Project in relation to the "regional habitat available in the immediately adjacent open space," any loss of individuals or habitat, as a result of Project impacts would not be expected to reduce regional population numbers, thereby making impacts to these wildlife species less than significant. This analysis is inadequate as it is conclusory given that the DEIR gives no indication of how large the on-site habitat area is for these species. If there is a large substantial amount of native habitat for these species on-site, the Project will result in significant impacts to the habitat of all five of the above listed sensitive species thereby having a substantial adverse effect on those species. The DEIR should recognize the impacts to these species as significant or provide an analyses supported by facts that show the impacts on habitat to not substantially adversely affect these sensitive species.

Therefore, the DEIR fails to properly analyze impacts under the applicable threshold mandated by CEQA in that it does not recognize significant impacts the Project will have on the sensitive species observed at the Project site, other than the least Bell's vireo, as well as those with the great potential to utilize the Project site as its habitat.

B. The DEIR Fails to Adequately Analyze Mitigation Measures for Substantially Adverse Project Impacts on Sensitive Biological Resources.

The DEIR concludes that only a mitigation measure specifically for the least Bell's vireo and its habitat but fails to afford any other species classified as sensitive or special any mitigation despite substantial adverse impacts to their on-site habitat. While Mitigation Measure 4.3-1 could be considered adequate insofar as the least Bell's vireo, given the four additional sensitive wildlife species observed onsite, aside from the least Bell's, on-site prone to forage and nest in the Project's habitat, a mitigation measure addressing significant impacts to these sensitive species should be established for the DEIR as required under CEQA. These sensitive species will be affected by Project impact the same as the least Bell vireo, depending on the amount of native habitat there is on-site, and, while not being listed as Endangered, are classified as special

status sensitive species under by CDFW. An additional mitigation measure should be added to a revised DEIR given the potential for additional sensitive species other than the least Bell vireo to be nesting or foraging on-site.

This same mitigation measure could also protect any additional sensitive or protected species are found in the project area when the project is further along. The DEIR is deficient in that it fails to establish a mitigation measure to guard against Project impacts that have a substantially adverse effect on a sensitive species observed during recent on-site biological surveys. Furthermore, the DEIR does not seek to establish that such a measure would be infeasible. Therefore, additional mitigation measures for Project impacts on Biological Resources should be required as mandated by CEQA.

Furthermore, additional mitigation measures should be set for any additional sensitive wildlife species with moderate potential to occur on-site but not observed during field surveys; such species include the coast patch-nosed snake, two-striped garter snake, coast horned lizard, orange-throated whiptail, western mastiff bat, white-tailed kite, long-eared owl, pallid bat, western yellow bat, northwestern San Diego pocket mouse, and San Diego desert woodrat. This measure should be established by the DEIR to deal with any of these additional species in case any are impacted by the Project once it commences.

These mitigation measures should be established in a revised DEIR to ensure that all applicable and feasible measures will be implemented to reduce the Project's impacts to classified sensitive wildlife species.

C. The Project May Result in Serious Harm to Sensitive Natural Communities and the DEIR Fails to Apply Appropriate Measures to Mitigate this Harm.

The Threshold applied to the analysis of project impacts on riparian habitat or other sensitive natural communities is as follows:

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?

The project study area supports sensitive natural communities that are considered to be sensitive by the CDFW Natural Heritage Division. The Project would impact 4.60 acres of Blue elderberry woodland, 1.25 acres of southern willow scrub, 0.51 acre of blue elderberry woodland/laurel sumac chaparral, 2.57 acres of blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, and 5.63 acres of encelia scrub which are each considered sensitive natural communities by CDFW. Yet, the DEIR concludes that impacts on the on-site sensitive natural communities will be less than significant because they have "diminished functions and values as habitat and the relative abundance of these vegetation throughout the region." The DEIR goes on the claim that due to the relative abundance of these species in the area outside the project site, the impacts will be less than significant. For these reasons, the DEIR concludes that no mitigation measures are required.

The DEIR fails to adequately analyze Projects impacts to the aforementioned on-site sensitive natural communities under the threshold as mandated by CEQA. The fact that the function and value of the habitat is claimed to have been diminished, or the fact that these species have "relative abundance of these

vegetative communities throughout the region” is irrelevant given the threshold of the analysis to be conducted under CEQA. Furthermore, these sensitive natural communities function as cover for the least Bell’s vireo, an Endangered Species, as well as two other sensitive species classified by CDFW: the yellow breasted chat, and the yellow warbler; therefore, the DEIR’s claim that these sensitive natural have diminished functions is unfounded and without merit.

Furthermore, additional mitigation measures should be required in a revised DEIR for any additional sensitive natural communities that are found once, and if, the Project begins. This measure should be established by the DEIR to address any unanticipated impacts to species that were not observed during the biological surveys if any of these species are indeed impacted by the Project’s construction or operation.

Mitigation measures should be required in a revised DEIR to ensure that all applicable and feasible measures will be implemented to reduce the Project’s impacts to species classified as sensitive natural species by CDFW.

III. THE DEIR FAILS TO ADEQUATELY ANALYZE THE PROJECTS IMPACT TO HYDROLOGY AND WATER QUALITY.

A. Hydrology And Water Quality May Be Seriously Affected By The Impacts Resulting From Project Construction.

Project construction will require extensive grading, vegetation removal, and excavation. Use of heavy equipment and construction-related chemicals, such as fuels, oils, grease, solvents and paints will be used and stored on-site throughout the construction process. These construction activities could result in accidental spills or disposal of potentially harmful materials used during construction that could wash into and pollute surface or ground waters. During construction activities, stormwater runoff and ground-disturbing activities such as grading that lead to erosion facilitating the transportation of trace metals such as zinc, copper, lead, cadmium, iron and other pollutants into adjacent waterways.

Receiving waters from drainage within the project area include the Santa Ana River (Orange County channel E-06 to E-01.) The DEIR identifies that the Santa Ana River is listed under the California Regional Water Quality Control Board’s 303(d) List of Impaired Water Bodies for excessive heavy metals and pathogen pollution. If rainfall washes over disturbed soil stockpiled on site during Project construction, contaminated sediment and runoff can eventually drain to the Santa Ana, further degrading water quality. Given the Santa Ana River already polluted with heavy metals and pathogens, the Project will negatively affect water quality in Santa Ana harming not only the river but biological resources and recreation opportunities for the watershed.

The DEIR states that a SWPPP will be prepared and identifies measures that will be implemented to reduce impacts from soil erosion. The DEIR does lists best management practices (BMPs) that will be implemented to reduce water quality impacts; however, no measures or BMPs are provided that specifically identify that pollutants which may exist from previous uses of the site, including oil production. To ensure that Project construction will not result in significant impacts to hydrological resources, the SWPPP should be prepared prior to Project construction to include BMPs such as erosion control and treatment measures specifically designed to address specific site issues.

B. The DEIR Fails to Adequately Analyze and Mitigate Cumulative Impacts to Hydrology and Water Quality.

The DEIR fails to provide any analysis on how the Project, in combination with all relevant past, present and potential future projects, can cause cumulative impacts to biological resources.

A DEIR must discuss significant cumulative impacts. (CEQA Guidelines, § 15130(a). *Friends of Eel River v. Sonoma County Water Agency*, (2003) 108 Cal. App. 4th 859). This requirement flows from Pub. Res. Code section 21083, which requires a finding that a project may have a significant effect on the environment if “the possible effects of a project are individually limited but cumulatively considerable... ‘Cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

“Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines, § 15355(a).) “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (CEQA Guidelines, § 15355(a).) “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*CBE v. CRA*, *supra*, 103 Cal.App.4th at p. 117.) A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand; “cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, § 15355(b).)

In sum, an EIR’s cumulative impacts analyses are critical in taking a project out of its artificial vacuum. By evaluating the true extent of a project’s environmental impacts, taking into consideration all relevant past, present, and probable future projects in the project’s vicinity, the EIR could serve its informational purpose adequately.

The DEIR provides virtually no analysis of the Project’s contribution to cumulative impacts to sensitive biological resources. It states:

Similar to the Project, per applicable regulatory requirements, Related Project No. 1 would be required to ensure that it does not increase flows or alter the drainage pattern such that substantial erosion or flooding would not occur on- and off-site. As part of the site-specific hydrology analysis for the Esperanza Hills project, runoff quantities would also need to be within the capacity of the storm drain system serving that site and if not, appropriate infrastructure upgrades would need to be provided by that Project. As Esperanza Hills would be required to comply with the same hydrology-related regulatory requirements as the Project, the cumulative impact of these projects on downstream drainage facilities, flooding and erosion would be less than significant.

The DEIR’s cumulative impacts analysis fails to consider other related present and reasonably foreseeable future projects. Furthermore, it fails to adequately analyze the cumulative impacts of other past and

present projects because it does not consider the incremental effects of each individual project when viewed in connection with the effects. As explained in the section above, an increase in pathogens and pesticides has the potential to substantially harm not only the Santa Ana River, a body of water that is already polluted with heavy metals and pathogens, but harming biological resources and recreation opportunities for the watershed as well.

Proper cumulative impacts analysis is absolutely critical to meaningful environmental review. The DEIR's cumulative impact analyses for hydration and water quality are inadequate in their entirety because they do not take into account the environmental impacts of other past, present and reasonably foreseeable projects in the Project's vicinity. As a result, the cumulative impacts analyses are underinclusive and misleading. The DEIR must revise its cumulative impacts analyses for each and every environmental issue using updated and accurate growth projections or a list-of-projects approach, or a combination of both. (CEQA Guidelines, § 15130(b))

III. THE DEIR FAILS TO ACCURATELY IMPLEMENT LOW IMPACT DEVELOPMENT PRIORITIZATION FOR PRIORITY PROJECTS IN THE NORTH ORANGE COUNTY MS4 PERMIT

Project proponents are required to incorporate Low Impact Design (LID) principles to reduce runoff to the maximum extent practicable during each phase of the development process for this priority project. Order No. R8-2009-0030, § XII.C.3. LID principles are prioritized so that the highest priority are preventative measures and then, if necessary, mitigation. Order No. R8-2009-0030, § XII.C.4. Mitigation or structural site design measures are further prioritized, from highest to lowest priority, as follows: "(1) Infiltration; (2) Harvesting and Re-use (cisterns and rain barrels); and (3) Bio-treatment such as bio-filtration/bio-retention." Id. Only after a feasibility analysis can a project proponent shift from Infiltration to Harvesting and Re-use to Bio-treatment BMPs and then, if necessary, to regional or sub-regional alternative. Said another way, "[a] properly engineered and maintained bio-treatment system may be considered only if infiltration, harvesting and reuse and evapotranspiration cannot be feasibly implemented at the project site." Order No. R8-2009-0030, § XII.C.2 fn 56.

Assuming, arguendo, that Infiltration is infeasible at the Cielo Vista location, then the next LID mitigation principle would be Harvesting and Reuse. The DEIR failed to adequately conduct a feasibility analysis justifying the DEIR's classification of this LID BMP principle as "not feasible." Currently, the DEIR's analysis is based on the assertion that the "California Plumbing Code does not currently provide standards for the stormwater harvesting systems for indoor residential use." DEIR, Section IV.3.3. Additionally, the DEIR states that "reclaimed water is not available onsite." Id. This conclusion is the result of a selective and unreasonably narrow interpretation of criteria found in the Technical Guidance Document. Cisterns and underground storage tanks act as storage to reduce runoff volume and rate and can be used as a component of a treatment train. Technical Guidance Document, Appendix XIV-50. This system is described as a BMP utilized prior to stormwater discharge into biotreatment BMPs. Id. Project proponents must perform an analysis of the Project's water demand to determine draw down, which may require additional consideration of irrigated landscaping choices. If Harvesting and Reuse is feasible to capture a portion of the Design Capture Volume (DCV), then the utilization of targeted Harvesting and Reuse BMPs could benefit the thirty three proposed Filterra units and the Contech Stormfilter which may be required to treat the remaining DCV. Storage of stormwater, especially first flow events, would allow stormwater discharges to be adequately treated before discharge. Underground storage could result in fewer Contech Stormfilter and Filterra bypass events where stormwater would be discharged into the MS4

system untreated. In sum, additional analysis by the Project proponents must be conducted before Harvesting and Reuse LID BMPs can be found to be infeasible.

IV. THE DEIR INCORRECTLY CLAIMS THE CIELO VISTA DEVELOPMENT IS NOT LOCATED IN A FIRE ZONE.

The location of the Cielo Vista development is a known wildfire zone with a recent history of activity necessitating effective planning to mitigate fire risk. The DEIR states that firescaping will not be incorporated into the Vegetative Protection, Selective Revegetation, and Soil Stockpiling after the conclusion of the Project's construction because "the Project is not located in a high risk wildfire zone." The Project is located on and near the site of the 2008 Freeway Complex Fire, also known as the Triangle Complex Fire, which burned over 30,000 acres and destroyed nearly 200 residential structures. Coastkeeper strongly believes the use of appropriate landscaping, perhaps firescaping, should be considered for the Project. The containment of water from underground or above ground cisterns that collect and retain stormwater could be a component of fire suppression that could be considered when addressing cistern draw down or capacity.

CONCLUSION

In conclusion, after a thorough review of the Project DEIR, Coastkeeper is concerned that the Project fails to adequately implement the requirements of LID BMPs in the development of their Conceptual WQMP, that the DEIR fails to adequately analyze and mitigate for the Project's cumulative impacts to hydrology and water quality, that the DEIR fails to analyze and mitigate for all of the Project's potentially significant impacts to biological resources, and that the project incorrectly minimizes fire threats posed by and to this development by its location.

Coastkeeper thanks OC Planning Services for its consideration of our comments on the Cielo Vista development. If you have any questions regarding our comments please feel free to call me directly at 714-850-1965 ext. 307 or email me at colin@coastkeeper.org.

Regards,

Colin Kelly
Staff Attorney
Orange County Coastkeeper

LETTER: OCC

Orange County Coastkeeper
Colin Kelly, Staff Attorney
3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
(January 22, 2014)

RESPONSE OCC-1

This comment provides a general introduction regarding the issues raised in this letter. Individual responses to this letter are provided below in Responses OCC-2 through OCC-12.

RESPONSE OCC-2

Impacts on yellow breasted chat and yellow warbler, both of which utilize riparian woodlands with a thick understory, are considered less than significant due to the small amount of acreage that would be impacted (i.e., 1.25 acres of southern willow scrub and 0.60 acre of mule fat scrub)], both project specific as well as by the cumulative projects, in relation to the regional riparian habitat available in the surrounding area that would be available for these species to utilize (particularly within the preserved open space areas of Chino Hills State Park).. Additionally, impacted habitat would be replaced at a minimum mitigation ratio of 2:1 for jurisdictional resources under Mitigation Measure 4.3-2, which is specific to jurisdictional resources but would equally benefit these two special-status species, which utilize the riparian jurisdictional habitats.

As the Draft EIR states on page 4.3-23, the determination of impacts in this analysis is based on both the features of the Project and the biological functions and values of the occupied habitat and/or sensitivity of wildlife species to be affected. The biological values and functions of wildlife resources within, adjacent to, and outside the immediate project area and into the regional area to be affected directly and indirectly by the Project were determined by consideration of multiple factors. These factors include the overall size of habitats to be affected, the quality of the affected habitats, the project study area's historic land uses, disturbance history, the project study area's surrounding environment and impacts of the surrounding areas on the project study area, regional relation to existing preservation areas and programs, the quality of on-site floral and faunal abundance and species diversity, the presence of sensitive and special-status wildlife species, the project study area's importance or lack of importance to regional preserved populations of those species found on the project study area, and the extent to which on-site habitats and species are unique, limited, or restricted in distribution on a regional basis. The CEQA analysis is comprehensive in its biological assessment and therefore has as its essential focus the on-site sensitive natural communities and occupied habitats found on site in the context of their surroundings. That is, the analysis recognizes and considers on-site biological resources and their inter-relationships with area-wide and regional biological systems. The CEQA analysis evaluates the role of the on-site biological resources, that is, whether they contribute a significant or *de minimis* role in the regional biological systems and the relative impacts on special-status species and their long term survival throughout the region. Based on the above methodology, impacts to these sensitive wildlife species are considered adverse but less than significant (refer to page 4.3-28 in the Draft EIR).

Red-diamondback rattlesnake inhabits arid scrub, coastal chaparral, oak and pine woodlands, and rocky grassland areas (see Appendix C, *Sensitive Wildlife Species Table*, of the Draft EIR Appendix C, *Biological*

Resources Assessment). The Cielo Vista project study area supports approximately 26.3 acres of scrub habitat and approximately 8 acres of ruderal/scrub habitat. The project study area also supports approximately 12 acres of chaparral and approximately 0.4 acres of ruderal/chaparral habitat. Combined, these habitats comprise approximately 56 percent of the Cielo Vista project study area. Of the proposed 25.72 acres of open space, the scrub habitat comprises approximately 12.5 acres or 49 percent. Conservatively assuming that scrub and chaparral habitats comprise 56 percent of the more than 14,000 acre Chino Hills State Park, the impacted scrub and chaparral habitats resulting from implementation of the Cielo Vista Project would represent approximately 0.4 percent of the comparable habitat of Chino Hills State Park. It can also be concluded that the Cielo Vista project study area supports marginally suitable habitat for red-diamondback rattlesnake as the species was not detected on the adjacent Esperanza Hills project site (page 5-119 of the November 2013 Esperanza Hills Project Draft EIR). For these reasons, the Draft EIR concluded that impacts to red-diamond rattlesnake individuals from implementation of the Project would not threaten regional populations due to the large areas of habitat in the surrounding area that would be available for this species to utilize and would be a less than significant impact.

RESPONSE OCC-3

Please see Response OCC-2 above. As noted in Section 4.3, *Biological Resources*, of the Draft EIR, the only sensitive species that were observed on the site and which are not designated as threatened or endangered include the yellow-breasted chat, yellow warbler, and red-diamond rattlesnake. Response OCC-2 provides a detailed discussion of each of those species. With respect to sensitive species that are listed as either threatened or endangered and, due to the presence of suitable habitat, could be present at the site, the Draft EIR includes a detailed discussion of those species. Of those species, only the Least Bell's Vireo was observed on-site. Thus, mitigation was provided to minimize impacts to that species.

For sensitive species that were not observed on the site, the Draft EIR determined that the Project would not result in a significant impact to those species. CEQA does not require mitigation measures for impacts that are considered to be less than significant [CEQA Guidelines § 15126.4 (a)(3)] , as is concluded in the Draft EIR starting on page 4.3-27 and is explained above in Response OCC-2, since avoidance of impacts is the preferred mitigation.

RESPONSE OCC-4

Please see Response OCC-2 above. CEQA does not require mitigation measures for impacts that are considered to be less than significant [CEQA Guidelines § 15126.4 (a)(3)], as is concluded in the Draft EIR starting on page 4.3-27 and is explained above in Response OCC-2. However, as discussed in the above Response OCC-2, Mitigation Measure 4.3-2 for impacts to jurisdictional resources would benefit the special-status species yellow breasted chat and yellow warbler, both of which may use southern willow scrub and mule fat scrub.

RESPONSE OCC-5

Section 4.3, *Biological Resources*, and Appendix C, *Biological Resources Assessment*, in the Draft EIR both outline the study conducted to assess the potential biological impacts of the Project. As discussed therein, the assessment of existing biological resources included literature review and field investigations. In addition to a general biological survey and vegetation mapping conducted in May 2012, numerous additional surveys were conducted by biologists between April and July 2012 as described on page 4.3-6 of the Draft EIR. A list of all of the wildlife species observed within the project site is included in the Floral and Faunal

Compendium attached to Appendix C in the Draft EIR. All of the sensitive species that were observed on the site are discussed in the Draft EIR, and for those that would result in a significant impact, mitigation was prescribed.

Moreover, , any loss of individuals or habitat, if it were to occur, for species that were not observed, including coast patch-nosed snake, coast range newt, coast horned lizard, orange-throated whiptail, long-eared owl, western yellow bat, western mastiff bat, pallid bat, San Diego black-tailed jackrabbit, and northwestern San Diego pocket mouse as a result of the Project would not be expected to reduce regional population numbers due to the small amount of acreage that would be impacted by the Project in relation to the regional habitat available in the immediately adjacent open space. None of these species were observed during the field studies but are conservatively concluded as having the potential to occur on the project site. Coast range newt has potential to occur within the project site because potentially suitable habitat is present. However, this stream course is disturbed; therefore, the likelihood of this species occurring within the study is low. Coast patch-nosed snake has potential to occur within the project site because potentially suitable habitat is marginally present. Coast horned lizard and orange-throated whiptail have the potential to occur within the project site because potentially suitable habitat is present but these species were not found during appropriately timed site surveys. Long-eared owl has potential to occur within the project site because potentially suitable habitat is marginally present; however, the species prefers dense vegetation such as riparian and forest woodlands. Western yellow bat, western mastiff bat, and pallid bat maybe observed foraging over the project site due to the presence of suitable foraging habitat; however, these species are not expected to roost on-site due to the lack of suitable roosting habitat. Northwestern San Diego pocket mouse has the potential to occur within the project site because potentially suitable habitat is present but these species was not observed during site surveys. Consequently, impacts to sensitive wildlife species with a potential to occur on the project site are considered adverse but less than significant and therefore, mitigation is not required.

RESPONSE OCC-6

Analysis of Project impacts to sensitive plant communities is provided under Impact Statement 4.3-2, beginning on page 4.3-32 of the Draft EIR and depicted in Figure 4.3-7, *Impacts on Sensitive Natural Communities*. The Project would impact 4.60 acres of blue elderberry woodland [23.88 acres are on the Esperanza Hills project site], 1.25 acres of southern willow scrub, 0.51 acre of blue elderberry woodland/laurel sumac chaparral [1.75 acres are on the Esperanza Hills project site], 2.57 acres of blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub, and 5.63 acres of encelia scrub, all of which are considered sensitive natural communities by the California Department of Fish and Wildlife (CDFW). As noted in the Draft EIR, a “substantial adverse effect” means loss or harm of a magnitude which, based on current scientific data and knowledge would (1) substantially reduce population numbers of listed, candidate, sensitive, rare, or otherwise special status species, (2) substantially reduce the distribution of a sensitive natural community/habitat type, or (3) eliminate or substantially impair the functions and the interrelated biological components and systems of the Chino Hills State Park, the Orange County NCCP, and the Prado Dam Basin. The determination of impacts in the biological analysis was based upon both features of the Project and the biological functions and values of the occupied habitat and/or sensitivity of plant and wildlife species to be affected. The biological values and functions of resources were determined by looking at the overall size of the habitat to be affected, the quality of the affected habitat, the project study area’s historic land uses, disturbance history, regional relation to existing preservation areas and programs, and the project study area’s importance or lack of importance to regional preserved populations of those species found on the project site. The analysis evaluated the role of the on-site biological resources, that is, whether

they contribute to a significant or *de minimis* role in the regional biological system and the relative impacts on special-status species and their long-term survival throughout the region. Thus, the analysis considered factors such as the quality of the affected habitat and the habitats' regional context.

Impacts on sensitive natural communities are considered less than significant given their diminished functions and values as habitat as a consequence of natural (i.e., fire) and human disturbances and the relative abundance of these vegetation communities throughout the region. The 2008 Freeway Complex wildfire burned the project site and most of the natural vegetation communities within the site continue to exhibit signs of the fire damage and subsequent encroachment by invasive species. Although some of these communities have markedly recovered from the fire, all of the sensitive natural communities found within the project study area have a component of non-native invasive exotic species as well. These natural communities are considered to be of low to moderate quality (rather than high quality) because they still retain an ability to provide cover and resources for limited wildlife species. The commenter does not provide any specific evidence or a factual foundation that in support of his or her argument that the analysis provided in the Draft EIR is erroneous. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

Blue elderberry (*Sambucus nigra* ssp. *caerulea*) is a widespread species within California and especially well distributed in southern California (see Calflora http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=10348, for distribution map). The species is quite common on the adjacent Esperanza Hills project site, being a representative species in 13 of the 16 natural communities (totaling at least 165 acres) identified within the Esperanza Hills project site (Plant Communities of Section 5.3, *Biological Resources*, of the Esperanza Hills Draft EIR, beginning on page 5-97). While not as common as blue elderberry, California encelia (*Encelia californica*) is similarly well-distributed in southern California (see Calflora http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=2963, for distribution map). California encelia is present within the California sagebrush scrub and the disturbed California sagebrush scrub (totaling 34.5 acres) within the Esperanza Hills project site. Given the diminished functions and values as habitat of the on-site natural communities categorized as sensitive communities and the relative abundance of these vegetation communities or their dominant species throughout the region, impacts to natural communities, both common and sensitive, are concluded to be less than significant. With less than significant impacts, mitigation measures are not considered to be warranted.

Contrary to the comment, the natural communities of southern willow scrub, a sensitive plant community, and mule fat scrub that support least Bell's vireo, in addition to yellow breasted chat and yellow warbler, would be mitigated under Mitigation Measures 4.3-1 (beginning on page 4.3-26 of the Draft EIR, under Impact Statement 4.3-1) and Mitigation Measure 4.3-2, as discussed under Impact Statement 4.3-3 (impacts to wetlands and "Waters of the U.S.") starting on page 4.3-36 of the Draft EIR. See Response OCC-2 for additional discussion on yellow breasted chat and yellow warbler, both of which utilize riparian communities similar to least Bell's vireo.

RESPONSE OCC-7

Discussion of potential Project impacts to sensitive plant and wildlife species begins on page 4.3-26, under Impact Statement 4.3-1 of the Draft EIR. As discussed therein, numerous field investigations were conducted to determine plant and wildlife species, and extensive literature review was undertaken to assist in the identification of species and suitable habitats with potential to occur on the Project site. Moreover, focused

sensitive plant surveys were conducted in April and July 2012 for those sensitive species with the potential to occur within the project study area. However, no sensitive plant species were observed. Because no sensitive plant species were observed during the focused surveys, no sensitive plant species are expected to occur on-site. It is concluded that the Project would have no impacts on sensitive plants species and no mitigation measures are required. Impacts to sensitive wildlife species are considered to be less than significant after the implementation of Mitigation Measure 4.3-1 for impacts to least Bell's vireo. There are no reasons provided in the comment why additional mitigation measures are necessary for additional sensitive natural communities that could speculatively be found in the future. It is not clear what additional mitigation measures may be needed to address unanticipated impacts to species that were not observed. Because it would be speculative to assume that additional species may occur within the project study area, there is no need to add an additional mitigation measure(s).

Likewise, with respect to sensitive natural communities, the extensive field investigations and literature research done as part of the biological assessment were sufficient to identify all the natural communities existing on the site. Thus, it is not anticipated that sensitive natural communities could be discovered during construction and operation and no additional mitigation measures are required.

RESPONSE OCC-8

The Draft EIR addressed construction-related water quality impacts in Section 4.8, *Hydrology and Water Quality*, with supporting data provided in Appendix H of the Draft EIR. As discussed therein, impacts were concluded to be less than significant. Also, please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The commenter does not provide any specific evidence or a factual foundation that the analysis provided in the Draft EIR is erroneous. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

RESPONSE OCC-9

Consistent with this comment, the SWPPP to be prepared for the Project would be prepared prior to Project construction to include BMPs such as erosion control and treatment measures. The site specific issues related to pollutants that may be on the site from oil-related uses and facilities are addressed in Section 4.7, Hazards and Hazardous Materials, in the Draft EIR. As discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities.

RESPONSE OCC-10

The commenter asserts that the cumulative hydrology and water quality analysis is insufficient because it does not account for the environmental impacts of other past, present, and reasonably foreseeable future projects. Cumulative impacts pertaining to biological resources and hydrology/water quality were addressed in Section 4.3, *Biological Resources*, and Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, respectively. Chapter 3.0, *Basis for Cumulative Analysis*, identified 18 related projects in the Project area. In

addition, cumulative impacts are addressed for each environmental issue area analyzed in Chapter 4.0 of the Draft EIR within each section of Chapter 4 (Sections 4.1 to 4.15). The assessment of cumulative impacts utilizes a list-of-projects approach as discussed in Chapter 3.0 in the Draft EIR. This approach is consistent with CEQA Guidelines Section 15130 for an adequate discussion of cumulative impacts. Commenter does not specify what additional projects should have been considered in the cumulative projects analysis, or exactly how the analysis is “underinclusive and misleading.” Rather, the comment consists of unsubstantiated opinion and does not provide any evidence to support its assertions. “To constitute substantial evidence, comments by members of the public must be supported by an adequate factual foundation.” (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.) Where a general comment is made, a general response is appropriate. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

RESPONSE OCC-11

As part of the LID hierarchy contained in the 2011 Technical Guidance Document, harvest and reuse must be evaluated when infiltration is not feasible for the Project. As stated in the Project’s Conceptual WQMP in Appendix H of the Draft EIR, infiltration is considered feasible for the north portion of the project site while it is not considered feasible for the south portion of the project site due to differences in soil conditions. If infiltration is only partially feasible, harvest and reuse must be considered for the remaining volume of the Design Capture Volume (DCV). If harvest and reuse is not feasible, then biotreatment BMPs may be utilized for the remainder of the DCV.

Harvest and reuse is typically evaluated for outdoor irrigation demand and indoor toilet flushing demand. Outdoor landscape area irrigation associated with single-family detached housing may be a candidate for harvest and reuse. However, single-family detached housing with drought tolerant and limited interconnected common area landscaping, as is the case with this Project, does not lend itself to a centralized harvest and reuse system. All the storm water must be collected at the downstream end of the project site and then pumped back up to each individual house through separate irrigation systems and separate storage systems. Based on the proposed site plan (lack of contiguous large area landscaping with emphasis on drought tolerant vegetation) and the proposed terraced grading requiring dedicated areas for storage and pumping, such a system is not practicable. Such systems are more practicable when there are common area landscape facilities within a small footprint (i.e. commercial/retail or high density apartments). However, the feasibility of incorporating rain barrels to collect rainfall and its use via passive gravity flow following a rain event will be evaluated in the design of individual homes.

Indoor toilet flushing may also be a candidate for harvest and reuse but is determined to be infeasible for the Project based on the required infrastructure and the indoor treatment requirements which far exceed stormwater treatment requirements. The water must be collected at the downstream end, treated to indoor plumbing standards and then pumped up to each house in a separate water line. In the alternative, designing and building water a treatment system for each house is infeasible because of cost and limited water availability on a lot by lot basis. Similar to landscaping irrigation demand, these systems are more practicable when there are a high number and density of fixtures within a small footprint (i.e. commercial/retail or high density apartments). Based on these constraints, indoor toilet flushing is not considered feasible or practicable for the Project.

RESPONSE OCC-12

Contrary to the comment, the Draft EIR does acknowledge that the site is within a “Very High Fire Hazard Severity Zone” (VHFHSZ) and has been subject to previous wildland fires. The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

This comment’s suggestion that water from cisterns could be a component of fire suppression is acknowledged.

RESPONSE OCC-13

This comment provides a general conclusion regarding the issues raised in this letter. Individual responses to this letter are provided above in Responses OCC-2 through OCC-12.

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November 8, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048
E-Mail: Ron.Tippetts@ocpw.ocgov.com

Re: Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

On behalf of Hills For Everyone, we write to request an extension of the public comment period for the Cielo Vista Project Draft Environmental Impacts Report. Hills For Everyone is a non-profit organization that strives to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations, and is closely following the County's processing of the proposed Cielo Vista Project and the associated Esperanza Hills Project.

Complex legal and technical issues surround the Cielo Vista Project and the County's Draft EIR. At the same time, the County is also in the process of evaluating the proposed Esperanza Hills Project on the parcels directly east of the proposed Cielo Vista site. Cielo Vista and Esperanza Hills will share access corridors and utility connections. Development of Esperanza Hills is therefore reasonably foreseeable consequence of the Cielo Vista Project, and must be evaluated as part of the Cielo Vista Project. Alternately, the two projects should be evaluated together. In any event, the interaction between these projects significantly expands and complicates the scope of the issues raised by the Cielo Vista Draft EIR.

The offered six-week comment period is therefore insufficient for the thorough public review that CEQA mandates. Furthermore, the Public Comment Period is slated to close in the midst of the winter holiday season, placing additional pressure on members of the public that wish to comment on the Cielo Vista Draft EIR and potentially

Orange County Planning
Attn: Ron Tippetts
November 8, 2013
Page 2

reducing public engagement in these important issues. The County should strive to maximize public participation in the environmental review process.

In light of the complexity of technical and legal issues surrounding the Cielo Vista Project, and the upcoming holiday season, Hills For Everyone respectfully requests that the County lengthen the public comment period by 30 days, extending it to January 22, 2014. Thank you for considering this request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Gabriel M.B. Ross

543537.1

543537.2

LETTER: HFE1

Hills For Everyone
Shute, Mihaly & Weinberger LLP Gabriel M.B. Ross
396 Hayes Street
San Francisco, CA 94102
(November 8, 2013)

RESPONSE HFE1-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE HFE1-2

Comment HFE1-2 alleges that the Esperanza Hills development is a component of the Project because both it and the Project would share certain infrastructure facilities and because it is (allegedly) a foreseeable consequence of the Project's development. The Commenter is referred to Topical Response 1 for a detailed discussion of this issue.

RESPONSE HFE1-3

Please refer to Topical Response 1.

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396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

January 22, 2014

Via E-Mail and FedEx

OC Planning
Attn: Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702-4048
E-Mail: Ron.Tippets@ocpw.ocgov.com

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippets:

On behalf of Hills For Everyone, we write to comment on the Cielo Vista Project Draft Environmental Impact Report (“DEIR”). Hills For Everyone is a non-profit organization that strives to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations, and is closely following the County’s processing of the proposed Cielo Vista Project and the associated Esperanza Hills Project.

As detailed below, the County has failed to comply with the California Environmental Quality Act, Public Resources Code sections 21000, et. seq. (“CEQA”) and California Code of Regulations § 15000 et seq. (“Guidelines”) in its review of the environmental impacts of the proposed Project. Further, approval of the Project would violate state Planning and Zoning Law, Government Code sections 65000 et seq. The County may not approve the Project until (1) it is revised to comply with state Planning and Zoning law, and (2) environmental review of the revised project fully complies with CEQA.

I. The DEIR Fails to Satisfy CEQA’s Requirements.

The EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988) (citations omitted). It is

an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.

Id. (citations omitted).

Where, as here, the DEIR fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . .”)

As a result of the DEIR’s numerous and serious inadequacies, there can be no meaningful public review of the Project. The County must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.

II. The DEIR’s Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713, 730 (1994) (quoting *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977)). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 729–30. Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

Here, the DEIR does not come close to meeting these established legal standards. The DEIR fails to describe four of the most critical components of the proposed Project: (1) the adjacent Esperanza Hills development; (2) the nearby Bridal Hills and Yorba

Linda Land developments; and (3) new oil drilling operations on the Project site. Environmental review of Cielo Vista in isolation from these four components of the Project would represent improper segmentation of environmental review under CEQA.

A. The Esperanza Hills Development is a Component of the Project.

The Esperanza Hills Project, a significant residential development, is proposed for the area located directly east of the proposed Cielo Vista Project site. DEIR at 2-1. The County released the Draft Environmental Impact Report for Esperanza Hills (“Esperanza Hills DEIR,” attached hereto as Exhibit A) on December 2, 2013. Esperanza Hills would include the construction of 340 dwelling units and major grading activities on a 469-acre parcel adjacent to the Cielo Vista Project site. Cielo Vista and Esperanza Hills will share water and sewer facilities, and at least one of the access corridors to the Esperanza Hills site may be constructed as part of Cielo Vista.

CEQA prohibits piecemealed review of two developments that are truly a single project. The statute defines a “project” as “the whole of an action, which has a potential for resulting in either a direct physical change” or “a reasonably foreseeable indirect change in the environment.” CEQA Guidelines § 15378(a); *see also* CEQA Guidelines § 15378(c) (term “project” means the whole of the “activity which is being approved”). Thus, an agency must take an expansive view of any particular project as it conducts the environmental review for that project. *See McQueen v. Bd. of Directors*, 202 Cal. App. 3d 1136, 1143 (1988) (term “project” is interpreted so as to “maximize protection of the environment”).

An “EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effect.” *Laurel Heights*, 47 Cal. 3d at 394–96. *Laurel Heights* requires a project proponent to analyze future expansion and other such action in an EIR if there is “telling evidence” that the agency has either made decisions or formulated reasonably definite proposals as to future uses of a project in the future. *Id.* at 396–97.

Here, there is ample evidence that the Esperanza Hills project is a foreseeable consequence of Cielo Vista, and that the two are, under CEQA’s definition, the same project. Most obviously, the Cielo Vista Project will provide Esperanza Hills with required access corridors and water and sewer connections. They are, in effect, a single project building houses on two adjacent and closely-related sites. Access to the Esperanza Hills site may be provided by access corridors to be constructed as part of the Cielo Vista Project. DEIR at 4.10-11. The Yorba Linda Water District has advised

representatives of both development projects that water and sewer services and facilities must be planned and designed together. *See* Yorba Linda Water District, Comments Regarding the Notice of Preparation (NOP) of EIR for Proposed Cielo Vista Project (Project No. PA100004), August 2, 2012 (attached hereto as Exhibit B). Even if Cielo Vista and Esperanza Hills were separate projects, CEQA would still require the County to consider their environmental impacts together. Construction of the Cielo Vista access corridors and utility connections are the first steps toward development of Esperanza Hills.

Established CEQA case law holds that the analysis of environmental effects must occur at the earliest discretionary approval, even if later approvals will take place. *See, e.g., Bozung v. Local Agency Formation Comm.*, 13 Cal. 3d 263, 282 (1975) (expressing the importance of environmental review “at the earliest possible stage”). The environmental impacts associated with this additional development must be analyzed with those of the Cielo Vista Project. The Orange County Local Agency Formation Commission (“LAFCO”) has also requested that the County prepare a combined analysis of the environmental impacts of the Cielo Vista and Esperanza Hills projects. *See* Orange County LAFCO, Response to NOP for Cielo Vista Project, August 1, 2012 (attached hereto as Exhibit C).

In any event, because the two developments are so closely related, a single EIR would provide the most efficient and effective environmental review. A single EIR will provide a more comprehensive evaluation of environmental impacts and will also assist the County in crystallizing its analysis of alternatives to the development of widely dispersed, single-family homes in this portion of the Puente-Chino Hills-.

1. Segmenting Review of Cielo Vista and Esperanza Hills Conceals the Magnitude and Significance of the Project’s Impacts.

By artificially segmenting its environmental review of the Cielo Vista and Esperanza Hills developments, the County has concealed the magnitude and significance of the Project’s environmental impacts. Certain impacts caused by Cielo Vista that are deemed less than significant under the EIR’s standards would be significant when combined with the impacts of Esperanza Hills.

For example, the Project’s greenhouse gas emissions and impacts on global climate change would be significant according to the threshold in the DEIR if the DEIR also accounted for the greenhouse gas emissions from Esperanza Hills. The DEIR estimates that Cielo Vista will generate 2,283 metric tons of carbon dioxide equivalent (“MTCO₂e”) per year. DEIR at 4.6-24. The County’s threshold for determining whether a Project would result in a significant impact is 3,000 MTCO₂e per year. *Id.* Because

Cielo Vista would not exceed the County's threshold, the DEIR concludes that the Project would result in a less than significant impact with respect to greenhouse gas emissions. *Id.* The Esperanza Hills DEIR estimates that Esperanza Hills will generate nearly 7,000 MTCO₂e per year. Esperanza Hills DEIR at 5-272. Together, these two developments greatly exceed the County's significance threshold.

But according to the DEIR's current analysis, the greenhouse gas emissions and impacts on global climate change from Cielo Vista are not even cumulatively considerable. DEIR at 4.6-27. Yet the Esperanza Hills DEIR admits that the greenhouse gas emissions and impacts on global climate change, as well as noise impacts, from that development alone are significant and unavoidable. Esperanza Hills DEIR at 10-1. The DEIR's claims that these categories of impacts are less than significant for Cielo Vista create a misleading portrayal of the environmental impacts of the whole Project. Only a single EIR would provide the complete environmental review that CEQA requires.

B. The Bridal Hills and Yorba Linda Land Developments Are Components of the Project.

Any developments planned for the Bridal Hills, LLC parcel and the Yorba Linda Land, LLC parcel are also reasonably foreseeable consequences of the Cielo Vista Project, and therefore must be considered part of the Cielo Vista Project. These two parcels—located north and east of the Cielo Vista Project site—are currently undeveloped, but it appears that significant development activity is planned for at least one of these areas. In the Esperanza Hills DEIR, the County admits that the Bridal Hills, LLC parcel “is a reasonably foreseeable development” and includes it in that document's analysis. Esperanza Hills DEIR at 4-2.

The Notice of Preparation for the Esperanza Hills Project explains that access to both the Bridal Hills and Yorba Linda Land parcels will be provided for in the proposed Esperanza Hills lot layout and street design. Esperanza Hills NOP at 1. The Esperanza Hills DEIR also admits that the Esperanza Hills development will provide the access corridor for the Bridal Hills development. Esperanza Hills DEIR at 4-2. In fact, the Esperanza Hills NOP contains a Vegetation/Biological Resources Map for the “Esperanza Hills Specific Plan Area” that includes the Bridal Hills and Yorba Linda Land parcels within the project boundary. Esperanza Hills NOP at 11, Exh. 5.

Development of the Bridal Hills and Yorba Linda Land parcels therefore constitutes a reasonably foreseeable consequence of the Cielo Vista Project, and must be considered part of the Cielo Vista Project. *Laurel Heights*, 47 Cal. 3d at 394–96. The environmental effects of all of these developments, along with those of Cielo Vista, should be collectively evaluated in a single EIR.

C. Oil Drilling on the Project Site is a Component of the Project.

As part of the Project, a 1.8-acre parcel located in Planning Area 1 (the “drilling pad”) is proposed to be zoned R-1(O) and may be the site of new and continued oil operations—including consolidation of oil wells relocated from the rest of the project site and slant drilling of new wells below ground. DEIR at 2-28. These new and continued oil operations constitute a reasonably foreseeable consequence of the Cielo Vista Project, and therefore must be considered part of the Cielo Vista Project. An operating well is currently located within the drilling pad area, DEIR at 2-29, and the Project maintains access to the drilling pad.

Nevertheless, the DEIR fails to adequately evaluate the impacts of these continued operations. Instead, the County declines to analyze the impacts of these continued oil operations because “permitting and site planning [will] be pursued by the oil operators” and “the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site.” DEIR at 2-29. But CEQA requires the County to analyze impacts at the earliest discretionary approval, even if later approvals will take place. *See Bozung*, 13 Cal. 3d at 282. The County must evaluate the environmental impacts associated with new and continued oil operations as part of the Cielo Vista Project.

III. The DEIR Fails to Adequately Analyze the Project’s Environmental Impacts.

A. The DEIR Fails to Accurately Analyze the Project’s Geology and Soils Impacts.

The DEIR fails to adequately analyze the Project’s significant earthquake safety risks. The DEIR’s proposed mitigation measures are vague and incapable of reducing these significant impacts to a less than significant level. The DEIR also fails to acknowledge that the Project is inconsistent with policies of the Orange County General Plan (“OCGP”) and the City of Yorba Linda General Plan (“YLGP”) regarding geologic hazards. These plan inconsistencies constitute significant and unavoidable impacts.

1. The Project Creates Significant Geologic Safety Hazards.

The Whittier Fault—an active fault with a Fault-Rupture Hazard Zone that is approximately 1,000 feet wide—bisects the Project site. DEIR at 4.5-10. Residential lots are proposed within the fault rupture hazard zone. DEIR at 4.5-14. There is potential for significant ground shaking at the Project site during a strong seismic event on the Whittier Fault, as well as fault rupture, liquefaction, landslides, slope instability, dangerous soil expansion, and severe damage to nearby buildings. DEIR at 4.5-9 to -11.

The DEIR explains that these impacts would be significant if the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving fault rupture, strong seismic ground shaking, seismic-related ground failure, and landslides. DEIR at 4.5-13. The hazards associated with the Whittier Fault clearly exceed this threshold.

Indeed, the DEIR admits that the Project could expose people or structures to such adverse effects. *Id.* The DEIR concedes that the Whittier Fault could generate an earthquake of Mw6.0 to 7.2 on the moment magnitude scale. DEIR at 4.5-10. An earthquake of that magnitude can lead to “Major” earthquake effects, including “damage to most buildings, some to partially or completely collapse or receive severe damage.” Even “[w]ell-designed structures are likely to receive damage.” *Id.*

According to the 2013 Geotechnical Feasibility Study¹, a seismic event at the Project site could result in “severe” shaking and could lead to “moderate to heavy” damage. DEIR at 4.5-10.

Moreover, ground surface rupture could occur along the Whittier Fault trace. DEIR at 4.5-9. But the DEIR admits that the precise location of the Whittier Fault trace is unknown. DEIR at 4.5-14. The 2006 Geotechnical Evaluation estimates that the Whittier Fault trace is located along the mid-point of the Whittier Fault Zone, but concedes that a previous investigation determined that multiple branches of the fault exist in the Project area. 2006 Geotechnical Evaluation 4. Active fault splays could occur outside of the “likely” location of the main fault trace. *Id.*

Liquefaction, as well as other ground failure hazards can lead to ground failure that can result in property damage and structural failure. DEIR at 4.5-15. The DEIR determines that a potentially significant impact would occur if any structures are located in areas potentially susceptible to ground failure hazards. *Id.* The DEIR admits that a portion of the Project site clearly has the potential for liquefaction, and that other areas may also be susceptible to liquefaction and seismic settlement. *Id.*

¹ Appendix E to the DEIR includes two preliminary geotechnical reports to support its conclusions: (1) Pacific Soils Engineering, Inc., Geologic and Geotechnical Evaluation (2006) (“2006 Geotechnical Evaluation”); and (2) LGC Geotechnical, Inc., Geotechnical Feasibility Study, Proposed Development of Tentative Tract Map No. 17341, County of Orange, California (2013) (“2013 Geotechnical Feasibility Study”).

The DEIR further admits that available information indicates the presence of landslides and other gross slope instability conditions on a portion of the Project site. DEIR at 4.5-15. The proposed grading for the Project is avoids “most areas suspected to be underlain by landslides or susceptible to slope stability hazards,” but not all of those areas *Id.* In any event, the 2013 Geotechnical Feasibility Study admits that landslides and other slope instability issues at the Project site have only been subject to a “ cursory review.” 2013 Geotechnical Feasibility Study at 5. No site-specific investigation has been performed to determine the existence, depth, geometry and other characteristic of landsliding. 2006 Geotechnical Evaluation at 10.

Overall, then, the EIR explains that the Whittier Fault creates a serious potential hazard for the Project. CEQA thus demands a thorough investigation of these environmental impacts. *Berkeley Keep Jets Over the Bay v. Bd. of Port Comrs.* (2001) 91 Cal. App. 4th 1344, 1370 (lead agency must use best efforts to analyze potentially significant impacts).

2. The DEIR’s “Mitigation” of the Project’s Geologic Hazards Actually Represents Impermissible Deferral of the Analysis of These Hazards.

In an attempt to mitigate these significant seismic impacts, the DEIR proposes Mitigation Measure 4.5-1, which requires the Project Applicant to prepare an additional geotechnical report and receive further County approval prior to the issuance of grading permits, but after Project approval. *Id.* The DEIR claims that the prescribed mitigation measure, and compliance with applicable regulatory requirements, such as the California Building Code, would reduce geologic hazards to less than significance. DEIR at 4.5-13. But the DEIR provides no actual evidence to support this conclusion. The DEIR, and its two supporting geotechnical reports, contain only bare assertions that these geologic hazards will be mitigated.

For example, regarding seismic ground shaking, the future geotechnical report would “determine structural design requirements as prescribed by the most current version of the California Building Code . . . to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.” DEIR at 4.5-18. The DEIR states that the Project would implement these design recommendations to reduce the potential for structural damage and exposure to potential substantial adverse effects, including the risk of loss, injury, or death, but only “to the maximum extent practical.” DEIR at 4.5-15. The DEIR asserts that this would reduce potentially significant seismic-related impacts to a less than significant level. Similarly, the 2006 Geotechnical Evaluation states:

Southern California, in general, is a seismically active region and the proposed improvements are likely to be subjected to significant ground motion during the design life of the project. Remedial grading in conjunction with the design of structures in accordance with prevailing seismic codes is held to be an appropriate mitigation for this condition.

2006 Geotechnical Evaluation at 8. But the document provides no further analysis or evidence to support the conclusion these risks will be mitigated.

In fact, the 2013 Geotechnical Feasibility Study plainly contradicts this conclusion. That later analysis concludes:

New improvements will need to be designed for seismic forces in accordance with current building codes and regulations. *However, there is still a risk that the proposed residential structure could be damaged as a result of an earthquake.*

Geotechnical Feasibility Study at 9 (emphasis added). The analysis thus makes clear that compliance with applicable building codes, regulations, and ordinances, alone, are not sufficient to reduce seismic ground shaking impacts to less than significant levels. These measures cannot correct for the Project's unwise and uninformed placement of residential buildings in an area of significant seismic hazards.

Regarding risks from fault rupture, the DEIR proposes that residential structures would be located at a distance of greater than approximately 100 feet from the Whittier Fault trace, in order to be consistent with the 50-foot setback requirement of the Alquist Priolo Earthquake Fault Zoning Act. DEIR at 4.15-14. However, as discussed, above, the DEIR admits that the specific location of the fault trace has not even been determined yet. Instead of performing this essential investigation before the County considers the Project, the DEIR would only require the future geotechnical report to later identify the location of the Whittier Fault trace. The Project Applicant would then alter the Project site plan so that proposed residences would be set back from the fault trace. *Id.* But until these hazards are determined, the DEIR has simply failed to undertake the analysis required to support its claim that risks related to surface ruptures are not significant. The County must insist that the Project Applicant prepare the site-specific geotechnical report and locate the fault trace *before* Project approval.

The DEIR also proposes to defer meaningful analysis of ground failure hazards until after Project approval. The DEIR explains that the Project would implement a complex set of design recommendations identified in the future geotechnical report. DEIR at 4.5-15 (Mitigation Measure 4.5-1). Together with compliance with California

Geological Survey Guidelines and applicable building codes, the DEIR claims that the Project would reduce the potential for significant liquefaction and other ground failure hazard impacts “to the maximum extent feasible.” *Id.*

The DEIR also defers investigation of the stability of the Project’s existing and proposed slopes until completion of the geotechnical report required by Mitigation Measure 4.5-1. DEIR at 4.5-16. That Mitigation Measure requires an engineering analysis to determine any necessary stabilization measures, and requires the developer to remediate the project site pursuant to the County Grading Code. *Id.* The developer must also design foundations and structures to meet Building Code requirements “to ensure the safety of the physical site and structures for future residents.” *Id.* The DEIR concludes that potentially significant impacts regarding landslides and slope stability would be reduced to a less than significant level. *Id.*

But until the additional geotechnical report is completed, the DEIR has simply failed to analyze the full range of geologic hazards facing the Project. The DEIR therefore has not provided substantial evidence to support its determination that risks related to fault rupture, seismic ground shaking, ground failure, and landslides are less than significant. The County cannot rely on this “mitigation measure” to reduce significant impacts regarding fault rupture and other geologic hazards to a less than significant level, because the County cannot even be sure of the nature of those hazards until the additional analysis is completed. The County must insist that the Project Applicant prepare the site-specific geotechnical report and locate the fault trace *before* Project approval. *See Sundstrom v. Cnty. of Mendocino*, 202 Cal. App. 3d 296 (1988) (deferral of environmental analysis until after project approval violates CEQA’s policy that impacts must be identified before project momentum reduces or eliminates the agency’s flexibility to change its course of action). Fully disclosing this type of hazard is not only a core purpose of CEQA, but it is the plainly the responsible approach: the County cannot reasonably approve a project without a complete understanding of the hazards its residents may face.

Moreover, the geotechnical report will provide essential information regarding the risk of geologic hazards on the Project site that could significantly alter the Project site design. Significantly altered to address these unknown geologic hazards, the Project could create a host of new environmental impacts that the County has not yet analyzed.

3. The DEIR Fails to Adequately Analyze the Project's Consistency with the Orange County General Plan and Yorba Linda General Plan Regarding Geologic Hazards.

The Project is inconsistent with the Goals, Objectives, and Policies of the OCGP and YLGP regarding geologic hazards. These plan inconsistencies constitute significant and unavoidable impacts.

OCGP Public Safety Goal 1 is to "Provide for a safe living and working environment consistent with available resources." OCGP Public Safety Objective 1.1 is "To identify natural hazards and determine the relative threat to people and property in Orange County." The Project is inconsistent with both of these requirements. The Project would not create a safe living environment because it would expose people and structures to the risk of loss, injury or death, involving fault rupture, strong seismic ground shaking, seismic-related ground failure, and landslides. The DEIR also acknowledges that an additional geotechnical report must be prepared simply to understand the geologic risks facing residents in the Project area. At the very least, the County has not identified the relevant natural hazards or threats until this report is completed.

The Project is also inconsistent with OCGP Public Safety Goal 2, to "Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property." The County cannot possibly know how the information from the additional geotechnical report will change the Project or affect the implementation of relevant safety standards. Nor does the DEIR "create and maintain plans and programs which mitigate the effects of natural hazards," as required by OCGP Objective 2.1.

The Project is also inconsistent with the YLGP Safety Element Goal 1, to "Protect the community from hazards associated with geologic instability, seismic hazards." The DEIR does not even identify the full scope of hazards associated with geologic instability and seismic events, much less protect the community from them. YLGP Policy 1.1 is to "[r]equire "review of soil and geologic conditions to determine stability and relate to development decisions, especially in regard to type of use, size of facility, and ease of evacuation of occupants," but the Project Applicant has not undertaken the required investigation.

The County has not performed a complete "review of soil and geologic conditions" until it has completed the additional geotechnical report discussed in part III.A.2. above. The County does not yet know how the information from the geotechnical report will change the Project or affect the implementation of relevant safety

standards. It therefore cannot accurately evaluate decisions regarding the Project's "type of use, size of facility, and ease of evacuation of occupants." Until it completes the geologic analysis that the YLGP requires, the County cannot support the claim that geologic hazards to the Project are less than significant.

B. The DEIR Fails to Accurately Analyze the Project's Wildland Fire Hazards.

The DEIR fails to adequately analyze the Project's significant wildland fire hazards. The DEIR's proposed mitigation measures—particularly its unsubstantiated reliance on an untested emergency evacuation plan—do not reduce these significant impacts to a less than significant level. The DEIR also fails to acknowledge that the Project is inconsistent with the OCGP and YLGP policies regarding fire hazards. These plan inconsistencies constitute significant and unavoidable impacts. *See CEQA Guidelines, Appendix G.*

1. The Project Would Create Significant Wildland Fire Hazards.

The fire hazards caused by and affecting development in the Puente-Chino Hills area cannot be overstated, a fact made abundantly clear by the devastation of the 2008 Freeway Complex Fire. *See Orange County Fire Authority, Freeway Complex Fire After Action Report (2009) (attached hereto as Exhibit D).* The Project site is located in a Very High Fire Hazard Severity Zone and has burned regularly: in addition to the Freeway Complex Fire, it was subject to fires in 1943 and 1980. *Id.* at 15. The Project will increase the size of the area's wildland-urban interface.

Contrary to the DEIR's conclusions, the Project would clearly expose current and future residents and structures in the area to a significant risk of loss, injury or death involving wildland fires. DEIR at 4.7-26. The DEIR nonetheless claims that wildland fire risks will be less than significant. DEIR at 4.7-26 (finding that "compliance with applicable regulatory requirements and implementation of the project features and prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level").

The evidence, however, does not support the DEIR's conclusion. The Project's proposed residences would clearly be threatened by fire. They would be adjacent to and intermixed with wildlands that have burned regularly. Despite the Project's location in an area of severe fire hazards, the Project has been designed so that certain areas of the Project will not benefit from the typical 170-foot fuel modification zone. DEIR at 4.7-33.

In fact, the DEIR implies that the Project, a residential development located in the urban-wildland interface, will actually *reduce* wildland fire risk. The DEIR argues that the existing Project site provides no fuel modification benefits, which exposes the existing single-family residential uses to the west and south of the Project to substantial risks of wildland fires. The DEIR claims that the Project's fuel modification features would substantially reduce the risk of wildland fires to these existing single-family residences. DEIR at 4.7-34; 4.14-70 to -73.

This argument is misleading. Even if the Project reduced the risk of fire to nearby residences, the Project is adding 112 new residences to an area of severe fire risks. All residences, new and old, are potential ignition sources. The DEIR also fails to evaluate the impacts of increased risk of fire originating in the Project to the surrounding environment, specifically the adjacent Chino Hills State Park. Such risk constitutes a potentially significant impact to the park's recreational and biological resources; the EIR must analyze, disclose, and, if necessary, mitigate these additional impacts.

2. The DEIR Does Not Adequately Mitigate the Wildland Fire Hazards.

The DEIR does not ensure that current and future residents of the Project and surrounding developments will be able to safely evacuate the area in the event of a fire emergency. The DEIR claims that in the event of a fire emergency, "the function of the street system would remain and there would be available capacity to accommodate the projected traffic volumes, in addition to emergency service vehicles." DEIR at 4.7-26. As discussed below, however, the DEIR does not demonstrate that the Project will have an effective emergency evacuation plan. The Project's wildland fire hazards therefore remain significant.

The DEIR admits that during the 2008 Freeway Complex Fire, residents experienced gridlock on major streets when they attempted to evacuate the area. DEIR at 4.14-70. The Project, combined with other proposed developments nearby, will only exacerbate this problem. Yet the DEIR does not adequately discuss cumulative impacts associated with emergency evacuation requirements. Rather, the DEIR explains that the County will evaluate all other developments "on a project-by-project basis" to determine consistency with applicable emergency response and evacuation plans. DEIR at 4.7-39 to -40.

The DEIR relies on Yorba Linda's October 2013 evacuation plan to prevent the evacuation gridlock that has occurred during past emergencies. DEIR at 4.14-70. But the DEIR provides no traffic analysis or modeling to support the argument that Yorba Linda's evacuation plan will somehow allow residents of the Project and the surrounding

areas to escape from a fire emergency. Past evidence points to the opposite conclusion. The DEIR even notes that during an evacuation, residents would be diverted by deputies and barricades from some main streets so that law enforcement and firefighting vehicles could use them. *Id.* If this is the case, it would only reduce the road capacity that evacuees could use.

The DEIR also fails to ensure that local and state fire and emergency service providers will be able to access the Project during a wildland fire emergency. The DEIR claims that “the function of the street system would remain and there would be available capacity to accommodate the projected traffic volumes, in addition to emergency service vehicles.” DEIR at 4.12-11. But the DEIR provides no traffic analysis or modeling to support that claim. Therefore, the DEIR does not provide substantial evidence supporting its conclusion that the street system would provide available capacity to accommodate traffic volumes during a fire emergency. The Project’s fire-related impacts remain significant.

The DEIR’s failure to include an effective emergency evacuation plan also threatens the safety of Project and nearby residents in the case of an emergency related to oil production facilities on site. The DEIR simply does not ensure that current and future residents of the Project and surrounding developments will be able to safely evacuate the area in the event of an emergency related to on site oil facilities.

The DEIR admits that new and continued oil drilling operations, including consolidation of oil wells relocated from the rest of the project site and slant drilling of new wells below ground, may occur on the Project site. DEIR at 2-28. But the DEIR concludes that with compliance with applicable regulatory requirements and implementation of certain Project Design Features (“PDFs”), operation of oil facilities would not create a significant hazard to the public or the environment. DEIR at 4.7-23.

The DEIR relies on PDFs 7-2 to 7-7 to support this conclusion. But these PDFs do not remove the risk that Project and nearby residents will need to evacuate the area in the event of an oil-related emergency. PDFs -2 and 7-3 simply require buffer zones between wells and new residences. PDF 7-4 restates the requirements that all new wells must comply with applicable law and regulations. PDF 7-5 prohibits public access to the oil drilling pad, and PDF 7-6 prohibits new service roadways through open space areas. PDF 7-7 requires the Project developer to notify homeowners regarding the previous use of the site as an oilfield and the extent of continued oil production activities in the area.

An oil-related emergency, such as a fire or spill, could still occur, despite implementation of these PDFs. Despite this fact, the DEIR provides no traffic analysis or modeling to support any claim that the street system would provide available capacity to

accommodate traffic volumes during an oil-related emergency. The DEIR therefore provides no substantial evidence to support its claim that operation of oil facilities would not create a significant hazard to the public or the environment and that a less than significant impact would occur with regards to future oil operations.

3. The DEIR Fails to Adequately Analyze the Project's Consistency with the Orange County General Plan and Yorba Linda General Plan Regarding Public Safety and Fire Hazards.

Because the Project would expose current and future residents and structures in the area to a significant risk of loss, injury or death involving wildland fires, the Project is inconsistent with the Goals, Objectives, and Policies of the OCGP and YLGP regarding public safety and fire hazards. These plan inconsistencies constitute significant and unavoidable impacts that the DEIR has failed to recognize.

As described above, the Project's wildland fire hazards remain significant even with the identified mitigation. The Project is therefore inconsistent with OCGP Public Services and Facilities Element - Orange County Fire Authority Goal 1, to "Provide a safe living environment ensuring adequate fire protection facilities and resources to prevent and minimize the loss of life and property from structural and wildland fire damages."

For the same reasons, the Project is inconsistent with YLGP Safety Element Goal 4, to "Protect people and property from brush fire hazards." In the absence of a proven emergency evacuation plan, the Project is also inconsistent with OCGP Public Services and Facilities Element - Orange County Fire Authority Goal 2, to "Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property," and OCGP Public Services and Facilities Element - Orange County Fire Authority Objective 2.1, "To create and maintain plans and programs which mitigate the effects of public hazards." The EIR must acknowledge that the Project's wildland fire hazards remain significant and grapple with the fact that Project is inconsistent with the OCGP and YLGP. Until it includes this analysis, the EIR's analysis of land use impacts is incomplete and invalid.

C. The DEIR Fails to Accurately Analyze the Project's Water Supply Impacts.

The DEIR fails to accurately analyze the Project's water supply impacts because it does not determine the extent of new water infrastructure facilities required for the Project nor analyze the impacts of those facilities.

1. The DEIR Fails to Ensure That the Project Will Have Sufficient Water Supplies and Wastewater Treatment Facilities.

The DEIR makes unsupported assumptions about the availability of water facilities for the Project. CEQA requires the County to perform a thorough analysis of the Project's planned water supply. The DEIR must determine whether the proposed water source is adequate to meet the Project's needs and whether tapping it will cause adverse environmental impacts. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 432 (2007). If a project's proposed water supply is uncertain or unreliable, the DEIR must identify an alternative water source and consider the environmental impacts of using that source. *Id.*

The Yorba Linda Water District ("YLWD") completed the Northeast Area Planning Study in March 2013 to evaluate the capacity of existing distribution system facilities and describe new infrastructure required to provide water services to the Project. The Planning Study identified improvements that will be necessary to meet the anticipated water service and infrastructure demands within the YLWD's northeast area, including both the Cielo Vista and Esperanza Hills developments. DEIR at 4.15-17 to -18. Among these needed improvements, the Planning Study identified new pump stations, a pressure reducing station, pipeline upgrades, an increase in the capacity of existing pump stations, and other potential improvements. DEIR at 4.15-18.

But the DEIR fails to ensure construction of the necessary water facilities for the Project. The DEIR concludes that "final planning, buildout, and timing" of Cielo Vista and Esperanza Hills "cannot be accurately ascertained at this time." DEIR at 4.15-18. So the DEIR simply proposes a mitigation measure that would require the Project Applicant to work with the Yorba Linda Water District to ensure an adequate water supply for the area's future residents and for fire safety purposes. *Id.* (Mitigation Measure 4.15-1). This mitigation measure is simply too vague to ensure that existing and proposed infrastructure will accommodate the Project's estimated water demand, wastewater generation, and solid waste generation. The DEIR's analysis of the Project's water supplies is therefore inadequate. In fact, during the Freeway Complex Fire, YLWD facilities did not provide adequate firefighting water flow to effectively combat the spreading blaze. Freeway Complex Fire After Action Report, Exh. D, at 64-65. Until the County provides a detailed description of the water facilities that will serve the Project, neither the County nor the public can evaluate whether this infrastructure will be sufficient during a fire emergency. The DEIR therefore lacks the substantial evidence necessary to support its claim that there will be an adequate water supply for the area's residents and for fire safety purposes.

2. The DEIR Fails to Adequately Analyze the Impacts of New Water Infrastructure That Must Be Built to Serve the Project.

The DEIR also fails to adequately describe or mitigate the impacts of new water infrastructure that must be built to serve the Project. Under CEQA, the “ultimate question” is whether an EIR adequately addresses the reasonably foreseeable impacts of supplying water to the project. *Vineyard Area Citizens*, 40 Cal. 4th at 434. The EIR must give decision makers sufficient facts to evaluate the pros and cons of supplying the amount of water that the Project will need. *Id.* at 430–31. This must include a description of the environmental impacts of necessary water facilities. *Id.* at 432.

The DEIR includes no analysis of the potential environmental impacts of the improvements necessary to meet the Project’s anticipated water service and infrastructure demands. This is impermissible. Construction and operation of the improvements necessary to meet the Project’s anticipated water service and infrastructure demands would cause potentially significant environmental impacts. The DEIR must address the impacts of likely future water facilities. Unless and until it does so, it will remain incomplete and invalid. *See id.*

D. The DEIR Fails to Adequately Analyze the Project’s Traffic and Transportation Impacts.

The DEIR fails to adequately analyze the Project’s traffic and transportation impacts because it does not include the required analysis of transportation system management and demand management for the Project, and because it interferes with implementation of the Orange County Transportation Authority Commuter Bikeways Strategic Plan (2009) (“Bikeways Strategic Plan”). The DEIR also fails to acknowledge that the Project is inconsistent with the policies of the Orange County General Plan, Yorba Linda General Plan, and Bikeways Strategic Plan regarding transportation management and alternative transportation. These plan inconsistencies constitute significant and unavoidable impacts.

1. The DEIR Interferes With Implementation of the Bikeways Strategic Plan.

The DEIR mentions the Bikeways Strategic Plan, but at the same time prevents implementation of that plan. The Bikeways Strategic Plan includes an “Action Plan” that identifies the tasks that the Orange County Transportation Authority (“OCTA”) will undertake to ensure the implementation of the Bikeways Strategic Plan.” OCTA Bikeways Plan at 15. These tasks include:

- Promote that local jurisdictions to emphasize [sic] their consideration of bicyclists within environmental and planning documents;
- Facilitate bikeway planning coordination efforts between jurisdictions and other involved entities;
- Ensure that the needs for bicyclists and bikeways are considered in the development of projects and programs within OCTA; and
- Review development plans and environmental documents and provide comments, 1) to ensure that developers and local jurisdictions are complying with the [Plan]], and 2) to encourage these entities to add local supplemental routes that may not be on the regional bikeways plan, but would enhance the overall connectivity of the bikeway system.

The DEIR does nothing to facilitate these tasks. The Project does not include the addition of supplemental cycling routes to serve the Project or enhance the overall connectivity of the bikeway system. There is no evidence in the record to suggest that the County has encouraged the Project developers to do so. The DEIR even notes that no bicycling facilities are currently located or proposed adjacent to the Project site, but fails to encourage their incorporation into the Project. DEIR at 4.14-16. By failing to even discuss these elements of the Bikeways Strategic Plan, the DEIR gives OCTA nothing to work with as it seeks to represent the needs of cyclists and bikeways as part of the Project. Without more information about opportunities for cycling infrastructure and demand for such alternative transportation, the OCTA cannot fulfill its task of ensuring that the needs of bicyclists and bikeways are considered in the development of projects.

The County is required to ensure that OCTA can undertake the tasks included in the Action Plan discussed above. OCGP Transportation Element Policy 2.4 requires the County to “[a]pply conditions to development projects to ensure compliance with OCTA’s transit goals and policies.” Unless the County does more to assist the OCTA to implement the Bikeways Strategic Plan, the Project will be inconsistent with this policy.

2. The DEIR Fails to Adequately Analyze the Project’s Consistency with the Orange County General Plan and Yorba Linda General Plan Regarding Traffic and Transportation.

The DEIR fails to provide the required analysis of transportation system management and demand management for the Project. OCGP Transportation Element Objective 6.7 requires developers of more than 100 dwelling units to submit a Transportation System Management/Transportation Demand Management plan that

“includes strategies, implementation programs and an annual monitoring mechanism to ensure a reduction of single occupant automobile travel associated with development.” DEIR at 4.14-76.

The Yorba Linda General Plan also requires analysis of transportation system management and demand management for the Project. YLGP Circulation Element Goal 3 is to “Maximize the efficiency of the City’s circulation system through the use of transportation system management and demand management strategies.” YLGP Circulation Element Policy 3.7 requires “that new developments provide Transportation Demand Management Plans, with mitigation monitoring and enforcement plans, as part of required Traffic Studies, and as a standard requirement for development processing.” The DEIR does not provide this analysis, and without it, the Project is inconsistent with these YLGP requirements.

E. The DEIR Fails to Accurately Analyze the Project’s Noise Impacts.

The DEIR fails to accurately analyze the Project’s noise impacts because it employs an impermissible standard of significance that conceals significant noise impacts. The DEIR acknowledges that there are three appropriate standards by which to judge the significance of noise impacts from the Project:

- Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

DEIR at 4.10-14. Appendix G of the CEQA Guidelines echoes these standards. But the DEIR later states repeatedly that the Project would result in a significant noise impact only if the noise level exceeds the 65 dBA CNEL limit in the Orange County Noise Ordinance *and* the Project generates a noise level increase of greater than 3.0 dBA. DEIR at 4.10-18. This actually represents a combination of the multiple separate thresholds of significance that conceals significant noise impacts.

Many of the Project’s noise impacts would clearly exceed one of the three relevant significance thresholds. For example, the Project would increase the off-site traffic noise levels by 3.5 dBA CNEL on the segment of Via Del Agua south of “A” Street. DEIR at

4.10-18. And Project-related traffic noise impacts would exceed the Orange County Noise Ordinance's 65 dBA CNEL limit in numerous places. *See* DEIR at Table 4.10-6 and 4.10-7.

But by evaluating noise impacts using a combination of these separate thresholds of significance, the DEIR concludes that these impacts are not significant. According to the DEIR, the 3.5 dBA noise increase on Via Del Agua south of "A" Street is not significant because the ultimate noise level will not exceed 65 dBA. DEIR at 4.10-19. And noise levels that exceed 65dBA are not significant because they do not involve increases of 3.0 dBA. *See, e.g.*, DEIR at 4.10-19 ("since the noise levels would not be increased by greater than 3.0 dBA, off-site traffic noise impacts under Opening Year (2015) traffic conditions would be less than significant").

The amalgamated significance threshold paints a misleading picture of noise impacts. As shown above, many of the Project's noise impacts would be significant under the separate thresholds provided in Appendix G and articulated in the DEIR itself. This combined standard appears to have been invented solely to ensure that these impacts appear to be less than significant. Notably, the Esperanza Hills DEIR, also prepared by the County, uses separate thresholds as Appendix G intends. *See* Esperanza Hills DEIR at 5-470. It determines that certain noise impacts are significant solely because they result in an increase greater than 3.0 dBA CNEL. *Id.* at 5-482. The present Project's impacts would be significant, and would require mitigation, under the Esperanza Hills standards. The Cielo Vista DEIR has no explanation for the difference between the two documents' treatment of noise impacts. It is apparent that the DEIR's noise impact thresholds are not supported, or supportable, by substantial evidence. The Supreme Court recently emphasized that, although agencies have some discretion in choosing how to measure the significance of a project's impacts, they must select an approach "that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." *Neighbors for Smart Rail v. Exposition Metro Line*, 57 Cal. 4th 439, 449 (2013). An agency may not use compliance with a threshold as a shield to foreclose consideration of substantial evidence of an impact's significance. *See Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004); *see also Mejia v. City of Los Angeles*, 130 Cal. App. 4th 322, 342 (2005). The County must use the thresholds of significance contained in the Esperanza Hills DEIR to evaluate Cielo Vista's noise impacts.

F. The DEIR Fails to Accurately Analyze the Project's Consistency with the Orange County General Plan and the Yorba Linda General Plan.

The Project is inconsistent with applicable City of Yorba Linda General Plan land use designation for the site. As discussed above, the Project is also inconsistent with

applicable OCGP and YLGP goals, objectives, and policies regarding geologic hazards, public safety, fire hazards, and traffic and transportation.

Contrary to the claims made in the DEIR, and despite implementation of the prescribed mitigation measures, the Project would result in significant physical impacts on the environment. Therefore, significant impacts would occur due to inconsistencies with applicable land use plans and policies.

1. The DEIR Violates CEQA Because the Project is Inconsistent with the Orange County General Plan and the Yorba Linda General Plan and Would Result in Significant Physical Impacts on the Environment.

The DEIR explains that the Project would have a significant impact if it would conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project . . . adopted for the purpose of avoiding or mitigating an environmental effect.” DEIR at 4.9-7. As discussed above, the Project is inconsistent with applicable OCGP and YLGP goals, objectives, and policies regarding geologic hazards, public safety, fire hazards, and traffic and transportation. The impacts in these substantive categories remain significant despite the DEIR’s proposed mitigation measures.

The DEIR evaluates the Project’s consistency with the YLGP because the Project may be annexed by the City of Yorba Linda. DEIR at 4.9-16. The annexation process would require the City to make certain discretionary approvals, including changes to the City’s zoning designation for the Project area. The County’s EIR would serve as the foundation for the City’s required analysis of environmental project impacts resulting from such changes. *Id.* Even without the potential annexation, the Project is within the City’s Sphere of Influence. The YLGP is thus an applicable land use plan, and the EIR must evaluate the Project’s consistency with the plan.

The Project’s proposed density is greater than the maximum density allowed for the Project site under Policies 1.2 and 7.4 of the Yorba Linda General Plan Land Use Element. The YLGP Land Use Element designation for the project site is Low Density residential with a range of 0-1.0 dwelling unit per acre. DEIR at 4.9-4. Including both Planning Areas, the Project’s residential land uses would occur at a density of 1.3 dwelling units per acre. The gross density of the Project exceeds the City’s permissible density range.

Because the Project conflicts with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect, the Project’s

inconsistency with the General Plans is itself a significant and unavoidable impact. *See* Pub. Resources Code § 21100(b)(2)(A); CEQA Guidelines § 15126(b) (describing consequences of significant and unavoidable impacts). No amount of mitigation can change the fact that the Project is inconsistent with the Orange County and Yorba Linda General Plans. As discussed below, this inconsistency means that the Project also violates state planning and zoning law.

2. The Project Violates State Planning and Zoning Law Because it is Inconsistent with the Orange County General Plan.

The California Supreme Court has described the General Plan as “the constitution for all future developments within the city or county.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 570–71 (1990). To effectively guide development, state law requires that general plans must “comprise an integrated, internally consistent and compatible statement of policies” Gov. Code § 65300.5. It also mandates that all subordinate land use decisions, including specific plans, must be consistent with the general plan. This requirement is known as the “consistency doctrine.” *FUTURE v. El Dorado County*, 62 Cal. App. 4th 1332, 1336 (1998). It has been described as “the linchpin of California’s land use and development laws” and “the principle which infuses[s] the concept of planned growth with the force of law.” *Napa Citizens for Honest Government v. Napa County*, 91 Cal. App. 4th 342, 355 (2001); *Garat v. City of Riverside*, 2 Cal. App. 4th 259, 285 (1991) (disapproved on other grounds by *Morehart v. County of Santa Barbara*, 7 Cal. 4th 725, 743 fn. 11 (1994)) (general plan must be internally consistent).

A project cannot be found consistent with a general plan if it conflicts with a plan policy that is fundamental, mandatory, and clear, regardless of whether the project is consistent with other general plan policies. *FUTURE*, 62 Cal. App. 4th at 1341–42. Even in the absence of a direct conflict, a local agency may not approve a development project if it frustrates the general plan’s policies and objectives. *Napa Citizens*, 91 Cal. App. 4th at 378–79. Amendments to the General Plan must maintain its internal consistency. Gov’t. Code § 65300.5.

The Project violates these state law requirements because it conflicts with and frustrates clear policies within the Orange County General Plan regarding public safety, fire hazards, geologic hazards, and transportation.

The Project conflicts with clear, fundamental general plan directives regarding public safety. Section III.A. of this letter discuss these inconsistencies in detail. OCGP Public Safety Goal 1 is to “Provide for a safe living and working environment consistent with available resources.” OCGP Public Safety Objective 1.1 is “To identify natural

hazards and determine the relative threat to people and property in Orange County.” The Project is also inconsistent with OCGP Public Safety Goal 2, to “Minimize the effects of natural safety hazards through implementation of appropriate regulations and standards which maximize protection of life and property.” These core principles of the County’s General Plan articulate the County’s fundamental duty to promote the safety of its residents during the land use planning process.

The Project is also inconsistent with important OCGP goals and objectives regarding public safety and fire hazards. Section III.B. of this letter discuss these inconsistencies in detail. OCGP Public Services and Facilities Element - Orange County Fire Authority Goal 1 requires the County to ensure adequate fire protection facilities to prevent and minimize the loss of life and property from structural and wildland fire damages. OCGP Public Services and Facilities Element - Orange County Fire Authority Goal 2 and Objective 2.1 require the County to minimize natural safety hazards and mitigate the effects of those hazards. These are clear, basic directives to protect the public from natural hazards, including fires.

Finally, the Project is also inconsistent with OCGP objectives regarding transportation system management and demand management. Section III.D. of this letter discuss these inconsistencies in detail. OCGP Transportation Element Objective 6.7 requires the Project Applicant to analyze transportation system management and demand management for the Project. This requirement is unambiguous and clearly applicable to the Project. It also represents an essential component of land use planning in a County that suffers from some of the worst traffic congestion in the country. But the DEIR simply fails to provide this analysis.

IV. The DEIR’s Analysis of Project Alternatives is Inadequate.

The DEIR does not comply with the requirements of CEQA because it fails to undertake a legally sufficient study of alternatives to the Project. CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects.” Pub. Resources Code § 21002. As such, a major function of the EIR “is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” To fulfill this function, an EIR must consider a “reasonable range” of alternatives “that will foster informed decision making and public participation.” CEQA Guidelines § 15126.6(a). “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR . . .” *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 733 (1990).

As discussed above, the DEIR fails to adequately analyze the Project's environmental impacts. Had the County performed an adequate analysis, there is no doubt that the document would have determined that the Project would result in numerous significant environmental impacts, including impacts related to geologic hazards, public safety and fire hazards, traffic and transportation, and land use incompatibility. In light of the Project's extensive significant impacts, it is incumbent on the County to carefully consider a range of feasible alternatives to the Project. The DEIR fails to do so. In fact, it analyzes only two meaningful alternatives—a Planning Area 1 Only Alternative and a Large Lot/Reduced Grading Alternative—in addition to the No Project Alternative.

The Contested Easement Alternative is not a meaningful alternative because it is virtually identical to the proposed Project. The only differences between this Alternative and the Project would be the addition of a narrow access easement in Planning Area 1 and a slight change to the lot configurations in Planning Area 1. DEIR at 5-29. All other aspects of this Alternative would be the same as the Project. *Id.* The DEIR admits that all of the impacts of the Contested Easement Alternative would be the same as those of the Project, or closely similar. DEIR at 5-29 to -37. Therefore, it would not reduce or avoid any of the Project's significant impacts and is not an effective alternative. *See, e.g., Watsonville Pilots Ass'n v. City of Watsonville*, 183 Cal. App. 4th 1059, 1089–90 (2010) (EIR was deficient for failing to include alternative that would avoid or lessen the project's primary growth-related significant impacts); *see also Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 566 (1990) (“[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project . . . [that] offer substantial environmental advantages over the project proposal.”).

To ensure that the public and decisionmakers have adequate information to consider the effects of the proposed Project, the County must prepare and recirculate a revised EIR that considers additional meaningful alternatives to the Project.

1. The DEIR's Failure to Adequately Describe the Project and Analyze Project Impacts Results in an Inadequate Range of Alternatives.

As a preliminary matter, the DEIR's failure to disclose the severity of the Project's wide-ranging impacts or to accurately describe the Project necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. The County may have identified additional or different alternatives if the Project impacts had been fully disclosed and Project setting had been accurately described.

The DEIR fails to adequately evaluate the severity and extent of impacts related to geologic hazards, public safety, noise, fire hazards, traffic and transportation, and land use incompatibility at the Project site. The DEIR's conclusions that the Project's impacts on these resources would be less than significant are erroneous. Proper analysis would have revealed that far more impacts were significant and unavoidable. The DEIR also fails to describe three of the most critical components of the proposed Project, including the adjacent Esperanza Hills development. An accurate accounting of the Project's impacts could significantly alter the substance and conclusions of the DEIR's alternatives analysis.

For example, a more accurate representation of the Project's impacts could change the DEIR's conclusion that the Large Lot/Reduced Grading Alternative is the environmentally superior alternative. Further geotechnical analyses could determine that construction in Planning Area 2 will lead to significant and unavoidable geologic hazards. The EIR could then determine, in light of these impacts, that the a Planning Area 1 Only Alternative, rather than the Large Lot/Reduced Grading Alternative, is actually environmentally superior. This revision could be necessary if additional analysis shows that Planning Area 2 will suffer from greater impacts related to fire hazards or obstacles to emergency evacuation.

The DEIR's failure to adequately describe the Project and its impacts also necessitates consideration of additional alternatives. Accounting for the various aspects of the Project left out of the EIR's consideration, a reasonable range of alternatives plainly includes an alternative that does not allow new oil drilling or one that does not provide access to the Esperanza Hills site. The EIR must be revised to analyze such alternatives.

Moreover, without sufficient analysis of the underlying environmental impacts of the entire Project, the EIR's comparison of this Project to the identified alternatives is utterly meaningless and fails CEQA's requirements. If, for example, the DEIR concluded that the Project resulted in significant wildland fire hazards, as it should have, the DEIR would be required to evaluate additional alternatives that did not pose these risks. These additional alternatives would necessarily be off-site locations away from the urban-wildland interface.

2. The DEIR's Narrow Project Objectives Prevent Consideration of Reasonable Alternatives.

The first step in conducting an alternatives analysis under CEQA is to define the project's objectives. This step is crucial because project objectives "will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR." CEQA

Guidelines § 15124(b). Here, the County has identified eleven Project objectives. DEIR at 5-3.

The County may not define the Project's objectives so narrowly as to preclude a reasonable alternatives analysis. *Watsonville Pilots Ass'n*, 183 Cal. App. 4th at 1089. The "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts," rather than to identify alternatives that meet few of the project's objectives so that they can be "readily eliminated." *Id.*

The Project objectives listed in the DEIR violate this core CEQA principle. The DEIR states that one of the Project's objectives is to "[p]rovide a single family residential project with a sufficient number of units allowing for necessary infrastructure and open space in separate but related planning areas so that the property cannot be further subdivided." DEIR at 5-3. Another objective is to "[c]reate two planning areas that are responsive to the site's topography and that are consistent with adjacent single family neighborhoods." *Id.* Still another objective is to "[p]rovide for 36 acres of contiguous open space which can be offered for dedication to a public agency or to be maintained as private open space." *Id.* These objectives echo the design of the proposed Project so closely that the objectives of the Project are essentially *the Project itself*. CEQA forbids the use of this sort of circular logic to justify a project. *Watsonville Pilots Ass'n.*, 183 Cal. App. 4th at 1089.

Additionally, the Project objectives specify criteria that are essentially unique to the Project site. In this way, the DEIR ensures that only a limited range of alternatives could possibly satisfy all Project objectives. The DEIR's pursuit of these objectives is impermissible because it foreordains approval of the Project, or possibly the Planning Area 1 Only Alternative. This is because the Large Lot/Reduced Grading Alternative would fail to meet two of the Project's basic objectives and would only partially fulfill two others. DEIR at 5-28.

This one alternative alone does not constitute the "reasonable range" of alternatives that CEQA requires. By designing its objectives to make selection of the Project's site a foregone conclusion, the DEIR fails to proceed according to law.

3. The DEIR's Range of Alternatives is Not Reasonable Because None of the Alternatives Would Actually Reduce the Project's Impacts Overall.

The alternatives analyzed in the DEIR represent a false choice, because none reduces a majority of the Project's significant environmental impacts. In addition to the

No Project alternative, the DEIR offers only two meaningful alternatives: the Planning Area 1 Only Alternative and the Large Lot/Reduced Grading Alternative.

The DEIR itself concedes that both the Planning Area 1 Only Alternative and the Large Lot/Reduced Grading Alternative would have environmental impacts similar to, or even greater than, those of the Project. The Planning Area 1 Only Alternative would actually result in *greater* impacts than the Project in several areas, including air quality, geologic hazards, greenhouse gas emission, fire hazards, water quality, plan consistency, public services, traffic, and utilities. Many other environmental impacts would be the same under the Project and the Planning Area 1 Only Alternative.

The Large Lot/Reduced Grading Alternative might potentially reduce some impacts relative to the Project due to a decreased number of dwelling units. But the Large Lot/Reduced Grading Alternative would result in *greater* impacts than the Project in several areas, including aesthetics, biological resources, land use and planning, and wildland fire hazards. This Alternative would also result in less dedicated public open space on the Project site. In fact, paradoxically, the Large Lot/Reduced Grading Alternative would actually result in more extensive grading than the Project. DEIR at 5-23. The Large Lot/Reduced Grading Alternative would result in impacts that are similar to the Project's air quality, hazards and hazardous materials, hydrology, noise, and traffic impacts.

The DEIR thus requires County decisionmakers to choose between alternatives that, according to the DEIR, largely share the Project's environmental impacts. The County claims that the Large Lot/Reduced Grading Alternative is environmentally superior, but this option still yields similar or greater impacts in many impact issue areas. DEIR at 5-37 to -38. CEQA requires that "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" CEQA Guidelines § 15126.6(b). None of the DEIR's alternatives meet this requirement.

Given the truly extensive impacts that this Project would have on the environment, the DEIR must include a rigorous, honest assessment of additional, less impactful, alternatives. Without this opportunity, the DEIR asks the public to accept on "blind trust" that the proposed Project is the best alternative. This approach is unlawful "in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." *Laurel Heights*, 47 Cal. 3d at 494. Other feasible alternatives are discussed below.

4. Other Feasible Alternatives are Available and Must be Included in a Reasonable Range.

The DEIR's analysis of alternatives is inadequate, and necessitates development of additional alternatives for the Project. As discussed above, these alternatives must actually reduce or eliminate the bulk of the Project's significant environmental impacts. For instance, the DEIR should identify and evaluate an off-site alternative, as well as alternatives that reduce a majority of the Project's significant impacts.

The Notice of Preparation explicitly identified an "Alternative Location" as one of the alternatives to the Project, NOP at 13, but the DEIR does not include this alternative. The DEIR's reasons for determining that an alternative location is not a feasible alternative are unconvincing. The CEQA Guidelines advise that "only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." CEQA Guidelines §15126.6(f)(2)(A). The DEIR contends that:

"Selection of another parcel in the general vicinity of the project site would likely result in similar or greater impacts than the Project . . . [b]ecause it is likely that another site would not substantially reduce significant environmental effects, this alternative was rejected from further consideration."

The EIR, however, is perfectly willing to consider other alternatives that do not substantially reduce significant environmental effects—the Planning Area 1 Only Alternative and the Large Lot/Reduced Grading Alternative. The EIR's dismissal of the concept of an alternative site effectively dismisses these alternatives as well, reducing its range well beyond the point of reasonableness.

Furthermore, the DEIR's basis for its dismissal is based on a faulty premise: contrary to the DEIR's implication, it need not limit its consideration to alternative locations "in the general vicinity of the project site." In fact, the County should not restrict its identification and evaluation of alternative sites to Orange County itself; it must assess alternative locations across the state. The revised alternatives analysis must also evaluate various other options for meeting housing demands, looking beyond the large-lot subdivision model presented by the Project. Infill sites and other non-sprawling solutions must be considered as alternatives.

The DEIR also justifies its failure to consider alternative locations because "the Project proponent does not own any other properties in the nearby local vicinity." The CEQA Guidelines do not support this reasoning. CEQA Guidelines section 15126.6

(f)(1) lists many factors that may be considered when addressing the feasibility of alternatives, including “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” The DEIR does not discuss whether or not the Project Applicant can reasonably acquire an alternative site, leaving its dismissal without the support of substantial evidence. And importantly, “[n]o one of these factors establishes a fixed limit on the scope of reasonable alternatives.” *Id.* The Project Applicant’s property portfolio, alone, cannot justify the DEIR’s failure to consider alternative locations for the Project.

V. The DEIR Fails to Accurately Analyze the Project’s Growth-Inducing Impacts.

CEQA requires an EIR to include a “detailed statement” setting forth the growth-inducing impacts of a proposed project. Pub. Res. Code § 21100(b)(5); *City of Antioch v. City Council of Pittsburg*, 187 Cal. App. 3d 1325, 1337 (1986). The statement must “[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” CEQA Guidelines § 15126.2(d). It must also discuss how projects “may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” *Id.* The DEIR here does not meet these requirements in analyzing the impacts of the Project.

To the extent that the Bridal Hills and Yorba Linda Land parcels are not already planned for development and the County does not consider them part of the Project, the Project will induce growth on these parcels. Access to these parcels will be provided through Cielo Vista and Esperanza Hills. Development of these two parcels will undoubtedly utilize infrastructure improvements, such as water treatment and delivery facilities, that are planned to accommodate Cielo Vista and Esperanza Hills. The DEIR completely fails to analyze the extent or environmental impacts of such growth-inducing impacts.

At a minimum, the DEIR must analyze the additional population growth, new residential units, and other development that the Project would facilitate on the Bridal Hills and Yorba Linda Land parcels, as well as any other nearby development areas. The DEIR should identify the location and intensity of any such new development, and the environmental impacts resulting from that development.

VI. Conclusion.

The DEIR for the Project fails to satisfy CEQA’s requirements, and the Project violates state Planning and Zoning law. For these reasons, the County must not consider

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the Cielo Vista Project further. The County must substantially revise the DEIR and incorporate the Esperanza Hills development, along with the other omitted aspects of the Project, into the Project and its environmental analysis. The County must then recirculate the DEIR for public review.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Gabriel M.B. Ross

cc: Claire Schlotterbeck, Hills For Everyone
Todd Spitzer, Orange County Board of Supervisors
Steve Harris, Community Development Director, City of Yorba Linda

List of Exhibits:

Exhibit A: Esperanza Hills Draft Environmental Impact Report (December 2013)

Exhibit B: Yorba Linda Water District, Comments Regarding the Notice of Preparation (NOP) of EIR for Proposed Cielo Vista Project (Project No. PA100004), August 2, 2012

Exhibit C: Orange County LAFCO, Response to NOP for Cielo Vista Project, August 1, 2012

Exhibit D: Orange County Fire Authority, Freeway Complex Fire After Action Report (2009)

LETTER: HFE2

Hills For Everyone

Shute, Mihaly & Weinberger LLP Gabriel M.B. Ross

396 Hayes Street

San Francisco, CA 94102

(January 22, 2014)

RESPONSE HFE2-1

Comment HFE2-1 consists of introductory remarks and refers generally to the EIR's inadequacy. The comment is noted and will be provided to the County decisionmakers for their consideration. The specific concerns raised in Comment HFE2-1 are addressed throughout the followings responses to Letter HFE2.

RESPONSE HFE2-2

Comment HFE2-2 suggests that the Esperanza Hills development is a component of the Project. The commenter is referred to Topical Response 1, which addresses this concern in detail. This comment also refers to the Bridal Hills and Yorba Linda Land projects and new oil drilling operations, which are addressed in Responses HFE2-5 and HFE2-6.

RESPONSE HFE2-3

In Comment HFE2-3, the commenter alleges that the Esperanza Hills development is a component of the Project because both it and the Project would share certain infrastructure facilities and because it is (allegedly) a foreseeable consequence of the Project's development. The commenter is referred to Topical Response 1, which addresses this concern in detail.

RESPONSE HFE2-4

The commenter alleges that the "the County has concealed the magnitude and significance of the Project's environmental impacts" because Esperanza Hills was not included as part of the Project analyzed in the Draft EIR. Because the County rejects the assertion that Esperanza Hills' impacts should have been analyzed as part of the Project (see Topical Response 1), the County also rejects the premise of Comment HFE2-4. The commenter is referred to Topical Response 1, which explains why the Esperanza Hills development is not a component of the Project. The commenter is also referred to the cumulative impact discussions in Chapter 4, *Environmental Impact Analysis*, of the EIR, which account for the potential cumulative impact associated with 18 related development projects, including Esperanza Hills. Please refer to Response POHH-MacKinnon3-5 for a discussion of greenhouse gas cumulative impacts.

RESPONSE HFE2-5

Comment HFE2-5 alleges that the Bridal Hills and Yorba Linda Land projects are components of the Project because they are reasonably foreseeable consequences of the Project's development. The County disagrees for the reasons set forth in Response HFE1-2, above, which discusses a similar claim in the context of the two part *Laurel Heights* test. The commenter is also referred to Topical Response 1, which addresses the Project in context with nearby cumulative projects. The facts surrounding development at Bridal Hills and Yorba Linda Land are arguably even stronger than Esperanza Hills (discussed in Response HFE1-2) because while

Esperanza Hills was recently approved by the County Board of Supervisors on June 2, 2015, any development at Bridal Hills or Yorba Linda Land is speculative at this point as no applications are pending. Additionally, the commenter's analysis relies on the fact that both the Bridal Hills and Yorba Linda Land projects were discussed in the Esperanza Hills NOP and EIR. That fact does not make either project a reasonably foreseeable component of the Project.

RESPONSE HFE2-6

Comment HFE2-6 alleges that the zoning of a 1.8-acre parcel within the Project as R-1(O) means that new and continued oil operations are a reasonably foreseeable consequence of the Project. As explained in the EIR's project description, the Project does not propose new oil wells and would not drill new oil wells. Per PDF 7-1, the existing on-site oil wells and facilities would be abandoned or re-abandoned, as necessary, in accordance with applicable DOGGR standards. Mitigation Measure 4.7-4 also requires that after decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation to ensure the on-site oil wells and facilities have been properly abandoned to current regulatory standards. The drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations with permitting and site planning to be pursued by those oil operators at that time. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. As a result, and contrary to the commenter's suggestion, future oil operations on the Project site are not a reasonably foreseeable consequence of the Cielo Vista Project. Approval of Cielo Vista does not commit the County or any other body to the approval of such oil operations. (*Lake County Energy Council v. County of Lake*, (1977) 70 Cal.App.3d 851, 856.) Any future oil operations at Cielo Vista are thus speculative, like the project in *Lake County Energy Council* discussed in Response HFE1-2. The commenter is also referred to Topical Response 1, which addresses the Project in context with nearby cumulative projects.

RESPONSE HFE2-7

Comment HFE2-7 raises questions regarding potential ground shaking (earthquake), fault rupture, liquefaction, landslides, slope stability, soil expansion, ground surface rupture, and seismic settlement hazards. The commenter is referred to Topical Response 4, which comprehensively addresses these issues.

RESPONSE HFE2-8

Comment HFE2-8 asserts that Mitigation Measure 4.5-1, which requires the applicant to prepare an additional geotechnical report and receive further County approval prior to the issuance of grading permits, constitutes impermissible deferral of mitigation. As a result, the commenter concludes that the Draft EIR has not provided substantial evidence to support its determination that risks related to fault rupture, seismic ground shaking, ground failure, and landslides are less than significant. The commenter is referred to Topical Response 4, which comprehensively addresses these issues, and includes a revision of Mitigation Measure 4.5-1.

RESPONSE HFE2-9

Comment HFE2-9 alleges that shortcomings in the Draft EIR's geology/soils analysis create inconsistencies between the Project and goals/objectives/policies in the City and County's General Plans regarding geologic hazards and public safety. The additional geotechnical analysis and revision to Mitigation Measure 4.5-1

shown in Topical Response 4 ensure that all geology/soils impacts can be mitigated to less than significant levels, therefore the alleged shortcomings and inconsistencies cited in Comment HFE2-9 do not exist. The commenter is referred to Topical Response 4 which provides the revised Mitigation Measure 4.5-1.

RESPONSE HFE2-10

Comment HFE2-10 alleges that the Draft EIR fails to adequately analyze the Project's significant wildland fire Hazards and that the Project would expose current and future residents and structures in the area to a significant risk of loss, injury or death involving wildland fires. This comment consists of mere argument and unsubstantiated opinion, and does not provide any specific evidence or a factual foundation. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures (refer to Mitigation Measures 4.7-7 to 4.7-11), in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The Commenter is also referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE HFE2-11

The Commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. The commenter is also referred to Response HFE2-6, which discusses why future oil operations on the project site are not a reasonably foreseeable consequence of the Cielo Vista Project. Thus, as the Project does not include new or continued oil operations, there would be no increased fire hazards associated with new or continued oil-related operations.

RESPONSE HFE2-12

Comment HFE2-12 alleges that shortcomings in the Draft EIR's hazards analysis creates inconsistencies between the Project and goals/objectives/policies in the City and County's General Plans regarding fire hazards and public safety. This allegation is premised upon the inadequacy of the Project's fire evacuation plan and the significance of its wildland fire impacts. As discussed in Topical Response 3 and Response HFE2-10, no such impacts exist, therefore the Project will not be inconsistent with the Orange County General Plan or Yorba Linda General Plan goals/objectives/policies cited in Comment HFE2-12.

RESPONSE HFE2-13

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure.

RESPONSE HFE2-14

The commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure.

RESPONSE HFE2-15

Comment HFE2-15 alleges that the Draft EIR prevents implementation of the Bikeways Strategic Plan. However, as the Commenter correctly notes, the obligations of the Bikeways Strategic Plan reside with OCTA, not private developers or the County. The Bikeways Strategic Plan's "Action Plan" mentioned by the Commenter is very clear on this point, and reads as follows: "The following Action Plan identifies the tasks OCTA will undertake to ensure the implementation of the [Commuter Bikeways Strategic Plan], as well as OCTA's support for bicycle commuting." (OCTA Commuter Bikeways Strategic Plan, p. 15.) Neither the Applicant nor the County has an obligation under the Strategic Plan to facilitate or implement these tasks, as the Commenter claims. In addition, the Project ensures compliance with OCTA's transit goals and policies, per Transportation Element Policy 2.4, as discussed in Draft EIR Table 4.14-20.

RESPONSE HFE2-16

Comment HFE2-16 alleges that the Draft EIR fails to provide the required analysis of transportation system management and demand management for the Project. Transportation Element Objective 6.7, which the Commenter cites, states in relevant part as follows:

Require developers of more than 100 dwelling units, or 25,000 square feet of non-residential uses to:

- a) demonstrate consistency between the local transportation facilities, services, and programs, and the regional transportation plan; and b) submit, as part of their development proposal (***nonresidential***), a Transportation System Management/Transportation Demand Management (TSM/TDM) plan.

(Emphasis added.) The Transportation System Management/ Transportation Demand Management requirement therefore only applies to ***nonresidential*** projects, and is inapplicable to Cielo Vista. Nonetheless, it is acknowledged that the Project would result in less than significant traffic impacts after implementation of the prescribed mitigation measures, based on the County and City of Yorba Linda traffic impact thresholds, as discussed in Section 4.14, *Traffic/Transportation*, of the Draft EIR. Further, as discussed therein, the Project would not conflict with any applicable adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities as discussed under Impact Statement 4.14-5 beginning on page 4.14-73 of the Draft EIR.

RESPONSE HFE2-17

Comment HFE2-17 alleges that the Draft EIR's threshold of significance for noise impacts is improper. According to the Draft EIR, the Project would result in a significant noise impact only if the noise level exceeds the 65 dBA CNEL limit in the Orange County Noise Ordinance and the Project generates a noise level increase of greater than 3.0 dBA. The Commenter objects to the combined nature of this threshold, and points out that the Esperanza Hills EIR found significant impacts if that project either exceeded 65 dBA CNEL or generated a noise level increase of greater than 3.0 dBA.

First, contrary to the Commenter's claims, the EIRs for both Esperanza Hills and Cielo Vista used the same "two parameter" noise threshold, finding a significant impact only if a project would cause a noise level increase of greater than 3.0 dBA *and* result in 65 dBA CNEL or greater.

Cielo Vista (Two Parameter): "In order for a transportation related noise impact to be considered a significant impact, the Project traffic must create a noise level increase of 3.0 dBA or greater ***and***

exceed the County of Orange 65 dBA CNEL exterior noise level standard.” (Cielo Vista Draft EIR, p. 4.10-13, emphasis added.)

Esperanza (Two Parameter) – “As analyzed in the Giroux Noise Analysis, a +3 dB increase was considered a significant increase ***if it causes the most stringent residential noise/land use guidelines of 65 dBA CNEL to be exceeded on a temporary or permanent basis.*** The following noise impacts due to project-related traffic would be considered significant ... If project traffic noise were to cause an increase by a perceptible amount (+3 dB CNEL) ***and expose receiver to levels exceeding the Orange County compatibility noise standards [i.e., 65 dBA CNEL exterior noise level.]***” (Esperanza Hills Draft EIR, p. 5-470, emphasis added.)

Second, contrary to the Commenter’s suggestion, the “two parameter” noise threshold used in both the Cielo Vista and Esperanza Hills EIRs does not represent a departure from past County practice. One need look only as far back as the June 2012 St. Michaels Abbey Project Draft EIR (SCH 2012031013), which found that both of the following criteria must be met for a significant impact to be identified: Project traffic must cause a substantial noise level increase of 3 dBA or more on a roadway segment adjacent to a noise-sensitive land use and the “With-Project” noise level must exceed the criteria level established by the Noise Element for noise-sensitive land uses (i.e., 65 CNEL exterior noise levels). (St. Michaels Abbey Project Draft EIR p. 4.12-12.)

Third and finally, the use of a “two parameter” noise threshold is supported by case law. In *Mount Shasta Bioregional Ecology Center v. County of Siskiyou*, petitioners challenged the EIR’s reliance on a noise threshold that identified an impact where project-related noise was in excess of 3.0 dBA and where existing noise at those locations exceeded the City of Weed and Siskiyou County General Plan Noise Element standards. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184.) In its decision, the Court wrote that “Plaintiffs assert the applicable noise threshold under the EIR does not require both an increase of at least 3.0 dB and an existing noise level that exceeds the applicable standard. They assert instead that either one or the other will suffice. However, plaintiffs rely for this argument on a reference to general State CEQA Guidelines, not the threshold established for this Project. *Plaintiffs conveniently ignore the threshold language quoted in the preceding paragraph, which immediately follows the discussion of the general CEQA Guidelines.*” (*Mount Shasta Bioregional Ecology Center* 210 Cal.App.4th at 205; emphasis added.) The Court therefore rejected plaintiff’s argument that a one-parameter test was appropriate, and validated the use of a two-parameter threshold.

RESPONSE HFE2-18

Comment HFE2-18 alleges that the Project’s proposed density is greater than the maximum density allowed for the Project site under Policies 1.2 and 7.4 of the Yorba Linda General Plan Land Use Element (i.e., 0-1.0 dwelling unit per acre). Since the Project site is within the County’s jurisdiction, it is governed by the County’s General Plan. That fact that the Yorba Linda General Plan includes the Project site (which is within its sphere of influence) does not mean that the Project must be consistent with all the policies associated with that General Plan. A project is consistent with the general plan “if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) “A given project need not be in perfect conformity with each and every general plan policy.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.) As evidenced by Table 4.9-2 of the Draft EIR and the preceding discussion regarding

the Yorba Linda General Plan, the Draft EIR appropriately analyzed consistency with the Yorba Linda General Plan, looking at both specific policies and general consistency. As noted therein, the Project would be potentially consistent with the Yorba Linda General Plan. A lead agency's determination that a project is consistent with a general plan carries a strong presumption of regularity. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.)

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which proposes 83 residential units, consistent with the Yorba Linda General Plan. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

It should also be noted that the Project's 1.3 units per acre density—while greater than the density that would be allowed if the Project were governed by the Yorba Linda General Plan—nevertheless represents a clustered land plan that is intended to respond to topographic constraints, as allowed for the by Yorba Linda General Plan. (Yorba Linda General Plan, p. LU-45, see also Appendix One: "Residential uses will be clustered for provision of open space and recreation/golf course facilities, and in response to the topography of the property.") Additionally, 36.3 of the Project site's 84.0 acres will be set aside as open space.

RESPONSE HFE2-19

Comment HFE2-19 reiterates and summarizes the commenter's prior General Plan consistency arguments, all of which are addressed above. The Commenter is referred to the County's prior responses to HFE2, and specifically HFE2-16 and HFE2-12.

RESPONSE HFE2-20

Comment HFE2-20 alleges that the Draft EIR does not include a range of reasonable alternatives to the Project, but stops short of actually suggesting any new alternatives. CEQA requires that EIRs describe a range of reasonable alternatives to a project, or to the location of a project, which would feasibly attain most of the project's basic objectives but would avoid or substantially lessen any of its significant effects. (CEQA Guidelines § 15126.6(a).) Other than the mandatory "No Project" alternative, there "is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." (CEQA Guidelines § 15126.6.) An agency must select a reasonable range of alternatives for consideration, and that range must include information "sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029 [EIR need not analyze alternatives that do not constitute a different version of an alternative already presented in the EIR].) An "array of alternatives" is sufficient if it "represent[s] enough of a variation to allow informed decision making." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 419.)

The Draft EIR concludes that, following incorporation of mitigation measures and project design features, the Project would not result in any significant environment impacts. Nevertheless, consistent with CEQA, the Draft EIR identified four alternatives to the Project, including the required No Project Alternative, and rejected two additional alternatives. Therefore, a total of six alternatives were considered in the Draft EIR. This is undoubtedly a "reasonable range." Each of the alternatives analyzed in the Draft EIR was identified because of its potential to feasibly attain most of the basic objectives and avoid or substantially lessen one or

more of the Project's environmental impacts, even though all such impacts were found to be less than significant in the Draft EIR.

In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

Finally, with respect to Alternative 4, the Contested Easement Alternative, the Commenter is referred to Response POHH-JOHNSON2-5.

RESPONSE HFE2-21

Comment HFE2-20 states that the Alternatives analysis would be altered if the Project would result in new or more severe impacts than those analyzed in the Draft EIR. Given that this Final EIR does not identify any new or more severe impacts than those analyzed in the Draft EIR, this comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE HFE2-22

Comment HFE2-22 alleges that the Project objectives are so narrow that they effectively describe the Project, thereby limiting the range of alternatives that would meet CEQA's requirement to feasibly attain most of the Project's basic objectives. It cites *Watsonville Pilots Assn. v. City of Watsonville* ((2010) 183 Cal.App.4th 1059)—and no other statutory or common law authority—for this position. *Watsonville Pilots Assn.* does not forbid a narrowly constructed set of project objectives, as Comment HFE2-22 asserts. The decision does not even touch upon the substance of the objectives, instead emphasizing CEQA's requirement that an EIR is to consider alternatives that obtain most of the project objectives. Additionally, the Project objectives set forth in the Draft EIR are consistent with CEQA Guidelines Section 15124 in that they set forth the underlying purpose of the Project.

RESPONSE HFE2-23

Comment HFE2-22 effectively restates the assertion in Comment HFE2-20 that the Draft EIR does not include a range of reasonable alternatives to the Project. The Commenter is referred to Response HFE2-20.

RESPONSE HFE2-24

Comment HFE2-24 effectively restates the assertion in Comment HFE2-20 that the Draft EIR does not include a range of reasonable alternatives to the Project. The Commenter is referred to Response HFE2-20. The Commenter is also referred to Response POHH-Johnson2-7 for a discussion of off-site alternatives.

RESPONSE HFE2-25

Comment HFE2-25 alleges that the Draft EIR fails to discuss the Project's growth-inducing impacts, as required by Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(d). Contrary to Comment HFE2-25, access to the Bridal Hills and Yorba Linda Land parcels would not be provided as a result of the Cielo Vista Project. The Commenter is referred to Topical Response 2 for a detailed discussion of the Project's proposed water supply infrastructure and its potential growth inducing impacts.

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From: D2bRiDn@aol.com [<mailto:D2bRiDn@aol.com>]

Sent: Thursday, January 16, 2014 1:30 PM

To: Spitzer, Todd [HOA]; Tippetts, Ron

Cc: D2BRIDN@aol.com

Subject: Yorba Linda Star Letter to the Editor

Dear Mr. Spitzer & Mr Tippetts,

Thank you for the opportunity to discuss the Cielo Vista Development as I have some major concerns regarding this project. I was very involved in the 2008 fires as my husband and I evacuated horses until the flames were at our trucks doors. I am the President of the Yorba Linda Country Riders and therefore I was contacted by several members that needed help getting their horses and other barn animals to safety. I was there to see the danger and the chaos of the current residents trying to flee the area. It was a very scary situation and my husband and I, in 2 different trucks, almost stayed too long and were then met by YL Blvd gridlock. One of my members on Willow Tree Lane lost her beautiful home and left with the clothes on her back, ALL of her animals and a handful of personal items. I would hate to see this repeated and exaggerated with the addition of these new homes.

I know there are water issues, ingress and egress issues and without those issues along with the fire danger mitigated I would like to see this project turned down.

Thank you for your time,

Dee Dee Friedrich
President/Yorba Linda Country Riders
Serving Yorba Linda for 44 Years
714-401-4215 714-996-6321

<____ ~~
(())

LETTER: YLCR

Yorba Linda Country Riders
Dee Dee Friedrich, President
(January 16, 2014)

RESPONSE YLCR-1

As set forth on page 4.7-34, in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, “With implementation of the prescribed mitigation measures and the PDFs described above, which are consistent with the applicable regulatory requirements, the Project would minimize to the maximum extent practical the potential for wildland fires. In addition, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project’s fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be substantially reduced when compared to existing conditions.”

RESPONSE YLCR-2

Please refer to Topical Response 2 regarding water infrastructure, Topical Response 3 regarding fire evacuation, and response YLCR-1 regarding fire hazards generally.

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From: Jeff Shepard [<mailto:JShepard@cresa.com>]
Sent: Wednesday, January 22, 2014 4:19 PM
To: Tippetts, Ron; Canning, Kevin
Cc: Wayne Lamb
Subject: Cielo Vista - Esperanza Hills Comment letter

Kevin Canning

Ron Tibbets

Contract Planners

County of Orange

300 N. Flower

Santa Ana, CA

Re: Cielo Vista and Esperanza Hills Proposed Developments

Dear Sirs:

I am a member of Yorba Linda Land, LLC, which owns approximately 40 acres located directly north of the 44 acres owned by Bridal Hills, LLC property and east of the proposed Esperanza Hills property. Chino Hills State Park borders our property to the north.

Historical access to our site has come from both the Cielo Vista and the Esperanza Hills sites, over roads that still exist today, as well as roads coming through Chino Hills State Park. We believe that the County should ensure that our site will have continued access over these roads, or roads to be constructed in the future as set forth in the various options to the Esperanza Hills proposed project. According to the City of Yorba Linda general plan, proper planning principles and the overall welfare of the neighborhood, access and utilities to our site should be mandated in the designs of both projects.

We have worked with the Esperanza Hills developers on their project design, and they have accommodated our request for access and utilities to be run to eastern boundaries of our site. We have approved their current design, but want to ensure that if there are any design changes it does not adversely affect access or utility service to our land. We do not have any agreements in place with them at the present time for fuel modification, and are in the midst of litigating a partnership dispute that needs to be resolved prior to our entity entering into any agreements with any third parties. However, their present design does not require any fuel modification or other easement access to our site.

It is our understanding that the Cielo Vista project has included a potential access corridor in their Area Plan, on page 33, and that the Esperanza Hills project has designed two access options, 2A and 2B over this area, and that Esperanza Hills has also identified two other access options, Options 1 and 2, which provide for primary access from Stonehaven and Aspen Way, respectively.

It is our belief that all of these options are consistent with the City of Yorba Linda General Plan, which was adopted in 1993. It provides that access to our property and the properties owned by the Nicholas Long family, which is currently part of the proposed Esperanza Hills project and the Yorba Linda Land, LLC property, which lies to the north of our land, are to be served by access from the south and west, via easements to be given by the property owners to the south and west of us, which would include land included in the Cielo Vista and Esperanza Hills projects.

We also agree with the August 2, 2012 NOP comment letter issued by the Yorba Linda Water District on the Cielo Vista project, which is the sewer and water utility provider for this area, that the Cielo Vista project should provide an easement for gravity flow sewer through the Cielo Vista project for both the Cielo Vista and Esperanza Hills project, and we further request that accommodation be made for extension of this sewer service to our property, as is currently provided for in the Esperanza Hills project.

We further understand that the Yorba Linda Water District has completed its Northeast Area Planning Study, which provides for the installation of underground water reservoirs on sites located on the Esperanza Hills project site, at the 1200' and 1390' elevations, which will eventually provide water gravity fed water storage for our property, and we will, at some point, enter into an agreement with the Yorba Linda Water District and/or the Esperanza Hills developers for the water storage necessary to serve our property should we decide to develop it in the future.

We oppose any effort by the Cielo Vista developers or property owners to entitle their land without providing access to our property through the Esperanza Hills property, as they have stated they would do in their NOP public meeting, and request that the County require that they provide access as part of the approval for their Area Plan. If Cielo Vista is denied approval of their entitlement request, we request that the County use its eminent domain powers to obtain a right of way easement over the Cielo Vista project for use by our property and the Esperanza Hills development as currently designed, which provides access to both our property and the Bridal Hills property.

We believe that the County has a responsibility under the Subdivision Map Act to ensure that Cielo Vista and Esperanza Hills provide access and utility access through their properties to all of the unincorporated areas east of the City of Yorba Linda and west of Chino Hills State Park, so that future development of our property and any other properties are properly planned, taking into account future development. The Esperanza Hills developers have agreed to make this access part of their existing design and the Cielo Vista owners and developers should be required to as well.

Finally, we support the fire staging areas, emergency ingress and egress plan, fuel modification and trail system designs for the Esperanza Hills project, which we believe benefit our property and the surrounding existing neighborhood, particularly from a fire safety standpoint.

Should you have any questions, please contact me directly.

Respectfully Submitted,

Jeffrey G. Shepard

Member

Yorba Linda Land, LLC

LETTER: YLL

Yorba Linda Land, LLC
Jeffrey G. Shepard, Member
(January 22, 2014)

RESPONSE YLL-1

The comment raises an issue of continued access to specific property owned by the commenter, Yorba Linda Land, LLC, but does not raise any significant environmental issue related to the analysis or the conclusions contained in the Draft EIR. A lead agency has an independent duty to evaluate and adequately respond to comments that raise significant environmental issues. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 391.) There is no affirmative duty to respond to comments that do not raise significant environmental issues such as YLL-1. (CEQA Guidelines § 15204.) Nevertheless, the County does note that, according to the certified Esperanza Hills FEIR, the Bridal Hills property will gain access through the Esperanza Hills Project site from the proposed collector roadway.

RESPONSE YLL-2

The comment refers to negotiations with the developers of the Esperanza Hills Project, which is separate and distinct from the Project. The commenter does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR.

RESPONSE YLL-3

The comment specifically discusses future access to a specific property, but does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR. To the extent the comment addresses aspects of the Esperanza Hills Project, those comments do not relate to the Project or this Draft EIR.

Exhibit 4-1, *Master Circulation Plan*, of the Cielo Vista Area Plan did, in fact, include a potential access corridor. However, the Cielo Vista Area Plan is a conceptual document that has subsequently been refined during the environmental review process.

The Orange County Board of Directors approved the Esperanza Hills Project on June 2, 2015. With that approval, the Board of Supervisors approved two access options – Option 2B and Modified Option 2. The Esperanza Hills Project is separate and distinct from the Project.

For a discussion of future access to the commenter's property, please see Response YLL-1. As noted in Response YLL-1, the General Plan policies referenced by the commenter are from the City of Yorba Linda's General Plan. The Cielo Vista Project is located in unincorporated Orange County and the applicable General Plan is the County's General Plan. Nevertheless, the Draft EIR analyzed general consistency with the Yorba Linda General Plan, as is required by CEQA. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) Moreover, the commenter does not specifically reference the City of Yorba Linda General Plan policies regarding these access provisions for which a response can be provided.

RESPONSE YLL-4

The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, but rather requests that the Project provide an easement for sewer service to the Esperanza Hills Project and the commenter's property. Please see Topical Response 1, which discusses how the Esperanza Hills Project is not part of the Project. The Draft EIR fully and appropriately evaluated the potential environmental impacts on utilities and services systems associated with development and operation of the Project. Moreover, as required by Mitigation Measure 4.15-1 and discussed in Topical Response 2, the Project Applicant would work with the Yorba Linda Water District to ensure that required storage water facilities, supporting infrastructure, and other related improvements would adequately deliver water and the necessary fire flow to the Project site. To the extent the comment requests the extension of sewer services to the commenter's property, the comment is outside the scope of the Draft EIR.

RESPONSE YLL-5

The comment raises issues outside the scope of the Draft EIR, specifically future agreements between the commenter and the Yorba Linda Water District and/or the Esperanza Hills Project developers. The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required.

RESPONSE YLL-6

The commenter raises issues regarding future access to its property, which are noted, but which fall outside the scope of the issues discussed in the Draft EIR. The Draft EIR was prepared in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines to analyze the potential environmental impacts of the Project. The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required. See Responses YLL-1 and YLL-3 regarding the provision of access.

RESPONSE YLL-7

The commenter expresses support for certain aspects of the Esperanza Hills Project. The Esperanza Hills Project is a separate project which has been analyzed in a separate EIR. See Topical Response 1. The commenter does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required.

January 22, 2014

Ron Tippetts
Contract Planner
County of Orange
300 N. Flower
Santa Ana, CA

Re: Comment on Cielo Vista DEIR

Dear Mr. Tippetts:

We are the developers of the Esperanza Hills project that is located to the east and north of the Cielo Vista project, and own the 277 acres to the east of the Cielo Vista project and have the following comments on the Cielo Vista Draft EIR.

I. Geology

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code 2623(a) states: "Cities and counties shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture." A project is defined in Public Resources Code 2621.6 as any subdivision of land subject to the Subdivision Map Act. No fault study has been completed or approved, although fault trenching was performed on the site, and it revealed the existence of a fault on site south of the Whittier Fault, which requires additional study to determine whether or not it is an active fault. The location of this fault was put onto a sketch and sent to County Geologist Nick Bebek by the geological firm conducting the study. The email is attached to this letter. Figure 4.5-1 of the EIR shows that the Cielo Vista project has lots designed in the AP Zone, and the sketch for the additional fault which its geologist consider older lies south of the Whittier Fault. Until the fault study is properly completed and approved, even an illustrative lot design cannot be properly analyzed, and the effects of this project on the environment cannot be established. The fault study needs to be completed and approved, and then those findings should be incorporated into a new EIR, which should then be recirculated.

The location of the Whittier Fault as discussed in the report, dated June 3, 2006 completed by Pacific Soils Engineering, is based only on cited references and "PSE's experience with the project vicinity." (Appendix E) The Pacific Soils report shows the approximate location of the Whittier Fault not only the Cielo Vista property but a portion of the Esperanza Hills project owned by Yorba Trail, LLC. This report is inaccurate and conflicts with the Fault Study report completed by American Geotechnical for the Esperanza Hills project, which was completed after extensive study, nearly one half mile of trenching on the Esperanza Hills project, and subsequent logging and photography of all trenching. The Esperanza Hills trenches were also reviewed by the State Geologist's office, as was the report, and the fault report was approved by the County on March 31, 2013. The location of the Whittier Fault as reflected in the Esperanza Hills Fault Study establishes the location of the fault, and this location should be substituted

for the estimate contained in the Pacific Soils Engineering Report insofar as it relates to the Yorba Trail LLC parcel.

In addition, the report dated March 1, 2013 by LGC Geotechnical, also in Appendix E, fails to take into account or otherwise reference the approved Esperanza Hills Fault Study report dated March 31, 2013. It also fails to disclose the work that was completed for purposes of the fault study, and fails to include any reference to the potential fault south of the Whittier Fault contained in the sketch completed by LGC and sent to Nick Bebek in the email attached to this email. The AP Act requires study, analysis, disclosure and approval of any fault or AP Zone that occurs on site where residential construction might occur, and until this fault study is completed and approved, the project cannot be approved. The fault trace for the Whittier Fault shown on Figure 4.5-1 of the EIR located on the Esperanza Hills project is inaccurate and should be revised to be consistent with the approved Esperanza Hills Fault Study.

II. Water

The analysis for the water storage facilities is inconsistent and erroneous. There is insufficient elevation to locate gravity flow water storage facilities on the Cielo Vista site which will be required by Orange County Fire Authority (OCFA) and YLWD. Therefore the water storage facilities will have to occur offsite, and according to the Northeast Area Planning Study (NEAPS) adopted by YLWD in March, 2013, there is insufficient existing capacity offsite so new storage facilities must be constructed for both the Esperanza Hills and Cielo Vista projects, as well as any other projects in this area. Figure 3.4.1 of the NEAPS shows that these water storage facilities must be constructed on the Esperanza Hills project site. At the present time, there is no agreement between the Cielo Vista project owners and developers to upsize the water storage facilities for the Cielo Vista project. As evidenced by the EIR comment letter from YLWD on the Cielo Vista EIR dated January 13, 2014, which is incorporated herein, the discussion regarding an alternate water storage method should be removed from the EIR and a new analysis showing the location and potential environmental effect of these water storage facilities should be included in the EIR. It should also be noted that the Cielo Vista project has no independent right to grade on or construct water storage facilities on the Esperanza Hills project site. It should also be noted that without gravity fed water storage the Cielo Vista project cannot comply with the requirements for fire flow as required by OCFA, unless and until the water storage facility to be located at the 1200 foot elevation is constructed on the Esperanza Hills project.

It should also be noted that the Cielo Vista project is not currently annexed into the YLWD, and that it must pay fees and comply with other requirements to be annexed.

III. Oil Well Relocation Conditions and Pad Construction

There is no disclosure in the EIR that a settlement agreement exists between the developers and property owners for the land involved in the Cielo Vista project and Santa Ana Canyon Development which provides for the relocation of wells, costs of abandonment of wells both onsite and offsite from the Yorba Trail LLC property, upon the occurrence of certain events by certain dates, and that if the contingencies do not occur the oil wells will not be required to be removed. There is only a cursory discussion of the applicable regulations regarding the location of the wells, the potential effects on the

environment for new drilling of wells, and the permits and other studies that will be necessary to enact the provisions of the settlement agreement. There is no discussion of the potential environmental effect of the potential relocation of wells from the Yorba Trail LLC property to the Cielo Vista property, or whether this relocation will be permitted under existing regulation.

To construct the oil well drilling pad, Exhibit 5 – 1 of the Cielo Vista Area Plan calls for manufactured slopes on the property owned by Yorba Trail, LLC, which lies directly north of the land owned by the Virginia Richards Intervivos Trust. This land is part of the proposed Esperanza Hills project and is under option to Yorba Linda Estates, LLC. The present owner has refused to give permission for this grading at the present time. An alternative design needs to be examined that does not include grading off site, as this design will affect the lot layout, density for the project, size of lots, and the overall configuration of the land available for use as an oil drilling pad.

The discussion of the relocation of the oil wells to the pad is contained on page 4.9-17 of the EIR.

IV. WQMP Designs

The BMP Exhibit following page 30 of the WQMP plan shows that, in addition to the offsite grading, debris basin/storm drain inlets are located offsite to the north of the property owned by Cielo Vista and to the east of the property owned by Cielo Vista, in Blue Mud Canyon. There is no permission given by either of the property owners for location of debris basins offsite, and particularly not in Blue Mud Canyon, which is an environmentally sensitive drainage area. Neither of these offsite facilities have been analyzed for any potential environmental effects, including any potential effect on the waters of the United States, biological impacts, or necessary mitigation.

The limits of grading as shown on the BMP Exhibit stretch north several hundred feet into the Yorba Trail property, west to property owned by individual lot owners in the City of Yorba Linda, southwest onto land owned by individual lot owners in the City of Yorba Linda, and west onto property owned by Yorba Linda Estates, LLC. No permission has been sought or given for the encroachment on the Yorba Linda Estates, LLC property or the Yorba Trail, LLC property, and there is no discussion in the EIR as to the requirement for permission for offsite grading from the other individual lot owners in the City of Yorba Linda. Further, none of the biology studies assess any impacts to the environment for this off site grading or construction of offsite debris basins or storm drain inlets. Further, there is no discussion or study of the jurisdictional features associated with offsite construction and impact on Blue Mud Canyon in Figure 4.3-4 of the EIR section on jurisdictional features. These studies must be completed in order for the potential environmental effects to be analyzed for the project to be approved with the condition that this permissions be granted. If the project is not approved subject to these off site permissions then new designs must be analyzed, as well as their effects on the lot design. The additional studies necessary for the offsite facilities would need to be incorporated into the environmental effects on natural communities, sensitive wildlife species, plant communities, and would also have to account for the mitigation designs of the proposed Esperanza Hills project. In addition to USACE jurisdiction, effects on CDFW jurisdiction would also have to be analyzed, as would compliance with regulations and

requirements for the Santa Ana Waterboard, particularly for the debris basins to be located in Blue Mud Canyon.

V. Sewer Study

The study on the sewer is incorrect. First, Figure 1 of the study conducted by Hunsaker & Associates in June, 2006 (Appendix K) identifies not only the Cielo Vista project, but the Yorba Trail LLC property as well, and identifies the sewer system as being owned and operated by the City of Yorba Linda, although it is now owned and operated by the Yorba Linda Water District ("YLWD"). It does not include any provision for upsizing the sewer lines for the Esperanza Hills project, as required by the YLWD in its NOP Comment letter dated August 2, 2012, which required that "the District will require gravity-sewer service from all areas of the Yorba Linda Estates Project, with such service extending southerly and westerly downward to and through the Cielo Vista project to connect to existing District sewers." The EIR does not include any analysis of the size or effect of this requirement.

VI. Easement On Virginia Richards Trust Property

The Yorba Trail LLC property has an easement as the result of a partition judgment entered by the Orange County Superior Court dated May 26, 1958, a certified copy of which was recorded in the Official Records of Orange County Recorder, California at Book 4297, Pages 93-116 on May 26, 1958 (hereinafter the "Partition Judgment"). The partition judgment granted to the Yorba Trail LLC property a 50 foot easement running from the northern border to the southern border of the Richards Trust property. It is anticipated that the sewer service and water connections to and from both the Esperanza Hills and Cielo Vista projects to the YLWD facilities will run across this easement. The EIR needs to identify this easement and amend its conceptual lot design around this easement.

The EIR also needs to identify the fact that the Esperanza Hills project has the right to utilize the easement for emergency road ingress and egress for its Option 1.

VII. Easements for Access

The Cielo Vista Area Plan has included a potential access corridor on page 33, and the Esperanza Hills project has designed two access options, 2A and 2B over this potential access corridor, and that Esperanza Hills has also identified two other access options, Options 1 and 2, which provide for primary access from Stonehaven and Aspen Way, respectively. No provision is made for access in the Cielo Vista plan for Esperanza Hills Option 2, or in the event that option 2 is not approved, for a potential fire evacuation route that connects into Aspen Drive.

These access option are consistent with good planning principles and the General Plan for the City of Yorba Linda, which provides for these access easements in the Murdock Appendix to the General Plan, stating: "Future access will be provided by San Antonio Road, located approximately ½ mile to the west, and Via De La Agua, located 700 feet to the west. Access easements or development in conjunction with adjacent properties (labeled 21, 20, and 19 on the attached exhibit) will be required."

These access options need to be analyzed in the EIR. Currently, there is no analysis relating to the Potential Access Corridor, even though it is identified and discussed in the Area Plan.

VIII. Failure to Identify Significant Impacts

The Esperanza Hills DEIR identifies potential significant and unavoidable impacts in the areas of Greenhouse Gas Emissions, and details the reasons therefore. The Cielo Vista EIR incorrectly states that there are no significant and unavoidable impacts.

The Esperanza Hills DEIR identifies the fact that the South Coast Air Basin has been classified as a non-attainment air basin, so any project will have a cumulatively considerable incremental increase in air emissions. The Cielo Vista EIR fails to recognize or analyze this fact.

The Esperanza Hills DEIR identifies the fact that erosion from grading and wind related soil disturbance could occur during construction if the Cielo Vista and Esperanza Hills projects are built simultaneously. The Cielo Vista EIR fails to recognize or properly analyze this.

The Esperanza Hills DEIR identifies the fact that when combined with the Cielo Vista project additional noise from traffic will exceed the 3 dB perceptible noise threshold and will be cumulatively considerable and significant.

Overall the Cielo Vista analysis of impacts should be amended and reanalyzed to be consistent with the Esperanza Hills DEIR.

IX. Inconsistency with Jurisdictional Delineation for Waters of the US

The Esperanza Hills project has received a preliminary jurisdictional delineation for waters of the United States from the Army Corps of Engineers, and it is difficult if not impossible to determine whether or not the jurisdictional delineation discussed in the Cielo Vista DEIR is consistent with that preliminary determination by the Corps.

X. Recirculation of EIR

Because each one of the items set forth above will add significant new information to the EIR, and may change mitigation measures and analysis, in addition to changing the level of significance of some environmental impacts to potentially significant, the DEIR should be amended and recirculated. In addition, the additional analysis should lead to a change in preliminary design of the project, which again, should require it to be recirculated. Finally, until a fault study is completed and approved, the DEIR should not be recirculated, as this is a requirement that is mandatory, and without completion of the fault study the feasibility of the existing design cannot be properly analyzed.

Please contact me should you have any questions.

Yorba Linda Estates, LLC

By: Wedge Partners, LLC

Its: Manager

/s/ Douglas G. Wymore

Managing Member

Douglas Wymore

From: Bebek, Nick <Nick.Bebek@ocpw.ocgov.com>
Sent: Thursday, October 18, 2012 10:42 AM
To: Jeff Hull (hullj@amgt.com); dwymore@q.com
Subject: FW: Fault Trench Extension
Attachments: Sketch Map for Fault Trench Extension.pdf

From: Kevin Colson [<mailto:kcolson@lgcgeotechnical.com>]
Sent: Wednesday, October 10, 2012 2:54 PM
To: Bebek, Nick
Subject: Fault Trench Extension

Hi Nick,

Attached is a sketch of the additional length of off-site fault trench we believe we will need.

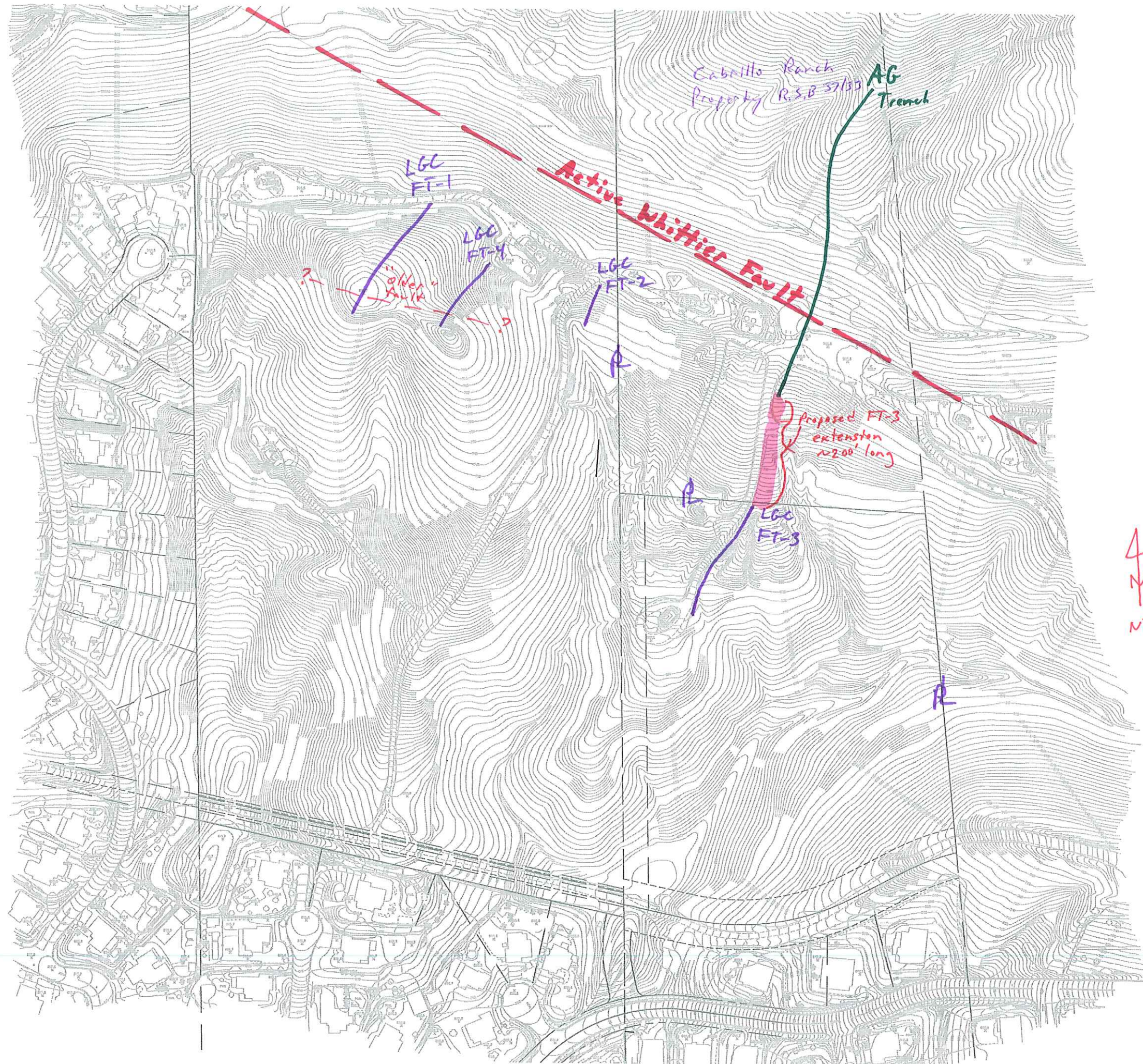
Thank you for your assistance.

Best regards,

Kevin B. Colson
Vice President



120 Calle Iglesia, Suite A
San Clemente, CA 92672
office (949) 369-6141
cell (949) 412-0648
kcolson@lgcgeotechnical.com
www.lgcgeotechnical.com



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NTS

LETTER: YLE

Yorba Linda Estates

Douglas G. Wymore, Managing Member

(January 22, 2014)

RESPONSE YLE-1

The commenter asserts that a geologic report must be completed and incorporated into a new Draft EIR, which should then be recirculated. The Alquist-Priolo Act is intended to prevent the construction of buildings used for human occupancy on the surface trace of active faults. As noted in the comment, before a Project can be permitted, a geologic report defining and delineating any hazard or surface fault rupture is required. A geologic and geotechnical evaluation which presents a summary of the major geologic and geotechnical issues present at the project site was prepared and included in the Draft EIR as Appendix E, *Geology Study*. The Geologic and Geotechnical Evaluation, prepared by Pacific Soils Engineering, specifically discusses seismic hazards relating to the Alquist-Priolo Act. Moreover, a Geotechnical Feasibility Study was also prepared for the Project and is included in Appendix E. These studies contain information regarding the pertinent geotechnical conditions impacting the project site. LGC Geotechnical, Inc. has prepared two letter reports refining the Geotechnical Feasibility Study, dated March 1, 2013 that was cited in Section 4.5 of the Draft EIR. Those letter reports are as follows (and included in Appendix B of this Final EIR):

Letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton, re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, July 31, 2014 ("2014 Fault Location Report"); and

Letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton, re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, August 1, 2014 ("2014 Geological Features Report") (collectively "2014 Geotechnical Reports").

The potential impacts associated with fault rupture, and the requirements of the Alquist-Priolo Act, are discussed at length in Section 4.5, *Geology and Soils*, of the Draft EIR, and further clarified in the 2014 Geotechnical Reports. As discussed therein, the Whittier Fault trace traverses through the central portion of the site in a northwest-southeast direction. The Draft EIR further recognizes the prohibitions on construction of buildings within certain distances from known faults, but also notes that potential residential structures would be located at a distance which complies with the requirements of the Alquist-Priolo Act. The Draft EIR provides information sufficient to ensure that the decisionmakers and the public are adequately informed of the potential impacts of the Project. Mitigation Measure 4.5-1 mandates that, prior to issuance of grading permit, the Project Applicant shall submit a final site specific, design-level geotechnical investigation to the County Public Works Manager. Mitigation Measure 4.5-1 has been revised to reflect the metrics and standards set forth in the August 1st, 2014 letter from Tim Lawson. Please refer to Response City2-111 for a discussion and text of the revised mitigation measure. Also, as discussed in Response City2-111, given the specificity of Mitigation Measure 4.5-1, it does not constitute an impermissible deferral of mitigation.

Per Mitigation Measure 4.5-1, the site specific, design-level report will include a subsurface investigation consisting of boring and trenching activities to identify the specific Whittier Fault trace location. The Project's residences would be set back a minimum of 50 feet from the fault trace, as required by the Alquist-Priolo Act, or as otherwise determined appropriate in accordance with regulatory requirements.

RESPONSE YLE-2

Please refer to Topical Response 4, which includes additional analysis regarding the location of the primary trace of the Whittier Fault.

RESPONSE YLE-3

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE YLE-4

Please refer to Topical Response 2 regarding water infrastructure.

RESPONSE YLE-5

Please refer to Topical Response 2 regarding water infrastructure.

RESPONSE YLE-6

The commenter asserts that the Draft EIR should have included a discussion of a settlement agreement. However, any such settlement agreement is independent of the proposed Project, which is accurately and appropriately described in the Draft EIR. An EIR must provide a "project description that is sufficient to allow an adequate evaluation and review of the environmental impact" of the proposed Project. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655.) The Draft EIR complies with this directive and makes an extensive effort to provide meaningful information about the Project. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036.) As discussed in Section 2.0, *Project Description*, of the Draft EIR, the project site was used for oil operation and still contains both operating and abandoned oil wells. Prior to grading, existing on-site wells and facilities would be either abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California. Additionally, a 1.8-acre parcel located in Planning Area 1 is proposed and could be designated for continued oil operations, with permitting and site planning to be pursued by oil operators. The Project does not propose any new wells. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. An EIR need not resolve all hypothetical details prior to approval, nor must it describe in detail each and every conceivable development scenario. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036.) What is required is that the environmental document provide sufficient information about the project to permit evaluation and review of its environmental impacts. The Draft EIR fulfills these requirements.

The Draft EIR fully and appropriately analyzed the impacts of oil activities – abandonment or re-abandonment of oil wells and associated facilities – associated with the Project. As noted in Section 4.7, *Hazards and Hazardous Materials*, Phase I and Phase II Environmental Site assessments were prepared for the project site. Moreover, with implementation of Mitigation Measure 4.7-4 and PDF 7-1, which provide for

the safe abandonment or re-abandonment of oil wells on the project site, potential impacts associated with contaminated soil from past and current oil activities would be reduced to a less than significant level. The commenter does not challenge the conclusions in the Draft EIR, or provide any evidence that suggests the conclusion are erroneous. To the extent oil operators choose to relocate oil operations to the designated 1.8-acre parcel in Planning Area 1, the impacts of that potential future, separate project would be evaluated prior to development and in conjunction with permitting and site planning. (See Draft EIR page 2-14.) An EIR is not required to speculate about the environmental consequences of future development that is unspecified or uncertain. (*Environmental Protection Info. Ctr. v. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 502; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036 [a potential change in use need not be analyzed because it was unforeseeable and would be subject to further discretionary review].)

RESPONSE YLE-7

Comment YLE-7 relies on Exhibit 5 – 1 of the Cielo Vista Area Plan, which does not represent the proposed Project's current grading plan. Please refer to Figure 2-10 in Section 2.0, *Project Description*, of the Draft EIR, which shows the current grading cut and fill plans for the Project. As identified therein, the Project does not include any off-site grading on land owned by Yorba Trail, LLC. Moreover, as seen on Figures 2-4 and 2-5, the oil drilling pad area is entirely within the project site. Thus, no alternative design that does not include off-site grading needs to be considered.

RESPONSE YLE-8

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As shown therein, Figure 4.8-2 has been updated to include the Project's proposed BMP features as described in the updated Conceptual Drainage Study and Conceptual Water Quality Management Plan. Contrary to the comment, the BMP exhibit does not include any offsite grading, debris basins, or storm drain inlets to the north or east of the Cielo Vista project site. All of the Project's proposed drainage-related features have been assumed within the Project "impact" area regarding impacts to jurisdictional features, as shown in Figure 4.3-8 in Section 4.3, *Biological Resources*, of the Draft EIR. The BMP Exhibit referenced by commenter is part of a conceptual Water Quality Management Plan. As noted in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, which thoroughly evaluates any potential environmental impacts associated with water quality and hydrology, the approval of a Final Priority Project WQMP or Final Non-Priority WQMP will be required prior to grading or building permit issuance. A final, design-level WQMP will be prepared to reflect up-to-date conditions on the site consistent with the current County of Orange Planning Department discretionary planning application submittal requirements, the Orange County Drainage Area Management Plan (DAMP), and the intent of the non-point source NPDES Permit for Waste Discharge Requirements. Importantly, the information and analysis contained in Section 4.8, *Hydrology and Water Quality*, is based upon two documents/studies, including the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The commenter does not raise any significant environmental issue with the analysis of the Project's potential hydrological or water quality impacts.

RESPONSE YLE-9

The commenter makes numerous assertions about grading extending onto property not owned by the applicant. Figure 2-10 in Section 2.0, *Project Description*, of the Draft EIR illustrates the grading activities

proposed by the Project. As shown therein, grading would be confined to within the project site boundaries. While grading would be necessary south of the site for the Project's access way off of Via Del Agua, as part of the approval of an existing adjacent residential development to the south of the project site, right-of-way was dedicated to allow for construction of a future street connecting the project site with Via Del Agua.

RESPONSE YLE-10

Please refer to Responses YLE-8 and YLE-9, above, for a discussion of impacts to biological resources and off-site grading impacts.

RESPONSE YLE-11

Please refer to Responses YLE-8 and YLE-9, above, for a discussion of impacts to biological resources and off-site grading impacts.

RESPONSE YLE-12

The commenter is correct in noting that Figure 1 of the 2006 Report of the Evaluation of the City of Yorba Linda Sewer System for the Proposed Development Travis Property (2006 Report) also shows a portion of the Yorba Trails LLC property, and the commenter also correctly notes that the Yorba Linda Water District (YLWD) is responsible for providing wastewater service to the project site. The 2006 Report does not discuss the development of the Esperanza Hills Project because, at the time, no development was contemplated for that property to the east of the Cielo Vista Project.

The Project's Sewer Master Plan is depicted in Figure 4.15-1 on page 4.15-13 of Draft EIR Section 4.15, *Utilities and Service Systems*. Adequate conveyance capacity exists within the YLWD sewer lines connecting to the project site, with adequate treatment capacity available at either the Orange County Sanitation District treatment plants in Fountain Valley or Huntington Beach as discussed on pages 4.15-12 through 4.15-14 of the Draft EIR. This capacity is confirmed in a conditional will serve letter with the provision that the Project is responsible for all connections and connection fees.

The developer's project responsibility will include the payment of sewer connection fees to the YLWD, in-tract sewer lines, as depicted in Figure 4.15-1, and connections to the YLWD sewer trunk lines. These will be determined and applied as improvements associated with the Project's vesting tentative tract map.

YLWD will also determine any facilities that may be required across the project site to serve and be provided by Esperanza Hills. The need for upsizing, if any, arising from the Esperanza Hills Project would be determined by YLWD. Esperanza Hills would be responsible for their share of these facilities.

However, the requirement of the Draft EIR is to evaluate Project impacts on sewer service, which is shown to be less than significant with sufficient sewer line and treatment capacity to serve the project site. The commenter does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, but rather identifies an alternative sewer service connection for Esperanza Hills which must be analyzed in the Esperanza Hills Draft EIR and not in the Cielo Vista Draft EIR. Please see Topical Response 1 for a discussion of how the proposed Cielo Vista Project and the Esperanza Hills Project are separate and not required to be analyzed together.

RESPONSE YLE-13

The commenter asserts that the Draft EIR must identify a potential easement and amend its lot design. The subject easement was recently found to be valid by the Orange County Superior Court, although the Court's decision did not identify the uses, scope, or beneficiaries of the easement, and that decision is still subject to appeal. The potential impacts associated with the easement have already been analyzed in the Draft EIR. Specifically, the Draft EIR included an alternative – the Contested Easement Alternative – that analyzed the Project with the easement. Please see Section 5.0, *Alternatives*, for a detailed analysis of the Contested Easement Alternative.

RESPONSE YLE-14

Please see Response YLL-3 for a discussion of the potential access corridor as shown on the Cielo Vista Area Plan. The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, but rather discusses access options for the Esperanza Hills Project. Please see Topical Response 1 for a discussion of how the proposed Project and the Esperanza Hills Project are separate and not required to be analyzed together, except to the extent that both projects may contribute to certain cumulative impacts, as addressed throughout the Draft EIR.

Moreover, while commenter asserts that the access options discussed in the Esperanza Hills EIR are “consistent with good planning principles” and should be analyzed in the Draft EIR, such assertions are not comments on the environmental analysis contained in the Draft EIR. With respect to the General Plan, Section 4.9, *Land Use and Planning*, of the Draft EIR contains a thorough analysis of the Project's consistency with the applicable goals, objectives and policies within the County's General Plan and Zoning Code, as well as with the Yorba Linda General Plan.

RESPONSE YLE-15

The commenter asserts that the Esperanza Hills EIR determined that project would have significant and unavoidable impacts in the area of greenhouse gas emissions, and that the Cielo Vista EIR must do the same. This assertion is incorrect. The Esperanza Hills Project is distinct from Cielo Vista, and is actually substantially larger than Cielo Vista. Thus, the analysis contained in the Esperanza Hills EIR is limited to that project and is not applicable to the Project.

The commenter's assertion that the Draft EIR incorrectly concludes that there would be no significant impacts with respect to greenhouse gas emissions is general and unsubstantiated. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384 [a comment that consists of mere argument and unsubstantiated opinion does not constitute substantial evidence].) Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR thoroughly and appropriately analyzed the Project's potential effect on global climate change due to generation of greenhouse gas emissions. Further, such impacts were measured against the same threshold of significance in both the Cielo Vista Draft EIR and Esperanza Hills Draft EIR.

RESPONSE YLE-16

The commenter asserts that because the Esperanza Hills EIR identifies that the South Coast Air Basin has been classified as non-attainment, any project would have a cumulatively considerable impact on air emissions. This assertion is incorrect. The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*,

with supporting data provided in Appendix B of the Draft EIR. Table 4.2-2, *Attainment Status of Criteria Pollutants in the South Coast Air Basin*, indicates the attainment designations for the Basin. Non-attainment pollutants and Project related emissions were addressed on page 4.2-16 and 4.2-21. As stated on page 4.2-21, “If Project emissions exceed the SCAQMD thresholds for NO_x, VOC, PM₁₀ or PM_{2.5}, it follows that the emissions could contribute to a cumulative exceedance of a pollutant for which the Air Basin is in nonattainment.....”. The numerical thresholds established by the South Coast Air Quality Management District (SCAQMD) for criteria pollutants are intended to improve air quality conditions throughout the South Coast Air Basin. The SCAQMD does not recommend quantified analysis of emissions generated by a set of cumulative development projects and does not provide thresholds to be used to assess potential cumulative impacts. Rather, the SCAQMD recommends that project-specific emissions thresholds be used as cumulative thresholds. As the Project would not result in exceedance of SCAQMD regional significance thresholds, the Project would not contribute towards a cumulative air quality impact.

RESPONSE YLE-17

The commenter conflates the analysis in the Esperanza Hills EIR with that contained in the Draft EIR. As discussed in Topical Response 1, the Esperanza Hills Project is separate and distinct from the Project. The Draft EIR addressed geology and soils impacts in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. Also, Section 4.8, *Hydrology and Water Quality*, in the Draft EIR addressed water quality impacts from grading and soil disturbance. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed in both sections, the Project would implement a Storm Water Pollution Prevention Plan (SWPPP) during construction activities to minimize the potential for soil erosion impacts. The SWPPP would incorporate Best Management Practices (BMPs) in accordance with County of Orange regulations to control erosion during the Project’s construction period. BMPs included in the Project’s Water Quality Management Plan (WQMP), as described in detail in Section 4.8 of the EIR, would be implemented to ensure that potential development erosion and runoff impacts remain less than significant. Project design feature (PDF) 8-1 requires the Project to implement a WQMP and SWPPP consistent with applicable regulatory requirements. Compliance with standard County erosion controls and requirements, as well as implementation of the Project’s PDF’s described above, including a SWPPP and WQMP, would ensure that Project impacts related to erosion and soil disturbance are less than significant. Contrary to this comment, the Cielo Vista Draft EIR addresses cumulative soil erosion/loss of topsoil impacts on page 4.5-22 of the Draft EIR. The cumulative impacts analysis in Section 4.5 provides specifically: “All planned projects in the vicinity of the Project, *including the Esperanza Hills Project*, are subject to review under separate environmental documents that would require compliance to the local grading and building code requirements, which provide mitigation of erosion and seismic hazards to less than significant levels.” Also, the cumulative analysis on page 4.8-33 addresses cumulative erosion impacts associated with the Esperanza Hills Project. The Esperanza Hills will be required to comply with standard erosion control requirements and prepare a SWPPP and WQMP consistent with applicable regulatory requirements similar to the Project. Regardless if the Cielo Vista and Esperanza Hills Projects are constructed simultaneously or not, compliance with applicable hydrology and water quality regulatory requirements, implementation of project-specific SWPPP and WQMP plans, as well as hydrology-related features for each project, would ensure that cumulative erosion and soil disturbance impacts are less than significant. The commenter opines that the Draft EIR’s analysis of potential erosion impacts is inappropriate, but fails to identify any specific inadequacies or provide any evidentiary support.

RESPONSE YLE-18

The commenter conflates the analysis in the Esperanza Hills EIR with that contained in the Draft EIR. As discussed in Topical Response 1, the Esperanza Hills Project is separate and distinct from the Project.

As discussed in Section 4.10, *Noise*, of the Draft EIR, the Project, when considered with other cumulative projects, including the Esperanza Hills Project, would not result in a cumulative impact. When conducting a cumulative impacts analysis, the question is not whether there is a significant impact, but whether the effects of the individual project – the project's contribution to a significant impact – are themselves significant. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 623-624.) The analysis contained in the Draft EIR complies with this mandate. In its cumulative noise impact analysis, the Draft EIR properly notes that although there may be a significant cumulative noise increase, a significant portion of the noise increase must be due to the Project. Conducting this analysis, the Draft EIR appropriately concluded that the Project, when considered together with the cumulative projects, would not result in a significant impact.

RESPONSE YLE-19

This comment provides a general conclusion regarding inconsistencies of impact conclusions between the Cielo Vista Draft EIR and the Esperanza Hills EIR and a request for reanalysis consistent with that document. Please refer to Responses YLE-15 to YLE-18 above. Also, please refer to Topical Response 1. Based on these responses, re-analysis of impacts within the Cielo Vista EIR is not necessary.

RESPONSE YLE-20

The Draft EIR addressed potential biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C, inclusive of a *Biological Resources Assessment* and an *Investigation of Jurisdictional Waters and Wetlands*, of the Draft EIR. Impacts to wetlands and "Waters of the U.S." are discussed under Impact Statement 4.3-3 starting on page 4.3-36 of the Draft EIR. Please see Topical Response 1, which discusses how the Esperanza Hills Project is separate and distinct from the Project. Nevertheless, for informational purposes, a comparison of the jurisdictional delineation between Cielo Vista and Esperanza Hills indicates that the Cielo Vista drainages A, A1, A3 and B correspond to the Esperanza Hills drainages D, G, E and F, respectively. The methodology used for the Cielo Vista jurisdictional investigation is explained beginning on page 15 of the *Investigation of Jurisdictional Waters and Wetlands* in Appendix C of the Draft EIR.

RESPONSE YLE-21

The commenter asserts that recirculation of the Draft EIR is required because the commenter identified items that will add significant new information to the Draft EIR, or which otherwise require recirculation. As discussed in Responses YLE-1 through YLE-20, the Draft EIR appropriately analyzed the potential impacts of the Project. The commenter has not identified any deficiencies in the Draft EIR's analysis or the design of the Project which warrant recirculation.

With respect to a fault study, please see Responses YLE-1 and YLE-2, which explain that the Draft EIR's analysis complies with the requirements of the Alquist-Priolo Act.

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Tara Allen
4100 San Antonio Rd
Yorba Linda, CA 92886

November 13, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Tara Allen, Member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-ALLEN

Protect Our Homes and Hills
Tara Allen, Member
4100 San Antonio Road
Yorba Linda, CA 92886
(November 13, 2013)

RESPONSE POHH-ALLEN-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-ALLEN-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-ALLEN-3

Please refer to Response POHH-ALLEN-1.

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From: Steve Anderson [<mailto:sanderson7667@gmail.com>]
Sent: Saturday, November 16, 2013 4:11 PM
To: Tippets, Ron; Spitzer, Todd [HOA]
Cc: mnelson76.mn@gmail.com; Steve Anderson
Subject: Cielo Vista Project Draft Environmental Impact Report

Steve and Carolyn Anderson
21270 Twin Oak
Yorba Linda, Ca

November 16, 2013

Orange County Planning

Attn: Ron Tippets

300 N. Flower Street

Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippets:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be

evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Steve and Carolyn Anderson Member

Protect Our Homes and Hills

Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor

Third District, County of Orange

10 Civic Center Plaza

Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com

Todd.Spitzer@ocgov.com

LETTER: POHH-ANDERSON**Steve and Carolyn Anderson, Members**

21270 Twin Oak
Yorba Linda, CA
(November 16, 2013)

RESPONSE POHH-ANDERSON-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-ANDERSON-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-ANDERSON-3

Please refer to Response POHH-ANDERSON-1.

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From: YLBOOKIE@aol.com [<mailto:YLBOOKIE@aol.com>]
Sent: Tuesday, November 12, 2013 7:59 PM
To: Tippetts, Ron; Spitzer, Todd [HOA]
Subject: Cielo Vista Project Draft Environmental Impact Report

James and Anita Bent
5035 Via Del Cerro
Yorba Linda, CA 92887

November 12, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

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I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent

parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

James and Anita Bent, Members

Protect Our Homes and Hills

Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor

Third District, County of Orange

10 Civic Center Plaza

Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com

Todd.Spitzer@ocgov.com

LETTER: POHH-BENT**James and Anita Bent, Members**

5035 Via Del Cerro
Yorba Linda, CA 92887
(November 12, 2013)

RESPONSE POHH-BENT-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.


RESPONSE POHH-BENT-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-BENT-3

Please refer to Response POHH-BENT-1.

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Charles and Dawn Buie
4080 View Park Drive
Yorba Linda, CA 92886

November 18, 2013

Orange County Planning
Attn: Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippets:

We are writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season,

we respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,





Charles Buie, Dawn Buie

Protect Our Homes and Hills

Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

LETTER: POHH-BUIE**Charles and Dawn Buie, Members**

4080 View Park Drive
Yorba Linda, CA 92886
(November 18, 2013)

RESPONSE POHH-BUIE-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-BUIE-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-BUIE-3

Please refer to Response POHH-BUIE-1.

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Robert & Linda Carrillo
21100 Ridge Park Dr.
Yorba Linda, CA 92886

November 16, 2013

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Robert & Linda Carrillo, member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-CARRILLO**Rob Carillo**

211100 Ridge Park Drive
Yorba Linda, CA 92886
(November 16, 2013)

RESPONSE POHH-CARRILLO-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-CARRILLO-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-CARRILLO-3

Please refer to Response POHH-CARRILLO-1.

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From: Brian Gass :: Sandbox Marketing [<mailto:bgass@sandboxmarketing.com>]
Sent: Tuesday, November 12, 2013 9:33 PM
To: Tippetts, Ron
Cc: Spitzer, Todd [HOA]
Subject: Please extend to comment period for Cielo Vista by 30 days

Dear Mr. Tippetts and Mr. Spitzer-

As a resident in your district, I respectfully ask that you extend the comment period by 30 days on the Cielo Vista project.

We are working with legal counsel and the City Council to prepare our comments that mainly address the lack of information regarding ingress and egress on San Antonio Road/Aspen Way and Via del Agua/Stonehaven. Both are city roads that are 2 lane and cannot handle the additional traffic caused by the additional homes from Cielo Vista and Esperanza Hills.

Both roads were jammed during the last fire and the builders/county representatives have not thoroughly addressed how you plan to create wider city roadways to access your proposed projects. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Brian Gass, Member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

LETTER: POHH-GASS**Brian Gass**

No Address Provided

(November 12, 2013)

RESPONSE POHH-GASS-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

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RESPONSE POHH-GASS-2

The comment is noted and will be included in the Final EIR, and will therefore be before the decisionmakers for their consideration prior to taking any action on the Project or Draft EIR. However, the comment is general, without any specific evidence that the analysis contained in the Draft EIR is inadequate, and no further response is required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.) However, to the extent the comment can be construed to make a specific comment, the Draft EIR fully and adequately analyzed the traffic impacts of the Project. The commenter does not provide any specific evidence to contradict the analysis in the Draft EIR, and a comment that consists of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

RESPONSE POHH-GASS-3

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Also, please refer to Topical Response 3 regarding fire evacuation.

RESPONSE POHH-GASS-4

Please refer to Response POHH-GASS-1.

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on DEIR Population and Housing Section 4.11

Dear Mr. Tippets:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”). Specifically, the DEIR fails to adequately analyze the potential of the project to result in housing and population impacts and fails to accurately describe the existing housing and projected population in the County of Orange.

The DEIR makes reference to and is premised on the Regional Housing Needs Assessment (RHNA) “most recently adopted and approved” by the SCAG Regional Council on July 12, 2006, for the planning period from January 2006 through June 2014. However, in spite of the fact that the DEIR was issued in November 2013, it contains no report or analysis of the extent to which those needs have been met by projects completed or approved between 2006 and 2013 or proposed projects other than Esperanza Hills. In fact, the DEIR does not mention or factor into its analysis a number of pending projects in the immediate project vicinity. A list of these related projects is attached as Exhibit A. These omissions render the DEIR Population and Housing component outdated and incomplete.

Relevant, current information can be found with the County of Orange which is, by state law, required to periodically update the Housing Element of its General Plan. Importantly, the County utilizes the SCAG Regional Council’s RHNA as a starting point for its analysis. On March 22, 2011, the Housing Element was amended and thereafter certified by the California Department of Housing and Community Development on April 15, 2011.

The 2011 Housing Element update was supported by a table of “Net Remaining RNHA, 2010-2014-Orange County Unincorporated Area” that took into account projects that had been

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completed or approved between 2006 and 2009. Based on SCAG's RHNA figures relied upon in the DEIR, the table demonstrated that there were no "net remaining" housing needs for the above-median income category – in fact, there was a surplus of 2975 homes in that category. A second table of "Land Inventory vs. Net Remaining RHNA – Orange County Unincorporated Areas" indicated a surplus in both housing for both lower and above moderate income categories. The report concluded: "A comparison of these estimates with the County's remaining 2008-2014 RHNA need shows there is a significant amount of surplus capacity to meet the remaining need in the Lower and Above Moderate categories but there is a shortfall in the Moderate category." Copies of relevant portions of the Housing Element Final Draft January 27, 2011, are attached hereto as Exhibit B. The complete document can be found at http://cams.ocgov.com/Web_Publisher/Agenda03_22_2011_files/images/O00811-000249E.PDF.

The DEIR states that "[b]ecause Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined." See p. 4.11-6 and -7 under findings of consistency. However, under SCAG 2012 RHNA standards cited in the agenda staff report for the Dec. 10, 2013, Orange County Board of Supervisors meeting, "Above Moderate" is calculated at over 120 percent of the Area Median Income which in 2013 for Orange County was \$87,200. http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/O01413-001402E.PDF

In other words, the "Above Moderate" income housing category requires a household income of \$104,640. Given home values in the areas adjacent to the proposed development as well as lot sizes, the subject residences will in all likelihood be priced for sale to the buyers in the "Above Moderate" income category, a category which as of 2011 had a surplus of homes.

Orange County updated its Housing Element again in December 2013 and discussed housing inventory and projections. Relevant documents can be found at http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/O01113-001402E.PDF and http://cams.ocgov.com/Web_Publisher/Agenda12_10_2013_files/images/A13-001402.HTM. This updated analysis noted that certain projects anticipated in 2011 had been held up by the slow housing market. The largest of these was "The Ranch Plan" planned community. As noted in the 2013 information, the slow housing market led to delays in planned construction so it remains unclear the extent to which the projections for Above Moderate housing are impacted on an ongoing basis.

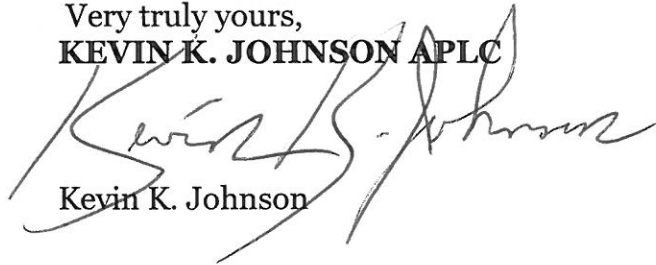
To be adequate under CEQA, the DEIR should provide data and analysis of housing projects completed and approved since the initial figures upon which the document relies were issued. To the extent the DEIR relies on the Regional Housing Needs Assessment (RHNA) approved by the SCAG Regional Council on July 12, 2006, for the planning period from January 2006 through June 2014, updated information should be included in the DEIR. The changes between data used by the County for its 2011 amendments and its 2013 amendments to the Housing Element of its General Plan require an analysis of the status of approved but delayed projects. An evaluation of whether the Cielo Vista project is necessary to meet regional

January 22, 2014

housing needs must focus on both 1) approved, completed and planned developments since the 2006 RHNA relied upon in the DEIR and 2) inclusion of the project in the Above Moderate housing category. Based on information relied on by the County in its Housing Element update processes, it seems likely that the project is not necessary to meet regional housing needs and conclusions in the DEIR to the contrary, including consistency conclusions (DEIR pp. 4.11-6, 7), are not supported by substantial evidence.

Very truly yours,

KEVIN K. JOHNSON APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over the printed name.

Kevin K. Johnson

Cc: Supervisor Todd Spitzer via email

EXHIBIT A

Projects within 5 miles of Cielo Vista/Esperanza Hills

Oakcrest Terrace

Project Type: 69 affordable residential units
Location: 22744 Eastpark Drive, Yorba Linda
Lead Agency: City of Yorba Linda
CEQA Status: MND
Last Action: Comment period ended March 26, 2012

Learn More: <http://ci.yorba-linda.ca.us/index.php/city-departments/community-development?id=582:oakcrest-terrace-mitigation&catid=1>

Mountain Park

Project Type: 2500 homes on 3000 acres
Location: South of the 91 / East of the 241
Lead Agency: City of Anaheim
CEQA Status: EIR
Last Action: Approved in 2005

Learn More: <http://www.anaheim.net/article.asp?id=1225>

Madrona (Canyon Crest)

Project Type: 162 homes on 367 acres
Location: Eastern Brea (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Brea
CEQA Status: FEIR released November 2012

Last Action: Appeal Hearing 1/21/14

Learn More: <http://www.ci.brea.ca.us/index.aspx?NID=180>

La Floresta

Project Type: 398 SFD and 712 Multi-family on 120 acres
Location: Imperial Highway and Valencia
Lead Agency: City of Brea
CEQA Status: FEIR released August 2008
Last Action: Approved May 2010, Construction Occurring

Learn More: <http://www.ci.brea.ca.us/index.aspx?NID=180>

Foremost Community (Canyon Hills)

Project Type: 76 homes on 141 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: EIR approved 1987
Last Action: Awaiting Tract Home Design Review by Planning Commission

Learn More: <http://www.chinohills.org/index.aspx?NID=847>

Pine Valley Estates

Project Type: 98 homes on 192 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Final Map Recorded 2009
Last Action: Revised Design Review by Planning Commission approved 2009

Learn More: <http://www.chinohills.org/index.aspx?NID=847>

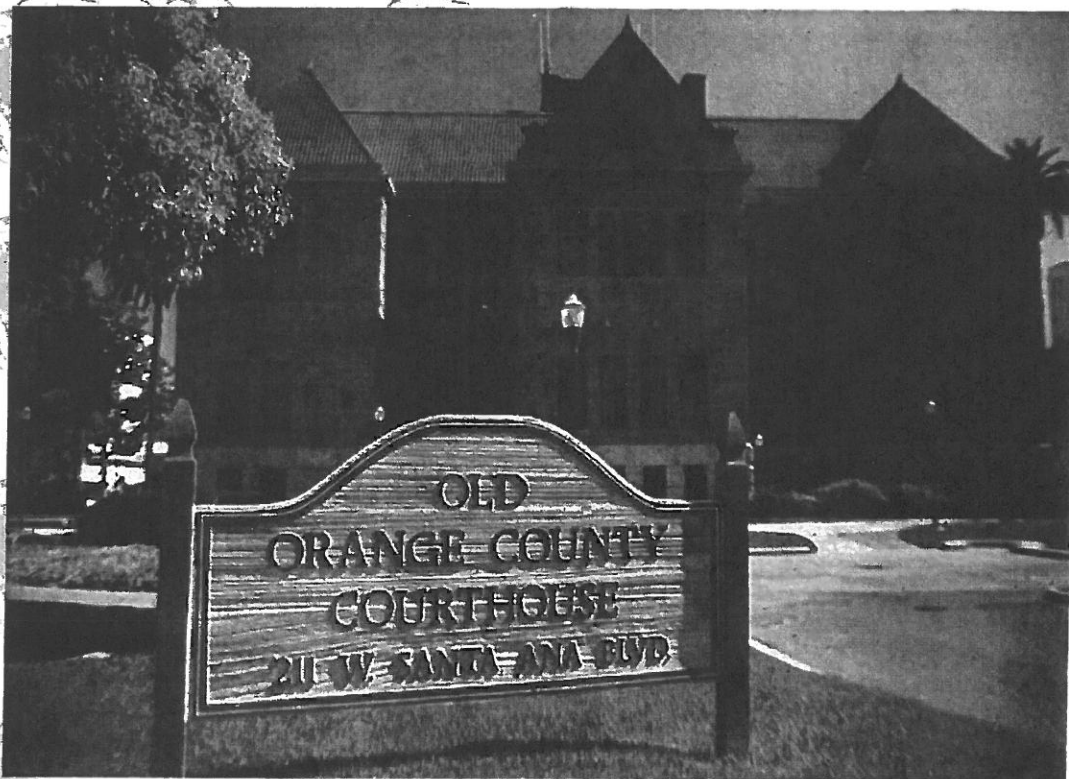
Stonefield Development

Project Type: 28 homes on 34 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Website is unclear
Last Action: Website is unclear

Learn More: <http://www.chinohills.org/index.aspx?NID=853>



County of Orange



HOUSING ELEMENT

Final Draft

January 27, 2011

CHAPTER X – HOUSING ELEMENT

Table X-42
Net Remaining RHNA, 2010-2014 –
Orange County Unincorporated Area

	Income Category				
	VL	Low	Mod	Above	Total
RHNA (total)	1,777	1,445	1,597	3,159	7,978
Units Completed or Approved 2006-2009	265	316	27	7,347	7,955
RHNA (net remaining)	1,512	1,129	1,570 1,546	0 2,975	4,211

Sources:
SCAG 7/2007
Appendix A, Table A-2; County of Orange/OC Planning, 5/2010

b. Inventory of Vacant & Underutilized Land

NEW MASTER-PLANNED COMMUNITIES

During the past 40 years the majority of development in unincorporated Orange County has occurred in major landholdings under the planned community concept. Most of these areas were incorporated into new cities between 1988 and 2001, including Mission Viejo (1988), Dana Point (1989), Laguna Niguel (1989), Lake Forest (1991), Laguna Hills (1991), Laguna Woods (1999), Rancho Santa Margarita (2000), and Aliso Viejo (2001). Most of these areas were originally approved as planned communities in unincorporated Orange County.

Only one planned community in the unincorporated area – The Ranch Plan – has a significant amount of land remaining to be developed during this Housing Element timeframe. Located in southeastern portion of the County east of Rancho Santa Margarita, Mission Viejo and San Juan Capistrano, The Ranch Plan was approved in 2004 with a maximum of 14,000 residential units. It is expected to be the final large landholding that will be developed in unincorporated Orange County since all other significant undeveloped parcels are located within cities, regional parks or the Cleveland National Forest.

As part of the General Plan amendment, Planned Community (zone change) and development agreement for The Ranch Plan, the property owner is required to dedicate 60 acres of land to the County for affordable housing development. Based on a typical density of 30 units per acre, it is anticipated that 1,800 lower-income units will ultimately be produced in The Ranch Plan Planned Community. Additional discussion of The Ranch Plan is provided in Appendix B – Land Inventory.

Table X-43
Land Inventory vs. Net Remaining RHNA –
Orange County Unincorporated Area

Category	Total Units	Income Category		
		Lower	Moderate	Above Moderate
Completed and approved projects (see Tables A-2 and B-1)	1,795	581	27	1,187
The Ranch Plan Planned Community	6,952*	792*	0	6,160*
Housing Opportunities Overlay Zone**	2,039	2,039	0	0
Other underutilized sites	824		824	
Total Land Inventory	11,610	3,412	851	7,347
RHNA Need (2006-2014)	7,978	3,222	1,597	3,159
Surplus (Deficit)	3,632	190	(746)	4,188

*Totals reflect approved RHNA assumptions for the current planning period (44% of approved zoning entitlements).

**Including both the original Overlay Zone and the Arterial Highway Expansion Area (see Appendix B)

Sources: OC Planning (5/2010); SCAG (7/2007)

A comparison of these estimates with the County's remaining 2008-2014 RHNA need shows that there is a significant amount of surplus capacity to meet the remaining need in the Lower and Above Moderate categories but there is a shortfall in the Moderate category. The Housing Action Plan (Section 5) contains a discussion of programs and policies to encourage and facilitate housing production, with particular emphasis on the lower-income categories.

Financial Resources

a. Federal Resources

HOME FUNDS

The Home Investment Partnership (HOME) Program is a federal program, created as a result of the National Housing Affordability Act of 1990. Under HOME, HUD awards funds to localities on the basis of a formula that takes into account tightness of the local housing market, inadequate housing, poverty and housing production costs. Localities must qualify for at least \$500,000, based on HUD's distribution formula, to receive direct allocation of funds, or can apply to the state or combine with adjacent jurisdictions.

HOME funding is provided to jurisdictions to assist either rental housing or home ownership through acquisition, construction, reconstruction, and/or rehabilitation of affordable housing. Also possible is tenant based rental assistance, property

LETTER: POHH-JOHNSON1

Protect Our Homes and Hills

K. Johnson, APLC A Professional Law Corporation, Attorneys at Law

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-JOHNSON1-1

Between 2006 and 2014, the Regional Housing Needs Allocation (RHNA) for unincorporated Orange County was 1,597 dwelling units and 3,159 dwelling units in the Moderate Income and Above Moderate Income categories, respectively. The County has two indicators on progress toward meeting the 2006-2014 RHNA needs which likely included the projects listed in Appendix A of the commenter's letter. In 2013, the Board of Supervisors received a General Plan Progress Report and Housing Element Implementation which shows that as of December 31, 2013, the County had issued 1,188 building permits for dwelling units in these two income categories. The General Plan Housing Element adopted on December 10, 2013 (2013 Housing Element) shows in Table A-4 of Appendix A that between 2006 and 2012, a total of 668 dwelling units were built in the two income categories. Either benchmark shows that at the end of the 2006-2014 RHNA period, the County was still short of the RHNA target of 4756 new dwelling units on the ground in these two income categories for the RHNA period.

RESPONSE POHH-JOHNSON1-2

For the 2014-2021 period, the Regional Housing Needs Allocation (RHNA) for the unincorporated county is 979 dwelling units and 2,174 dwelling units in the Moderate Income and Above Moderate Income categories, respectively.

With the 2014 to 2021 RHNA period having started on January 1, 2014, countywide housing construction has likely not been met for any of the RHNA categories. Even if the targets had been met, they represent goals to be achieved and are not regulatory, with the ideal goal for the number of dwelling units in each category to be met or exceeded. Arithmetically, Table B-3 of Appendix B of the 2013 Housing Element shows that by 2021, the unincorporated county is expected to have a shortfall of 229 units in the Moderate income category and a surplus of 2,989 dwelling units in the Above Moderate income category. The substantial reduction in need for the Moderate income category is based on the potential for 750 dwelling units being added from development on "Other Underutilized Parcels." However, because the County government itself does not build housing, whether this number is even achieved or exceeded cannot be determined at this time. The identified surplus for the Above Moderate income category is based on the expected addition of 5,160 dwelling units by the new Ranch Plan planned community in south Orange County by 2021. However, construction of Above Moderate income units at a driving distance of approximately 35 miles from the project site does not meet housing needs in the northeast Orange County area of the project site. In any event, the Project adds a total of 112 units in these two income categories which is within the total of 3,153 dwelling units identified for the two income categories for the unincorporated county for the 2014 to 2021 RHNA period.

RESPONSE POHH-JOHNSON1-3

Please see response to comments POHH-Johnson1-1 and POHH-Johnson1-2.

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Inadequate Alternatives Section

Dear Mr. Tippets:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the Alternatives Section of the Draft Environmental Impact Report.

By way of brief summary, the Alternatives Section is woefully inadequate and needs to be completely revised and expanded in scope. The inadequacy of the Alternatives Section arises in substantial part from artificially narrow project objectives and reliance upon multiple unsupportable conclusions from the body of the entire DEIR.

ALTERNATIVES SELECTION

The fundamental purpose of the Alternatives Section of an EIR is to look at alternative project designs, and in appropriate cases, alternative project locations that avoid and/or mitigate significant project impacts.

Here, the unreasonably limited and largely contrived project alternatives do not include a single off-site alternative, under circumstances where there are compelling reasons to look to build the project elsewhere. The wildfire, geologic, contamination, and methane risks at the site, individually, and certainly cumulatively, virtually require a good faith look at alternative locations.

SPECIFIC ALTERNATIVES

The **No Project Alternative** is functionally rejected based upon the unsupported assumption that it is sound wildfire protection strategy to buffer existing homes with new

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homes placed in the path of advancing walls of flame. Nowhere in the document is there evidence or analysis supporting this unique assumption.

Alternative 2, Planning Area 1 Only Alternative, is fundamentally inadequate from both a legal and a common sense standpoint, because, while it changes the project footprint, it increases the number of units to be built by 47 % compared to the project. This approach is anything but a good faith proposal to reduce the major negative impacts from the Project. The alternative in fact materially increases impacts almost across the entire range of impact areas. By apparent design, it is put forward to be easily rejected.

Alternative 3, Large/Reduced Grading Alternative, is also designed to fail as a viable alternative with, for example, a “poison pill” in the form of reduced open space. Clearly the alternative could be designed to include 36.3 acres of permanent open space.

On the positive side, it is appropriate that the alternative does present the impact reduction features of reducing grading and the number of lots. However, when the alternative also wrongfully posits the apparent inalienable rights of homeowners to make “improvements” over the entire width and breadth of lands between their property boundaries and then concludes that this will result in more severe, negative visual impacts, it is clear that the alternative is constructed with the intent of creating negative impacts. Obviously landowners can be deed restricted to stay away from sensitive areas.

Another example of creating negative impacts comes with the convenient conclusion that the Alternative will have greater biological impacts than Alternative two. There is no basis to conclude that 65 lots, compared to 112, could not be placed on the site in a more biologically sensitive manner.

Alternative 4, Contested Easement Alternative, is grossly deficient as a matter of law because it does not offer up any meaningful impact reducing designs or mitigation measures.

The **Environmentally Superior Alternative** section is deficient for several reasons including its reliance upon the absence of substantial evidence and flawed analysis in each of the preceding alternatives sections.

Perhaps the most egregious example of incorporating flawed analysis comes with the conclusion that Alternative Three will result in greater wildland fire hazards. This conclusion is simply unsupportable. Among other factors in this regard is the critical fact that evacuating residents from 65 homes would be much easier than evacuating residents from 112 homes.

Off Site Alternatives

Because of the compelling need to examine possible off-site project locations, the DEIR should be revised to include 1) identification of a reasonable range of off-site properties suitable for similar density development, and 2) detailed discussion of at least one or two sites as actual project alternatives.

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As one example of off-site properties to be identified, and possibly adopted and analyzed in the DEIR as an off-site alternative location, please see the attached Google Earth view (Exhibit "A") which shows vacant properties at and near the intersection of Los Angeles Street and Imperial Highway. The parcels are also identified on the Land Use Map for the Yorba Linda General Plan. The map is attached hereto as Exhibit "B". These parcels are a logical alternative location that should be considered.

Realistic and Reasonable Onsite Alternatives

The choice of alternatives reflected in the DEIR is artificially narrowed and constrained by the unusually narrow and therefore inappropriate project objectives. The objectives collectively and automatically limit the project to the subject site and provide artificial and bad faith grounds for rejecting everything but the project as proposed by the applicant.

The project objectives need to be fairly restated and a choice of new alternatives should be made based upon the new objectives and complete, well reasoned assessment-- based upon substantial evidence-- of project impacts, available avoidance measures and appropriate mitigation measures.

The choice of Offsite Alternative should be guided by the same standards.

In sum, the Alternatives Section is completely deficient on multiple levels. This is, in large part, due to the myriad of deficiencies throughout the DEIR that have been addressed in other comment correspondence from this office as well as a multiplicity of comment letters from experts, residents, non-profits, law firms and government entities.

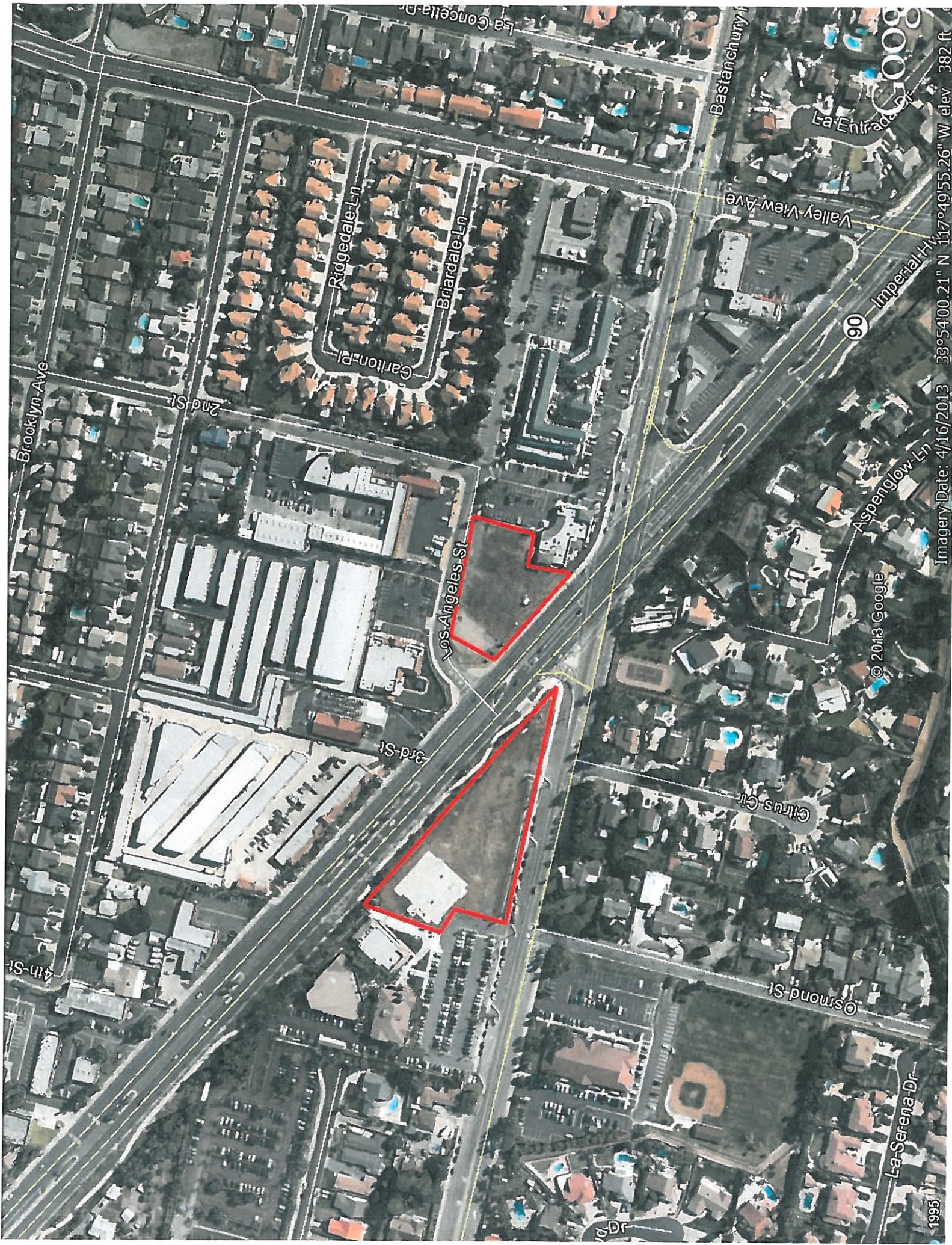
The DEIR needs to be completely revised and recirculated.

Very truly yours,
KEVIN K. JOHNSON APLC


Kevin K. Johnson

cc: Supervisor Todd Spitzer via email

EXHIBIT A

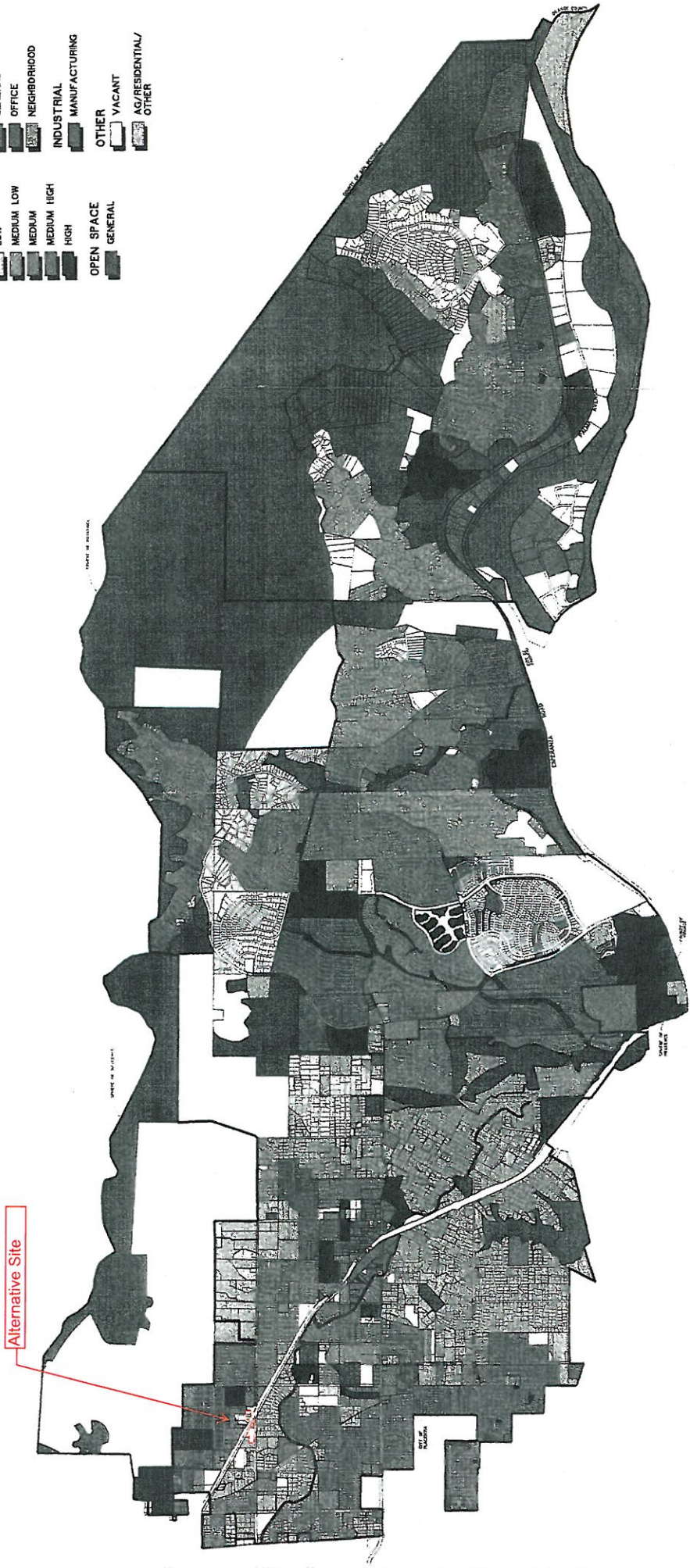
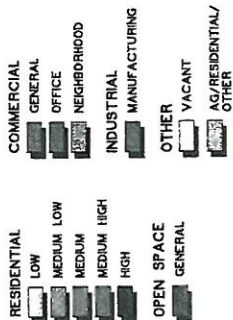


© 2013 Google

Imagery Date: 4/16/2013 33°54'00.21" N 117°49'55.26" W elev 382 ft

EXHIBIT B

EXISTING LAND USE



The City of

YORBA LINDA

Note: Existing Land Use Exhibit reflects status of City in 1991. Present conditions may vary.

LETTER: POHH-JOHNSON2

Protect Our Homes and Hills

K. Johnson, APLC A Professional Law Corporation, Attorneys at Law

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-JOHNSON2-1

This comment first provides a general summary regarding the issues raised in this letter. Individual responses to this letter are provided below in Responses POHH-JOHNSON2-2 through POHH-JOHNSON2-10. The commenter then asserts that the Draft EIR should have evaluated off-site alternatives, but does not provide any evidentiary support. While the Draft EIR must evaluate a reasonable range of alternatives to the project, CEQA does not contain a categorical imperative requiring the consideration of off-site alternatives. (Pub. Res. Code §§ 21001(g), 21002.1(a), 21061; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491.) To the extent commenter identifies specific off-site locations, those locations are addressed in Response POHH-Johnson2-7.

RESPONSE POHH-JOHNSON2-2

The commenter suggests that the Draft EIR contains no support for the conclusion that the No Project Alternative would have greater wildfire impacts than the Project. The commenter ignores the substantial discussion of wildfire impacts associated with the Project contained in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed therein, the existing project site is highly susceptible to wildfires, due primarily to an abundance of predominantly scrub vegetation communities. An excess of plant fuel may increase the severity of wildfire and threaten native habitat and neighboring development, and because of the project site's vulnerability to wildfires, the County of Orange designated it as a very high fire hazard severity zone (VHFHSZ). The Project would incorporate mitigation measures and project design features that would minimize the potential for wildfires on the project site, including extensive fuel modification and fire-resistant construction. Please see Section 4.7, *Hazards and Hazardous Materials*, for a detailed discussion of the mitigation measures and project design features associated with the Project, and which would serve to minimize existing fire risk. For example, the Project would include fuel modification/management zones to help suppress wildland fires in accordance with Orange County Fire Authority guidelines, and would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants. Accordingly, with such features, the risk of wildland fires to the existing single-family residential uses to the west and south of the project site would be substantially reduced when compared with existing conditions. (Draft EIR page 4.7-34.)

In addition to disregarding the robust discussion of wildfire susceptibility of the project site and potential impacts of the Project, commenter also does not provide any factual evidence that the discussion is erroneous. (CEQA Guidelines § 15384; *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580 [a comment letter that consists of mere argument and unsubstantiated opinion does not constitute substantial evidence].)

RESPONSE POHH-JOHNSON2-3

The commenter asserts that Alternative 2, the Planning Area 1 Only Alternative, is inadequate because it increases the number of units and would increase some of the impacts of the Project. First, the commenter is advised that this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. The Modified Planning Area 1 Only Alternative does not include Planning Area 2 and reduces the density in Planning Area 1 as compared to the Project. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative. Second, regardless of the Modified Planning Area 1 Only Alternative, the commenter's assertion is not in accord with CEQA, which specifies that there "is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." (CEQA Guidelines § 15126.6.) An agency must select a reasonable range of alternatives for consideration, and that range must include information "sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029 [EIR need not analyze alternatives that do not constitute a different version of an alternative already presented in the EIR].) An "array of alternatives" is sufficient if it "represent[s] enough of a variation to allow informed decision making." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 419.) Alternative 2 was appropriately considered because it contributes to a reasonable range of realistic alternatives from which the decisionmakers can adequately account for environmental aspects of the Project and alternatives. Alternative 2 increases the density of the Project in Planning Area 1 to the density allowed by the County General Plan. An increased density alternative is appropriately considered so long as it would be environmentally superior to the Project in some respects. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 547; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) As discussed below, Alternative 2 is environmentally superior to the Project in certain resource areas. Moreover, increasing the intensity of possible development in Planning Area 1 and leaving Planning Area 2 undeveloped represents a reasonable and realistic alternative to the Project. When crafting alternatives for consideration in the Draft EIR, the County endeavored to include realistic alternatives which varied from the Project enough to permit informed decisionmaking. The commenter has not provided any evidence why this alternative does not contribute to a reasonable range of alternatives.

As discussed above, an alternative need only be environmentally superior to the Project in some respects. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 547.) The Project would not result in any significant and unavoidable impacts. The commenter contends that Alternative 2 is inadequate because it "materially increases" a number of impacts of the Project. As discussed in Table 3-1 in Chapter 3.0 of this Final EIR, Alternative 2 would lessen impacts of the Project in the following resource areas: biological resources, cultural resources, noise, and utilities. Moreover, to the extent that Alternative 2 results in greater impacts than the Project, those impacts are not "materially" increased "across the entire range of impact areas," as commenter argues, but mostly limited increases which remain below the level of significance. As discussed above, Alternative 2 reduces some of the impacts of the Project, adds to the reasonable range of alternatives, and permits informed decisionmaking by the County. Thus, Alternative 2 was appropriately considered as an alternative to the Project.

RESPONSE POHH-JOHNSON2-4

Alternative 3, the Large/Reduced Grading Alternative, was appropriately analyzed in the Draft EIR. The commenter does not provide any evidence demonstrating that its inclusion was unreasonable, or that it does not contribute to a reasonable range of alternatives as is required by CEQA. CEQA specifies that the range of alternatives analyzed is governed by the rule of reason, and that the alternatives chosen must present

“enough of a variation to allow informed decision making.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 419.) Alternative 3, which would develop the project site with one-acre lot sizes and include less mass-grading and less open space than the Project, contributes to a reasonable choice of alternatives as far as environmental aspects are concerned. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) Commenter provides no evidence to the contrary.

Commenter argues that Alternative 3 could have been designed to include 36.8 acres of permanent open space. However, an EIR need not consider every conceivable alternative to the Project. (CEQA Guidelines § 15126.6(a); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163.) Moreover, to the extent a version of Alternative 3 that includes 36.8 acres of open space warrants consideration, [i]t is not unreasonable to conclude that an alternative not discussed in the EIR could be intelligently considered by studying the adequate descriptions of the plans that are discussed.” (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029 [an EIR should “not become vulnerable because it fails to consider in detail each and every conceivable variation of the alternatives stated”].)

Commenter argues that Alternative 3 could have been designed to ensure landowners are deed restricted to stay away from sensitive areas to ensure lesser visual impacts. Like the discussion above regarding 36.8 acres of open space, Alternative 3 appropriately identifies an alternative that contributes to a reasonable range. While commenter would have another version of Alternative 3 analyzed, a version of an alternative that is already analyzed need not be separately analyzed in the EIR and doesn’t contribute to a reasonable range of alternatives. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 316, 355 [EIR need not consider in detail every conceivable variation of alternatives stated].) To the extent a deed restriction is possible, the decisionmakers can consider such an alternative within the confines of Alternative 3 as described in the Draft EIR.

Commenter again asserts that a change to Alternative 3 is warranted, specifically that the 65 lots be placed in a manner that is more biologically sensitive. First, commenter does not provide any evidence that such a design is possible. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Commenter erroneously asserts that the 65 one-acre lots in Alternative 3 could be designed in a manner to result in a lesser biological impact than Alternative 2, which includes 112 lots. However, with this assertion, commenter presents a fundamental misunderstanding of the two alternatives – that Alternative 3 covers more land than Alternative 2. Even if the one-acre lots were to be reconfigured, the new design would still result in more lot coverage than Alternative 2. Please refer to Figures 5-1 and 5-2 for site plans for Alternatives 2 and 3. Also, as with commenter’s other suggested changes, commenter fails to provide any evidence that Alternative 3, as described, fails to contribute to a reasonable range of alternatives or that the proposed change is not simply a variation on an alternative already considered.

RESPONSE POHH-JOHNSON2-5

The commenter asserts that Alternative 4, Contested Easement Alternative, is deficient as a matter of law. As described in Section 5.0, *Alternatives*, of the Draft EIR, the developer of the adjacent property, Esperanza Hills, has asserted easement rights across the project site. Alternative 4 was necessarily included in the Draft EIR to account for the Esperanza Hills Project Applicant’s easement rights across the project site, which were

recently found to be valid by the Orange County Superior Court, although the Court's decision did not identify the uses, scope, or beneficiaries of the easement, and that decision is still subject to appeal. Because such rights impact the scope of the Project and environmental impacts, as described in Section 5.0 of the Draft EIR, the County responsibly chose to include it for analysis in the Draft EIR. Thus, Alternative 4 constitutes a realistic and feasible alternative which contributes to the reasonable range of alternatives contained in the Draft EIR. Importantly, CEQA does not preclude the analysis of alternatives that do not reduce environmental impacts of the Project (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490) and CEQA does not establish a categorical imperative as to the scope of alternatives to be analyzed in an EIR. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 199.) However, what is required, is that the range of alternatives comply with the statutory purpose of CEQA, which include to "foster informed decisionmaking and public participation." (CEQA Guidelines § 15126.6(a).) The inclusion of Alternative 4 in the Draft EIR accomplishes this purpose by analyzing a realistic and feasible alternative that would meet the basic project objectives and would not increase any of the Project's significant impacts. Even if Alternative 4 was not included in the Draft EIR, the remaining alternatives would present a reasonable range of alternatives to satisfy the requirements of CEQA. The reasonable range of alternatives is further discussed in Responses POHH-Johnson2-3, -4, -7 and -8.

RESPONSE POHH-JOHNSON2-6

The commenter asserts that the Environmentally Superior Alternative section is deficient for several reasons. Aside from the commenter's assertion about wildland fires, which is addressed below, the commenter does not specify any of the reasons upon which the assertion is based. Moreover, the comment fails to articulate any factual support for that contention. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) To constitute substantial evidence, comments by members of the public must be supported by an adequate factual foundation. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.)

As to the Draft EIR's conclusion that Alternative 3 would result in greater wildland fire hazards, that conclusion is supported by substantial evidence. As discussed in Section 5.0, *Alternatives*, of the Draft EIR, Alternative 3 would result in lesser fuel modification than the Project because residential structures would be located farther from adjacent existing properties. Thus, natural vegetation, which is more susceptible to wildland fire hazards than land within modified zones, would persist to a greater extent than the Project. Section 4.7, *Hazards and Hazardous Materials*, provides a detailed discussion of the existing site, its susceptibility to wildfires, and the impact reductions expected with a fire protection plan and fuel modification. The project site is within an area of very high fire risk, due in large part to the fuel loading currently existing on the project site. An excess of plant fuel may increase the severity of a wildfire and threaten native habitat and neighboring development. To alleviate such impacts, the Project incorporates project design features and mitigation measures such as fuel modification and management zones (PDF 7-12) that would help suppress wildland fires in accordance with Orange County Fire Authority. (Draft EIR pages 4.7-19 – 4.7-35.) Since fuel modification would occur to a lesser extent under Alternative 3, the wildfire risks associated with Alternative 3 are greater than with the Project. Moreover, as discussed above, the commenter does not provide any factual support for the assertion that Alternative 3 would result in lesser wildland fire hazards. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

Also, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. The Modified Planning Area 1 Only Alternative does not include Planning Area 2 and reduces the density in Planning Area 1 as compared to the Project. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE POHH-JOHNSON2-7

The commenter asserts that the Draft EIR should include a discussion of off-site alternatives to the proposed Project. The Draft EIR considered and discussed off-site alternatives in Chapter 4.0, *Alternatives*, under the heading 2, Alternatives Considered and Rejected, on page 5-4. The primary reasons stated for not evaluating an off-site alternative were that the Project was developed specifically for the site's geographic location, and that another site in the vicinity would have similar impacts. Furthermore, it was noted that the Project proponent does not own any other properties in the nearby vicinity.

CEQA requires the consideration of a reasonable range of alternatives, but it does not mandate the consideration of off-site alternatives. (Pub. Resources Code §§ 21001(g), 21002.1(a), 21061; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491.) However, if the circumstances make it reasonable to consider an off-site alternative, an EIR should conduct such an analysis. The key questions are whether there are any feasible alternative sites and whether any of the "significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR." (CEQA Guidelines § 15126.6(f)(2).) Like all alternatives, only those that will attain most of the basic objectives of the project need be discussed in an EIR. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 199 ["it is these objectives that a proposed alternative must be designed to meet"]; *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087.) Among the factors that should be accounted for when considering feasibility including "site suitability, economic viability, availability of infrastructure ... jurisdictional boundaries ... and whether the proponent can reasonably acquire or have access to the alternative site." (Guidelines § 15126.6(f)(1); *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 522 [an alternate site which was not within the agency's jurisdiction and was owned by a private party was infeasible].)

The off-site alternative which commenter proposes, specifically the vacant properties at and near the intersection of Los Angeles Street and Imperial Highway in the City of Yorba Linda, is not a feasible alternative for a number of reasons. First and foremost, the commenter's proposed alternative site is much smaller than the Cielo Vista Project site and would appear to support approximately 10 single-family residential estate properties, possibly fewer given the site boundary/shape constraints. Such a dramatic reduction in the size of the Project would not be economically viable for the Project Applicant, particularly in light of the substantial investment in development of the Cielo Vista property since 2005, including technical studies, architectural plans and engineering, as well as costs associated with the CEQA process. Even without such a substantial reduction in the size of the Project, the economic and time constraints involved in developing an off-site alternative would make it infeasible for the Project Applicant to abandon such plans and investigate, acquire, control or otherwise gain access to the property in question considering the applicant already owns and has invested significant resources in development of the site.

In addition to economic infeasibility, the alternative at the proposed location would not meet a significant number of the Project's objectives. For instance, the site proposed by commenter is substantially smaller]

than the proposed project site, which would not allow for 36 acres of open space or provide a balance of open space and residential land uses (Objectives 2 and 1, respectively). The alternative site would also not permit the County to implement a land plan that optimizes view potential for the community's residents (Objective 9), or create a project perimeter open space setting for the residents through dedicated or private open space (Objective 10(b)). Therefore, because the project site proposed by commenter would not be economically viable and would not achieve a large number of the Project's objectives, it need not be further considered in the EIR.

RESPONSE POHH-JOHNSON2-8

The commenter asserts that the project objectives are artificially narrow, thus resulting in an flawed alternatives analysis. First, the commenter does not provide any evidentiary support for this broad assertion. To constitute substantial evidence, comments by members of the public must be supported by an adequate factual foundation. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.) Second, as discussed above in Responses 114-2 through 114-7, the Draft EIR appropriately analyzed a reasonable range of alternatives which present "enough of a variation to allow informed decision making." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 419.) As to the project objectives, an EIR must include a clear statement of "the objectives sought by the proposed project...." (CEQA Guidelines § 15124(b).) CEQA does not restrict an agency's discretion to identify and pursues a particular project designed to meet a particular set of objectives and objectives can be broadly stated. (*California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276-277; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 947 [alternative would not have satisfied project's objective of providing mix of retail and restaurant tenants].) Here, 11 particular project objectives were reasonably crafted to guide project design and to develop the range of alternatives to be considered in the Draft EIR. The objectives outlined in the Draft EIR do not preclude the development of a reasonable range of alternatives, as evidenced by the alternatives which are included and analyzed in the Draft EIR. This type of analysis is appropriate under CEQA.

In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE POHH-JOHNSON2-9

The commenter argues that new objectives should be crafted and that off-site alternatives should be evaluated under those objectives. Please see Response POHH-Johnson2-8 for a discussion of why the project objectives comply with CEQA.

RESPONSE POHH-JOHNSON2-10

This comment provides a general conclusion regarding the issues raised in this letter. Individual responses to this letter are provided above in Responses POHH-Johnson2-1 through POHH-Johnson2-9.

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Cumulative Impacts, Noise Impacts and Oil Production Impacts

Dear Mr. Tippets:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”). Specifically, the DEIR fails to include related projects in the cities of Brea and Chino Hills in the cumulative impacts analysis and contains an inadequate discussion and analysis of cumulative impacts and impacts from the proposed drilling pad, including noise impacts.

Cumulative Impacts Analysis

The cumulative impacts analysis is divided among the various impact subchapters making it difficult for the public and ultimately the decisionmaker to comprehensively grasp the full cumulative impact of the Cielo Project and other past, present and reasonably foreseeable future projects. The DEIR should provide a “**summary** of the expected environmental effects to be produced by those projects with **specific reference** to additional information stating where that information is available, and...A **reasonable analysis** of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.” CEQA Guideline 15130(b)(4-5). The DEIR fulfills none of these CEQA informational roles.

The DEIR identifies other projects in Section 3.0 but makes no effort to reasonably analyze the impacts of the identified projects in the cumulative impacts discussion and makes no reference to additional information and where that information is available. This analytical and informational omission renders the DEIR insufficient as an informational document.

January 22, 2014

Clearly, many of these projects have reached the level of permit processing or environmental review such that information concerning their specific impacts is readily available and should properly be part of the cumulative impacts analysis. If it is “reasonable and practical to include the projects” in the cumulative impacts analysis, they should be included. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

Instead, the DEIR relies on conclusions of significance or insignificance of impacts devoid of any reasoned analysis. This is not permissible under CEQA. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 (Discussion lacking even a “minimal degree of specificity or detail” is inadequate and the discussion must be more than a conclusion “devoid of any reasoned analysis.” 88 Cal.App.3d at 411. Similarly, in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, EIR’s analysis of significant cumulative impacts was legally inadequate because it simply asserted that nonspecific cumulative development would have community character, agricultural and visual impacts. These analytical deficiencies must be corrected.

In addition, the DEIR fails to include pending projects in the nearby incorporated cities of Brea and Chino Hills. These projects are within 5 miles of the Cielo project and should be included in any cumulative impacts analysis:

Madrona (Canyon Crest)

Project Type: 162 homes on 367 acres
Location: Eastern Brea (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Brea
CEQA Status: FEIR released November 2012
Last Action: Appeal Hearing 1/21/14

Information available at: <http://www.ci.brea.ca.us/index.aspx?NID=180>

Foremost Community (Canyon Hills)

Project Type: 76 homes on 141 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: EIR approved 1987
Last Action: Awaiting Tract Home Design Review by Planning Commission

Information available at: <http://www.chinohills.org/index.aspx?NID=847>

Pine Valley Estates

Project Type: 98 homes on 192 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Final Map Recorded 2009

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Last Action: Revised Design Review by Planning Commission approved 2009

Information available at: <http://www.chinohills.org/index.aspx?NID=847>

Stonefield Development

Project Type: 28 homes on 34 acres
Location: Western Chino Hills (off Carbon Canyon Road – Hwy 142)
Lead Agency: City of Chino Hills
CEQA Status: Website is unclear but appears project is approved
Last Action: Website is unclear, but appears project is approved

Information available at: <http://www.chinohills.org/index.aspx?NID=853>

Note that information on other projects, including those listed in section 3.0, is generally readily available on the websites of the relevant agency. The DEIR should be revised to include this information in order to be compliant with the CEQA guidelines.

Drilling Pad and Noise Impacts

The approval of a contingent 1.8 acre “oil drilling pad” is inappropriate. Under CEQA, what will or could be built on the pad needs to be discussed in detail in the DEIR and all expected or reasonably foreseeable impacts from the proposed drilling pad need to be identified. Avoidance measures need to be analyzed and where avoidance is not possible, mitigation measures need to be identified and adopted.

Of particular concern to area residents is whether the new drilling pad will support horizontal drilling or fracking.

Reasonably foreseeable impacts include, but are not limited to: 1) pre-construction subsurface investigations on, near or from the pad; (2) construction impacts, including noise, air pollution, lighting and vegetation/soils impacts from vehicles and construction equipment; 3) visual impacts, air quality impacts, drilling apparatus noise and lighting and maintenance procedures associated with a fully operational drilling pad; 4) seismic impacts, including vibrations affecting wildlife and residents; and 5) impacts upon surface and groundwater resources.

Impacts associated with closing down existing wells and moving infrastructure to the new drilling pad need to be addressed and the expected operational life of an operational drilling pad as well as close down protocols need to be identified and analyzed.

On the specific subject of noise, residents report that poorly maintained oil drilling rigs can be heard squeaking throughout the canyon area. The squeaking can continue for days before maintenance is performed. The canyon walls and other topographic characteristics provide unique sound channeling features and need to be considered in the DEIR, along with

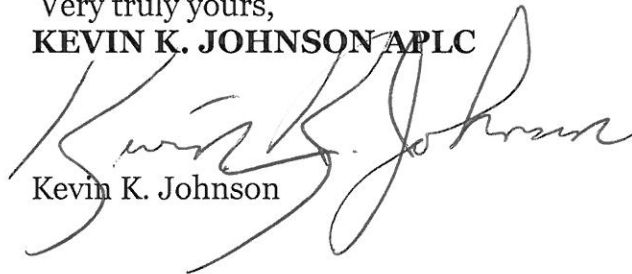
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the oil rigs noise impacts, as noise enhancing features requiring appropriate mitigation.

In view of the foregoing deficiencies in the DEIR, the document should be revised and recirculated for public review.

Very truly yours,

KEVIN K. JOHNSON APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over the printed name.

Kevin K. Johnson

Cc: Supervisor Todd Spitzer via email

LETTER: POHH-JOHNSON3

Protect Our Homes and Hills

K. Johnson, APLC A Professional Law Corporation, Attorneys at Law

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-JOHNSON3-1

The commenter takes issue with the organizational structure of the cumulative impacts analysis contained in the Draft EIR, and generally asserts that the analysis is inadequate. The Draft EIR, however, analyzes the Project's potential cumulative impacts in compliance with CEQA. An EIR must contain an evaluation of the cumulative impacts of a project, which discussion should be guided by the standards of practicality and reasonableness. (*Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 525.) The "discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone...." (CEQA Guidelines § 15130(b).) As noted in Chapter 3.0, *Basis for Cumulative Analysis*, while the Draft EIR primarily used the list method for evaluating cumulative impacts, as permitted by CEQA Guidelines Section 15130, the approach to these analyses varies for certain environmental issues. The cumulative analysis for each environmental issue is presented in the applicable resource area section in Chapter 4, *Environmental Analysis*, of the Draft EIR. Though the commenter takes issue with this organizational structure, the commenter provides no specific evidence that it is inappropriate.

As noted above, potential cumulative impacts were evaluated in specific resource sections. For each resource area, the cumulative impacts analysis complies with CEQA by analyzing the potential cumulative impacts of the proposed Project in light of past, present, and reasonably foreseeable future projects. For instance, Section 4.3, *Biological Resources*, assesses the cumulative impacts of the Project in relation to other past, present, or reasonably foreseeable future projects. In compliance with CEQA Guidelines Section 15130, the section defines the geographic scope and identifies the cumulative projects (from the list provided in Chapter 3.0) which could, combined with the proposed Project, result in cumulative impacts. The biological cumulative impacts analysis then identifies the environmental effects that could be produced by the cumulative project (Related Project No. 1) and the proposed Project, and analyzes potential cumulative impacts. (CEQA Guidelines § 15130(b)(4).) This analysis is consistent with CEQA, which requires that a cumulative discussion should "be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 398.) Thus, the Draft EIR satisfies the informational and cumulative analysis requirements of CEQA. As previously discussed, the commenter makes only a general comment as to the cumulative analysis, but does not provide any specific deficiency with the analysis.

RESPONSE POHH-JOHNSON3-2

As discussed in Response POHH-JOHNSON3-1, the Draft EIR includes specific information about the Project's potential project and cumulative environmental impacts. Moreover, the commenter is referred to Response POHH-JOHNSON3-1 regarding the Draft EIR's cumulative impacts analysis compliance with CEQA.

RESPONSE POHH-JOHNSON3-3

The commenter generally asserts that the Draft EIR's cumulative impacts analysis is inadequate, but fails to provide any factual evidence or identify any specific deficiency. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Comments by members of the public must be supported by an adequate factual foundation. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.) As discussed in Response POHH-JOHNSON3-1, the cumulative impacts analysis was "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 398.) Moreover, although commenter generally suggests otherwise, the analysis includes specific details about the potential cumulative impacts, their severity, and their likelihood of occurrence. (Guidelines § 15130(b).)

RESPONSE POHH-JOHNSON3-4

As noted in Chapter 3.0, *Basis for Cumulative Analysis*, of the Draft EIR, the County created the list of past, present, and probable future projects by reviewing County applications and records. The cities of Anaheim, Brea, and Yorba Linda were also contacted to inquire about projects that should be included on the list of cumulative projects. Under CEQA, a cumulative impacts analysis should be guided by the standards of practicality and reasonableness. (CEQA Guidelines § 15130(b); *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 902 ["when review[ing] the agency's decision to include information in the cumulative impacts analysis[,] ... [w]e determine whether inclusion was reasonable and practical."].) The factors to consider in determining which projects to include in the list of cumulative projects include the nature of the resource in question, the location of the project, and the type of project. (CEQA Guidelines § 15130(b)(2).) The City of Brea did not identify the Madrona (Canyon Crest) project as a probable future project, and, therefore, it was not included in the list of cumulative projects in the Draft EIR. Moreover, the Madrona project is located in the far northeast corner of Brea in Carbon Canyon, nearly in Los Angeles County. In addition to the large distance between the project site and the Madrona project, there is a significant mountainous area intervening between the proposed project and the Madrona project. Based upon these project characteristics, it was reasonable not to include the Madrona project in the Draft EIR's list of cumulative projects. Like the Madrona project, the other projects identified by commenter are located a significant distance from the project site, and are separate from the project site by natural mountainous conditions. Each of the other projects cited by commenter are located in the City of Chino Hills, which is located northeast of the project site across the Chino Hills and Chino Hills State Park.

Commenter has not provided any evidence that, without the addition of the projects identified in the comment letter, the cumulative impacts were inappropriately addressed in the Draft EIR. As discussed above, commenter's suggested projects are separated from the project site by both substantial distance and mountains. Moreover, the nature of the project – a residential development – and the nature of the impacts likely to result from the project and the projects identified by commenter – impacts also associated with residential development – are not likely to result in cumulative impacts. For instance, aesthetic impacts associated with commenter's suggested projects, when coupled with the proposed project, would likely not have any cumulative impact because they are located a significant distance away from each other and together the projects would not substantially degrade any notable public scenic views. Again, commenter has not provided any evidence that the list of cumulative projects is insufficient, or that addition of identified projects is necessary.

RESPONSE POHH-JOHNSON3-5

Contrary to Comment POHH-Johnson3-5, there is no approval for oil operations on a 1.8 acre site portion of the project site. This portion of the project site is proposed to be rezoned to “R-1” Single Family Residence and “R-1 (O)” Single Family Residence with an Oil Production Overlay for a 1.8 acre portion in the event that applications are filed with the County to consolidate the existing on site oil wells on the 1.8 acre site with drilling permits to be issued by the County and the state Department of Oil, Gas and Geothermal Resources (DOGGR).

As the Project is developed, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped. Project design feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. PDFs 7-2 through 7-8 on pages 2-33 and -34 as well as on page 4.7-18 provide for oil well setback requirements, operational requirements, and that any future operations would be required to be consolidated on a 1.8 acre parcel. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards. PDFs which address setback requirements and access prohibitions applicable to future wells provide the context, framework and known operational requirements should the reserved 1.8 acre site be used for consolidated oil operations. The Project does not propose any oil drilling or extraction activities on the 1.8 acre site and none can be presumed in the absence of an oil drilling and operations plan which has not been proposed or contemplated as of the preparation of the Draft EIR. Should such a plan be proposed by existing site operators or other potential operators, this EIR would have to be addended or supplemented or a new document would be prepared for compliance with CEQA to evaluate the impact of any proposed plan with such impacts mitigated to ensure the safety of residents in the area of the new oil operations building upon the PDFs provided in the Draft EIR.

RESPONSE POHH-JOHNSON3-6

As stated in Response POHH-Johnson3-5, approval for any new oil wells to be drilled on the 1.8 acre site will be through permits from the County and DOGGR. Applications for those permits would be required to describe well operations, including whether or not horizontal drilling or fracking is being proposed, which would then be considered by these agencies in evaluating whether or not such operations can be conducted on this particular site in determining whether to issue the drilling permits. In the absence of an application, it would be speculative to evaluate any hypothetical oil development.

RESPONSE POHH-JOHNSON3-7

Please refer to Response POHH-Johnson3-5.

RESPONSE POHH-JOHNSON3-8

Requirements for the closure of existing of oil operations on the project site are provided in PDF 7-1 and Mitigation Measure 4.7-4, as discussed in Response POHH-Johnson3-5.

RESPONSE POHH-JOHNSON3-9

Operational concerns with existing oil wells should be reported to code enforcement staff in the Division of Building, Grading, and Subdivision of the County’s Public Works Department. Permits for future oil wells will

be considered by the County and DOGGR using the latest technology for noise dampening and other operational characteristics.

Troy & Katrina Keuilian
4640 San Antonio Rd
Yorba Linda, Ca 92886

November 14, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Troy & Katrina Keuilian
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-KEULIAN**Troy and Katrina Keulian, Members**

4640 San Antonio Road
Yorba Linda, CA 92886
(November 14, 2013)

RESPONSE POHH-KEULIAN-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-KEULIAN-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-KEULIAN-3

Please refer to Response POHH-KEULIAN-1.

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KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Annexation and Failure of DEIR to Adequately Analyze Annexation
Scenario

Dear Mr. Tippets:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”). Specifically, the DEIR fails to adequately discuss the annexation scenario, associated environmental impacts upon project annexation to the City of Yorba Linda, all jurisdictional changes involved and the discretionary approvals by LAFCO and the City of Yorba Linda.

The project site is within the City of Yorba Linda sphere of influence and according to the Project Description, “[t]he Project Applicant intends to seek annexation to the City through an annexation agreement to be negotiated with the City prior to the issuance of building permits” (DEIR p. 2-2). Although the DEIR characterizes the annexation as a mere possibility elsewhere, given the applicant’s clear intention to seek annexation, all impacts, approvals and jurisdictional changes related to the annexation scenario should be fully analyzed in the DEIR. Instead, like several other areas in the DEIR, analysis of these issues is impermissibly deferred to a future date or omitted altogether.

The City of Yorba Linda and Orange County Local Agency Formation Commission (“LAFCO”) have discretionary authority for carrying out or approving the Cielo project in an annexation scenario. As such, they are responsible agencies under the California Environmental Quality Act (“CEQA”), Pub. Res. Code sec. 21000 et seq. and should have been named as such. 14 Cal.Code Regs. §15381. LAFCO presents a clear example of a responsible agency. In their discussion of responsible agencies, authors Kostka & Zischke identify as a responsible agency “the Local Agency Formation Commission (LAFCO) for any annexation or

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reorganization.” Kosta & Zischke, *Practice Under the California Environmental Quality Act* §3.18 (CEB 2013).

In our experience, LAFCO generally requires that an EIR contain information about the environmental consequences of the decisions that LAFCO will be making with regard to the whole project. *Habitat And Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277. This information includes: a discussion of the required jurisdictional and sphere of influence changes subject to LAFCO discretionary approval(s); the project’s conformance with LAFCO statutory requirements and local policies; a description of the ability of existing agencies to provide services; a detailed description of existing and proposed infrastructure; and a discussion of the proposed provision of public services to the subject territory. The Project Description does not even mention LAFCO approvals (DEIR p. 2-37, 2-38) among the various approvals and permits and is inadequate on its face.

Likewise, the DEIR’s description of approvals from the City of Yorba Linda appears incomplete and therefore inadequate (DEIR p. 2-38). The DEIR acknowledges that an annexation scenario “would include discretionary approvals on the part of the City” including possible changes to the Yorba Linda General Plan and zoning designations (DEIR p. 4.9-16). None of these possible discretionary approvals is listed in the approvals and permits listings (DEIR pp. 2-38, 4.9-7).

LAFCO has discretionary authority for approval of the annexation to the City of Yorba Linda and any concurrent annexations and/or detachments involving special district water, sewer, and/or fire protection service providers for the project. Discretionary authority for jurisdictional changes is statutorily reserved to LAFCO. Cal. Gov. Code §§56100(a) and 56375. Therefore, at a minimum, the DEIR should identify all discretionary actions related to the applicant’s plan to seek annexation to the City of Yorba Linda by the type of jurisdictional change (annexation), the affected parcels and total acreage for each jurisdictional change, and the subject agency involved in the jurisdictional change. At present, the DEIR does not fulfill these most basic requirements and should be revised.

This failure to include discussion of all agency approvals in the Project Description presents a foundational problem that impacts other sections of the DEIR. For example, the Land Use and Planning section at 4.9 also contains an incomplete list of approvals and permits (DEIR pp. 4.9-6, 7). More seriously, the section’s discussion of thresholds of significance is inadequate and incomplete because it fails in the first instance to identify all agencies with jurisdiction over the project. If an agency such as LAFCO has not been identified in the first instance, then discussion of conflicts with applicable plans, policies or regulations of that agency has not occurred and is inadequate on its face.

Moreover, to the extent the DEIR discusses consistency thresholds and conflicts with existing Yorba Linda zoning or land use plans, policies or regulations at pp. 4.9-5, 7, 13-16, it attempts to gloss over clear conflicts with the Yorba Linda land use designation (low density residential 0-1.0 dwelling unit per acre) and zoning designation (UNC-Unincorporated Area) which will require a land use designation and/or zoning change. The DEIR characterizes the necessary Orange County zoning change as making the project “essentially consistent” with the

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changed Yorba Linda zoning, not the existing Yorba Linda zoning. Likewise, the DEIR indicates "the Project with approval of its requested discretionary actions would be potentially consistent with the applicable goals and policies in the [Yorba Linda] General Plan (DEIR p. 4.9-14). The proper issue for analysis is the project's consistency with the **current** Yorba Linda zoning and land use designations, not the consistency of the project with its discretionary approvals. The DEIR cannot properly avoid a significance determination by using the potentially changed zoning or land use designations which are part of the proposed project as a baseline. The Land Use and Planning section of the DEIR must be revised to employ the proper baseline and provide an open and forthright consistency analysis.

The discussion also refers the reader to other sections of the DEIR instead of setting out the full consistency analysis in the Land Use and Planning section (DEIR p. 4.9-17) (consistency with Yorba Linda's Hillside Development Zoning Code Regulations and consistency of residential development with oil production discussed in section 4.1 Aesthetics). The Land Use and Planning section should include the consistency discussion in its entirety and not refer the reader to another DEIR section which may not contain an adequate consistency analysis.

In this regard, the DEIR in both the Land Use and Planning section and the Aesthetics section fails to acknowledge that one effect of maintaining consistency with the hillside protection provisions in both the Yorba Linda General Plan and the zoning code may be reduced density and yield for this project. Under these circumstances, the proposed project density appears to be patently inconsistent with these policies.

The Recreation and Resource Element of the Yorba Linda General Plan seeks to "permanently preserve and protect sensitive hillside areas", "[r]espect the natural landform as a part of site planning", and "[p]reserve significant natural features, including sensitive hillsides" (DEIR p. 4.1-30). Similarly and consistent with these goals and policies, the Land Use Element contemplates and seeks "[l]ow density residential development in the hillside areas" and targets "lower densities to hillside areas with yield based on slope severity and stability, topographic conditions" (DEIR p. 4.1-30). Application of these Yorba Linda policies will likely result in a much lower density than that proposed by the project and this inconsistency must be acknowledged and analyzed in the DEIR.

In view of the foregoing identified inadequacies in the Cielo DEIR, the document should be substantially revised and re-circulated for public comment.

Very truly yours,
KEVIN K. JOHNSON APLC



Jeanne L. MacKinnon

Cc: Supervisor Todd Spitzer via email

LETTER: POHH-MACKINNON1**K. Johnson, APLC A Professional Law Corporation, Attorneys at Law****Jeane L. MacKinnon**

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-MACKINNON1-1

The commenter generally asserts that Draft EIR should have analyzed the impacts, approvals, and jurisdictional changes related to potential annexation of the Project Site by the City of Yorba Linda. The commenter does not, however, specify how the analysis contained in the Draft EIR is deficient or raise any significant environmental issues. Therefore, no further response is required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

The statement on page 2-2 of the EIR that the Applicant “intends” to seek annexation is a typographical error. It is more accurate to state that the Applicant “may” seek annexation in the future. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description**1. Page 2-2. Modify the last paragraph with the following changes:**

The Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential “1B”, which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 43 acres of the project site as Open Space (5). The entire project site is zoned A1(O) – General Agricultural with Oil Production Overlay, per the Orange County Zoning Map. The project site is also within the City of Yorba Linda Sphere of Influence (SOI). The City of Yorba Linda General Plan indicates that the SOI is representative of the long-term, probable future physical boundaries and service area of the City. The Project Applicant ~~intends to~~ may seek annexation to the City in the future through an annexation agreement to be negotiated with the City prior to issuance of building permits.

In addition, an EIR is not required to speculate about the environmental consequences of future development that is unspecified or uncertain. (*Environmental Protection Info. Ctr. V. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 502.) Here, although annexation into the City of Yorba Linda is not certain, the Draft EIR provides a good faith effort at disclosing the impacts related to the Project. To the extent a resource area requires analysis of impacts which are particular to the City of Yorba Linda, for example, consistency with the City of Yorba Linda General Plan for multiple resource areas, the Project’s impact to parkland in the City of Yorba Linda, and potential traffic impacts on intersections within the City of Yorba Linda, that analysis is included in the Draft EIR. The commenter does not identify any significant environmental issues which were not addressed by the Draft EIR.

RESPONSE POHH-MACKINNON1-2

The County of Orange is the lead agency as the project site is within the County's jurisdiction. The City of Yorba Linda is a responsible agency for purposes of CEQA. (CEQA Guidelines § 15381.)

RESPONSE POHH-MACKINNON1-3

Commenter states that the Draft EIR should include additional information about the environmental consequences of any Orange County Local Agency Formation Commission ("LAFCO") decision on the Project. If LAFCO considers annexation of the Project at some point in the future, it will, at that time, analyze the issues identified by the commenter.

RESPONSE POHH-MACKINNON1-4

As commenter correctly notes, annexation into the City of Yorba Linda would include discretionary approvals by the City of Yorba Linda. If the City considers annexation-related approvals associated with the Project at some point in the future (e.g., a Pre-Annexation Agreement), it will, at that time, analyze the issues identified by the commenter.

RESPONSE POHH-MACKINNON1-5

As commenter correctly notes, LAFCO is generally vested with discretionary authority over annexation and detachment actions. If LAFCO considers an annexation and/or detachment action associated with the Project at some point in the future, it will, at that time, analyze the issues identified by the commenter.

RESPONSE POHH-MACKINNON1-6

The commenter is referred to the Project's consistency analysis with the City's General Plan Land Use Element in Table 4.9-2 on pages 4.9-14 and 4.9-15 of Section 4.9, *Land Use and Planning*, in the Draft EIR. The key points made in this table are that while the Project is proposed at 1.3 gross dwelling units per acre, which is slightly above the 0-1.0 dwelling units per acre allowed by the Land Use Element's Low Density residential designation, it is well below the average citywide residential density of 2.8 dwelling units per acre, and will incrementally reduce this citywide density. Also, it is within the range of densities for single family subdivisions immediately to the west of the project site. Additionally, the Land Use Element allows for a total of 536 dwelling units within this sphere of influence area east of the City limit with a total of 452 dwelling units proposed between this Project and Esperanza Hills Project to the east, well within the allowable maximum of 536 dwelling units. This is the summarized basis for the "essentially consistent" conclusion which goes beyond the mere arithmetic of the Land Use Element density range.

Contrary to what is stated in the commenter's letter, the information in Table 4.9-2 is an evaluation of the Project's consistency with the current City Land Use Element designation for the project site. No evaluation is provided with respect to the Project's consistency with the UNC-Unincorporated Area zone designation as there is no information or site development standards in the City's Zoning Code for this designation.

The commenter refers to the "Potentially Consistent" column above the Table 4.9-2 consistency analysis. This column heading appears throughout the Draft EIR because the County cannot presume a final consistency determination which would be made by the City's decision-makers should the Project be annexed to the City at some point in the future. A project is consistent with the general plan "if, considering

all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Sequoia Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) “A given project need not be in perfect conformity with each and every general plan policy.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.) As evidenced by Table 4.9-2 of the Draft EIR and the preceding discussion regarding the Yorba Linda General Plan, the Draft EIR appropriately analyzed consistency with the Yorba Linda General Plan, looking at both specific policies and general consistency. As noted therein, the Project would be potentially consistent with the Yorba Linda General Plan. A lead agency’s determination that a project is consistent with a general plan carries a strong presumption of regularity. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.)

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE POHH-MACKINNON1-7

This comment states organizational preferences but does not raise any substantive issues regarding the Draft EIR’s analysis of environmental impacts. It is standard practice in the preparation of EIRs to cross-reference information within the document sections. With respect to General Plan consistency analysis, it makes more sense to group the General Plan’s Elements with the subject matter being evaluated for determining Project impacts. For example, it makes more sense to prepare a Project consistency analysis with the County’s Transportation Element and the City’s Circulation Element within the Draft EIR’s Traffic/Transportation section as opposed to completing that under the Land Use and Planning section and referring the reader of the Traffic/Transportation section back to the Land Use and Planning section. Please also see Response POHH-MACKINNON1-6 for a discussion about the adequacy of the EIR’s analysis of the consistency with the Yorba Linda General Plan.

RESPONSE POHH-MACKINNON1-8

The Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan’s density restrictions. This alternative was determined to be the environmentally superior alternative and may be adopted by the County Board of Supervisors.

The reader is also referred to Tables 4.1-2 and 4.1-3 on pages 4.1-29 through 4.1-32 of Section 4.1, *Aesthetics*, in the Draft EIR. These tables evaluate the Project’s aesthetic consistency with provision of the City’s General Plan and Hillside Development Zoning Code Regulations, respectively. The consistency analysis concludes that the Project is potentially consistent with both the General Plan provisions because and the Zoning Code provisions because the Project is clustered in two planning areas, it avoids grading and development on the most significant slopes and drainage courses affecting the project site, and does not alter or affect views of the most significant ridgelines to the east of the City.

RESPONSE POHH-MACKINNON1-9

Please refer to Response POHH-MacKinnon1-8.

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KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Inadequate Project Description and Related Issues

Dear Mr. Tippets:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the deficiencies in the Project Description and Cumulative Impacts and Growth Inducing Impacts Analyses in the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”).

By failing to accurately include all components of the Cielo project, including water infrastructure improvements, the DEIR’s Project Description and related analyses are deficient in a number of fundamental and serious respects.

To be legally adequate, a project description must: depict the project accurately and not minimize its environmental effects; include reasonably foreseeable activities associated with the project; and be consistent throughout the EIR. Kostka & Zischke, *Practice Under the California Environmental Quality Act §12.6* (CEB 2013). A project description that omits components of the project results in an EIR that fails to disclose all project impacts. *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829 (sand and gravel mine project description omitted discussion of water pipelines serving the project). An agency may not split a single large project into small pieces and thereby avoid environmental review of the entire project. *Orinda Ass’n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.

The Project Description Omits Key Project Components and Thereby Fails to Disclose All Project Impacts

The project description for the Cielo Project fails to accurately depict all components of the project including foreseeable, growth inducing, cumulative activities related to the

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expansion of the water supply infrastructure and the related Esperanza Hills project. By adopting a narrow view of the project, the DEIR overlooks “its cumulative impact by separately focusing on isolated parts of the whole” and engages in a “fallacy of division.” *San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.

The Cielo project, along with the directly adjacent, concurrently processed, related Esperanza Hills project, currently lacks any water infrastructure. The Cielo and Esperanza Hills projects rely on the same water infrastructure and access. Due to their adjacency, shared infrastructure and concurrent processing, these projects are effectively one project and the totality of their environmental impacts should be comprehensively evaluated in one EIR. In particular, treatment as two separate projects without accompanying analysis of the necessary water infrastructure impacts avoids and understates project impacts, particularly growth inducing impacts and cumulative impacts.

These two projects will require the construction of connections to the Yorba Linda Water District (“YLWD”) water distribution system, storage infrastructure, pumping facilities, upgrades to booster stations and offsite improvements. These types of infrastructure improvements are by definition growth inducing (*see 14 Cal.Code Regs. §15126.2(d)*), are part of the projects and the projects are not possible without these improvements.

The DEIR presents a situation remarkably similar to the EIR found to be inadequate in *San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713 in which a housing development could not go forward without a sewer expansion project. The sewer expansion project was the subject of a feasibility report but the report was not included in the housing development EIR and the feasibility report contained no discussion of the environmental impacts of the sewer expansion.¹

Likewise, the water infrastructure improvements necessary for both the Cielo and Esperanza Hills developments were the subject of a Northeast Area Planning Study (“NEAPS”) dated March 2013 authored by YLWD. The NEAPS is referred to in Section 4.15 Utilities and Service Systems of the DEIR but is not included as an Appendix, is not discussed in any significant detail in the DEIR and does not contain any environmental review. Under the authority of *San Joaquin Raptor*, this is legal error. The DEIR “tells the public and decision makers nothing about how the impacts of the [water infrastructure improvements] would combine with the impacts of the [] houses. If that information had been clearly set forth in the beginning, it could have significantly affected how the County considered mitigation measures and overall alternatives to the project.” *San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th at 734.

The Project Description mentions the NEAPS but incorrectly minimizes the importance

¹ Unlike the present situation, although an EIR was prepared for the sewer expansion project in *San Joaquin Raptor*, it also was not made a part of the housing development EIR. Here, no environmental review for the water infrastructure improvements has occurred as more fully discussed *infra*.

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and relevance of this document by stating that “some” of the infrastructure improvements/upgrades detailed in the NEAPS would support the project. In fact, the need for the improvements detailed in the NEAPS was triggered by the Cielo and Esperanza Hills projects. The Cielo project is referred to in the NEAPS as the Sage development. The NEAPS states:

The purpose of the Northeast Area Planning Study is to evaluate the capacity of existing distribution system facilities and size new infrastructure required to provide water under anticipated operational conditions for future demands. The proposed Esperanza Hills Estates (EHE) and Sage (SG)[Cielo] developments are projected to add 542 acre-feet per year (afy) to the District’s annual demands, resulting in an overall system annual demand of 25,388 afy, which equates to a 2 percent demand increase.

NEAPS p. ES-1.

This Northeast Area Planning Study is primarily limited to the system evaluation surrounding the new Esperanza Hills/Sage developments and the FPS [Fairmount Pump Station].

NEAPS p. ES-3.

The District is undertaking this study to evaluate water service in the northeast are of the District. Specifically, this study is intended to evaluate the capacity of the system to supply the areas of new development...

Two developments are currently planned for the northeast area of the District’s service area, the Esperanza Hills Estates development and the Sage development.

NEAPS p. 1.

In addition to failing to acknowledge the centrality of these two projects as the reason for the NEAPS, the Cielo project description completely abdicates responsibility for environmental review of these water infrastructure improvements by: (1) characterizing the recommendations in the NEAPS as mere possibilities, i.e. improvements “could include improvements such as water tanks...”; (2) indicating that the “specific locations, designs, and extent of the improvements are not known”; and (3) effectively deferring environmental review and passing the environmental review buck to YLWD by stating “[o]nce the facilities are further planned and designed, YLWD would evaluate the potential for the construction or operation of these facilities to result in significant impacts.” DEIR p. 2-22.

The DEIR fails to properly characterize the NEAPS recommendations; they are not mere possibilities, they are necessary if this project is to go forward. The DEIR fails to acknowledge that neither the Cielo project nor the Esperanza Hills project can go forward without the water infrastructure improvements; fails to analyze the environmental impacts of the total project as including the water infrastructure improvements; and improperly defers environmental review and formulation of mitigation for significant project impacts, including cumulative impacts of the three interdependent projects.

These omissions render the DEIR inadequate and require revision and recirculation of

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the document. These water infrastructure improvements are properly part of the project, should be adequately described in the project description and their significant impacts identified and fully analyzed.

The Growth Inducing Impacts Section Improperly Defers Environmental Review

The DEIR Growth Inducing Impacts section also improperly defers analysis of water infrastructure impacts (DEIR p. 6-1- 2) again indicating “the specific locations, designs, and extent of the improvements are not known” and “[o]nce the facilities are further planned and designed, YLWD would evaluate the potential for construction or operation of these facilities with respect resulting in any significant impacts” which would be evaluated by YLWD as an independent project. The growth inducing impacts of the Cielo project must be considered in conjunction with the growth-inducing and cumulative impacts of the water infrastructure improvements, including whether these improvements would facilitate growth elsewhere in the Northeast Area of the YLWD. *San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th at 732-733.

The Utilities and Service Systems Discussion Is Seriously Flawed

The Utilities and Service Systems section of the DEIR (Section 4.15) fails to even include the NEAPS in its discussion of the local and regional regulatory framework (DEIR p. 4.15-2).

More seriously, the Utilities and Service Systems section fails to properly apply threshold of significance 2 related to the water infrastructure improvements. Threshold 2 asks:

Would the Project:

Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

DEIR p. 4.15-11.

The DEIR acknowledges elsewhere in the document that the Cielo project will require the construction of connections to the Yorba Linda Water District (“YLWD”) water distribution system, storage infrastructure, pumping facilities, upgrades to booster stations and offsite improvements. Therefore, any logical reading of these facts in conjunction with the question posed by threshold 2 would result in an affirmative response, i.e., yes, the project would require and result in the construction of new water facilities and the expansion of existing facilities, the construction of which could cause significant environmental effects.

However, the Utilities and Service Systems discussion of Threshold 2 (water infrastructure) contains an incomplete and inconsistent discussion of the threshold and further promotes confusion by combining its discussion of Threshold 2 with a discussion of Threshold 4 (adequacy of water supply). These thresholds of significance should be addressed separately (DEIR p. 4.15-14). Combining the thresholds serves to undermine conclusions of significance

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by subsuming one threshold within another. The DEIR's conclusion that impacts regarding water supply would be less than significant does not even address the significance of impacts resulting from the new and expanded water infrastructure.

This error is not corrected by the statement four pages later that "[g]iven the need for new infrastructure to support the Project, the Project would have a potentially significant impact on water storage in the area" (DEIR 4.15-18). The error is compounded by the document's failure to analyze these potentially significant impacts, provide mitigation or alternatives and by deferring any consideration of these impacts to some future date by YLWD.

The foregoing fundamental omissions in the Cielo project description, in the growth inducing and cumulative impacts analyses and in the Utilities and Service Systems section require revision and recirculation of the DEIR to include an accurate, complete project description, analysis of all impacts related to the water infrastructure improvements and formulation of mitigation and alternatives discussion for these impacts.

Very truly yours,
KEVIN K. JOHNSON APLC



Jeanné L. MacKinnon

Cc: Supervisor Todd Spitzer via email

LETTER: POHH-MACKINNON2**K. Johnson, APLC A Professional Law Corporation, Attorneys at Law****Jeane L. MacKinnon**

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-MACKINNON2-1

The commenter asserts the Draft EIR is invalid because it failed to accurately depict all components of the Project, including with respect to expansion of water supply infrastructure and the Esperanza Hills Project. Please see Topical Response 1 which explains that the Esperanza Hills Project is separate and distinct from the Project, and was properly analyzed as a cumulative project in the Draft EIR. Please also see Topical Response 2 for a detailed discussion of water supply infrastructure associated with the Project.

RESPONSE POHH-MACKINNON2-2

The Draft EIR appropriately characterized the Northeast Area Planning Study (Planning Study), which the Draft EIR notes was for the northeast portion of the Yorba Linda Water District (YLWD) service area. This area includes the Project and the Esperanza Hills Project. The infrastructure improvements discussed in the Planning Study are recommended to meet the anticipated water service and infrastructure demands within the northeast area, a significant portion of which is allocated to the Esperanza Hills Project. Thus, as the improvements are for both the Esperanza Hills Project and the Project, only “some” of the improvements would support the Project, which does not add the entirety of the northeast district’s expected demand.

RESPONSE POHH-MACKINNON2-3

Please see Topical Response 2 for a detailed discussion of water supply infrastructure associated with the Project.

RESPONSE POHH-MACKINNON2-4

Please see Topical Response 2 for a detailed discussion of water supply infrastructure associated with the Project.

RESPONSE POHH-MACKINNON2-5

Please see Topical Response 2 for a detailed discussion of water supply infrastructure associated with the Project.

RESPONSE POHH-MACKINNON2-6

Commenter’s assertion regarding the discussion of Thresholds 2 and 4 together is a comment which expresses an organizational suggestion. It is not a comment on the analysis contained in the Draft EIR or one that raises a significant environmental issue. Therefore, no further response is required. However, the two thresholds are discussed together because they both relate to the provision of adequate water supplies to the Project.

With regard to commenter's discussion of water infrastructure, please see Topical Response 2 for a detailed discussion of water supply infrastructure associated with the Project.

RESPONSE POHH-MACKINNON2-7

This comment represents a summary of the individual comments contained in the letter. Please see Responses POHH- MacKinnon2-1 through POHH- MacKinnon2-6 for individual responses to those comments.

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

January 22, 2014

SENT VIA EMAIL AND U.S. MAIL

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Comments on Greenhouse Gas Emissions Chapter Section 4.6

Dear Mr. Tippetts:

This firm represents Protect Our Homes and Hills, an unincorporated citizens group consisting of residents and taxpayers in the City of Yorba Linda. We submit this comment letter on the Greenhouse Gas Emissions chapter of the Draft Environmental Impact Report (“DEIR”) prepared for the Cielo Vista development project (“Cielo”).

The Greenhouse Gas Emissions (“GHG”) analysis is deficient in a number of fundamental and serious respects undermining the validity of any significance conclusions reached therein.

The GHG chapter consists of 23 pages of boilerplate and general background information followed by 3 ½ pages of “analysis” (see DEIR pp. 4.6-1 through 4.6-27). The entire chapter appears to simply be a copy of the equally inadequate and inaccurately named Appendix F – Greenhouse Gas Study which also provides 26 pages of background information followed by 6 pages of “analysis”. This cursory, once over lightly treatment of GHG impacts is inadequate on its face.

Specifically, the “analysis” is deficient under the California Environmental Quality Act (“CEQA”), Pub. Res. Code sec. 21000 et seq. and the CEQA Guidelines, 14 Cal. Code Regs. sec. 15000 et seq. in numerous, specific respects as outlined below.

1. The GHG chapter fails to adequately discuss the existing conditions on the Cielo site or the appropriate baseline.

The DEIR does not measure the significance of the Project’s GHG emissions by comparing them to the existing conditions as CEQA requires. In fact, CEQA Guideline section

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15064(b) indicates that when evaluating whether the impacts of a project's GHG emissions are significant, an agency should consider whether the project "may increase or reduce greenhouse gas emissions compared to the existing environmental setting."

The GHG chapter fails to provide any baseline description of the existing environmental setting as it relates to GHGs. The chapter includes a single paragraph entitled "Existing Greenhouse Gas Emissions" at p. 4.6-18 which describes five operating oil wells and a recitation of regulations applicable to these operating wells as well as the abandoned wells onsite and concludes without any evidence or any effort to quantify or measure current GHG emissions that "existing CO₂ e emissions are minimal."

This failure to adequately describe the current environmental setting provides no baseline with which to compare the project impacts. This omission is particularly troublesome for two reasons. First, oil production is one of the top GHG producers and in particular produces large amounts of methane. Although carbon dioxide is a much more abundant greenhouse gas, methane has a far bigger impact on climate change with more than 20 times the global warming potential of carbon according to the Environmental Protection Agency.¹ Accordingly, in order to properly analyze GHG impacts, the DEIR should quantify current GHG emissions in order to provide some valid basis for comparison with overall project impacts. However, the DEIR also fails to quantify emissions from reconsolidated wells (p. 4.6-25). In the absence of any effort to quantify or compare current well emissions levels with emissions of new or reconsolidated wells and overall project emissions, significance conclusions are of no value whatsoever and are not supported by substantial evidence.

Second, the GHG chapter contains inconsistent discussion of new wells planned as part of the project. The chapter acknowledges that the project includes development of a drilling pad for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of **new wells** below ground (pp. 4.6-24) but then, in the very next sentence, inconsistently claims that the Project "is not proposing new oil wells and as such, would not drill new wells." The DEIR alternately refers to new wells versus reconsolidated wells without quantification of impacts of either and concludes without any substantial evidence that "operational GHG impacts associated with the potential new oils [sic] wells would be less than significant". In order to serve its purpose as an informational document, the DEIR must include meaningful discussion of current GHG emissions from the operating and abandoned wells and how the project, including the drilling pad and the new and/or reconsolidated wells, may increase or reduce these impacts. As currently drafted, the discussion of GHG emissions from existing and planned wells is inadequate, contradictory and not supported by substantial evidence.

2. The GHG chapter fails to conduct any cumulative impacts analysis.

In an effort to avoid a significance determination on the issue of cumulative impacts, the DEIR's cumulative impacts discussion makes passing reference to the adjacent Esperanza Hills project, omits any discussion of 18 related projects discussed in the Traffic/Transportation

¹ <http://www.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2013-ES.pdf>

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section of the DEIR, and inappropriately tries to minimize the incremental cumulative impact of this project by stating “[o]n a global scale, no single project alone will measurably contribute to a noticeable incremental change in global average temperature” (p. 4.6-26). Changes on a global scale are not necessary in order to meet a CEQA threshold of significance. The DEIR fails to conduct even a minimal cumulative impacts analysis as required under CEQA.

CEQA requires discussion of cumulative impacts of a project when the project’s incremental effect is cumulatively considerable. 14 Cal. Code Regs. sec. 15130(a). “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. 14 Cal. Code Regs. sec. 15065(a)(3). An adequate discussion of cumulative impacts will include either: (1) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or (2) a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. 14 Cal. Code Regs. sec. 15130(1).

The Cielo GHG chapter fails to conduct any cumulative impacts analysis consistent with the foregoing Guideline sections. Even the DEIR for the adjacent Esperanza Hills Project recognizes the “addition of the adjacent Cielo Vista project and the 18 related projects identified in the Traffic Analysis will further contribute to an exceedence of GHG [emissions] and, therefore, cumulative impact remains significant and unavoidable” (DEIR Esperanza Hills p. 5-273).

The GHG chapter bases its conclusions on the draft, non binding Southern California Air Quality Management District (“SCAQMD”) threshold of significance. Relying exclusively on these thresholds to reach a cumulative impacts conclusion results in a situation where if all 18 related projects individually fell below the SCAQMD threshold, they would not collectively be considered cumulatively considerable, even though their combined emissions vastly exceeded the threshold. This logically cannot represent proper reasoning or analysis under CEQA.

Although it may be appropriate to rely on thresholds of significance that are formally adopted for general use, the SCAQMD thresholds have not been adopted by regulation, rule, resolution or ordinance, as required by CEQA. 14 Cal. Code Regs. sec. 15064.7 (b). The fact that the thresholds were first proposed in 2008 and still have not been adopted further undermines their reliability as valid indicia of significance.

Even if application of the threshold were considered appropriate under these circumstances, the County would still need to consider other evidence that the project may cause a significant GHG impact. As stated in *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109, “in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met.” An EIR is required to evaluate a particular environmental impact if it is “reasonably feasible” to do so. (14 Cal. Code Regs. sec. 15151). It is reasonably feasible to

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evaluate the cumulative GHG impacts of this project in conjunction with the other related projects and appropriate mitigation or alternatives formulated and analyzed for such impacts.

The GHG chapter also cites to the much lower Bay Area Air Quality Management District's Proposed Air Quality CEQA Thresholds of Significance in support of the statement that "other air districts within the state have established that projects which are consistent with project-level GHG thresholds would not be 'cumulatively considerable'" (p. 4.6-27). However, and importantly, the Bay Area Air Quality Management District ("BAAQMD") set a much lower threshold of significance for analyzing project level GHG emissions. The BAAQMD threshold recognizes that a residential or mixed-use development will normally have a significant GHG related impact if its emissions exceed **1,100 metric tons of CO₂ equivalent per year**. The Cielo project GHG emissions clearly exceed this threshold and are considered significant under the BAAQMD threshold requiring mitigation for the project's GHG impacts.

3. The GHG chapter fails to compare GHG emissions impacts under various alternative scenarios.

The GHG chapter makes no attempt to evaluate the comparative merits of the alternatives identified in the DEIR from a GHG impacts standpoint. 14 Cal. Code Regs. sec. 15126.6(a). Given the analytical deficiencies identified herein, the DEIR should be revised and re-circulated to include quantification and comparison of GHG emissions under the alternatives analysis in the DEIR (The alternatives section, commented upon under separate cover, is woefully inadequate on independent grounds).

4. The GHG chapter relies on draft, non-binding thresholds of significance and fails to properly apply the County significance analysis.

Neither SCAQMD nor the County of Orange have adopted significance thresholds for GHG emissions from non-industrial development projects (DEIR p. 4.6-20). As previously indicated, although it may be appropriate to rely on thresholds of significance that are formally adopted for general use, the thresholds employed by the County and SCAQMD have not been adopted by regulation, rule, resolution or ordinance, as required by CEQA. 14 Cal. Code Regs. sec. 15064.7 (b).

Even if application of a draft threshold were considered appropriate under these circumstances, the DEIR fails to fully analyze the County's current significance methodology which includes not just the SCAQMD draft thresholds but also "an analysis of the Project's consistency with plans, policies, and regulations adopted for the purpose of reducing GHG emissions" (DEIR p. 4.6-20). As indicated in sections 5 and 6 below, the DEIR fails to include this required analysis.

5. The GHG chapter omits discussion of applicable regulations and plans.

The GHG chapter contains an incomplete and cursory discussion of SCAG's sustainable communities strategy ("SCS"); fails to discuss project consistency with the SCAG SCS; fails to identify that the Orange County Council of Governments ("OCCOG") has its own SCS

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applicable to this project; and fails to discuss project consistency with OCCOG's SCS. OCCOG's SCS is incorporated into the SCAG SCS but is not even mentioned in the DEIR.

Senate Bill 375 (SB 375) was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. Under the law, SCAG was tasked with developing a Sustainable Communities Strategy (SCS), a newly required element of the 2012 Regional Transportation Plan (RTP) that provides a plan for meeting emissions reduction targets set forth by the California Air Resources Board (ARB). On September 23, 2010, ARB issued a regional 8% per capita reduction target for the planning year 2020, and a conditional target of 13% for 2035.

The DEIR fails to discuss how the project is or is not consistent with these reduction targets or the sustainable communities strategies outlined in the OCCOG SCS at pp. 77-149 (<http://occog.com/pdf/OCSCS20110614.PDF>). Some of these GHG reduction strategies outlined in the OCCOG SCS include:

- Promoting a land use pattern that accommodates future employment and housing needs.
- Using land in ways that make developments more compact and better links jobs, housing and major activity centers.
- Protecting natural habitats and resource areas.
- Implementing a transportation network of public transit, managed lanes and highways, local streets, bikeways, and walkways built and maintained with available funds.
- Managing demands on the transportation system (TDM) in ways that reduce or eliminate traffic congestion during peak periods of demand.
- Managing the transportation system (TSM) through measures that maximize the efficiency of the transportation network.
- Utilizing innovative pricing policies to reduce vehicle miles traveled and traffic congestion during peak periods of demand.

This multi-faceted analysis is particularly important for this project located in Yorba Linda's sphere of influence and likely to be annexed to Yorba Linda because the OCCOG SCS identifies Yorba Linda as one of the most dense Traffic Analysis Zones holding 3,000 housing units or more by year 2035 (p. 37 <http://occog.com/pdf/OCSCS20110614.PDF>).

6. The GHG chapter conflicts with AB 32 and Executive Order S-3-05.

The DEIR attempts to avoid the required consistency analysis and the conclusion that this project is inconsistent with the emission reduction mandates of AB 32 and EO S-3-05 by employing faulty logic and unfounded assumptions without any supporting evidence or authority. The DEIR asserts that SCAQMD's draft significance threshold was designed to ensure compliance with AB 32 emissions reduction requirements and therefore if a project doesn't meet the threshold, "it can be assumed to comply with AB 32" (DEIR p. 4.6-25). How a permissive emissions threshold equates with a mandated reduction in GHGs is not explained.

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If the threshold was a performance standard requiring that every development project reduce GHG emissions by a certain percentage and this percentage represented compliance with AB 32's requirements, such a threshold could possibly be considered as designed to ensure compliance with AB32. One air pollution control district employs such a performance standard. The San Joaquin Valley Air Pollution Control District's Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA indicates:

[L]and use agencies adopting this guidance as policy for addressing GHG impacts under CEQA, as a lead agency will require all new projects with increased GHG emissions to implement performance based standards, or otherwise demonstrate that project specific GHG emissions have been reduced or mitigated by at least 29%.

<http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>

However, equating an emissions threshold with a reduction mandate without any supporting evidence does not provide evidence of consistency with either AB 32 or Executive Order S-3-05.

In addition, thresholds of significance and consistency determinations are two entirely different inquiries as recognized by the County of Orange which uses two, separate approaches in analyzing GHG impacts: (1) the draft SCAQMD threshold; and (2) "an analysis of the Project's consistency with plans, policies, and regulations adopted for the purpose of reducing GHG emissions" (DEIR p. 4.6-20).

The DEIR acknowledges Executive Order S-3-05 but fails to analyze the project's consistency with this official state policy. This gubernatorial order has not been withdrawn or modified by a subsequent governor. The DEIR fails to examine how or if the project complies with the Executive Order's policy to reduce GHG emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050.

The Sacramento Metropolitan Air Quality Management District has recognized the importance of new development achieving its "fair share" of reductions in GHG emissions when it indicated in its CEQA Guide December 2009, Revised April 2011, Revised April 2013:

AB 32 demonstrates California's commitment to reducing the rate of GHG emissions...Thus, to achieve the goals of AB 32, which are tied to GHG emission rates of specific benchmark years (i.e., 1990), California will have to achieve a lower rate of emissions per unit of population and per unit of economic activity than it has now...Thus, future land use development projects that will not encourage new development to achieve its fair share of reductions in GHG emissions will conflict with the spirit of the policy decisions contained in AB 32, thus impeding California's ability to comply with the mandate.

January 22, 2014

<http://www.airquality.org/ceqa/cequguideupdate/Ch6ghgFINAL.pdf>.

Likewise, the County of Orange has recognized that not exceeding a threshold is not the end of the significance inquiry. The DEIR must conduct a full and fair consistency analysis and examine whether this project achieves the reduction mandates in AB 32 and EO S-3-05. Its failure to do so renders it inadequate as an informational document and its conclusions regarding the significance of GHG impacts are unsupported by substantial evidence.

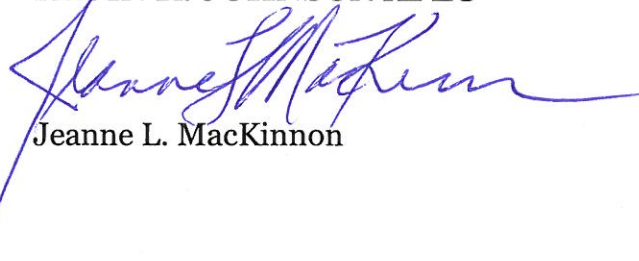
7. The GHG chapter avoids a significance determination by segmenting the drilling pad impacts from the residential operational impacts.

Although the project includes development of a drilling pad for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground (pp. 4.6-24), the DEIR treats GHG impacts from this drilling pad and associated wells separately from other operational impacts, makes no attempt to measure, estimate or quantify these GHG impacts or compare them with existing GHG emissions concluding without any supporting evidence that "GHG emissions from the reconsolidated wells would not be greater than under existing conditions and in consideration of the factors cited above, operational GHG impacts associated with the potential new oil wells would be less than significant" (DEIR p. 4.6-25). In the absence of quantifiable emissions data, this "take our word for it" approach is not permissible or adequate under CEQA.

In view of the foregoing inadequacies in the Cielo GHG analysis, the DEIR should be revised and re-circulated, significance conclusions reexamined and appropriate, feasible mitigation measures formulated for the GHG impacts resulting from this and other related projects.

Very truly yours,

KEVIN K. JOHNSON APLC



Jeanne L. MacKinnon

LETTER: POHH-MACKINNON3**K. Johnson, APLC A Professional Law Corporation, Attorneys at Law****Jeane L. MacKinnon**

600 West Broadway, Suite 225

San Diego, CA 92101

(January 22, 2014)

RESPONSE POHH-MACKINNON3-1

This comment provides a general introduction and summary regarding the issues raised in this letter. Individual responses to this letter are provided below in Responses POHH-MacKinnon3-2 through POHH-MacKinnon3-22.

RESPONSE POHH-MACKINNON3-2

Under CEQA guidelines, the Lead Agency (County) has the discretion to select the methodology and adopt significance criteria for analysis of GHG impacts. CEQA Guidelines Section 15064.4 allows the lead agency to consider qualitative factors or performance standards. Specifically, Section 15064.4(a) provides that the determination of the significance of greenhouse gas emissions “calls for a careful judgment by the lead agency” and that a lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency has discretion to determine, in the context of a particular project, whether to select a model or methodology to quantify greenhouse gas emissions resulting from a project, explaining the limitations of the particular model or methodology selected for use; and/or rely on a qualitative analysis or performance based standards. (CEQA Guidelines § 15064.4(a).) A lead agency retains the discretion to determine the significance of greenhouse gas emissions as well as significance thresholds. (*Citizens for Responsible Equitable Environmental Development (CREED) v City of Chula Vista* (2011) 197 Cal.App.4th 327; see *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 652 [concluding that an EIR properly applied county emissions reduction goals in determining significance of greenhouse gas emissions.]) Page 4.6-18 in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR provides a qualitative description of baseline conditions.

As discussed in the Draft EIR, global climate change impacts are evaluated based on the incremental increase (project – baseline) of GHG emissions directly attributable to the Project. Although there are minimal emissions resulting from existing oil well operations, as a conservative assumption, the GHG analysis conservatively assumed the baseline was zero. If existing oil drilling emissions were accounted for in the analysis, the incremental increase in GHG emissions resulting from operation of the Project would be lower than those presented in the Draft EIR. As discussed throughout the Draft EIR, oil drilling operations are assumed to be discontinued with implementation of the Project. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling at the site. Although drilling operations may be performed at the drilling pad in the future, this assumption is speculative and would require separate environmental review prior to the initiation of drilling activities.

RESPONSE POHH-MACKINNON3-3

Please refer to Response POHH-MacKinnon3-2 for a discussion of existing baseline conditions. As discussed above, the Lead Agency has the discretion to rely on a qualitative analysis to assess project related GHG impacts. As discussed above, the GHG analysis calculates the incremental increase of GHG emissions directly attributable to the Project. As a conservative measure, existing baseline emissions were assumed to be negligible.

RESPONSE POHH-MACKINNON3-4

As stated on page 2-28 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Therefore, operational emissions would not result in a net increase as a result of oil well reconsolidation.

As stated on page 4.6-24 of the Draft EIR, the drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations with permitting and site planning to be pursued by the oil operators. Should construction of the reconsolidated wells occur following development of the project site, the construction activities would be limited to the installation of the wells and screening, as necessary. Development of the drilling pad (pad only) is part of the Project. Although drilling operations may be performed at the drilling pad in the future, such operations are not a part of the Project and an assumption that specific drilling operations will be performed is speculative. Any future drilling operations, including any slant drilling of new wells, would require separate environmental review prior to the initiation of drilling activities. (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 CalApp.4th 1036, 1061 ["where an EIR cannot provide meaningful information about a speculative future project, deferral of an environmental assessment does not violate CEQA"].) If drilling operations are proposed, an analysis of GHG emissions from the future drilling activities would be performed at that time.

RESPONSE POHH-MACKINNON3-5

A cumulative impacts analysis is contained on pages 4.6-26 and 4.6-27 of the Draft EIR. As stated by the California Air Pollution Control Officers Associate (CAPCOA) and included on page 4.6-26 of the Draft EIR, "GHG impacts are exclusively cumulative impacts; there are no non-cumulative emission impacts from a climate change perspective." In effect, the entirety of the GHG analysis is a cumulative impacts analysis. A separate discussion of the contributions of 18 related projects, as requested by commenter would not provide a meaningful basis by which to analyze the Project's incremental contributions to cumulative GHG impacts. Cumulative impacts were assessed based on the SCAQMD's Tier III Project level threshold of 3,000 MT CO₂E. This tiered approach to significance thresholds was created so as to subject the vast majority of development projects (the largest 90 percent) to a more refined analysis and more stringent GHG reduction requirements compared to small development projects that contribute a relatively small fraction of cumulative statewide GHG emissions. It should be noted that the SCAQMD Tier III threshold is also based on CAPCOA's quantitative threshold methodology which states: "Capture of 90 percent of new residential

development would establish a strong basis for demonstrating that cumulative reductions are being achieved across the state.”⁷

As discussed on page 4.6-27 of the Draft EIR, the Project would result in GHG emissions which are below the SCAQMD threshold. Related projects in the vicinity that fall below or are consistent with this threshold would not be cumulatively considerable with respect to GHG emissions impacts. CEQA Guidelines Section 15064(h)(3) provides that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (i.e., AB 32, SCAQMD Tier 3 Screening Threshold) which provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Therefore, the GHG section contained in the Draft EIR provides an adequate analysis of s cumulative impacts that is supported by substantial evidence.

RESPONSE POHH-MACKINNON3-6

Please refer to Response POHH-MACKINNON3-5 for a discussion of cumulative impacts.

RESPONSE POHH-MACKINNON3-7

Please refer to Response POHH-MACKINNON3-5 for a discussion of cumulative impacts. In addition to meeting SCAQMD significance thresholds, the Project would also be consistent with AB 32 goals as discussed on page 4.6-25 under Impact Statement 4.6-2 in the Draft EIR.

On April 29, 2015, Governor Jerry Brown signed into effect Executive Order B-30-15 establishing a greenhouse gas reduction target of 40 percent below 1990 levels by 2030. Order B-30-15 requires state agencies to update the current Climate Change Scoping Plan to incorporate the 2030 target. The state's 5-year Infrastructure Plan is also mandated to take possible future climate change impacts into account. It does not require project planning or CEQA implementation for climate change impacts beyond the implementation actions of the Global Warming Solutions Act (2006), AB-32. Toward that end, the order specifically states: “This Executive Order is not intended to create, and does not, create any rights or benefits, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.” As a result, no changes to the GHG analysis in the Cielo Vista EIR No. 615 is required by this Executive Order.

RESPONSE POHH-MACKINNON3-8

Please refer to Response POHH-MACKINNON3-5 for a discussion of cumulative impacts. In addition to meeting SCAQMD significance thresholds, the Project would also be consistent with AB 32 goals as discussed on page 4.6-25 under Impact Statement 4.6-2 in the Draft EIR.

RESPONSE POHH-MACKINNON3-9

Comment POHH-MacKinnon3-9 suggests that it was not appropriate to rely on the SCAQMD thresholds of significance because they were not formally adopted by the County as required by CEQA Guidelines Section 15064.7(b). However, CEQA Guidelines Section 15064.7(a) states, “Each public agency is encouraged to

⁷ California Air Pollution Control Officers Association CEQA and Climate Change White Paper. January 2008

develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects.” Thus, while Lead agencies are “encouraged” to adopt thresholds of significance, their adoption is not required by CEQA Guidelines Section 15064.7. The Draft EIR’s reliance on the SCAQMD thresholds of significance is therefore consistent with the CEQA Guidelines.

The commenter further states that even if application of the threshold were considered appropriate under these circumstances, the County would still need to consider other evidence that the project may cause a significant GHG impact. The commenter does not, however, provide any such evidence. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

Please refer to Response POHH-MACKINNON3-5 for a discussion of cumulative impacts. In addition to meeting SCAQMD significance thresholds, the Project would also be consistent with AB 32 goals as discussed on page 4.6-25 under Impact Statement 4.6-2 in the Draft EIR.

RESPONSE POHH-MACKINNON3-10

Please refer to Response POHH-MACKINNON3-9 for a discussion of significance thresholds.

RESPONSE POHH-MACKINNON3-11

Analysis of Alternatives and resulting GHG impacts was provided in Chapter 5.0, *Alternatives*, of the Draft EIR. CEQA Guidelines Section 15126.6 requires a “meaningful evaluation, analysis, and comparison with the proposed project.” Quantification and comparison of GHG emissions from each Alternative is also provided in Chapter 5.0.

RESPONSE POHH-MACKINNON3-12

Please refer to Response POHH-MACKINNON3-9 for a discussion of significance thresholds. As discussed therein, the County of Orange, as the Lead Agency under CEQA, has discretion to develop its own thresholds of significance. The County has chosen to utilize the SCAQMD’s significance thresholds to assess cumulative GHG impacts. As such, the BAAQMD’s significance thresholds are not applicable to the Project. It also acknowledged that the project site is within the boundaries of the SCAQMD jurisdiction, and not the BAAQMD.

RESPONSE POHH-MACKINNON3-13

SCAG’s Sustainable Communities Strategies (SCS) targets are not project-specific and are achieved through region-wide vehicle miles traveled (VMT) reduction measures. These VMT reduction goals contained in the SCS may be achieved through other means such as mass transit or transit oriented development within the region. Per this comment a discussion of the Orange County Council of Governments (OCCOG) SCS has been added to the Draft EIR (see below). As discussed therein, the Project would not conflict with the SCS. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.6, Greenhouse Gas Emissions

1. **Page 4.6-26. Add the following text below the 1st paragraph in the discussion of “Consistency with Applicable GHG Plans”:**

Further, as discussed previously, SB 375 was enacted to reduce GHG emissions by requiring MPOs to develop an SCS as part of their RTP. As a result, SCAG has included an SCS element to their RTP which encompasses the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Riverside. SB 375 also allows for subregional council of governments to develop a subregional SCS. The Orange County Council of Governments (OCCOG) has developed a subregional SCS specific to Orange County.

The OCCOG subregional SCS contains goals (VMT reduction) identical to the regional SCAG SCS. However, goals of the SCS are not project specific. As stated in the OCCOG subregional SCS, “no subregional GHG emissions reduction targets were set by CARB or SCAG. GHG emission reduction targets are only calculated at the regional level.” Therefore, the SCS does not target specific projects, but reductions will be achieved on a regional level.

In order to achieve VMT and GHG reduction goals, the SCS contains several VMT reduction measures which may not be project specific. Such measures include transportation system efficiency improvements and transit oriented development. As these VMT reduction measures are more regional in nature, the Project would not be able to implement such measures. Therefore, the Project would not conflict with goals of the SCS.

RESPONSE POHH-MACKINNON3-14

Please refer to Response POHH-MACKINNON3-13 for a discussion of SCAG and OCCOG’s SCS as well as SB 375 targets.

RESPONSE POHH-MACKINNON3-15

The comment is noted. Please refer to Response POHH-MACKINNON3-13 for a discussion of SCAG and OCCOG’s SCS. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE POHH-MACKINNON3-16

Please refer to Responses POHH-MACKINNON3-17 and POHH-MACKINNON3-19 for a discussion of AB 32 and EO S-3-05 consistency.

RESPONSE POHH-MACKINNON3-17

Reduction targets established under AB 32 were not designed to apply uniformly to all projects. AB 32 and Executive Order S-3-05 do not specify that emissions reductions should be achieved through uniform reduction by location or emission source. Smaller projects such as a single house may not emit GHGs on a level which will affect AB 32 consistency. Recognizing this, the SCAQMD working group designed a tiered approach to determining significance, and for smaller projects, the SCAQMD has developed a project-level threshold of 3,000 MT CO₂E. This approach to significance thresholds was created so as to subject the vast

majority of development projects (the largest 90 percent) to a more refined analysis and more stringent GHG reduction requirements compared to small development projects that contribute a relatively small fraction of GHG emissions.⁸ As the Project would meet this screening level threshold, it was determined that Project-related GHG emissions would be consistent with and not conflict with AB 32 goals.

RESPONSE POHH-MACKINNON3-18

Analysis of GHG impacts and the SCAQMD threshold was provided beginning on page 4.6-23 in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR under Impact Statement 4.6-1. An Analysis of Project consistency with applicable plans, policies or regulations was provided beginning on page 4.6-25 of the Draft EIR under Impact Statement 4.6-2. Supporting data was provided in Appendix F of the Draft EIR.

RESPONSE POHH-MACKINNON3-19

The GHG analysis in the Draft EIR discusses the Project's consistency with AB 32 goals beginning on page 4.6-25 of the Draft EIR under Impact Statement 4.6-2. The CARB AB 32 Scoping Plan has developed GHG emission reduction targets for 2020 which are to be achieved through measures such as new regulation. These new regulations would be applicable to the Project. Although AB 32 is focused on the GHG emissions target for 2020, long-term targets (2050) are also identified in the Scoping Plan. However, specific reduction measures have not yet been identified to achieve the 2050 target. The Scoping Plan has identified reduction measures which will achieve targets during mid-term years (2030-2040). The mid-term year reduction measures are a more aggressive version of current measures. As the Project would be consistent with the goals contained in the AB 32 Scoping Plan, it is assumed that the Project would also be consistent with long-term targets. Therefore, a separate analysis of the Project's consistency with Executive Order S-3-05 is not required.

RESPONSE POHH-MACKINNON3-20

Please refer to Response POHH-MACKINNON3-9 for a discussion of significance thresholds. This comment introduces significance thresholds utilized by the Sacramento Metropolitan Air Quality Management District, which do not apply to the Project. As such, no further response is necessary.

Please refer to Response POHH-MACKINNON3-19 for a discussion of AB 32 and EO 8-3-05 consistency.

RESPONSE POHH-MACKINNON3-21

Please refer to Response POHH-MACKINNON3-2 for a discussion of qualitative GHG analyses. A qualitative analysis was performed for oil well activities. Long-term operational GHG emissions from potential new wells are not expected to differ greatly from the existing wells, but would likely be lower than the current wells because they would be more energy efficient and lower-GHG emitting, as discussed on page 4.6-25 of the Draft EIR. Therefore, a qualitative analysis was sufficient to address oil well reconsolidation, although no new wells or drilling on the "drilling pad" is proposed as part of the Project. This comment also states that the Draft EIR improperly segmented drilling pad impacts from the residential operational impacts in order to avoid a significance determination. However, as discussed in Response MACKINNON3-4, since no new wells

⁸ *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group Meeting #13. South Coast Air Quality Management District. August 2009.*

or drilling on the “drilling pad” is proposed as part of the Project, any future drilling operations are speculative. Under CEQA, uncertain future activities not currently proposed for approval and that are not reasonably foreseeable consequences of the project proposed for approval need not be included in the description or analyzed in the EIR. (*See Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 856 [concluding that an EIR for three exploratory wells was adequate despite its failure to consider the impacts of a geothermal production unit that might be built if the wells proved successful].)

RESPONSE POHH-MACKINNON3-22

This comment provides a general conclusion regarding the issues raised in this letter. Individual responses to this letter are provided above in Responses POHH-MACKINNON-2 through POHH-MACKINNON-21. Based on the responses above, the Draft EIR provides an adequate assessment of greenhouse gas emissions that meets CEQA requirements. This comment also states that the EIR should be recirculated. Because significant new information has not been added to the EIR, recirculation is not required. (CEQA Guidelines § 15088.5.) New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect that the project proponents have declined to implement. (*Id.*)

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Judith and Ron Magsaysay
21230 Twin Oak
Yorba Linda, CA 92886

November 13, 2013

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

We are writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, we respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Judith and Ron Magsaysay, members
Protect Our Homes and Hills
Yorba Linda

C: The Honorable Todd Spitzer, Supervisor

LETTER: POHH-MAGSAYSAY**Judith and Ron Magsaysay, Members**

21230 Twin Oak
Yorba Linda, CA 92886
(November 13, 2013)

RESPONSE POHH-MAGSAYSAY-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-MAGSAYSAY-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-MAGSAYSAY-3

Please refer to Response POHH-MAGSAYSAY-1.

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Lana Mak
4485 San Antonio rd
Yorba Linda, CA

November 17, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Name, Member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-MAK

Lana Mak, Member
4485 San Antonio Road
(November 17, 2013)

RESPONSE POHH-MAK-1

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RESPONSE POHH-MAK-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-MAK-3

Please refer to Response POHH-MAK-1.

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M.J. Mellon
21085 Ridge Park Dr.
Yorba Linda, CA 92886

November 13, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

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I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

A handwritten signature in black ink, reading "Michael J. Mellon". The signature is fluid and cursive, with the first name "Michael" and last name "Mellon" clearly legible.

Michael J. Mellon
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-MELLON**Michael J. Mellon, Member**

21085 Ridge Park Drive

(November 13, 2013)

RESPONSE POHH-MELLON-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-MELLON-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-MELLON-3

Please refer to Response POHH-MELLON-1, above.

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January 14, 2014

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Dear Mr. Tippets:

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Section 4.5 - Geology & Soils

Dear Mr. Tippets:

The following comments respond to Section 4.5, Geology and Soils of Draft Environmental Impact Report No. 615, Cielo Vista Project, Yorba Linda, and are submitted by me as both a resident and a member of the Leadership Team of Protect Our Homes and Hills of Yorba Linda.

Fault Rupture. Similar to other factors included in this section, such as Seismic Ground Shaking, Ground Failure, and Landslides and Slope Stability, Fault Rupture is of major concern. Per the applicant's own geologists' reports of 2006 and minor recent updates thereto, the specific location of the Whittier Fault is known to be located along the mid-point of the Whittier Fault Zone (see 4.5 Geology and Soils, at page 4.5-14). Further it is stated that the *specific location* of the *fault trace* has not been identified. A suggested "mitigation measure" is called out to require a subsurface investigation consisting of boring and trenching to identify this trace location. At this time, such additional subsurface analysis **has not been conducted**. More alarming, the tentative tract map shows approximately 42 of the 112 homes (37 percent) will likely be within the "limit of fault zone per a Fault Rupture Hazard Zone Map" (See Map at 4.5-1, LGC Geotechnical Inc., 2013). The impact of the fault trace however is minimized and downplayed by Cielo Vista at this time, as the DEIR states that, "impacts regarding fault rupture are conservatively considered to be potentially significant." (at page 4.5-14). In addition, the mitigation measure called out to consider that this issue complies with both the Orange County General Plan and the City of Yorba Linda General Plan is not known at this time. The statement on page 4.5-20 which provides, "compliance with applicable regulatory requirements and implementation of the prescribed mitigation measures would reduce potentially significant impacts regarding natural hazards to a less than significant level." (at Table 4.5-1), is an improper deferral of mitigation. We

need to know exactly where the structures are going to be built. There is no discussion of what the “applicable regulatory requirements” are in order for the developer to declare what the prescribed mitigation measure(s) would be to bring this development from their self-assessed status of a “potentially significant impact” down to a “less than significant level”!

The section on Geology and Soils is insufficient to support the conclusion that all impacts have been reduced to a less than significant level, because the true nature of the land to be bulldozed and rearranged by moving over 600,000 cubic yards of dirt, has not been established by a definitive subsurface geologist’s study and recommendation. Further the applicant has failed to substantiate his “consistent” declaration as to Goal 1 of the County of Orange General Plan regarding the “Safety Element, Public Safety” section, that calls for “. . . a safe living and working environment consistent with available resources.” Further, the “potentially consistent” declaration as to Goal 1 of the City of Yorba Linda General Plan regarding “Goals, Objectives, and Policies, Safety Element” to “Protect the community from hazards associated with geologic instability, seismic hazards” is not supported by the evidence. In addition, I live on the southern boundary of Planning Area 1 of this development, adjacent to a significant slope to the north of my property scheduled to be both cut and filled. My property may be put at risk for upset and destabilization as indicated by the 2006 geologist’s finding that, “It is anticipated that planned cut, fill and/or natural slopes in and adjacent to the proposed project **may be unstable and require evaluation for stabilization.**” emphasis added, (see page 14 of Appendix E, dated June 8, 2006, of Draft EIR). I am not interested in incurring property damage which may be caused by the disturbance of adjacent soils being severely compromised by upset caused by the grading of 600,000 cubic yards of dirt. Soils and seismic features must be fully evaluated at the EIR stage so it can be determined where, if at all, homes can be safely constructed and all environmental impacts fully mitigated.

Very truly yours,

Marlene Nelson, Member & Resident
Leadership Team
Protect our Homes and Hills
4790 Via De La Roca
Yorba Linda, CA 92887

Cc: Kevin Johnson, Esq.

LETTER: POHH-NELSON1**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(January 14, 2014)

RESPONSE POHH-NELSON1-1

The commenter is referred to Topical Response 4, which comprehensively addresses the issues raised in Comment POHH-Nelson1-1, and includes a revision of Mitigation Measure 4.5-1.

RESPONSE POHH-NELSON1-2

Mitigation Measure 4.5-1, which has been revised as shown in Topical Response 4, does not constitute improper deferral of mitigation. CEQA generally prohibits the deferral of the formulation of mitigation. However, “when a public agency has evaluated the potentially significant impacts of a project and has identified measures that will mitigate those impacts, the agency does not have to commit to any particular mitigation measure ... as long as it commits to mitigating the significant impact of the project.” (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906 [a mitigation measure that committed an agency to conduct a more thorough site-specific analysis that would be used to formulate final structural design of the project did not constitute improper deferral of mitigation].)

Here, the Draft EIR identified a potentially significant impact resulting from fault rupture, and characterized the impact as such. To ensure any such impact is mitigated to a less than significant level, the Draft EIR incorporates Mitigation Measure 4.5-1 (as revised in Topical Response 4), which requires the preparation of a site-specific, design-level geotechnical report prior to the issuance of grading permits. This report shall confirm or refine the Whittier Fault trace location and orientation delineated in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, and shall confirm that the designation of the fault as “active” (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years) by subsurface investigations consisting of boring and trenching activities. In addition, Mitigation Measure 4.5-1 requires the Project Applicant/developer to conduct additional off-site fault trenching as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault. The letter reports from Tim Lawson are included in Appendix B of this Final EIR.

As discussed in the Draft EIR, the Alquist-Priolo Act prohibits the construction of buildings for human occupancy across the trace of a known fault and structures intended for human occupancy must be set back a minimum of 50 feet from the fault trace. “[A] condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance.” (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906; *Citizens Opposing a Dangerous Environment v. County of Kern* (2014) 228 Cal.App.4th 360, 383-384.) Here it is reasonable to expect

compliance with the Alquist-Priolo Act and other applicable regulations. Moreover, the goal of mitigation is to reduce the impact of a proposed project to insignificant levels. (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 529.) Mitigation Measure 4.5-1 complies with this directive by mandating a future site specific geotechnical study and compliance with the Alquist-Priolo Act. Therefore, there is no improper deferral of mitigation.

Commenter asserts that they must know exactly where the structures are going to be built. The letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, includes a figure entitled “Whittier Fault Setback Map” that shows the approximate building envelope for the Project’s proposed residences. This figure and the accompanying letter demonstrate “a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines § 15151.) Moreover, as was held in *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906, a mitigation measure which required an additional site specific geotechnical investigation to consider the particular project designs is proper. Here, the Draft EIR includes specific information related to the potential for fault rupture and incorporates a measure which will ensure impacts are reduced to a less than significant level.

As noted above, the Draft EIR specifically states that the findings of the geotechnical report will be used to ensure compliance with the Alquist-Priolo Act, which prohibits construction of structures intended for human occupancy within 50 feet from a fault trace.

RESPONSE POHH-NELSON1-3

Geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. Please refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level. Also, information in Section 4.5 of the Draft EIR is largely based on information and findings obtained in the following documents: *Geotechnical Feasibility Study* (referred to as the “Geotechnical Feasibility Study”), *Proposed Development of Tentative Tract Map No. 17341, County of Orange, California*, prepared by LGC Geotechnical, Inc. March 1, 2013; and *Geologic and Geotechnical Evaluation* (referred to as the “Geotechnical Evaluation”), prepared by Pacific Soils Engineering, Inc., June 8, 2006. Both documents are included in Appendix E of the Draft EIR. Both of these reports were prepared by Certified Engineering Geologists.

RESPONSE POHH-NELSON1-4

The Project’s consistency with Goal 1 of the Safety Element in the County’s General Plan is discussed in Table 4.5-1 on page 4.5-20 of the Draft EIR. Also, the Project’s consistency with Goal 1 and Policy 1.1 in the Safety Element of the City of Yorba Linda General Plan is discussed in Table 4.5-2 on page 4.5-21 of the Draft EIR. As discussed within each table, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measure would reduce potentially significant impacts regarding seismic and geologic stability hazards to a less than significant level. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

RESPONSE POHH-NELSON1-5

Please refer to Response POHH-Nelson1-3. As discussed therein, the geology and soils analysis included in Section 4.5 of the Draft EIR concluded that geology and soils impacts would be less than significant with implementation of the prescribed mitigation measure. As part of the prescribed Mitigation Measure 4.5-1, the design-level geotechnical investigation would identify slope stabilization measures, as necessary, to ensure the project site and surrounding uses are not subject to significant geologic hazards resulting from grading/construction activities on the project site.

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January 16, 2014

Orange County Planning
Attn: Mr. Ron Tippets
300 North Flower
Santa Ana, CA 92702-4048

Dear Mr. Tippets:

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Section 4.7 – Hazards and Hazardous Materials

Dear Mr. Tippets:

This following section pertains to the Hazards and Hazardous Materials section of the subject Draft EIR.

I am an eyewitness to a fire that occurred on November 15, 2008 adjacent, on and through the Cielo Vista property, subject to the Draft EIR. I have resided at 4790 Via De La Roca, Yorba Linda, for the past 28 years. Prior to purchasing this residence, we lived in Placentia. We are an original owner of our residence. We were aware that the area may burn, as we witnessed the 1980 Owl Fire and drove to Yorba Linda and actually saw “lazy flames” coming from Blue Mud Canyon to Yorba Linda Boulevard. We felt safe in that a fire station was less than a few blocks away from our Via De La Roca home, and the fire that we witnessed back in 1980 was a slow moving grass fire. The subject DEIR also mentions the close proximity of the fire station and states how fire assistance would be readily available to protect us! Then there was the Freeway Complex Fire of 2008! What a different fire experience that was.

That morning was unusually hot for November and was a typical Santa Ana wind event, but very strong, about 45 to 50 MPH conservatively. Out in our yard we noticed smoke to the East. I was getting ready to go to San Dimas close to noon. I actually drove over to Avimore to see just where the smoke was coming from...it was way East and the radio and TV broadcasters confirmed that it was at Green River Golf Course. No problem I thought. I got in my car and my husband stayed at home working in the yard. By the time I arrived at San Dimas, my husband called to tell me to get back home as the fire had dumped a wad of brush in Blue Mud Canyon. I got in my car and drove home. On the way, I phoned my husband again. He told me that from the time he came in and called me the first time and the time he got back out to the yard, the fire had traveled

totally West across the back brush of our home and over the hill towards San Antonio, all in less than five minutes time. It took me 1 ½ hours to get back to Yorba Linda because of the freeway closure of the 57 because of the fire in the Hills of Brea. By the time I drove back to our home, came around the corner, to my horror my neighbor's home was COMPLETELY GONE with two cars burning in the driveway and his gas line burning like a roman candle less than fifteen feet from the corner of my home. There were NO Orange County Fire Authority personnel anywhere to be seen. I did not see my husband....

It took a few minutes to actually find my husband in the backyard of our half-acre lot. He had been busy during the last several hours putting out vegetation fires in our yard, and watering down our eaves next to our neighbor's home that burned down. The heat was horrendous, the wind was strong, and despite the strong wind, you couldn't see very far. My husband told me that earlier the evacuating traffic down Via Del Aqua was three wide and stopped for a considerable time and our neighbor who ultimately lost his home, grabbed his kids and pets, left his cars and literally ran down the sidewalk to Yorba Linda Boulevard. I was home about twenty minutes when the home above us literally exploded and burned down....this some two hours after the main fire went through. One fire water tender truck finally came in since the outbound, evacuating traffic subsided, and was putting out vegetation on my neighbors hill when they saw the neighbor's home above us go up in a blaze. They raced up to that home, but it was too late, the home was invaded by embers in the attic and it literally exploded before my eyes. In moments, it was a total loss, and this was over two hours after the main fire passed through the area.

Our home would certainly have been lost if my husband had not stayed home. No doubt about that. Would he stay if another fire occurs....yes. Why? Because he witnessed the fact that the congestion of evacuating neighbors, three wide, driving down Via Del Aqua all at once, backed up and stood still, and never permitted any OCFA vehicles up the road. It didn't matter how close the fire station was. To regress a bit, let me say, we did all the preventative chores we should have before the fire season. In February of 2008, we contacted The City of Yorba Linda, The County of Orange, and OCFA to request assistance in getting the weeds abated on the water/fire easement behind our home. Weed abatement had not taken place for two years and vegetation was high. It took until October 2008 until the County was able to contact Mr. Amos Travis, owner of the property, to arrange for the vegetation to be dished under. About three weeks before the fire, we had all our queen palms professionally skinned. Years earlier we had purposely planted our hill with ice plant (a fact other neighbors claim probably saved their homes). We purchased mini "fireman's hose nozzles" in August that allowed my husband to shoot water up those 30 foot palms and on the eaves during the fire. We even had contacted our insurance company the first of November and brought all our coverage up to date with appropriate replacement cost increases. We had done all the chores we should have done. We still nearly lost our home. The heat from the fire from our next door neighbor's house cracked two of our window panes but thankfully only the outside pane of the thermal glass panels, which we discovered a week after the fire...that's how close it was to losing our home.

I've learned more about fire than I ever thought I ever would. Everyone involved with these developments has assured us how much better off we'd be with development behind us. In a report after the fire, the Orange County Fire Authority considers that the evacuation was quite orderly. That is a complete fabrication from what we witnessed. In fact, at a recent meeting commemorating the five year anniversary of the fire, the Orange County Sheriff's Department said that the reason for the extreme congestion was that Brea Police Department did not have an evacuation plan! The fact was that gridlock occurred on all streets exiting to Yorba Linda Boulevard. Traffic was stopped going down Via Del Aqua, Stonehaven and San Antonio to name just three. If the Orange County Fire Authority states in their "Ready Set Go" DVD (produced post fire), that the major contributor to destruction in such a fire is building homes in a wild urban interface zone, then how can we be safer with 500 more homes? They say the new homes will be hardened, pointing to Casino Ridge. If you saw Casino Ridge in 2008, the vegetation and landscaping around those homes was new. If you see it today, the homes now have all the lush landscaping the older homes have and more. All that fuel that didn't exist in 2008, is now ready to burn and blow. Speaking to city council members last year, Councilman Young asked us why we thought we wouldn't be safer with development back there, that his in laws experienced a fire reduction in Mohler Canyon when development pushed east in Anaheim Hills. My response was this:

As long as Blue Mud Canyon is there (and it will remain open space after the developments of both Cielo Vista and Esperanza Hills) existing and new homes are at risk because we are at the end of that "wick". It will take but one cigarette, one catalytic converter along the side of the 91 Freeway at Green River to set off another path of destruction through the hills of Yorba Linda around and through Hidden Hills, into Blue Mud and to our homes. I've recently heard that firefighters will not go into a wild urban fire to within 300 feet of a fast moving blaze because that could basically suck the air out of your lungs and can't be survived (similar to the Preston, Arizona incident). I think back now that it was good I phoned my husband and he came inside to answer my call as the fire raced behind our home. He would have been within 300 feet of that advancing inferno. I've also heard that the Hidden Hills folks couldn't use an designated "emergency exit" to get out on the water easement/fire road that lies adjacent to Blue Mud Canyon and dumps onto Via del Aqua/Stonehaven (labeled as Green Crest Dr.) because no one had a key to get the gate open. THANK GOD. If anyone had opened those gates and any cars attempted to travel that emergency exit road, they would have been stopped by the traffic jam on Via Del Aqua/Stonehaven. That community was but one bolt cutter away from being fried in their cars. The current plans continue to identify that access road as an emergency exit, which if these developments proceed will merge together with our developments AND 500 MORE HOMES onto the same roads that were unable to handle evacuation in November of 2008. If you believe that this "perfect storm" couldn't happen again, think again. In late April of this year, we again had unusual weather. It was in the upper 80's and the Santa Ana's were blowing hard, much the same conditions as on that day in November of 2008 I thought. To my horror, there was a crew doing weed abatement with gas powered weed whackers working on the easement behind our home! After calls to the

City of Yorba Linda, The County of Orange, The Orange County Fire Authority, (everyone passed the buck with a County representative stating to me, "They know what and when to do that type of work.") I then went outside and talked to a supervisor of the crew over the fence. I learned that the Metropolitan Water District contracts with them to conduct weed abatement. I did call MWD but I was never given a good explanation as to who thought it was a good idea to do this type of work on a day like that or who was responsible for contract administration. It was a miracle that we didn't have another fire.

I've learned a lot from these experiences. There is insufficient ingress and egress to add another 500 homes to this area to evacuate on the same, existing roads that did not support evacuation in 2008 to make new development safe, pure and simple. It is foolish and irresponsible to suggest that residents of the new homes will "shelter in place". If you experienced what we did, you would know that will never happen as it was too hot, too windy, and too smoky for the majority of folks to do that.

Very truly yours,

Marlene Nelson, Member & Resident
Leadership Team
Protect our Homes and Hills
4790 Via De La Roca
Yorba Linda, CA 92887

Cc: Kevin Johnson, Esq.

LETTER: POHH-NELSON2**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(January 16, 2014)

RESPONSE POHH-NELSON2-1

This comment details the commenter's eyewitness experience of a fire that occurred on November 15, 2008, adjacent, on and through the project site as it pertains to the Hazards and Hazardous Materials section of the Draft EIR. The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE POHH-NELSON2-2

Please refer to Response POHH-Nelson2-1, above.

RESPONSE POHH-NELSON2-3

Please see Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. To the extent the comment concerns additional houses to be constructed as part of the Esperanza Hills Project, please see Topical Response 1 regarding the separation of Esperanza Hills and Cielo Vista during the environmental review process.

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January 17, 2014

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Dear Mr. Tippetts:

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Section 4.9 Land Use and Planning

Dear Mr. Tippetts:

The following comments respond to Section 4.9., Land Use and Planning, of Draft Environmental Impact Report No. 615, Cielo Vista Project, located in the unincorporated foothills of Yorba Linda and are submitted by me as both a resident and a member of the Leadership Team of Protect Our Homes and Hills of Yorba Linda.

IMPACT:

Density. The density of the Project is such that the environmental impact should be classified as “**significant**”. The County General Plan designates approximately 41 acres of the project site as 1B, Suburban Residential, while the remaining 43 acres is designated as 5, Open Space. However, current Codified Ordinances of the County of Orange Zoning designates the entire project site as A1(O), General Agriculture with Oil Production Overlay per the County of Orange Zoning Map. This inconsistency needs to be addressed in the DEIR.

The Project entirely relies upon avoiding or mitigating an environmental impact by requiring rezoning through approval of their requested discretionary actions in order to declare the Project’s consistency with various goals, objectives and policies within the County’s General Plan as well as the General Plan of the City of Yorba Linda. As stated repeatedly throughout the Land Use and Planning section as well as nearly all other sections thereto, a “gross density” calculation is made at 1.33 dua, thereby declaring the proposed Project consistent with adjacent, existing development. Nothing could be further from the truth. The true density is 2.3 to 2.7 dua when allocating homes against the acreage where the homes will be built.

The existing residential developments surrounding the Project site were all built in the late 1980's, early 1990's. Clustering was not a design concept of residential development at that time. The densities of the adjacent, existing developments are not only an average 1.24 dua, the lot sizes of those developments, and specifically those lots abutting the Project, have lots that are over one-half acre. In the design of those existing homes, the "open space" is incorporated within the individual lots, much as the DEIR defines that concept in its "Large Lots/Reduced Grading" **alternative** as contained in Section 5.0 Alternatives. Under that alternative scenario, lots would average 12,000 square feet. While not as large as the 20,000 square foot average of abutting, existing homes, the 12,000 square foot lots are far more compatible with contiguous development than lots averaging a mere 7,500 square feet under the Project's proposal.

Having designed the Project under the County's residential zone of 1B has allowed the developer to avoid declaring numerous "significant" environmental impacts throughout the DEIR. Proposing the Project pursuant to the 1B designation provides the public with a false sense of the environmental damage that will be caused by such irresponsible development and masks the significant nature of such impacts on land use and planning. The developer purports to be a champion of environmental protection and in compliance when stating how responsible they are in building "only" 112 homes, when according to the proposed 1B rezoning designation, they state that 738 dwellings **could** be built per the County General Plan. They make circular arguments that they could obtain an upzone to a 1B designation and that they could, under that designation, build up to 738 dwelling units. Then they go on to discount the impacts of the 112 homes by comparing that to the hypothetical 738. This is circular reasoning at its worst. There remains one issue to overcome before the developer can self-identify as an environmental guardian.

Environmental Constraint. While the developer declares a gross density of 1.33 dua, the more accurate measure is the net of 2.3 to 2.7 dwelling units per acre (dua) upon the acreage appropriate to build homes upon. This increased density should classify this entire project as "**significantly inconsistent**" with the County and City of Yorba Linda General Plans. The developer continually boasts about the 36.3 acres that will remain as Open Space. The fact is that the area designated for Open Space must necessarily remain undeveloped due to, but not limited to, a major earthquake fault line that transects Planning Area 1 from Planning Area 2 as well as known, historic landslide areas.

The environmental constraint inherent in this property precludes any residential dwelling from being built on nearly 50 percent of its acreage. As such, the net acreage of approximately 41 acres should be what is used to calculate the dwelling units per acre. Visually, the Project with a net density of 2.3 to 2.7 dua (as small as 7,500 square foot lots) as proposed, is such that adjacent existing residential development with half acre lots (over 20,000 square feet) makes this development incompatible. The

difference in density between old and new development is significantly incompatible and should also be deemed **inconsistent** with adjacent development.

Per the County own draft General Plan Amendment GPA 12-01, "Potential slope and seismic hazards constrain development in certain parts of the County. While both conditions seldom preclude development, they *may increase the cost of construction.*" (emphasis added). The developer should not be rewarded by the County with the grant of a functional higher density zone largely due to the environmental constraints of the subject property. The developer should be required, at a minimum, to lower density to a level that is truly consistent and compatible with adjacent, existing residential neighborhoods.

City of Yorba Linda Sphere of Influence. Since the Project relies upon a necessary rezoning to occur per the County General Plan of Zone 1B which allows .05 to 18 dwelling units per acre, it further states that such zoning is consistent with the City of Yorba Linda Land Use Element designation with a range of 0. – 1.0 du/a. This is yet another example of an exaggeration of comparability. How can these densities relate when the county's 1B zone would theoretically allow up to 738 dwellings while the city's zone would allow just 84? There is no legitimate relationship.

Also, note that Cielo Vista/Sage, under different interests, did in fact file a plan for development with the City of Yorba Linda in 2006 on that same Cielo parcel. Said development had just 84 dwellings, and complied with the 1.0 du/a contained in the City's general plan. Yet, that plan has been neither mentioned nor proposed as an option within this DEIR. Moreover, although the DEIR does give the briefest of mention to the additional, adjacent proposed development of Esperanza Hills with 340 proposed dwellings (with that developer indicating that an additional parcel under private ownership will be provided with an easement for future, yet to be determined development of more dwellings) it is unconscionable that any governmental jurisdiction be it county or city, would allow the magnitude of development being propose due to the recent, known outcomes of a major wild fire.

Freeway Complex Fire of 2008. The very property that is proposed for development of both Cielo Vista and Esperanza Hills was fully burned during the 2008 Freeway Complex fire. In addition, that same property was fully burned in the 1980 Owl fire. What is known today, and was not known in 2006 when different development interests actually proposed development, was just how fast and furious a wild fire can be with homes in its path.

The density of this Project makes it incompatible with the existing, limited capacity city streets that must be utilized for ingress and egress in the City of Yorba Linda. For those who lived through it, this writer is one, having 95 more residences (as planned for Planning Area 1 alone) trying to evacuate out on Via Del Agua together with the existing residents is incomprehensible. Then there is the cumulative impact of 340

more homes in the proposed Esperanza Hills development. The complete project most likely includes plans to annex the property into the City of Yorba Linda. The project description as well as the rest of the DEIR should analyze the impacts of the developers proceeding in this direction.

Conclusions:

Cielo Vista, as proposed in its DEIR, should be categorized as “**significantly inconsistent**” with the County of Orange General Plan and additionally with the City of Yorba Linda General Plan (as a Sphere of Influence stakeholder). Additionally, adjacent neighborhoods are not “clustered” in design. This *design concept* should, therefore, be considered **significantly inconsistent** with adjacent homes, and lacking real or visual “buffer” as required in the County’s General Plan, from existing development.

Environmental Constraints which exist on the property in the way of seismic and landslide dangers results in nearly 50 percent of the acreage being undevelopable. From a Land Use perspective, the developer should not be rewarded with the granting of a density which is **significantly inconsistent** with adjacent development. The 1B zoning as proposed by the developer for the other 50 percent of the property, would provide said developer with undue profit. This is particularly egregious if, once entitled, this developer sells off the property to a third party builder, leaving residents with the consequences.

Very truly yours,

Marlene Nelson, Member & Resident
Leadership Team
Protect our Homes and Hills
4790 Via De La Roca
Yorba Linda, CA 92887

Cc: Kevin Johnson, Esq.

LETTER: POHH-NELSON3**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(January 17, 2014)

RESPONSE POHH-NELSON3-1

The Project proposes a density of 1.3 dwelling units per gross acre, which is very near the minimum density of 0.5 to 18 dwelling units per acre provided by the “1B” General Plan Land Use Element designation. The A1(O) zoning associated with the “1B” designation is considered by the County as a “holding zone” at this location pending a proposal for residential uses, consistent with the “1B” designation while allowing continuing oil operations. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, of the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre.

The County’s General Plan Land Use Element designation of “1B” Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City’s General Plan Land Use Element designation of Low Density Residential at up to 1.0 dwelling units per acre states on Page LU-45 that clustering may occur at greater intensities to compensate for topographical constraints. The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project’s draft Area Plan. The Project’s clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

By comparison to the City’s General Plan, the commenter is referred to the Project’s consistency analysis with the City’s General Plan Land Use Element in Table 4.9-2 on pages 4.9-14 and 4.9-15 of Section 4.9 in the Draft EIR. As shown on that table, while the Project is proposed at 1.3 gross dwelling units per acre, which is slightly above the 0-1.0 dwelling units per acre allowed by the Land Use Element’s Low Density residential designation, it is well below the average citywide residential density of 2.8 dwelling units per acre, and will incrementally reduce this citywide density. Also, it is within the range of densities for single family subdivisions immediately to the west of the project site. Additionally, the Land Use Element allows for a total of 536 dwelling units within this sphere of influence area east of the City limit with a total of 452 dwelling units proposed between this Project and Esperanza Hills Project to the east, well within the allowable maximum of 536 dwelling units. This is the summarized basis for the “essentially consistent” conclusion which goes beyond the mere arithmetic of the Land Use Element density range.

In summary, the Project is consistent with the County’s “1B” Suburban Residential designation with a density very near the lower end of the density range. Both the County General Plan and the City General Plan permit clustering to preserve significant topographically constrained areas and open space areas, and the Project is within the maximum number of dwelling units allowed for this area of the City’s sphere of influence area. The Project will incrementally reduce the citywide average residential density should the property be annexed to the City. And, with an average lot size of 15,000 square feet, the Project is compatible with the density in nearby subdivisions with larger lots located in Planning Area 2 and clustered lots with a minimum

lot size of 7,500 square feet located in Planning Area 1 which is adjacent to existing city neighborhoods allowing for higher densities than the city neighborhoods located adjacent to Planning Area 2.

A project is consistent with the general plan “if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) “A given project need not be in perfect conformity with each and every general plan policy.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.) As evidenced by Table 4.9-2 of the Draft EIR and the preceding discussion regarding the Yorba Linda General Plan, the Draft EIR appropriately analyzed consistency with the Yorba Linda General Plan, looking at both specific policies and general consistency. As noted therein, the Project would be potentially consistent with the Yorba Linda General Plan. A lead agency’s determination that a project is consistent with a general plan carries a strong presumption of regularity. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.)

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan’s density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

The commenter is incorrect in stating that the Project avoids environmental impacts or avoids mitigating them. The Draft EIR contains a comprehensive discussion and analysis of impacts and mitigation of Project caused impacts as required by CEQA.

RESPONSE POHH-NELSON3-2

The commenter’s summary of residential development in the project area is noted. An analysis of Project alternatives, including why the Project alternatives discussed are not being pursued, is provided in Chapter 5.0 of the Draft EIR.

RESPONSE POHH-NELSON3-3

The commenter is incorrect in stating that the Project avoids environmental impacts or avoids mitigating them. The Draft EIR contains a comprehensive discussion and analysis of impacts and mitigation of Project caused impacts as required by CEQA. The County concurs with the analysis in the Draft EIR that up to 738 dwelling units may be permissible on the project site under existing land use controls.

RESPONSE POHH-NELSON3-4

The County disagrees with the commenter’s conclusion that the Project is “significantly inconsistent” with the County General Plan and City General Plan and is referred to comment POHH Nelson3-1.

RESPONSE POHH-NELSON3-5

The County disagrees with the commenter’s conclusion that the Project is “significantly incompatible and should also be deemed inconsistent with adjacent development” as explained in Response POHH-Nelson3-1.

RESPONSE POHH-NELSON3-6

The commenter correctly notes that slope and seismic hazards can constrain development which may increase the cost of construction. The Project Applicant is aware of this because it is required to engineer the site so that it is safe for residential development. Additionally, given that the project site has numerous environmental constraints which are discussed and analyzed in the Draft EIR, 112 single family dwelling units are appropriate for the site (1.3 gross dwelling units per acre) for which impacts can be mitigated to a less than significant level. Therefore, contrary to the commenter's observation, no density reward is being given by the County. Please also refer to Response POHH-Nelson3-1 for a discussion of Project compatibility and consistency.

RESPONSE POHH-NELSON3-7

Please refer to Response POHH-Nelson3-1 which notes that Project density at 1.3 dwelling units per gross acres is slightly above the City's Low Density designation of 0 to 1.0 dwelling units per acre and close to the lower and on the County's "1B" Suburban Residential designation of 0.5 to 18 dwelling units per acre. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan's density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE POHH-NELSON3-8

The Project Applicant filed for an 84 dwelling unit project with the City in 2006. That application was subsequently withdrawn. Regarding the Esperanza Hills Project, it is analyzed for cumulative impacts with the Cielo Vista Project in every impact subsection under Chapter 4.0, *Environmental Analysis*, of the Draft EIR.

RESPONSE POHH-NELSON3-9

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Also, please refer to Topical Response 3 regarding fire evacuation.

RESPONSE POHH-NELSON3-10

Please refer to Responses POHH Nelson 3-1 through POHH Nelson 3-8.

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January 18, 2014

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Section 4.14 – Traffic and Transportation

Dear Mr. Tippetts:

The following comments are provided with regard to Section 4.14 Traffic and Transportation.

The traffic study concludes that the intersection of Yorba Linda and Stonehaven need not be included in the traffic study. There is a map and legend on Page 4.14-3 which states that, “intersection ...does not meet 1% test (County of Orange) or 50 peak hour trip (City of Yorba Linda) threshold,” and therefore Cielo Vista is of the opinion that Stonehaven and YL Blvd does not require analysis. What is the basis of that opinion and what data was used to arrive at it?

I note that the study was conducted in May-June of 2012. What are the exact dates of the study? Schools are out before the end of June so the study period was inadequate as the study included a period when school was out for summer. In addition, as commented below, when Via Del Aqua gets a signal, traffic will be disbursed more evenly throughout the Stonehaven/Aqua loop in my opinion. Question: Where was the counting mechanism/tube on Stonehaven placed exactly? There is a Kindercare Pre School at the corner and from experience upon taking my grandsons there, approximately 60 families drop off and pick up children during peak hours. Was the tube across the street placed north of Kindercare’s approach so as to avoid including that count? This places the entire Traffic Study into question.

How can it be assumed that the addition of 95 homes with sole access to the terminus of Via Del Aqua and Stonehaven would only adversely impact Via Del Aqua. Based upon my personal observation as I travel these roads frequently, traffic can be observed now which shows that residents living off Via Del Aqua routinely travel north, up and to Stonehaven and proceed south, down to Yorba Linda Boulevard to turn left or south onto Yorba Linda Boulevard with benefit of the traffic control signal. Likewise

residents that live on the lower sections of Stonehaven (e.g., between Heatheridge and Aviemore) travel north UP Stonehaven to Via Del Aqua and down to Yorba Linda Blvd., turning right to the west in order to avoid the control of a traffic signal. It is totally insufficient not to address daily trips, particularly during peak periods, throughout the entire loop of Via Del Aqua and Stonehaven to include both intersections at Yorba Linda Boulevard. Cielo Vista suggests a mitigation measure for Via Del Aqua by the installation of traffic signal light. A traffic light at Via Del Aqua *will* change the dynamics of travel preference among the residents throughout the neighborhood. This needs further analysis.

Likewise, the cumulative analysis of adding yet 378 MORE HOMES from Esperanza Hills to access that same loop does not adequately address Stonehaven in this traffic study. When you factor in that there is a combination Elementary and Middle School between Via del Aqua and Stonehaven (Travis Ranch Elementary and Middle School) which is on Yorba Linda Blvd., plus Kindercare for infants through preschool located at the intersection of Stonehaven and Yorba Linda Blvd., residents from existing and new development will attempt to get their children to school in a timely manner. Speaking again from experience, the congestion caused by parents dropping off and picking up children causes backups beyond the capacity of the present turning ques. It is imperative that the traffic study include all intersections that are affected on the Via del Aqua/Stonehaven loop.

The traffic study also appears to speculate that the primary access by Esperanza Hills would be via Aspen/San Antonio when in fact that option would require that the developers/owners of Cielo Vista grant this easement right to Esperanza Hills. The fact is that there is a current lawsuit between Esperanza Hills vs. Cielo Vista (see Exhibit 1, attached) to utilize an emergency access point at Street A of the Cielo Vista project. Cielo Vista denies the existence of this easement right. Question: Why would Cielo Vista describe an ADDITIONAL access easement for Esperanza Hills when the applicant already denies the very existence of the emergency easement? Cielo Vista capitalizes on Esperanza Hills' access at Aspen/San Antonio to downplay traffic on the entire Via Del Aqua/Stonehaven loop. Again, the cumulative impact of all proposed development has not been sufficiently addressed and the traffic study should analyze traffic flows both with and without the easement.

The additional traffic generated by the proposed development calls for a "Traffic Calming" study in an effort to slow down the traffic, especially in the down-hill direction. Although the traffic study addresses the 240 foot sight lines at Street A at Via Del Aqua, it appears silent as to the considerable grade on Via Del Aqua's southern approach to Street A. The grade which contributes to current unsafe speeds should be taken into consideration with respect to traffic and in particular consider and address the cumulative impact of Esperanza Hills and its 378 additional homes. Mitigations from similar studies include landscaped raised median, traffic circles, stop signs, traffic humps.

Further, the proposed development should also consider widening the intersection of Yorba Linda Blvd. and Via Del Aqua to accommodate added traffic due to the development. There is no proof that a single traffic signal to be installed at Via Del Aqua and Yorba Linda Blvd., is all that is required to provide tolerable traffic conditions. Likewise, the widening and additional landscaped median at this intersection should be incorporated into the EIR.

Conclusions:

In summary, the text portion of the traffic study is in need of an update to quantify and add the 2013 data which is only incorporated as raw data in Appendix L. In addition, the traffic study insufficiently considers the cumulative impact of other new development (both adjacent and city-wide); ignores totally the traffic impact on Stonehaven omitting any data and discussion related thereto; places a positive spin (which downplays traffic impacts on Via Del Aqua) on an access point for Esperanza Hills to Aspen that Cielo Vista alone controls and for which Cielo Vista shows no interest in allowing; and does not address the impact of a significant downward grade approaching Street A with ramifications of increased speed and noise as a result of braking and “gunning” of engines. Cielo Vista provides a deficient mitigation measure with regard to Traffic which only provides for a new signal to be installed at Via Del Aqua and Yorba Linda Blvd. The result is that this development poses very negative impacts to existing streets and to the current and future residents of the City of Yorba Linda who will use them going forward.

Very truly yours,

Marlene Nelson, Member & Resident
Leadership Team
Protect our Homes and Hills
4790 Via De La Roca
Yorba Linda, CA 92887

Enc. Exhibit 1. Yorba Linda Estates L.L.C. vs. Virginia Richards Trust

Cc: Kevin Johnson, Esq.

LETTER: POHH-NELSON4**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(January 18, 2014)

RESPONSE POHH-NELSON4-1

The California Environmental Quality Act (CEQA) allows agencies to have thresholds to determine when projects would have the potential to cause an impact. The lead agency (County of Orange) has utilized the County's Congestion Management Program (CMP) traffic study guidelines to determine when the Project's off-site traffic impact would be significant for CEQA purposes. Per CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more of a DEFICIENT intersection as compared to the No Project condition is considered significantly impacted and mitigation measures are required to reduce the project's impact to a level of insignificance. This is more stringent than the City of Yorba Linda's traffic study guidelines, which recommend the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. The Project is anticipated to contribute fewer than 50 peak hour trips to the intersection of Stonehaven and Yorba Linda Boulevard and the addition of Project traffic was found to also change the ICU value by less than 1% (or 0.01). As such, the County of Orange and City of Yorba Linda staff agreed (via the scoping process) that focused intersection level operation analysis is not needed for this intersection, consistent with the County's CMP and the City's traffic study guidelines.

RESPONSE POHH-NELSON4-2

Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012. All three dates reflect typical weekday conditions on normal school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012.

RESPONSE POHH-NELSON4-3

Peak hour intersection counts during the hours of 7-9 AM and 4-6 PM (typical peak hours of the adjacent street traffic) were collected at all study area intersections, including the intersections of Via de la Roca at Via del Agua and Stonehaven at Yorba Linda Boulevard. The peak hour intersection counts collected at the intersection of Via de la Roca and Via del Agua were utilized to determine the east-west through volumes at the future Project driveway (proposed to be located just north of Via de la Roca). A review of the counts at this intersection indicates that the distribution of traffic is approximately 20% heading east towards Stonehaven and 80% west on Via del Agua during the AM peak hour volumes and 60% heading east towards Stonehaven and 40% west on Via del Agua during the PM peak hour. The intersection of Stonehaven at Yorba Linda Boulevard was counted during the AM and PM peak hours for the purposes of conducting the 1% test (not a tube count). This count would have captured all school traffic coming to and from the KinderCare as its only access is on Stonehaven, just east of Yorba Linda Boulevard.

RESPONSE POHH-NELSON4-4

The access to Yorba Linda Boulevard and associated traffic patterns will change from what the commenter observes with the implementation of the Project and signalization of Via del Agua and Yorba Linda Boulevard. The Project access point is far closer in proximity to Yorba Linda Boulevard via Via del Agua than to Yorba Linda Boulevard via Stonehaven. Although existing residents have been observed to travel north to Stonehaven to utilize the signalized intersection at Stonehaven and Yorba Linda Boulevard, this behavior is anticipated to decrease as the Project intends to signalize the intersection of Via del Agua at Yorba Linda Boulevard, making that intersection the most logical access point to Yorba Linda Boulevard from the Project site. With the proposed signalization of Via del Agua and Yorba Linda Boulevard, it will be more efficient for vehicles exiting from the Project to utilize the intersection of Via del Agua and Yorba Linda Boulevard to make either a left or right turn.

RESPONSE POHH-NELSON4-5

The installation of a traffic signal may change existing travel patterns, but only in the sense of evenly splitting the traffic between Via del Agua and Stonehaven (and therefore reduce impacts) as both intersections will ultimately have the same traffic control, residents may elect to no longer go around to use one or the other. In other words, people who live off of Via del Agua may utilize the signal at Via del Agua and Yorba Linda Boulevard while those that live on the east side of the loop (off of Stonehaven) may utilize the signal on Stonehaven at Yorba Linda Boulevard. In effect, residents will likely choose to take the shortest path and adjust travel patterns accordingly. However, in order to be conservative, this change in travel patterns that could potentially reduce the traffic impacts is not accounted for in the traffic analysis.

RESPONSE POHH-NELSON4-6

The effects of the Esperanza Hills Project have been accounted for in the Opening Year and Horizon Year analysis scenarios and labeled as the "Access Alternative". Taking into consideration the location of the Travis Ranch Elementary/Middle School and the KinderCare, the Project's proximity to these locations is closer using Via del Agua as opposed to Stonehaven. The Cielo Vista Traffic Impact Study project trip distribution does not assign any project trips east of the project site on Via Del Agua/Stonehaven Drive, therefore additional intersections on the Via del Agua/Stonehaven loop are not required to be included in the traffic analysis.

The analysis, however, does assign 37% of the Project traffic eastbound on Yorba Linda Boulevard at the intersection of Stonehaven Drive. The analysis shows that with the cumulative project traffic that includes the Esperanza Hills Project and the Cielo Vista Project traffic, the intersection of Via del Agua/Yorba Linda Blvd. will operate at LOS "A" or better with the recommended traffic signal. The Project is not expected to add more than 50 peak hour trips to the intersection of Stonehaven Drive/Yorba Linda Blvd. and therefore, the Project impacts at this location are considered less than significant.

RESPONSE POHH-NELSON4-7

Contrary to the commenter's suggestion, the traffic study evaluates both Esperanza Hills Option 1 (access to Via del Agua/Stonehaven) and Option 2 (access to Aspen Way). Both Option 1 and 2 have been evaluated for both Opening Year and Horizon Year traffic conditions.

RESPONSE POHH-NELSON4-8

Through the scoping process, the City of Yorba Linda did not request that traffic calming be addressed as part of the traffic study. Furthermore, the Project's traffic alone does not warrant a traffic calming analysis as the Project is anticipated to contribute less than 100 peak hour trips to Via del Agua. As demonstrated in the traffic study, the addition of Project traffic is not anticipated to result in any deficiencies, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard which is currently operating at deficient LOS during the peak hours. It is important to recognize that traffic calming measures are intended to slow vehicles and consequently also result in reduced traffic capacity.

RESPONSE POHH-NELSON4-9

Contrary to the commenter's suggestion, with the proposed mitigation measure to install a traffic signal at the intersection of Via Del Agua at Yorba Linda Boulevard, the intersection of Via Del Agua at Yorba Linda Boulevard is anticipated to operate at LOS "B" during the peak hours under Horizon Year 2035 traffic conditions. As peak hour capacity and associated LOS are anticipated to far exceed the County and City of Yorba Linda's standard of LOS "D" or better, widening of the intersection or otherwise improving the median is not necessary.

RESPONSE POHH-NELSON4-10

This comment provides a general conclusion regarding the issues raised in this letter. Individual responses to this letter are provided above in Responses POHH-Nelson4-1 through POHH-Nelson-9. Based on the responses provided above, no further updates to the text portion of the EIR analysis are necessary.

RESPONSE POHH-NELSON4-11

Please refer to Responses POHH-Nelson4-1 through POHH-Nelson-9 regarding the traffic issues raised in this comment letter.

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January 19, 2014

Orange County Planning
Attn: Mr. Ron Tippetts
300 North Flower
Santa Ana, CA 92702-4048

Re: Cielo Vista Project – Draft Environmental Impact Report, EIR No. 615
Section 4.2 AIR QUALITY

Dear Mr. Tippetts:

The following comments are provided in regard to the Cielo Vista Draft Environmental Report under Section 4.2 Air Quality.

“3. Cumulative Impacts. The Project combined with cumulative development in the area may result in cumulative air quality impacts. However, project-by-project analysis of air quality impacts and compliance with applicable regulatory requirements would ensure that potentially significant cumulative impacts regarding air quality impacts are reduced to a less than significant level.” (emphasis added)

The above comment is quoted from page 4.2-32 of the Air Quality section of the Cielo Draft Environmental Impact Report regarding **cumulative impacts** of this and adjacent development. As in other sections of the Cielo DEIR, cumulative impacts are given inadequate, incomplete and insignificant attention throughout the document and Air Quality is no exception.

The DEIR for Cielo Vista just ignores other development, stating there is no significant cumulative impact when dealing with their own project. This is not a proper CEQA analysis.

I would like, at this point, digress a bit, to the late 1980's, with a factual analysis of the impact on air quality of hillside development that requires an inordinate amount of earth to be bulldozed and graded for months and even years before the “dust settles.”

We bought our home and moved to 4790 Via De La Roca, in November 1985. At that time, Via Del Aqua stubbed out at a dead-end just past our street, Via De La Roca. The dead-end was actually overlooking a small canyon beyond...where Cielo Vista now

wants to build and is precisely where Street A (primary entrance) would be located. About three years after we moved in, bulldozers started to cut Stonehaven up from Yorba Linda Boulevard through the hills to our northwest. The real estate market started to heat up with lotteries the common scene for anxious buyers. To our amazement the extreme amount of dirt that was cut from Stonehaven soon found its place....it was dumped to the northwest of Heatherridge. So at that time, for months, we watched as the dozers continued to bring thousands of cubic yards of dirt over to our side of the ridge and to our amazement, Stonehaven was eventually tied in to Via Del Aqua. That was certainly not what we were shown when we purchased our Brock Estates home as to potential development behind our home. Devonport, Stirlingbridge, and Blue Mountain all were fabricated by the fill from cutting Stonehaven. We were amazed and disappointed because we had been told when we purchased our home that Via Del Aqua would continue into the Blue Mud area for large, one acre equestrian estates at some time in the future. And then it started....

My daughter, 8 years old at the time, began having severe coughing events whenever she caught even a mild cold. She coughed so much that she could literally be sleeping and still violently cough. It took months of going back and forth to the doctor. Finally a diagnosis was provided....the doctor told us that she had ENVIRONMENTAL ASTHMA caused by the release of spores from all the earth that was being bulldozed by the cut and fill of Stonehaven. She eventually had to have sinus surgery a couple years later. To this day, now in her early 30's, she continues to have extreme, prolonged coughing spells whenever she has a cold or is exposed to air pollutants.

So here we are with these proposed developments by developers who would claim that there will be no import or export of soil in the grading of the property. Projects, however, will require over two years' worth of grading activity and on land that, this time, has known carcinogens from oil production and which has the potential to release methane. Cielo Vista and the adjacent proposed development of Esperanza Hills will need to move hundreds of thousands cubic yards of dirt, primarily to skirt around known hazards including the Whittier Fault and landslide areas, as well as a topography of deep canyons and oil field operations (both active and capped).

A visual survey of the land as it now exists would certainly cause any normal person to believe the land is undevelopable. But to a developer, with enough capital, and enough bulldozers, a lot of money could be made. No matter that the full development could take a minimum of two years of cutting, filling and grading activity, but the full completion of the area could take upwards of SEVEN years to complete (taken from the DEIR of Esperanza Hills....but then the **cumulative** impacts are supposed to be addressed are they not?).

Existing residents, many original owners, who have lived here since 1985, some twenty-eight years, are now expected to be exposed and put in harm's way by massive

grading operations resulting in endless phases of development and construction lasting for nearly one-third of the time they have resided in their homes. Many of the original homeowners are now retired, and some have developed health issues of their own in their senior years. Should they now be forced to shutter their windows, stay inside, “shelter-in-place” not because of fire, but because of the prolonged exposure to dust and dirt? Developers who wish to bulldoze this amount of land that will take years to complete should be required to compensate adjacent homeowners who will incur a huge expense by running their air conditioners 24/7. Will that mitigation be provided to residents of Yorba Linda who prefer fresh country air?

Can adjacent homeowners be assured that there will not be the exporting of contaminated dirt? What studies have been done to ensure that this won't occur? Can this be known before the property is torn up and earth spores exposed? What protection will residents of property abutting the land be provided if environmental hazards are exposed and released into the air during upset of the land?

Cielo Vista's DEIR is very clear under the GEOLOGY section that necessary coring and sampling of soil in its geologist's reports has not been accomplished and remains to be done. All developer assertions made are sheer speculation that there will not be significant negative impacts on existing residents or that Air Quality will not be adversely impacted by the development of this property. Note that the DEIR for Esperanza Hills states that Greenhouse Gases is one negative impact that cannot be mitigation to a level less than significant. Yet Cielo Vista's DEIR is silent.

The County of Orange should demand that the developer do the necessary due diligence required now versus gaining entitlement and thereafter no doubt sell off the property to a builder. Per the County of Orange General Plan, this property suffers from *environmental constraints* and while not precluding development, development may require additional expense of mitigation from the impacts of the project which needs to be paid for by the developer

Very truly yours,

Marlene Nelson, Member & Resident
Leadership Team
Protect our Homes and Hills
4790 Via De La Roca
Yorba Linda, CA 92887

Cc: Kevin Johnson, Esq.

LETTER: POHH-NELSON5**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(January 19, 2014)

RESPONSE POHH-NELSON5-1

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. Cumulative air quality impacts are discussed on page 4.2-32 of the Draft EIR. Contrary to the comment, the discussion of cumulative air quality impacts does consider the list of related projects identified in Chapter 3.0, *Basis for Cumulative Analysis*, in the Draft EIR. With regards to cumulative construction air quality impacts, the County acknowledges that construction activities between the Esperanza Hills Project (or other related projects) and the Cielo Vista Project potentially could overlap. However, there would be numerous construction phases for each project, and it would be speculative at this point in time to identify the timing of each phase for the related projects and the associated emissions by phase to determine the precise extent of potential cumulative construction emissions. Accordingly, as discussed in the Draft EIR's cumulative impact analysis, other cumulative projects (including the Esperanza Hills Project) would comply with SCAQMD's Rule 403 (fugitive dust control) during construction, as well as all other adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements would also be imposed on all projects Basin-wide, which would include all related projects. As such, cumulative impacts during construction would be less than significant.

With regards to operational impacts, the analysis is based on guidance from the South Coast Air Quality Management District (SCAQMD). As stated in that analysis, the *SCAQMD's CEQA Air Quality Significance Thresholds (March 2009)* indicate that any projects in the Basin with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The SCAQMD also states that "projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."⁹ Based on this guidance, since Project operation would not result in the emissions of non-attainment pollutants and precursors in excess of the SCAQMD project-level thresholds, cumulative air quality impacts would be less than significant. Further, given the Project's consistency with the SCAQMD Air Quality Management Plan (AQMP), the Project's incremental contribution to cumulative air quality effects is not cumulatively considerable.

RESPONSE POHH-NELSON5-2

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As indicated in Table 4.2-8 on page 4-2.25 of the Draft EIR, fugitive dust emissions would be less than the health protective threshold established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in a less than significant impact to nearby sensitive receptors.

⁹ *South Coast Air Quality Management District, White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution, Appendix D, August 2003.*

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-1 to control fugitive dust and impacts to nearby residents.

Cumulative air quality impacts are discussed on page 4.2-32 of the Draft EIR. The County acknowledges that construction activities between the Esperanza Hills Project and the Cielo Vista Project potentially could overlap. However, there would be numerous construction phases for each project, and it would be speculative at this point in time to identify the timing of each phase for both projects. Accordingly, as discussed in the Draft ER's cumulative impact analysis, other cumulative projects (including the Esperanza Hills Project) would comply with SCAQMD's Rule 403 (fugitive dust control) during construction, as well as all other adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements would also be imposed on all projects Basin-wide, which would include all related projects. As such, cumulative impacts during construction would be less than significant.

Please also refer to Topical Response 1 regarding the separation of Esperanza Hills and Cielo Vista during the CEQA environmental review process, with Esperanza Hills being properly analyzed as a related project for purposes of Cielo Vista's cumulative impacts analysis.

RESPONSE POHH-NELSON5-3

Please refer to Response POHH-NELSON5-2 for a discussion of mitigation measures to control fugitive dust emissions from exceeding unhealthful standards at adjacent residential uses.

RESPONSE POHH-NELSON5-4

Handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

RESPONSE POHH-NELSON5-5

Please refer to Response POHH-NELSON5-4 for a discussion of soil management and testing prior to construction activities.

RESPONSE POHH-NELSON5-6

Please refer to Response NELSON5-4 for a discussion of soil management and testing prior to construction activities. In addition, the Draft EIR under Impact Statement 4.7-2 beginning on page 4.7-20 provides details on handling potentially contaminated soil. If contaminated soils are encountered during excavation activities, a VOC mitigation plan in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166 would be required. This rule sets requirements to control VOC emissions from excavation or handling of VOC contaminated soil. In addition to SCAQMD requirements, the SMP would be reviewed by other regulatory agencies such as the Regional Water Quality Control Board and Department of Toxic Substances Control, as necessary, based on applicable regulatory requirements.

RESPONSE POHH-NELSON5-7

Geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. Please refer to Topical Response 4 and revised Mitigation Measure 4.5-1.

RESPONSE POHH-NELSON5-8

The Draft EIR addressed greenhouse gases in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. As discussed on page 4.6-27 of the Draft EIR, the Project would result in GHG emissions which are below the SCAQMD threshold of 3,000 MT CO₂E. The Esperanza Hills Project, which the commenter cites, is many times larger than the Cielo Vista Project and involves additional vehicle and construction trips, for example, that contribute to its significant GHG impact.

RESPONSE POHH-NELSON5-9

The County is ensuring that all appropriate due diligence pertaining to the environmental review of the Project is conducted as part of this CEQA EIR process and as required by State law. Chapter 1.0, *Introduction*, includes an overview of the CEQA public review process conducted for the Project.

RESPONSE POHH-NELSON5-10

The comment is noted by the County. The Project Applicant would be required to incur the costs associated implementation of the mitigation measures prescribed in the Draft EIR.

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Marlene Nelson
4790 Via De La Roca
Yorba Linda, CA 92887

November 19, 2013

Via E-Mail

Orange County Planning
Attn: Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippets:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. The current response period is just 15 days longer than the NOP comment period despite the fact that the draft EIR contains hundreds more pages, exhibits, and data to review. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving

maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

/s/ Marlene Nelson

Marlene Nelson

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-NELSON6**Marlene Nelson, Member**

4790 Via De La Roca
Yorba Linda, CA 92887
(November 19, 2013)

RESPONSE POHH-NELSON6-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-NELSON6-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-NELSON6-3

Please refer to Response POHH-NELSON6-1.

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Christopher and Jaime Pailma
4710 Blue Mountain Drive
Yorba Linda, CA 92887

November 12, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Christopher and Jaime Pailma, Member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-PAILMA**Christopher and Jaime, Members**

4710 Blue Mountain Drive

(November 12, 2013)

RESPONSE POHH-PAILMA-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

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RESPONSE POHH-PAILMA-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-PAILMA-3

Please refer to Response POHH-PAILMA-1.

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Mr. & Mrs. S. Pizzati
4901 Orlando Dr.
Yorba Linda, CA 92886

November 12, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

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Very truly yours,

Sal and Linda Pizzati

Sal & Linda Pizzati, Member
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-PIZZATI**Sal and Linda Pizzati, Members**

4901 Orlando Drive
Yorba Linda, CA 92886
(November 12, 2013)

RESPONSE POHH-PIZZATI-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

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RESPONSE POHH-PIZZATI-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-PIZZATI-3

Please refer to Response POHH-PIZZATI-1.

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Dennis Prina
4620 San Antonio Rd.
Yorba Linda, CA 92886

November 13, 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

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In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Dennis Prina
Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-PRINA

Dennis Prina, Member
4620 San Antonio Road
(November 13, 2013)

RESPONSE POHH-PRINA-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

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RESPONSE POHH-PRINA-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-PRINA-3

Please refer to Response POHH-PRINA-1.

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Geotechnical Exploration, Inc.

SOIL AND FOUNDATION ENGINEERING • GROUNDWATER • ENGINEERING GEOLOGY

22 January 2014

Orange County Planning Commission
300 North Flower
Santa Ana, CA 92702-4048
Attn: Mr. Ron Tippets

Job No. 14-10450

Subject: **Review of Geotechnical and Geologic Concerns**
Draft Environmental Impact Report
Cielo Vista Project EIR No. 615
Yorba Linda, California

Dear Mr. Tippets:

In accordance with the request of Protect Our Homes and Hills represented by KEVIN K. JOHNSON, APLC, ***Geotechnical Exploration, Inc.*** herein provides commentary on the subject draft EIR based upon our review of the reported geotechnical and geologic conditions.

We are a full-service soil engineering firm located in the City of San Diego, established in 1976, with staff possessing the appropriate registrations and certifications in civil engineering, geotechnical engineering, geology and engineering geology. The personnel at ***Geotechnical Exploration, Inc.*** have background experience in soil mechanics, feasibility and design, environmental planning, hazard evaluation, quality control, field supervision and inspection, material testing, and management consultation. This experience has been applied to geotechnical and geologic investigations for residential subdivisions, multi-story commercial complexes, light residential foundations and deep caisson design, street and septic system design, hazard mitigation and litigation, dams, slope stability and settlement analyses. Our work includes predevelopment exploration and grading observation and testing services, hydrogeologic water resource and hazardous

materials studies, forensic investigations and expert testimony, and geotechnical services related to post damage reconstruction.

We have explored and investigated active California faults and landslides in San Diego County, Orange County, Los Angeles County and northwestern Mexico for the purposes of project development, mitigation and repair. Our experience includes evaluation of reported residential damage to homes following earthquakes that occurred on the Newport-Inglewood and Whittier Fault zones.

Our Scope of Work was limited to review of the referenced DEIR and preparation of this letter with our comments. We have not performed a site investigation or reconnaissance of the site.

BACKGROUND DOCUMENTS

We have reviewed the Draft Environmental Impact Report (DEIR) No. 615 for the planned Cielo Vista project. This document was prepared by PCR Services Corporation and is dated November 2013. The DEIR included the following sections pertinent to the discussion of site geologic and geotechnical conditions:

1. Executive Summary, pages ES-3, ES-21 through ES-23;
2. 2.0 Project Description;
3. 4.5 Geology and Soils;
4. Appendix E Geology Study including:
 - a. "Geologic and Geotechnical Evaluation In support of Due Diligence Evaluation "Travis" Property; City of Yorba Linda, County of Orange, California" dated June 8, 2006, prepared by Pacific Soils Engineering, Inc. work order 500674.



- b. "Geotechnical Feasibility Study, Proposed Development of Tentative Tract Map No. 17341, County of Orange, California" dated March 1, 2013, prepared by LGC Geotechnical, Inc.; Project No. 10106-01.

Our description of site conditions as provided herein is based solely on review of these pertinent project and geologic/geotechnical references. Our opinions are based on this review and our experience as an active geotechnical consultant in southern California.

PROJECT AND SITE DESCRIPTION

We understand the planned Cielo Vista project includes development of an 84 acre tract located in unincorporated Orange County adjacent to the City of Yorba Linda. The project applicant plans for a maximum of 112 single-family dwellings to be constructed on 47.7 acres in 2 Planning Areas. The remaining 36.3 acres would be preserved as open space. The site is currently primarily vacant land with some operational and abandoned oil wells and appurtenant dirt access roads and trails.

Residential communities exist along the north, south and west sides of the property. The 469-acre undeveloped Esperanza Hills parcel exists to the east. The site and adjacent undeveloped properties are within an area commonly referred to as the Murdock Properties. Chino Hills State Park exists to the north and east of this undeveloped area of Orange County.

The L-shaped site is characterized by moderate to steeply sloping hillsides with over 300 feet of relief, from lower elevations in the south (565 feet above Mean Sea Level, MSL) to 885 feet above MSL in the north. Three relatively deeply incised southerly and westerly draining canyons cross the site. Native vegetation



supporting natural habitats exists across most of the site except where oil operations and associated facilities exist.

REGIONAL AND LOCAL GEOLOGIC SETTINGS

The site is located in the Puente Hills which are the foothills of the northwestern portion of the Santa Ana Mountains. These form the eastern boundary of the Los Angeles Basin within the Peninsular Ranges Geomorphic Province within California, characterized by northwest trending mountain ranges, intervening valleys and multiple sub-parallel fault systems. The faults in this province are typically right-lateral strike slip faults. Several large active faults exist in the region of the site including the San Joaquin Hills Thrust Fault, Newport-Inglewood Fault, San Andreas Fault and Whittier-Elsinore Fault.

The Tertiary-age Puente Formation forms the site bedrock materials. This Miocene unit consists of thin to massively bedded sandstone, siltstone and shale with minor overlying topsoil and colluvium. Older alluvial materials and abandoned stream terrace deposits are also present on upper portions of the site. Younger alluvium exists within canyon bottoms.

The bedrock materials within the Puente Formation are highly folded due to regional faulting and proximity to the Whittier Fault, with multiple east-west trending synclines and anticlines. Beds dip steeply to both the north and south and include thin weak planes along and across the bedding subject to localized instability. Several large-scale potentially hazardous landslide areas have been indentified on the northwestern portion of the project site. The hazard represented by these landslides has not been evaluated. This hazard could modify or preclude the current planned development on the northwestern portion of the project.



The Whittier Fault forms the dominant structural feature on the site. It crosses the central portion of the site from northwest to southeast and is approximately 1,660 feet long on the site. This fault is considered active by the State of California per the Alquist-Priolo Act of 1972 and is identified as a 1000-foot-wide Fault Rupture Hazard Zone on the fault-rupture hazard zone map. The hazard zone map uses the base USGS Yorba Linda 7.5' quadrangle. The surface trace of the fault has not been identified within this zone on the map and is dashed to indicate only an approximate location. The Alquist-Priolo Act requires that active fault locations be identified such that habitable structures are not located across the surface fault trace.

GEOLOGIC HAZARDS

Federal, State of California, County of Orange and City of Yorba Linda regulations control the development of the project including the geotechnical and geologic aspects of site development. The geotechnical and geologic consultants for the project have identified several hazards on the site that will require avoidance or mitigation. The degree of project redesign and loss of planned lots resulting from the avoidance or mitigation of these hazards and their impacts cannot be determined until site conditions are investigated and fully addressed. Due to the presence of hazards associated with the Whittier Fault Zone (WFZ) the site is considered a high risk site, which will most likely require significant redesign. The hazards include:

- Significant ground shaking from potential seismic events on the Whittier Fault on site, up to magnitude $M_w 7.2$, and other large active southern California faults;



- Ground surface rupture due to a seismic event on the Whittier Fault on site;
- Ground failure as the result of localized liquefaction on the southern portion of the site during a seismic event on the Whittier Fault on site or other active southern California faults;
- Landsliding/slope instability due to the presence of an ancient landslide complex on the northern portion of the site and in several mapped potential earthquake-induced landslide areas;
- Expansive soils requiring special grading and/or design of proposed foundations, floors and pavements, etc.

The most significant geologic hazards are associated with potential earthquakes on the Whittier Fault on the site. The location of the surface trace and associated additional traces within the 1,000-foot wide Whittier Fault Zone (which may restrict buildable areas) has not yet been determined. State of California Public Resources Code Section 2621 requires this determination prior to project approval and issuance of grading permits by cities and counties.

DISCUSSION

Neither of the geologic/geotechnical consultant reports referenced here provides the subsurface fault investigation to determine the actual (not approximate) location of the Whittier Fault on the planned Cielo Vista project site as required by PRC Section 2621 prior to project approval and permitting by a city and/or county. The fault surface trace is depicted in these reports as being generally along the center of the 1,000-foot-wide zone as approximately shown on the official State of



California Fault Rupture Hazards Zone map. The approach to investigating the site for faulting requires that exploratory trenches and ancillary borings be excavated generally perpendicular to the trend of the faulting such the ground surface fault trace(s) can be identified both within the zone and adjacent to the zone (per current state-of-the-art practice). Trenches of the type required to explore the Whittier Fault Zone could be up to 20 feet or more deep and several hundred feet long. Multiple trenches will be required to fully evaluate the 1,000-foot wide zone. Spoils removed from the trenches would have to be properly stockpiled. Field operations could span months.

The Alquist-Priolo Act requires that habitable structures not be located astride or over these offsets. Therefore, the investigations required to accurately locate the faults have to be performed before project approval, issuance of grading permits and development. Setbacks from the fault trace(s) would also be required. Both geotechnical/geologic consultant reports recommend further investigation of the fault.

The locations of these surface fault traces are significant with respect to the location of the planned project residential structures and appurtenant improvements. A Geologic Map of the site is provided in the referenced LGC Geotechnical, Inc. report. It provides an overlay of the planned project configuration within (and adjacent to) the mapped Whittier Fault Zone (WFZ). Based on review of this project overlay, 56 planned residential lots are within the WFZ. Additionally, 10 planned lots are within 100 to 200 feet of the WFZ. These 66 lots represent 59 percent of the planned project. Should active faulting be discovered beneath the location of planned lots significant re-siting of these lots, associated project utilities and roads would be required to comply with the Alquist-Priolo requirements.



In effect, any approval of a housing site plan before these geologic investigations are completed could be subject to major revisions and possible significant down-sizing of the project as currently planned.

In addition to the hazards associated with the WFZ, the planned project site has ancient landslide features and steep slopes that pose potential hazards to the planned residential lots. These features have not been investigated. A landslide complex is mapped above and abutting the eastern side of Planning Area 2 (PA2). All 17 planned residential units within PA2 could be affected by this hazard. Additionally, steep slopes with adverse geologic bedding may pose significant potential slope failure hazards. All potential landslide, steep slope and adverse geologic bedding hazards require thorough subsurface investigation before project approval.

The normal approach to investigating these features would be to drill large-diameter borings that would allow downhole inspection and logging by the project geologists of the ancient landslide features and bedding within steep slope areas. The borings, advanced by large truck-mounted or track-mounted drill rigs, would be 2½ to 3 feet in diameter and up to 150 feet deep. Spoils excavated from the borings would have to be stockpiled and the borings appropriately sealed after backfilling.

Following subsurface investigation and soil strength testing cross sections through the hillsides and landslide features and slope stability/engineering analyses would be performed to assess the stability of these features both in the short term and long term. Planned project development would likely include stabilization of potential landsliding hazards, either by buttress grading or excavation, etc. of unstable features. Setbacks from the hazards would likely be required. Depending



on the details of the field investigation findings, significant re-siting or redesign of planned project lots, streets, utilities, etc. would likely be required. Both referenced geotechnical consultant reports recommend further investigation of these features.

The subsurface investigations to address both the WFZ and landsliding/steep slope hazards require the mobilization of exploratory equipment across the site. Large exploratory trenches will have to be excavated by four-wheel drive or track-mounted excavators in all planned project areas. We understand from review of available photographs that similar fault trenching studies were performed on the adjacent Esperanza site.

Trenches will have to be open for the time required for detailed logging by project geologists and therefore commonly require shoring. Multiple overlapping or long trenches may be required. Access to certain site areas may have to be created by temporary road building. The large-diameter borings will require that drill rigs access higher landslide and slope areas such that the exploratory borings drill down through the areas of concern. Temporary access roads may also have to be created. Multiple borings will be required. The detailed exploration and updated investigation, as described, could take several months to complete. Significant environmental impacts due to trenching and drilling should be anticipated including soil and ground disturbance, noise, dust, effects to sensitive biological resources, potential effects on ground water, potential disturbance to archaeological and/or paleontological resources, habitat destruction or disturbance, etc.

LIMITATIONS

Our discussion and opinions have been based upon the provided materials as described in this report, as well as our experience with the soils and native

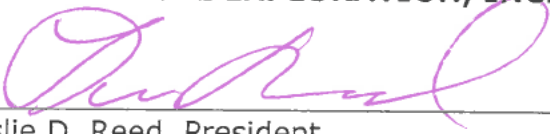


materials located in this area of Orange County. We have not performed a geotechnical or geologic investigation of the site.

Should you have any questions, please feel free to contact our office. Reference to our **Job No. 14-10450** will help expedite a reply to your inquiries.

Respectfully submitted,

GEOTECHNICAL EXPLORATION, INC.



Leslie D. Reed, President
C.E.G. 999/P.G. 3391



Cc: Kevin K. Johnson, KEVIN K. JOHNSON, APLC



LETTER: POHH-REED**Geotechnical Exploration, Inc. Leslie D. Reed, President**

7420 Trade Street
San Diego, CA 92121
(January 22, 2014)

RESPONSE POHH-REED-1

Please see Response POHH-REED-5 for a detailed discussion of the potential impacts associated with landslides and slope stability.

RESPONSE POHH-REED-2

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE POHH-REED-3

Much of Comment POHH-Reed-3 relates to the location of the Whittier Fault. Please refer to Topical Response 4 regarding geology and faulting for responses to these questions.

The commenter also identifies specific hazards associated with the presence of the Whittier Fault Zone, each of which is discussed and analyzed in Section 4.5, *Geology and Soils*, of the Draft EIR. For example, with respect to potential seismic ground shaking, the Draft EIR notes that there is a potential for significant ground shaking and considers it to be a potentially significant impact. However, with the implementation of Mitigation Measure 4.5-1 (as revised in Topical Response 4) and compliance with applicable regulations, the Project's impact would be less than significant. Likewise, the Draft EIR identifies and discusses potential landslide and slope instability impacts, and concludes they will be less than significant with mitigation and compliance with applicable regulations. The commenter does not specifically challenge any of the analyses in the Draft EIR or present any evidence which undermines its conclusions. With implementation of Mitigation Measure 4.5-1, the designation of the Whittier Fault as "active" will be confirmed. After the fault trace is mapped, the Project's proposed residences shall be set back from the fault trace in accordance with applicable law, including the Alquist-Priolo Act, as discussed in Mitigation Measure 4.5-1.

Commenter asserts that they must know exactly where the structures are going to be built. The letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, includes a figure entitled "Whittier Fault Setback Map" that shows the approximate building envelope for the Project's proposed residences (see copy of letter in Appendix B of this Final EIR). This figure and the accompanying letter demonstrate "a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151.) Moreover, as was held in *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906, a mitigation measure which required an additional site specific geotechnical investigation to consider the particular project designs is proper. Here, the Draft EIR includes specific information related to the potential for fault rupture and incorporates a measure which will ensure impacts are reduced to a less than significant level. Please also see Topical

Response 4, which comprehensively addresses these issues, and includes a revision of Mitigation Measure 4.5-1.

RESPONSE POHH-REED-4

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE POHH-REED-5

Section 4.5, *Geology and Soils*, of the Draft EIR specifically identifies landslides/slope stability as a source of potentially significant impacts. As acknowledged in the Draft EIR, there is significant information indicating the presence of landslides and other gross slope instability conditions within the northern portion of the Project Site to the east of Planning Area 1. The Project's proposed grading is presently planned to avoid most areas suspected to be underlain by landslides or susceptible to slope stability hazard. Additionally, consistent with the commenter's characterization of investigation of landslide and slope stability issues, Mitigation Measure 4.5-1 mandates, prior to the issuance of grading permits, a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and determine what stabilization measures are necessary. Where existing and/or proposed slopes are found to have a factor of safety lower than the minimum applicable standards, the slopes shall either be setback or mitigation measures implemented to improve the stability of the slopes. Thus, the Draft EIR requires a thorough subsurface investigation prior to development of the Project. Please also see Topical Response 4, which comprehensively addresses these issues, and includes a revision of Mitigation Measure 4.5-1

RESPONSE POHH-REED-6

Implementation of the Mitigation Measure 4.5-1, including short-term ground disturbing activities, would result in short-term impacts. No new roads are anticipated to be constructed during the geotechnical investigation. Noise from the use of machinery during the geotechnical investigation activities would be temporary, intermittent and of short duration, and would not present any long-term impacts. The use of such equipment would comply with the applicable provisions of the Noise Ordinance of the Codified Ordinances of the County of Orange to ensure that noise impacts to surrounding noise sensitive uses are less than significant. As discussed in Section 4.4, *Cultural Resources*, in the Draft EIR, no archaeological resources are known to occur on the site or in immediate proximity to the site. The overall sensitivity and potential for discovery of surface archaeological resources is considered to be low. No known paleontological resources occur on the site. The site does however include geological formations conducive to retaining paleontological resources. The extent of excavation activities into deeper soils would be minimal and as such, the likelihood of encountering any cultural resources would be minimal. Nonetheless, the geotechnical consultant would implement a program consistent with the mitigation measures presented in Section 4.4, or as otherwise determined appropriate through consultation with a qualified archaeologist and/or paleontologist, as necessary, to ensure that impacts to unknown cultural resources are less than significant. As stated in Mitigation Measure 4.5-1, the investigation would comply with all applicable State and local code requirements. For example, ground disturbing activities and use of machinery would be required to comply with applicable South Coast Air Quality Management District (SCAQMD) air quality regulations (see Section 4.2, *Air Quality*) and County and Santa Ana Regional Water Quality Control Board (SARWQCB) water quality and discharge requirements (see Section 4.8, *Hydrology and Water Quality*) to ensure that air quality and water quality impacts are less than significant, respectively. In addition, the geotechnical consultant would consult with a qualified biologist prior to conducting any geotechnical investigations. The geotechnical

investigation(s) would first seek avoidance of sensitive biological resources, including sensitive plant communities/habitats and jurisdictional features, as described in Section 4.3, *Biological Resources*, of the Draft EIR. However, in the event that any such biological resources could not be avoided, the activities would be required to comply with applicable regulatory and permitting requirements such as the those pertaining to the Federal Endangered Species Act (FESA), Federal Clean Water Act (CWA) (Section 401 and 404), Migratory Bird Treaty Act and Section 1602 of the State of California Fish and Game Code, all of which are discussed in Section 4.3 of the Draft EIR. Overall, by complying with applicable regulatory and permitting requirements as discussed in the applicable sections of the Draft EIR, the geotechnical investigation's short-term impacts, including ground disturbing activities, would not result in significant adverse environmental impacts.

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From: Sharon Rehmeyer [<mailto:ssrehmeyer@gmail.com>]
Sent: Tuesday, November 12, 2013 11:09 PM
To: Tippetts, Ron
Cc: Spitzer, Todd [HOA]
Subject: Extension of Public Comment Period for Cielo Vista Draft EIR

TO: Orange County Planning
ATTN: Ron Tippetts
300 N. Flower St.
Santa Ana, CA 92702-4048

DATE: November 12, 2013

RE: Cielo Vista Project Draft Environmental Impact Report
REQUEST FOR EXTENSION OF PUBLIC COMMENT PERIOD

Dear Mr. Tippetts.

We have received the Cielo Vista Project Draft Environmental Impact Report Notification and would urge you to consider an extension of time for the public comment period for Cielo Vista. Because of the voluminous amount of reading and study this Draft EIR entails and because we have received it with the approaching holiday season upon us, and a deadline for submission of our public comments coming right at Christmas time, we would urge an extension of 30 days beyond the current deadline to January 22, 2014.

(1) There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR.

(2) We understand that the County is in process of releasing a Draft EIR for the Esperanza Hills Project on parcels east of the Cielo Vista project. Both projects will share access easements and utilities connections, and the two projects, in our opinion, should be considered and evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

(3) The present comment period is totally insufficient for a thorough review by the public that CEQA requires. If the public comment period is not extended, the current comment period will not allow full public participation in the response process because of the approaching holiday season.

Because of the complexity of technical data to be reviewed in this Draft EIR, and the burden on the affected Yorba Linda community residents and other members of the public impacted by this Draft EIR to review and respond to such voluminous data during the holiday season, we request that the **Public Comment Period be extended by 30 days to January 22, 2014.**

Thank you for considering our **request for the 30 day extension.**

Sharon & Ted Rehemeyer

Residents of 4795 Via De La Roca, Yorba Linda, CA 92887 since November, 1985.

Members of Protect Our Homes and Hills, Yorba Linda.

Email: ssrehmeyer@gmail.com

Cc: The Honorable Todd Spitzer, Supervisor

Third District, County of Orange

10 Civic Center Plaza

Santa Ana, CA 92701

LETTER: POHH-REHMEYER1**Sharon and Ted Rehmeier, Members**

4795 Via De La Roca
Yorba Linda, CA 92887
(November 12, 2013)

RESPONSE POHH-REHMEYER1-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-REHMEYER1-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-REHMEYER1-3

Please refer to Response POHH-REHMEYER1-1.

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From: Sharon Rehmeyer [<mailto:ssrehmeyer@gmail.com>]

Sent: Monday, January 20, 2014 12:28 PM

To: Tippetts, Ron

Cc: Spitzer, Todd [HOA]; Kevin Johnson

Subject: Fwd: Rehmeyer: CORRECTED AIR QUALITY 4.2 RESPONSE to CV DEIR



TO: Mr. Ron Tippetts

Orange County Planning

300 North Flower Street

Santa Ana, CA 92702-4048

Cc: The Honorable Todd Spitzer, OC Supervisor, Third District

CORRECTED COPY ATTACHED/ Please discard copy sent 1/19/14

FROM: Sharon S. Rehmeyer & Ted Rehmeyer

**(Members of PROTECT OUR HOMES AND HILLS LEADERSHIP TEAM & Yorba Linda residents
(at address below) for 28 years**

4795 Via De La Roca

Yorba Linda, CA 92887-1816

(714) 777-6818

ssrehmeyer@gmail.com

DATE: January 20, 2014

SUBJECT: Cielo Vista Project DRAFT EIR No. 615.

Section 4.2 AIR QUALITY

CORRECTED COPY ATTACHED:

We are responding to this CV DEIR No. 615, Sec. 4.2 Air Quality as members of the Protect Our Homes and Hills Leadership Team and as Yorba Linda residents who have lived for 28 years in our home adjacent to the OC County Hillside where the Cielo Vista Project is proposed to be developed.

ATTACHED are the FOLLOWING ITEMS:

- **Our RESPONSE TO CIELO VISTA PROJECT DEIR No. 615, Sec/. 4.2 AIR QUALITY**
 - plus 4 referenced ATTACHMENTS to support the document above:
1. **Exhibit A:** Los Angeles Times Article re: Whittier Earthquake Fault Line which runs through Cielo Vista Project--"Fault Lines in Law Leave Homes on Shaky Ground"
 2. **Exhibit B-1 Fracking Map "Well-Wide-View.jpg)** and **Exhibit B-2 Fracking Map** showing **two Yorba Linda Fracking sites** near Cielo Vista Project (**Well-Close-Up.jpg)**
 3. **Exhibit C:** **"100 Year History of Wildfires Near Chino Hills State Park"--see p. 21 & p. 18**

Please CONFIRM that you have received this email with our CORRECTED response to the CV DEIR No. 615, Sec. 4.2 Air Quality--five (5) attachments plus this cover letter. (This replaces the documents sent to you yesterday via email on 1/19/14 which should be discarded.)

We will be happy to hand deliver these same documents (attached to today's email) to you on Tuesday a.m., Jan. 21, 2014, if there is any confusion about our submissions. Please advise.

Thank you.

Sharon & Ted Rehmeier

ssrehmeyer@gmail.com

FROM: Sharon S. Rehmeier & Ted Rehmeier

(Members of **Protect Our Homes And Hills** Leadership Team;
Residents of Yorba Linda at address below since 1985—28+ years)

4795 Via De La Roca

Yorba Linda, CA 92887-1816

Home: (714) 777-6818

Cell: (714) 323-4101

Email: ssrehmeier@gmail.com

ajimps@att.net

DATE: January 20, 2012

CORRECTED COPY

SUBJECT: RESPONSE TO CIELO VISTA PROJECT DRAFT EIR No. 615—

SECTION 4.2 AIR QUALITY

The following comments are in response to **Section 4.2 AIR QUALITY** of the subject Draft Environmental Impact Report for Cielo Vista (hereinafter referred to as “Project”):

SECTION 4.2 AIR QUALITY

In the Cielo Vista Project (EIR No. 615), dated November, 2013, the Executive Summary, shown in Table ES-1, states that the Cielo Vista Project “with implementation of prescribed mitigation measures...would not violate any air quality standards...” However, after a careful review of this Project’s Draft EIR, we find this Air Quality section to be a rosy, glossy review, and it’s projected “Less than Significant Impact” or “No Impact” statements are not supported by substantial evidence.

MAJOR CONCERNS:

1. BASIS OF ANALYSIS: For Air Quality Analysis, the developer of the Project relies upon an **Urban Crossroads document** prepared by Haseeb Qureshi, MES, and Ryan Richards for North County BRS Project, LLC, for SAGE COMMUNITY GROUP, INC., c/o Mr. Larry Netherton. Although this document was prepared August 8, 2012; and August 28, 2012, with a revision date of March 7, 2013, the basis of the Air Quality Analysis is **NOT CURRENT**. **Further research and analysis are needed.** Of the seven documents that form the basis of this Urban Crossroads document (see pg. 39), one is dated 1993, one is dated 2003, two are dated 2007, one is dated 2009, one is dated 2011, and one Urban Crossroads, Inc. revised document--“Cielo Vista Traffic Impact Analysis”--is dated 2013. However, that document relies on older documentation from studies done on urban areas not anywhere near the Project. Question: What has changed in the research data between 1993 and the present regarding Air Quality? The Project relies on the Crossroads study data which, in some cases, is more than two decades old and therefore suspect.

2. WHITTIER EARTHQUAKE FAULT and LAWSUIT ANALYSIS: The Project's location in relation to the Whittier Earthquake Fault line that runs through it is NOT addressed in the DEIR, though this is a major Air Quality and Public Safety issues.

The Project's DEIR also does NOT address information about lawsuits against the City of Yorba Linda regarding the **Whittier Earthquake Fault line which runs through the Project** and into the Bryant Ranch/Brush Canyon areas of Yorba Linda. This is documented in the *Los Angeles Times* article below.

<http://www.ela-iet.com/LATimesonQuake81102.htm>

(See Exhibit A)

"Fault Lines in Law Leave Homes on Shaky Ground"

(Aug. 11, 2002 article by Evan Halper, *Los Angeles Times* Staff Writer.

The Whittier Earthquake Fault is dangerous, as was learned in the aftermath of the major October, 1987 Whittier Earthquake.

(I grew up and lived in Whittier for over 25 years. I taught at Lincoln School (corner of Broadway and Pickering Ave., Uptown Whittier) in the Whittier City School District during the October, 1987 Whittier Earthquake. My mother lived in Whittier, 6208 Alta Ave., Whittier, CA 90601, for over 65 years, including the time of the Whittier Quake of 1987.)

But this Los Angeles Times article shows another reason the Whittier Earthquake Fault line is dangerous. What happens to unsuspecting house buyers who purchase houses along the Whittier Fault line? Why should Yorba Linda City Planning and Orange County Planners be wary of potential developments along the Whittier Earthquake Fault Line? There are **environmental conditions** that have **led to the Yorba Linda litigation this article describes**, and these need to be analyzed.

(Just an FYI, at least three minor earthquakes have occurred in the Project area along this fault line in the past month, including two on January 15, 2014, at 1:35 a.m. and again at 11:40 p.m. In both instances the jolt and rocking motions were felt at our house (4795 Via De La Roca, Yorba Linda, CA 92887) and in our neighborhood in eastern Yorba Linda. Our daughter & son-in-law, and granddaughter--- Kim & Donald Torrence and Anna (age: 18), 5530 Feather Grass Lane, Yorba Linda, 92887---also felt these quakes.

- **Questions:** Will the Cielo Vista Project cause financial woes for the City of Yorba Linda, if/when the Project buyers seek annexation? Will financial woes also be faced by the County of Orange because of this project? Who will be held legally and financially responsible when lots and/or houses are damaged or destroyed by earthquakes along the Whittier Earthquake Fault Line, or if the "shelter in place" houses are damaged or destroyed by wildfires, by fracking, or by methane gas explosions in this HIGH RISK WILDFIRE ZONE? Who will be responsible for informing new buyers of the Project's inherent dangers? Who will help the potential house buyers--or existing residents-- to obtain insurance and/or adequate coverage if insurance companies refuse to insure them---or cancel them---because of the Project's location in a HIGH RISK WILDFIRE ZONE with the Whittier Earthquake Fault running through it, further complicated by the presence of active and inactive oil wells? What about the potential for hazardous explosions as wildfires hit potential pockets of methane gas in the Project?

More subterranean research and analysis of the Whittier Earthquake Fault Line is needed by the Project developers, and by both Orange County and Yorba Linda City Planners. This **public safety issue** needs to be considered by all concerned with the CV and EH Projects-- especially the OC Planners, Supervisors and Yorba Linda City Council members responsible for project approvals. The Whittier Earthquake Fault not only impacts public health and safety, but it impacts air quality, geology, soils, and many other aspects of this Project. More research and analysis are needed.

3. FRACKING: The Project's DEIR ignores "**fracking**" which is currently going on in various Southern California areas—including at least **two in Yorba Linda**— **both are close to the Project—just off San Antonio Rd. in San Antonio Park, and another one between Dorinda and San Antonio Rd.** *Baldwin Hills Oil Watch* states, "There have been 50 Hydraulic Fracturing events (in Southern California), and that Hydraulic Fracturing activity predominately occurs in two areas: Offshore Long Beach/Seal Beach and the rest between Chino Hills and Brea."

(See **MAP Exhibits B-1** (top map on website shown below) and **B-2** (lower map on website)
<http://baldwinhillsoilwatch.org/action-center/sc-aqmd-rule-1148-2-maps/>

MAP B-1: shows **Fracking Sites** in Southern California, from Santa Monica east to Yorba Linda, and extending further east to the California border.
(Well-Wide-View (jpeg))

MAP B-2: shows **two Yorba Linda Fracking sites near the Project:** one off San Antonio Rd. in **San Antonio Park**, and one between **Dorinda Rd. and San Antonio Rd.**, in Yorba Linda.
(Well-Close-Up (jpeg))

Questions: How does Fracking impact the Project and the surrounding neighborhoods? Has Fracking caused the recent earthquakes in the area that have been felt at our house and in eastern Yorba Linda and beyond? Does Fracking pose public health and safety issues? Does Fracking cause the release of Greenhouse Gases or other gases or elements?

4. PUBLIC SAFETY and PUBLIC HEALTH ISSUES: **Subterranean Research and Analysis are needed** for this Project because of its location in an **EXTREMELY HIGH RISK WILDFIRE ZONE** with oil wells, and with unknown issues about what lies underground, and the fact the Whittier Earthquake Fault line runs through it. **At least five active oil wells are in the Project, and at least one non-active and one abandoned oil well are also on the Project site.** This is a major public safety and public health issue. The Project's DEIR does not address these public safety and public health issues regarding the oil wells and their potential contamination, air quality, and other issues, including Green House Gases. Are there subterranean fissures? What research has been done on historic landslides within the Project? Are there subterranean pockets of methane, oil, gas? If the developer waits until grading to find out, there will be an improper deferral of impact assessment and mitigation analysis. What will the mitigation be if there are subterranean issues? Can they be mitigated after the fact? Will they be ignored until well over 600,000 cubic acres of ground surface are dug up and the problems exposed? What provision will be made for detecting, protecting, venting, monitoring, and measuring these potential subterranean issues, especially for Green House Gases? Methane gas (CH₄) absorbs radiation and is known to exist in fossil-fuel oil combustion, and Nitrous Oxide (N₂O) is also known as laughing gas which can cause brain damage. Are there pools of methane gas in the Project? What about Nitrous Oxide? What is the impact on public health and safety not just during the Project's development stage, but long term? Methane gas is highly volatile and prone to explosions. The Project lies in a documented **HIGH RISK WILDFIRE ZONE** with a known wildfire history to it. What if there are pockets of methane gas within the Project now buried underground? The heavily documented **Freeway Complex Fire of Nov. 15, 2008** raced through this Project. The raging inferno, moving at the 40-60 mph speeds of the Santa Ana winds, damaged or destroyed 312 homes. Air quality was sacrificed as the 2008 wildfire ate up oxygen in the Project, and embers,

soot, ash, smoke, dust, and debris from the burning embers filled the air-- and the lungs of neighborhood residents as they fought or fled the flames.

See Exhibit C

<http://www.hillsforeveryone.org/projects/fire-files/A-100-Year-History-of-Wildfires-Near-CHSP.pdf>

"100 YEAR HISTORY OF WILDFIRES NEAR CHINO HILLS STATE PARK," a 35 page document published in August, 2012, by Melanie and Claire Schlotterbeck (Directors of Hills For Everyone)

Page 21: *"This study shows that Chino Hills State Park and environs have endured significantly more fires, 101 to be exact, than would have naturally occurred by lightning strikes...Instead of a fire burning every 50 years in the natural fire regime, humans have increased the ratio essentially to a fire a year."*

Page 18: *"If there are lessons to be learned, it seems there are opportunities for jurisdictions to revisit how their communities grow and where the most appropriate place for housing developments should be located....Even with more stringent building codes and relatively new houses, hundreds of homes were lost or damaged (in the 2008 Freeway Complex Fire)."*

How is public safety protected if this Project, Esperanza Hills, Bridal Hills, or other potential developments adjacent to these projects are approved by the County in this hillside area? How does the potential for methane explosions impact construction of "shelter in place" Houses? Will they be able to withstand any potential blast? Will there need to be a "blast zone" for protection?

5. PROJECT DENSITY: **The DENSITY proposed in this Project is inconsistent with both Orange County and the City of Yorba Linda General Plans.** How does the projected density of this Project, along with Esperanza Hills, Bridal Hills, and potential future developments near the Project, relate to Air Quality, in terms of transportation fumes, and other health issues? This impact needs further research and analysis.

6. HEALTH ISSUES: Health issues are directly related to Air Quality and are a huge concern, not just during the Project's development and construction phase for workers, but for potential buyers, and for residents of existing neighborhoods, the "sensitive receptors" near the Project. The DEIR should analyze the public health issues as they are impacted by the unique topographic and wind conditions of this Project. The geology reports which form the basis of this Draft EIR are out of date. **CEQA requires studies over 12 months old be reviewed and updated. Additional studies are needed.**

In the **Summary of Findings** in the **Urban Crossroads Cielo Vista Air Quality Impact Analysis**, (p.2), it states:

- The Project will not conflict with or obstruct implementation of the applicable air quality plan.
- The Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- The Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors.
- The Project will not expose sensitive receptors (Project neighbors and Project buyers) to substantial pollutant concentrations.
- The Project will not create objectionable odors affecting a substantial number of people.

Where is the analysis that supports these statements? These statements are not factual.

In our immediate neighborhood, we have knowledge of at least two neighbors who have suffered from respiratory issues, some long term, which were either caused by or intensified by grading in the hills of the Project area. Both suffered asthma attacks, allergies, and breathing difficulties during and after the construction of Stonehaven Dr. in the late 1980s, early 1990s. More recently--during exploratory digging

and grading for Cielo Vista and/or Esperanza Hills-- on the Project hillside, at least one neighbor suffered additional health issues.

- **Ron T. Carboni, 21620 Stonehaven Dr., Yorba Linda, CA 92887**
Phone: (714) 779-8129. Ron has asthma and allergies which were seriously impacted from the time he and his wife Judi moved into their new home 24 years ago. His health issues were reactivated with the recent hillside testing and digging in and near the Project site.
- **Kenneth & Marlene Nelson's daughter Jennifer** moved into her parents' new home with them in Fall, 1985, at **4790 Via De La Roca, Yorba Linda, CA 92887**. Phone: (714) 777-4815. Jennifer was a young child at the time the family moved in 28 years ago in 1985. In the late 1980s, early 1990s, according to Marlene, Jennifer began to suffer from asthma, allergies, sinus issues and a persistent cough as a result of exposure to air quality contaminants and issues caused by earth excavation and grading to form Stonehaven Dr. and its resultant side streets, plus the grading and construction of lots and housing. Jennifer still suffers from these contaminated soil and airborne health issues.

7. The OC HILLSIDE PROJECTS SHOULD BE CONSIDERED AS ONE PROJECT:

Both the Cielo Vista Project and the proposed Esperanza Hills Project are intertwined, not only geographically, but they **share the same environmental impact issues, including Air Quality. They need to be considered as one project for ALL planning purposes and environmental review under CEQA.**

The same applies to all other parcels slated for development on this Orange County hillside within the City of Yorba Linda's sphere of influence, including Bridal Hills which proposes to add 38-48 additional houses, with access dependent upon Esperanza Hills. The Cielo Vista DEIR states on page 4.2-32 (4.2-5, 3. *Cumulative Impacts*) that ***"The Project combined with cumulative development in the area may result in cumulative air quality impacts. However, project-by-project analysis of air quality impacts and compliance with applicable regulatory requirements would ensure that potentially significant cumulative impacts regarding air quality impacts are reduced to a less than significant level."*** The separate Projects proposed for this OC hillside in the City of Yorba Linda's sphere of influence need to be treated as ONE planning project. Would the adoption of these Hillside Projects in a piece meal way allow CV and EH developers to bypass the cumulative impacts issues?

8. GREENHOUSE GASES cannot be mitigated. More research and analysis are needed. The studies cited in the Draft EIR are insufficient and out of date by several years. The Project "assumes" it would not conflict with the State's ability to achieve reduction targets defined in AB 32 (within the SCQMD's jurisdiction) (See 4.6-25). This is an assumption, and NOT a fact. More research and analysis is needed **BEFORE** approval is granted and excavation and grading begins on this Project. Are there pockets of methane gas in and around the various current and old oil well sites? What other gases and soil contaminants are likely to be discovered once grading begins? These issues need further study, research and analysis before approval is granted to begin grading. What happens to the Project if discovery is made after grading begins? What happens to "sensitive receptors" if contaminants are discovered after grading begins?

9. SANTA ANA WINDS: The climate of this Project, given its unique location in a basin of low hills and valleys in the region, is determined by its unique terrain, geography, topography, and wind patterns. Hot, dry Santa Ana wind conditions are greater from Spring through Winter through the Project, especially between April and January. The wind patterns, especially the hot, dry Santa Anas, form wind tunnels, and sometimes wind tunnels within wind tunnels which spread pollutants and contaminants, as

well as dust, dirt, and debris. This was very evident during the 2008 Freeway Complex Wildfire that traversed the entire Project area. The wind patterns, including the Santa Anas, determine the air quality of the Project. The impact of the Santa Ana winds and wind patterns on the Project need further study and analysis. How will this Project affect air quality for sensitive receptors and potential house buyers, plus the entire Yorba Linda community?

LETTER: POHH-REHMEYER2**Sharon and Ted Rehmeier, Members**

4795 Via De La Roca
Yorba Linda, CA 92887
(January 20, 2014)

RESPONSE POHH-REHMEYER2-1

The technical analyses to which the commenter refers is based on the most current methodology, models, and data and reflects standard industry practice. The commenter is referring to various documents referenced in Section 4.2, *Air Quality*, of the Draft EIR. The document referenced from 1993 is the SCAQMD CEQA Air Quality Handbook, portions of which represent the SCAQMD's current guidance.¹⁰ It should be noted that this document was used to refer to methodology for evaluating Air Quality Management Plan (AQMP) consistency. This analysis was performed using the latest AQMP available. Other documents referenced also represent the latest and most current SCAQMD methodology and guidelines. Impact analyses in the Draft EIR were performed using the most recent CalEEMod model, which is the currently used for analyses performed in the South Coast region. In addition, ambient background data assumed in the analysis is up to date. Vehicle and construction equipment emission factors used in the pollutant emissions calculation also use the latest emissions inventory database provided by CARB (EMFAC and OFFROAD).

RESPONSE POHH-REHMEYER2-2

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE POHH-REHMEYER2-3

Geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. Please refer to Topical Response 4 regarding Mitigation Measure 4.5-1 prescribed in the Draft EIR. Mitigation Measure 4.5-1 requires the preparation of a site-specific, design-level geotechnical report prior to the issuance of grading permits. This report shall confirm or refine the Whittier Fault trace location and orientation delineated in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014 residences (see copy of letter in Appendix B of this Final EIR), and shall confirm that the designation of the fault as "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years) by subsurface investigations consisting of boring and trenching activities.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

¹⁰ <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

Section 4.7 of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR. As discussed therein, the project site's elevated levels are considered to be a potentially significant impact. Thus, Mitigation Measure 4.7-6 has been prescribed to ensure this potentially significant impact is reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further provides for vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards which could otherwise occur should the future residents be subjected to inhaling methane gas.

This comment also raises issues regarding financial and other real estate considerations that are beyond the scope of the EIR document. Because these comments do not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE POHH-REHMEYER2-4

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE POHH-REHMEYER2-5

This comment raises concerns regarding fracking and potential associated impacts at the project site. No fracking is proposed as part of the Project and, no known fracking activities have occurred on the project site. As such, the extent of earthquakes or release of methane caused by fracking activities in the region or local area is beyond the scope of this EIR. Regardless, the Draft EIR addressed site-specific geology and soils impacts, including seismic hazards, in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level. Also, please refer to Response POHH-Rehmeier2-3 for a discussion of methane impacts. Regardless of regional or local fracking activities, the implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues.

RESPONSE POHH-REHMEYER2-6

As stated on page 2-14 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling at the site.

The Draft EIR addressed hazardous materials impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis of hazardous materials in Section 4.7 includes a discussion of hazardous materials impacts associated with oil activities on the project site. The analysis is based on numerous hazardous materials-related technical reports, which are listed on page 4.7-1

of the Draft EIR. The “Site Assessment Report” included numerous test excavations/borings to determine the extent of impacted soils associated with the site’s oil activities. As discussed in Section 4.7, potentially significant impacts regarding hazardous materials were concluded to be less than significant with implementation of the prescribed mitigation measures. Also, please refer to Response POHH-Rehmeier2-3 for further discussion of methane impacts.

Air quality impacts, including those associated with oil-producing activities, were addressed in Section 4.2, *Air Quality*, with supporting data provided in B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed greenhouse gas impacts, including those associated with oil-producing activities, in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

Also, geology and soils impacts, including landslide impacts, were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR that requires a future site-specific design-level geotechnical investigation (inclusive of subterranean fieldwork) to ensure potentially significant geologic impacts are reduced to a less than significant level.

RESPONSE POHH-REHMEYER2-7

Please refer to Response POHH-REHMEYER2-3 for a discussion of methane and wildland fire impacts.

RESPONSE POHH-REHMEYER2-8

Please refer to Response POHH-REHMEYER2-3 for a discussion of methane and wildland fire impacts.

RESPONSE POHH-REHMEYER2-9

The County acknowledges that the Project’s gross density of 1.33 dwelling units per acre would exceed the City’s density range (1 du/acre) for the site, were the City’s density to control. However, under the County’s land use designation for the site, which does control given that the project site is located in the County’s jurisdiction, up to approximately 738 dwelling units would be allowed on the site. Thus, the number of units proposed by the Project is far below the maximum number of units and density allowed under the County’s designation, which allows up 18 units per acre. Land use impacts were addressed in Section 4.9, *Land Use*, of the Draft EIR. Consistency with applicable land use plans and policies is discussed under Impact Statement 4.9-1 beginning on page 4.9-7. As concluded therein, with implementation of the project design features (PDFs) and prescribed mitigation measures, all identified potentially significant impacts associated with the proposed uses and land use designations would be reduced to a less than significant level. Therefore, with approval of the requested discretionary actions, the Project would not result in conflicts with the County’s General Plan or applicable Zoning provisions (or City land use/zoning designations) such that significant physical impacts on the environment would occur.

The air quality analysis presented in Section 4.2, *Air Quality*, of the Draft EIR, considered the density proposed by the Project. As discussed therein, air quality impacts were concluded to be less than significant

with implementation of the prescribed mitigation measures. Cumulative air quality impacts are discussed on page 4.2-32 of the Draft EIR. The discussion of cumulative air quality impacts considers the list of related projects identified in Chapter 3.0, *Basis for Cumulative Analysis*, in the Draft EIR. With regards to cumulative construction air quality impacts, the County acknowledges that construction activities between the Esperanza Hills Project (or other related projects) and the Cielo Vista Project potentially could overlap. However, there would be numerous construction phases for each project, and it would be speculative at this point in time to identify the timing of each phase for the related projects and the associated emissions by phase to determine the precise extent of potential cumulative construction emissions. Accordingly, as discussed in the Draft EIR's cumulative impact analysis, other cumulative projects (including the Esperanza Hills Project) would comply with SCAQMD's Rule 403 (fugitive dust control) during construction, as well as all other adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements would also be imposed on all projects Basin-wide, which would include all related projects. As such, cumulative impacts during construction would be less than significant.

With regards to operational impacts, the analysis is based on guidance from the South Coast Air Quality Management District (SCAQMD). As stated in the analysis, the *SCAQMD's CEQA Air Quality Significance Thresholds (March 2009)* indicate that any projects in the Basin with daily emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. The SCAQMD also states that "projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."¹¹ Based on this guidance, since Project operation would not result in the emissions of non-attainment pollutants and precursors in excess of the SCAQMD project-level thresholds, cumulative air quality impacts would be less than significant. Further, given the Project's consistency with the SCAQMD Air Quality Management Plan (AQMP), the Project's incremental contribution to cumulative air quality effects is not cumulatively considerable.

Furthermore, the SCAQMD Air Quality Management Plan (AQMP) is developed to manage air pollution in the region as well as accounting for potential growth such as new development. Project consistency with the AQMP is addressed on page 4.2-21, which accounts for future air quality in the region due to growth in housing and transportation. As concluded therein, the Project would not increase population and housing figures over those that have been projected for the region, would be consistent with the AQMP forecasts for the region, would be considered consistent with the air quality-related regional plans, and would not jeopardize attainment of state and federal ambient air quality standards in the Basin. Accordingly, the Project would not conflict with or obstruct implementation of the air quality plan established for this region, and impacts would be less than significant.

RESPONSE POHH-REHMEYER2-10

Urban Crossroad's Summary of Findings was addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix B of the Draft EIR.

As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM₁₀ and PM_{2.5}) during construction activities would be less than the health protective thresholds established by the SCAQMD and

¹¹ *South Coast Air Quality Management District, White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution, Appendix D, August 2003.*

CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been prescribed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-1 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities. Therefore, no additional mitigation measures would be required.

Furthermore, handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

POHH-REHMEYER2-11

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-REHMEYER2-12

Documents and studies referenced in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR represent the latest methodology available at the time of the analysis and reflect standard industry practice in the area of technical GHG analysis. Reduction targets established under AB 32 were not designed to apply uniformly to all projects. AB 32 and S-3-05 do not specify that emissions reductions should be achieved through uniform reduction by location or emission source. Smaller projects such as a single house may not emit GHGs on a level which will affect AB 32 consistency. Recognizing this, the SCAQMD working group designed a tiered approach to determining significance, and for smaller projects, the SCAQMD has developed a project-level threshold of 3,000 MT CO₂E. This approach to significance thresholds was created so as to subject the vast majority of development projects (the largest 90 percent) to a more refined analysis and more stringent GHG reduction requirements compared to small development projects that contribute a relatively small fraction of GHG emissions.¹² As the Project would not meet this screening level threshold, it was determined that Project-related GHG emissions would be consistent with and not conflict with AB 32 goals.

¹² *South Coast Air Quality Management District, White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, August 2003.*

RESPONSE POHH-REHMEYER2-13

Local air quality impacts were addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix B of the Draft EIR. Regional and local air quality impacts due to both construction and operations will be less than significant, including cumulative impacts.

As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM_{10} and $PM_{2.5}$) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-1 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities. Therefore, no additional mitigation measures would be required.

Daniel Roizman
4700 Blue Mountain dr.
Yorba Linda CA 92887

November 13 , 2013

Via E-Mail and U.S. Mail

Orange County Planning
Attn: Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippets:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Daniel Roizman

Protect Our Homes and Hills
Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor
Third District, County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

Emailed to: Ron.Tippets@ocpw.ocgov.com
Todd.Spitzer@ocgov.com

LETTER: POHH-ROIZMAN

Daniel Roizman, Member
4700 Blue Mountain Road
(November 13, 2013)

RESPONSE POHH-ROIZMAN-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-ROIZMAN-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-ROIZMAN-3

Please refer to Response POHH-ROIZMAN-1.

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From: Barbara Sinner [<mailto:barbsinner@gmail.com>]

Sent: Tuesday, November 12, 2013 10:24 PM

To: Tippetts, Ron

Subject: request for extension

Barbara Sinner

4520 San Antonio Road

Yorba Linda, CA 92886

November 12, 2013

Via E-Mail and U.S. Mail

Orange County Planning

Attn: Ron Tippetts

300 N. Flower Street

Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

I am writing to request an extension of the public comment period for the subject draft EIR. There are complex legal and technical issues surrounding the Cielo Vista Project and the County's Draft EIR. Almost concurrently, the County is also in process of releasing the proposed Esperanza Hills Project on adjacent parcels directly east of the proposed Cielo Vista site. Because the Esperanza Hills

development is a consequence of the Cielo Vista Project and both projects will share access easements and utilities connections, the two projects should be evaluated together. The near simultaneous release of these projects expands and complicates the scope of issues raised by the Cielo Vista Draft EIR.

A six-week comment period is blatantly insufficient for a thorough review by the public that CEQA proscribes. In addition, the public comment period runs through and closes within the winter holiday season, which precludes the public from making an effective response on the Cielo Vista Draft EIR. If not extended, the current comment period would result in minimal public response and participation. As the lead agency in this development process, at the doorstep of the City of Yorba Linda, the County should advocate for achieving maximum public participation in the important environmental review phase of both this and the Esperanza Hills Draft EIR process.

In view of both the complexity of technical data to be reviewed and the burden to the public to review such voluminous data during the holiday season, I respectfully request that the County lengthen the public comment period by 30 days which would extend responses to January 22, 2014. Thank you in advance for your approval of this request.

Very truly yours,

Barbara Sinner, Member

Protect Our Homes and Hills

Yorba Linda

Cc: The Honorable Todd Spitzer, Supervisor

Third District, County of Orange

10 Civic Center Plaza

Santa Ana, CA 92701

LETTER: POHH-SINNER

Barbara Sinner, Member
4520 San Antonio Road
Yorba Linda, CA 92886
(November 12, 2013)

RESPONSE POHH-SINNER-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE POHH-SINNER-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE POHH-SINNER-3

Please refer to Response POHH-SINNER-1.

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From: Bob Allison [<mailto:boballison123@gmail.com>]

Sent: Monday, January 06, 2014 8:27 AM

To: Tippetts, Ron

Cc: Green2go Allison

Subject: Cielo Vista project

Dear Mr Tippetts,

My name is Bob Allison I live at 4480 San Antonio Road in Yorba Linda. I am writing to you to please help support the residence of Yorba Linda and do everything you can to stop the Cielo Vista project. I lost my house in the November 2008 Complex Fire. Thankfully I was able to safely evacuate the area with my family (and dog). However it was not easy to safely get out of the area, San Antonio road was a gridlock of cars, instead of driving down San Antonio road toward Yorba Linda Blvd. I had to drive up San Antonio road, toward the fire as going down the road was blocked with traffic. Luckily we got out. I know that if the Cielo Vista project goes forward we will not all get out when the next fire hits us. We cannot think that another fire will not happen, it will it's just a matter of when! Adding more families (houses) into these canyons is not a good idea and it will end badly. I'm all for development and progress, however we love where we live and want to keep it safe for our families. Please help us protect what we have all worked so hard for; a safe place for our families to live!

Thank you for your help.

Kind regards,
Bob Allison

LETTER: ALLISON

Bob Allison

(January 6, 2014)

RESPONSE ALLISON-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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**Cielo Vista Project – Proposed Single-Family Residential Development
Community Open House
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, **by January 7, 2014.**

Mail: P.O. Box 4048
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: Ron.Tippetts@ocpw.ocgov.com

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics

SYNOPSIS- The Draft EIR fails and lacks credibility due to the fact that it does not address the most important aspect of a proposed development in a **VERY HIGH RISK FIRE ENVIRONMENT**. This area was ground zero in the **2008 Freeway Complex Fire**. Yet the EIR offers no scenario of how the additional 200+ vehicles that this project will add are going to evacuate over the same roads that in 2008 were over capacity during that evacuation. There is no mathematical or computer modeling done. There are no interviews done with residents who experienced the 2008 evacuation. There is no satellite or aerial photography showing the evacuation route. There are no maps/diagrams showing how an additional 200+ vehicles will evacuate. This development offers one way in and one way out- and the one way out during a fire is to an evacuation route that cannot support the additional traffic flow. **IGNORING THIS COMPONENT CONSTITUTES A CONVENIENT OMISSION AND CONCEALMENT OF THE TRUTH AND RENDERS THE DOCUMENT IN IT'S ENTIRETY NON-CREDIBLE. WHAT ELSE DID THE DEVELOPER CONCEAL OR OMIT IN THIS DOCUMENT?** See Attachments for additional comments.

It is an **INSULT** to every Yorba Linda resident who experienced and survived the 2008 Freeway Complex Fire for this draft EIR to ignore this event **AND PRETEND LIKE IT NEVER HAPPENED**. To put profit and government revenue ahead of the safety of established residents is inexcusable.

THE COUNTY NEEDS TO LOOK CLOSELY AT A DEVELOPER THAT WOULD IGNORE THIS CRITICAL COMPONENT IN A DOCUMENT LIKE THE EIR. THIS OMISSION IS CRIMINAL. IT ENDANGERS THE LIVES OF EXISTING RESIDENTS. IT ENDANGERS THE LIVES OF PROSPECTIVE RESIDENTS. THIS IS A LIFE AND DEATH ISSUE AND I HEREBY PROTEST AND PUT ON NOTICE BOTH THE COUNTY AND DEVELOPER.

I WILL OFFER THIS WRITTEN WARNING FOR USE IN ANY CRIMINAL OR CIVIL LITIGATION AGAINST ANYONE WHO CONCEALS THE TRUTH REGARDING THIS LIFE OR DEATH ISSUE IN THE EVENT OF BODILY INJURY OR LOSS OF LIFE.



Robert G Bartels
4750 Blue Mountain Drive
Yorba Linda, Ca 92687



Robert G. Bartels
4730 Blue Mountain Drive
Yorba Linda, Ca 92887

Page 1

1) Fire Hazard- I witnessed the fire and it's devastating effects in 2008. The dynamics involved in prevailing winds driving a fire with 20'-30' high flames through the canyon that traverses this development are catastrophic and creates a blow torch effect and throws a storm of embers well ahead of the fire that cannot be addressed by brush mitigation or fuel modification zones. People will die.

2) Evacuation during fire or disaster- I witnessed the bottleneck of traffic on Stonehaven/Via Del Agua during the 2008 fire. People in a panic do not evacuate in an orderly fashion. It is chaotic and adding another feeder street increases the likelihood of a traffic accident. An accident on the evacuation route would be CATASTROPHIC by closing the evacuation route-possibly for the duration of the evacuation as no emergency vehicles can respond to the accident in a timely manner. They will all be tied up with evacuation. Two lanes of traffic- one going the wrong way of vehicles with people nearly incinerated in their vehicles (as my wife was during the Freeway Complex Fire) while evacuating. Adding a single point of egress to Via Del Agua with any additional vehicles will cause deaths during the gridlock- guaranteed. Most will be in the new neighborhood as those people will have no chance of getting out in a timely manner. Placing homes here is irresponsible and criminal. Any profits made from this ill-advised project will be lost in later wrongful death lawsuits. A TRAFFIC SIGNAL AT YORBA LINDA BLVD. AND VIA DEL AGUA **WILL NOT MITIGATE THIS ISSUE.** THIS PROPOSAL FAILS ON THIS ISSUE AND ALL OTHER ISSUES ARE IRRELEVANT. IF EVACUATION ISSUES ARE IGNORED AND FATALITIES ARE SUSTAINED IN THE NEXT FIRE, **THE WARNINGS ISSUED IN WRITTEN RESPONSES BY YORBA LINDA RESIDENTS WILL SERVE AS AN INDICTMENT FOR LEGAL ACTION AGAINST THOSE WHO CHOSE TO IGNORE THOSE WARNINGS AND SIGN APPROVALS. I WILL NEVER FORGET, AND I WILL REMIND ANYONE WHO DOES.** EXPERT "OPINIONS" ON THIS ISSUE ARE SECONDARY TO THE TRUTH AND REALITIES OF WHAT WERE EXPERIENCED FIRSTHAND BY YORBA LINDA RESIDENTS IN THE 2008 FREEWAY COMPLEX FIRE. **EVACUATION SCENARIOS WERE NOT EVEN ADDRESSED IN THE DRAFT EIR- TRAFFIC SECTION** WHICH DESTROYS THE CREDIBILITY OF THE ENTIRE DRAFT EIR DOCUMENT. IF THIS CRITICAL POINT WAS OMITTED AND CONCEALED, WHAT OTHER DAMNING FACTS WERE OMITTED?

3) Health of established residents- The ground soil of the proposed development is contaminated by carcinogenic petroleum products- a result of 75+ years of oil extraction from the site. Construction in this area will stir up this contaminated soil in the form of airborne particulates, which will in turn be breathed for years by men, women and children already living in established neighborhoods. Those already suffering respiratory ailments such as asthma will be profoundly and negatively impacted. Those not already suffering from such ailments are at risk of developing them. Then there are the long term effects of breathing carcinogenic dust- lung cancer and other related illnesses.

GREENHOUSE GASES- The EIR concludes that hazardous greenhouse gases cannot be mitigated. So the County is going to allow thousands of established residents be exposed to these dangerous gases for years? THIS IS UNACCEPTABLE. Would you like your family to be exposed to a hazard like this? If it cannot be mitigated, the project should not be allowed to continue.

4) Seismic issues- The Whittier fault zone traverses this proposed development. Placing homes and infrastructure in this close of proximity to it is not only irresponsible- it is criminal- for obvious reasons.



*Robert G Bartels
4730 Blue Mountain Drive
Yorba Linda, Ca 92887*

PAGE 2

5) Geological issues- Several identified landslide zones are contained within the proposed development. Hillsides of established residents will be disturbed- potentially destroying their property. This is a fragile environment and should not be disturbed.

6) Noise impact- Noises created during construction will be amplified by the bowl-like configuration of the site and broadcast to the established existing neighborhoods negatively impacting the quality of life of those residents.

7) Added traffic flow- The equivalent of 1200 vehicle trips per day will be created by the addition of the residents in this development. All arriving and leaving through a single ingress/egress point to share one access road (Via Del Agua) to the main thoroughfare (Yorba Linda Blvd.) It doesn't take a math major to see the negative impact this will have on existing residents and neighborhoods.

8) Protected species habitat- The county currently does not do brush/fire abatement in certain areas of this zone (despite the danger to some existing homes) because they are protected species habitats. Now all of a sudden it is okay to destroy those same habitats?

9) Impact on area schools- Schools in the area are at capacity. Is the developer going to build new ones?

10) Loss of aesthetics- Existing homeowners who bought properties based on views and open space will lose property values and enjoyment of serenity and peace. Yorba Linda's careful preservation of ridge lines will be destroyed.

11) Disruption of existing neighborhoods- The proposed development site is landlocked by existing neighborhoods, some there for 20-25 years. All access during construction and by future residents is through our neighborhoods. This is immoral, unethical and wrong. The impact is staggering and the fact that this development is even being considered boggles the mind.

12) Precarious economic conditions- A sudden unfavorable turn in an already unstable economy could cause the developer to bail out of the project. This could be catastrophic to the area if hillsides and terrain have been graded bare and left. The ensuing landslides and mudflow would destroy this already fragile area, existing homes would be lost and both the County and developer would be sued into the next millennia. Frankly, I can't think of a worse time to undertake a project of this nature.

13) Air Pollution- Vehicle emissions from the additional 200-300 vehicles, as well as construction equipment will not be acceptable.

14) Risk assessment- I have listed a few of the serious risks involved in this project. I pay \$10,000 a year to the county in the form of property tax and I have a vested interest in the County of Orange staying viable financially and not exposing itself foolishly by approving ill-advised developments. Almost anyone can see that the risks for future litigation are especially inherent in this proposal. I do not like the idea of my tax dollars being used to pay out future legal actions that could have been prevented. Neither the County or developer will be able to claim that they were not warned.

LETTER: BARTELS1**Robert Bartels**

4730 Blue Mountain Drive
Yorba Linda, CA 92887

RESPONSE BARTELS1-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE BARTELS1-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE BARTELS1-3

Handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. Impact Statement 4.7-2 specifically discusses potential environmental impacts resulting from past and current oil production on the site. While the Phase II Subsurface Investigation did not reveal any chemicals of concern that would exceed applicable health risk screening levels, the Draft EIR notes that there is still a potential to encounter impacted soils. Therefore, as discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

RESPONSE BARTELS1-4

The Draft EIR addressed greenhouse gas impacts in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. As discussed therein and contrary to the comment, impacts were concluded to be less than significant.

RESPONSE BARTELS1-5

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE BARTELS1-6

The Draft EIR thoroughly evaluated potential environmental issues related to landslides in Section 4.5, *Geology and Soils*. As discussed therein, there is information indicating the presence of landslides within the northern portion of the site. The Project's proposed grading is planned to avoid most of these areas and Mitigation Measure 4.5-1 and compliance with applicable regulations and standards would mitigate all potential impacts related to landslides to a less than significant level.

RESPONSE BARTELS1-7

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, potential construction noise impacts on nearby sensitive receptors, including residences to the north, west, and south, were evaluated and were concluded to be less than significant. Nonetheless, mitigation measures are prescribed to minimize construction noise at nearby sensitive residential land uses.

RESPONSE BARTELS1-8

The Project will have two points of ingress and egress, one for Planning Area 1 and one for Planning Area 2. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Also, please refer to Topical Response 3 regarding emergency access.

RESPONSE BARTELS1-9

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts to sensitive plant habitats were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE BARTELS1-10

The Draft EIR addressed public service impacts, including impacts on schools, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures which require payment of fees pursuant to SB 50 (Government Code 65995). The payment of SB 50 fees has been declared by the Legislature to be full mitigation of direct impacts on school facilities and buildings. No new schools are proposed by the Project.

RESPONSE BARTELS1-11

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas and scenic resources, as well as consideration of impacts to ridgelines. As discussed therein, impacts were concluded to be less than significant. The commenter provides no evidence that the analysis and conclusions contained in the Draft EIR are inadequate or inappropriate.

RESPONSE BARTELS1-12

The commenter is correct in noting that the Project is landlocked by existing neighborhoods, specifically single family subdivisions to the north, west and south in the City. At the same time, it is also important to

note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space with the anticipated access along existing roads which are proposed for extension to the project area with Aspen Road to be extended east for Planning Area 2 access and a connection designed from Via Del Agua for Planning Area 1 access. The key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre.

With a total of 112 homes divided between Planning Area 1 at 95 units and Planning Area 2 at 17 units, an additional key to compatibility with adjacent neighborhood is that the Project's peak commute period trip generation is limited to 84 trips during the AM peak between 7:00 AM to 9:00 AM and 113 trips between the PM peak between 4:00 PM and 6:00 PM. Even with the additional peak hour trips attributable to the existing adjacent communities using the same roads --- the Aspen/San Antonio and San Antonio/Yorba Linda Blvd. intersections for Planning Area 2 and the Via Del Agua/Street A intersection for Planning Area 1, these intersections will continue to operate at optimal Level of Service "A" or "B" as shown on in Table 4.14-11 on page 4.14-42 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" and "D" during the AM and PM peak periods, respectively, without a traffic signal even before project traffic would be added. With the addition of a traffic signal at Via Del Agua and Yorba Linda Boulevard as required by Mitigation Measure 4.14-2, this intersection would operate at an acceptable LOS B during the AM and PM peak hours (see Table 4.14-12 on page 4.14-43 of the Draft EIR), based on City of Yorba Linda and County traffic standards. So, contrary to the commenter's observation, the Project will not create a significant traffic impact on local streets.

As for construction traffic, page 4.14-22 of the Draft EIR discusses its impacts as also being less than significant with the requirement for a construction staging and traffic management plan which will minimize peak hour worker trips during the AM and PM peak periods and will limit the delivery of construction vehicles to the project site to off-peak periods. Together with grading to be balanced on site resulting in no transportation of soil through the neighborhoods (with the exception of any contaminated soil), with construction activity not occurring during the early morning and late afternoon when residents are generally home, and the relatively short term construction period as discussed on page 4.12-15 in Section 4.12, *Public Services*, construction impacts on the adjacent communities is anticipated to be less than significant.

RESPONSE BARTELS1-13

Should the Project's vesting tentative tract map be approved, all improvements attributable to the project developer, typically grading and infrastructure, must be secured usually through a bond or letter of credit for the very reason identified by the commenter which is to ensure that if the developer does not complete the vesting tentative tract map improvements, unfinished grading and adverse soils conditions will be stabilized and infrastructure will be completed to a certain extent so that site can be secured for an indefinite period of time even if the Project is not completed. These requirements will be adopted as conditions of approval for the vesting tentative tract map, if approved.

RESPONSE BARTELS1-14

The commenter provides her opinion with respect to air pollution impacts, but does not provide any evidentiary support for her assertions. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580 [A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence]; CEQA Guidelines § 15384.) The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, operation- and construction-related impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE BARTELS1-15

Challenges to a project approval typically address the adequacy of a County-certified (approved) Final EIR where both the Project Applicant and the County are named respondents. The County's standard practice is to have the Project Applicant pay the full cost of defending litigation challenging the adequacy of a Final EIR (e.g. through an indemnification agreement), which would be in effect for the Project .

Please also see Response Bartels1-13.

January 14, 2014

To: Mr. Ron Tippetts, Project Manager
OC Public Works OC Planning Services

Subject: Draft EIR for Cielo Vista Development

From: Norah Bartels
4730 Blue Mountain Dr
Yorba Linda CA 92887

I submit my written comments regarding the Cielo Vista development. I will keep my concerns to the primary areas that affect Hazards/fire safety and traffic/evacuation. All other concerns are irrelevant since the developer has demonstrated that these areas cannot be mitigated.

The developer ignores the 2008 Freeway Complex Fire in the EIR. Pretends like it never happened. Supervisor Todd Spitzer has characterized the 2008 evacuation as "virtually impossible for (existing) residents to evacuate." This begs the question, with no new roads proposed by the Cielo Vista developer, where are the 200 plus vehicles generated by this development going to go? Is there a term for "more impossible?" Supervisor Spitzer understands that unless new roads going North or East are proposed, this project cannot go forward. The developer is painted into a corner and his answer to the traffic/evacuation issue is to put broad generalities about irrelevant traffic studies into the EIR. The EIR fails on this point alone. To ignore this places the county and it's staff as well as the developer at significant civil and criminal prosecution exposure.

Thank you,



Norah Bartels



NORAH BARTELS
4730 BLUE MOUNTAIN DRIVE
YORBA LINDA, CA 92887

LETTER: BARTELS2

Robert Bartels

4730 Blue Mountain Drive
Yorba Linda, CA 92887
(January 14, 2014)

RESPONSE BARTELS2-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: hi2meh@gmail.com [<mailto:hi2meh@gmail.com>]

Sent: Sunday, January 05, 2014 10:01 PM

To: Tippetts, Ron

Subject: New development in Yorba Linda bad idea

Dear sirs, we are not in favor of the development planned for Yorba Linda. It is not safe for the new residents and it will cause overcrowding. Please vote against this new development.

Thank you,
Mike Brown

LETTER: BROWN**Mike Brown**

(January 5, 2014)

RESPONSE BROWN-1

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and developer interest to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process. Community input to be considered would include the commenter's general observations that the Project will not be safe for new residents and it will cause overcrowding.

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From: Connie Bryant [<mailto:conniex195@gmail.com>]

Sent: Monday, January 06, 2014 10:58 AM

To: Tippets, Ron

Subject: Cielo Vista

Hello Mr. Tippets:

I have been a resident of Yorba Linda since 1984. I am writing in regards to the Cielo Vista project which I am totally against.

I was at home during the Yorba Linda fires we had a few years back. It was a dangerous situation not having more than 1 way to exit the area residences in some areas. This is unacceptable and cannot be made worse with this project.

I am against and will vote against any huge multip housing projects as in townhomes or condo's or apartments. There must be a way for residences to exit their homes besides one street and adding to this nightmare is NOT acceptable.

Thank you for your time.

Connie Bryant

20860 Chateau Ave. Yorba Linda, CA 92886

LETTER: BRYANT

Connie Bryant

20860 Chateau Avenue
Yorba Linda, CA 92886
(January 6, 2014)

RESPONSE BRYANT-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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December 2, 2013

Dear Mr. Tippetts,

I am writing to voice my concerns regarding the proposed Cielo Vista project. While the EIR shows minimal impact on the environment (i.e. animals and plants), the impact on the people in the area will be significant.

I live on San Antonio Road and was living here at the time of the fires in 2008. Many homes on my street and in neighboring streets were burned in the fires. San Antonio Road is a very small two lane street. The street can hardly safely accommodate the emergency evacuation of the occupants of the homes already in existence in this area, much less the occupants of another 100+ homes. Adding 100+ homes with dependence on such a small residential street as an outlet is extremely dangerous and should not be permitted.

I am attaching pictures of the fires to remind everyone reviewing this project of the reality of the fires in this area. The area that the developers want to build on was on fire just 5 years ago. Despite the brave and hard work of the firemen in Yorba Linda and surrounding areas, many homes in the area burned to the ground. This project would add 100+ homes where the fire once ravaged to the workload of already overburdened fire workers. This is a recipe for more disaster. In 2008, we were very fortunate that no lives were lost. We may not be so fortunate the next time if fire workers are burdened with 100+ additional homes to salvage.

While the EIR demonstrates the safety of the environment, I would implore the OC Planning Committee and Board to consider the safety of the citizens in this area and those who would potentially live in the project's danger zone.

If you have any questions pertaining to this letter, please feel free to email me at this email address. Thank you for your time and consideration of this matter.

Sincerely,

Chris Bucklin

3760 San Antonio Rd

Yorba Linda, CA 92886

cjbkb@sbcglobal.net

LETTER: BUCKLIN**Chris Bucklin**

3760 San Antonio Road
(December 2, 2013)

RESPONSE BUCKLIN-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE BUCKLIN-2

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts.

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Cielo Vista Project – Proposed Single-Family Residential Development
Community Open House
Comment Form

RECEIVED
JAN 03 2014

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, **by January 7, 2014.**

Mail: P.O. Box 4048
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: Ron.Tippetts@ocpw.ocgov.com

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics _____

Air Quality _____

Biological Resources _____

Cultural Resources _____

Greenhouse Gas/Climate Change _____

Geology and Soils _____

Hazards/Hazardous Materials _____

Hydrology/Water Quality _____

Land Use/Planning _____

Noise _____

Population and Housing Houses are being built in clusters with
more than one house per developed acre

Public Services _____

Recreation _____

Traffic/Transportation the INGRESS & EGRESS IN case of needed
evacuation IS Simply NOT Acceptable or Feasible

Utilities _____

Alternatives _____

2. What specific comments do you have regarding the proposed Cielo Vista project?

This project AND THE ESPERANZA HILLS project
should be considered in their ENTIRETY NOT piecemeal.
TRAFFIC CANNOT BE MITIGATED IN AN
EMERGENCY EVACUATION. You Can't Triple the Number
of Homes Using Only One Single Escape Route AND Say The Impact
IS INSIGNIFICANT OR MITIGATED

Please provide your name and contact information below:

Name: C L Buia
Address: 4080 View Park Dr
Yorba Linda, CA 92586

Email: DABUIES4YL@shcglobal.net

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

OC Public Works
OC Planning Services
300 North Flower Street
P. O. Box 4048
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

LETTER: BUIE**C.L. Buie**

4080 Viewpoint Drive
Yorba Linda, CA 92826
(January 3, 2014)

RESPONSE BUIE-1

The commenter is correct in noting that the project slightly exceeds the City's General Plan Land Use Element's Low Density Residential designation maximum of one dwelling unit per acre. However, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre.

In association with the Low Density Residential designation, the City's Land Use Element states on page LU-45 that, "...clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Moreover, it should be noted that the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County's "1B" designation with a density of 1.3 dwelling units per gross acres being near the low end of the "1B" range.

RESPONSE BUIE-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE BUIE-3

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Paulette Byrne [<mailto:pabyrne@sbcglobal.net>]

Sent: Wednesday, January 22, 2014 6:26 PM

To: Tippetts, Ron

Cc: Joe Byrne

Subject: Cielo Vista Project

I would like to express my deep concern at the projects proposed in the area of the Cielo Vista project. I do not look at the Cielo Vista project in isolation as the other proposed developments go in tandem with it.

1) Notification: The counties minimal requirement to only notify residence within the 300' radius of the project is completely insufficient. That is only the length of a football field! It is obvious this project will impact those well beyond that. They should be afforded the opportunity to give input as well.

At the time the NOP's went out my husband & I lived in the 92886 zip code. We were woefully ignorant of the proposed projects and as a result bought a high end home within range of these projects. The sellers did not disclose the proposals so as a result we closed escrow on 10/4 & did not find out about how we might be impacted till 11/19 when my husband saw the billboard erected by 'Save our Hills YL'. The county does a grave dis-service to its residence by keeping them uninformed. Even if we had remained in the 92886 zip code we would still be affected by this proposed influx of population. I understand the counties reluctance to notify more residence & risk the additional 'feedback'.

2) Water: Southern Ca is technically a desert & these last few years have shown that. The drought we've experienced is reflected in our hills. If these hills are developed & paved over there will be less seepage into the ground to maintain the water table. The water required by this development to maintain the residence, their landscaping & pools is profound & will obviously be a burden on our water resources.

Although the Yorba Linda water district says it can always get water, there are no guarantees. And of course meeting the ever increasing demand comes at a cost. A cost that not just the Cielo Vista residence will incur but the whole of Yorba Linda! Yes, even those who were never notified of the proposed project.

3) Roads/Traffic: Our current roads do not adequately handle the traffic in Yorba Linda. Yes widening Imperial & the Ezperanza overpass have helped, but at rush hour traffic all along Yorba Linda Blvd is bad. Especially at YL Blvd & Imperial & around Savi Ranch, Weir Cnyn & the 91 Fwy. The traffic study done was far too narrow. Development of the hills to the level being proposed will affect the already overly congested 91 Fwy. We know these homes are not going to be sold to retirees but working people who will need means to get to their jobs wherever they might be. As there is no longer student bus service, traffic around any of the schools in the area in the morning is bad.

Also as population increases so do accidents. I did not see in the EIR any mention of a study done on the number of accidents & their severity along YL Blvd.

As we learned in 2008, the existing roads in the residential areas around the proposed project areas was woefully inadequate for a mandatory evacuation. There is NO proposal for widening the existing roads, only for adding a road that will allow additional traffic to the tune of 1500+ vehicles to be added to the already existing inadequate roads. This is a formula for disaster!

4) Sewage/Disposal Services: Increasing the # of residence will place a burden on the cities sewage system & disposal mgmt. How much longer can the Brea-Olinda facility continue at it's current rate? Increasing the # of residence can only shorten its years so service. Our current counties sewage facilities are inadequate for treating raw sewage when we do experience a heavy rain. This often results in raw sewage being released into the ocean & our beaches being shut down.

5) Ecology: If you reduce the area where coyotes can hunt & feed themselves, out of desperation, as we have seen, they will start coming into neighborhoods to hunt. This significantly lowers the quality of life for all animal lovers who than fear for their pets safety.

6) Noise & Light Pollution: The # of homes being proposed & the # of cars these residence will bring will significantly increase noise & light pollution. The routes in & out of the development will impact existing residence who currently enjoy a quiet rural atmosphere.

7) Density: To let the developer put the # of units it's proposing into the area is contrary to the numerous existing equestrian properties surrounding the area. Residence bought in this area for a particular lifestyle. What the developer is proposing negatively affects this lifestyle to a significant degree. What about the existing residence rights to have their cherished lifestyle protected?

Thank you for your attention to these concerns.

Regards,

Joe & Paulette Byrne

LETTER: BYRNE**Joe and Paulette Byrne**

(January 22, 2014)

RESPONSE BYRNE-1

The comment does not question the environmental analysis or the conclusions contained in the Draft EIR. However, as to notice, in accordance with the State's *CEQA Guidelines Section 15087*, the County, serving as the Lead Agency in early November 2013 circulated a Notice of Availability (NOA) of a Draft EIR to: property owners within 2,000 feet of the project site; occupants of properties contiguous to the project site; and public agencies, organizations and individuals that commented on the NOP or have requested such notice in writing. The public review period (starting on November 7, 2013), which lasted 45-days, was consistent with the State CEQA Guidelines Section 15087 requirements for public review of a Draft EIR. The public review and comment period was subsequently extended by the County to 75 days total, with the comment period ending on January 22, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input.

Also, the pursuant to the State's *CEQA Guidelines*, the County circulated a NOP to public agencies, special districts, and members of the public for a 30-day period commencing July 5, 2012 and ending August 6, 2012. The purpose of the NOP was to formally convey that the County is preparing an EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR. A description of the proposed Project was circulated with the NOP. In addition, in accordance with Public Resources Code Section 21083.9, a public scoping meeting was held for the Project on July 19, 2012 to obtain input as to the scope and content of the environmental information that should be included in the EIR. The meeting was held on July 19, 2012 at the Travis Ranch Activity Center located at 5200 Via De La Escuela, Yorba Linda, CA 92887. The NOP was also posted on the City of Yorba Linda and County Orange's websites.

RESPONSE BYRNE-2

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal,

single dry, and multiple dry years between 2015 and 2035.¹ Moreover, the Project does not represent a significant increase in service demand.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions depending on the severity of drought conditions.² The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

Please also refer to Topical Response 2, which discusses water supply.

¹ Yorba Linda Water District Final 2010 Urban Water Management Plan.

² Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

RESPONSE BYRNE-3

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway, as well as those to Imperial Highway, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, intersections down to the 91 Freeway, south of the Via Del Agua/Yorba Linda Boulevard, were appropriately not analyzed as study area intersections in the Draft EIR. In addition, neither of the thresholds were met for traffic around Savi Ranch or Weir Canyon. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

The County acknowledges that as with many schools, including Travis Elementary, drop-off and pick-up hours are typically associated with short-term, heavy traffic. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analyses. Further, as discussed in Section 4.14, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level.

Regarding accidents along Yorba Boulevard; enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145). Nonetheless, the Draft EIR on page 4.14-62 in Section 4.14 does address "Traffic Hazards," which include an assessment of hazards related to a design feature or incompatible uses based on the applicable traffic-related CEQA thresholds of significance. As discussed therein, a sight distance analysis was prepared to determine if the Project's primary access point off Via Del Agua will have adequate stopping/corner sight distances based on applicable County of Orange roadway standards. The analysis concluded that the Project would meet the County's standards and that the Project would not result in significant traffic hazards based on the applicable CEQA thresholds as analyzed in the Draft EIR. Also, please refer to Topical Response 3 regarding emergency access.

RESPONSE BYRNE-4

The Draft EIR addressed sewer and solid waste impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. The analysis includes an assessment of the available capacities at the serving wastewater treatment facilities. As discussed therein, the Sewer Study prepared for the Project concluded that the existing sewer system has the capacity to handle the additional wastewater generated by the Project without requiring any changes to the existing system. As discussed therein, these impacts would be less than significant.

With respect to impacts from heavy rains, as discussed in Section 4.8, *Hydrology and Water Quality*, a Conceptual Water Quality Management Plan (WQMP) has been prepared for the Project. A final WQMP would be prepared prior to implementation of the Project and would include best management practices (BMPs) that would ensure compliance with the County of Orange NPDES Permit for Waste Discharge, which regulates stormwater runoff from sites and activities following construction. A list of the BMPs that may be included in the WQMP is provided in Section 4.8. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff.

RESPONSE BYRNE-5

The comment does not address any potential environmental impacts of the Project or raise any issues with the analysis contained in the Draft EIR. Nevertheless, with respect to habitat loss and biological impacts, the Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR.

RESPONSE BYRNE-6

The Draft EIR addressed aesthetics impacts, including light and glare impacts, in Section 4.1, *Aesthetics*. As discussed therein, light impacts were concluded to be less than significant with implementation of the project design feature PDF 1-9 and the prescribed mitigation measure (refer to Mitigation Measure 4.1-1 on page 4.1-27 of the Draft EIR).

The Draft EIR addressed operational noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

RESPONSE BYRNE-7

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of

approximately 15,000 square feet per the Project's Draft Area Plan. The larger lot sizes would accommodate equestrian uses while the smaller lots would nevertheless be compatible with the adjacent single family homes albeit without equestrian amenities. This distinction is consistent with the commenter's observation that not all surrounding residential properties are equestrian use oriented. It is also important to note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space.

In addition, it should be noted that this Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of Alternative 5, which is consistent with the Yorba Linda General Plan and was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

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From: Ronald Carboni [<mailto:rjcarboni@sbcglobal.net>]

Sent: Monday, December 23, 2013 3:10 PM

To: Tippetts, Ron

Subject: Cielo Vista Project issues

Dear Mr. Tippetts,

I live at 21620 Stonehaven Dr. yes that's just one house east of the new entrance to the Cielo Vista project that the developer and the County of Orange is working to approve.

I'm the original owner of this house and one of the features that was sold to me was the hill views from my front yard. These homes (Brighton Estates) were all sold at a premium due to lot size and location, the same home could have been purchased for \$80K less at the other Brighton location in Yorba Linda.

The selling agents at the time informed me that the hills would not be built on due to oil and water district leases. Appears that was not true. Never trust a sales person.

My wife and I have enjoyed living here for over 23 years and have always considered this home as a good investment for the future? However, with this new proposed development and all of the noise, traffic, pollution, congestion, destruction of nature and wild life it will bring to my neighborhood the result will be detrimental to my property value and make my home and my immediate neighbors homes undesirable and difficult to sell in the future.

This is a flawed development with many problems and issues that you are aware of. Decreased property values is one more item that will most likely result in legal action against the developer.

Best regards,

Ron and Judi Carboni

21620 Stonehaven Dr. Yorba Linda

LETTER: CARBONI**Ronald and Hudi Carboni**

21620 Stonehaven Drive
Yorba Linda, CA
(December 23, 2013)

RESPONSE CARBONI-1

The commenters appear to reference the hillside areas east of the City. This unincorporated area has been designated by the County General Plan Land Use Element as “1B” Suburban Residential allowing for a density of 0.5 to 18 dwelling units per acre. The County cannot speculate on whether this information was disclosed to buyers in the Brighton Estates community, and is unaware of any pending project application such as Cielo Vista which was being processed by the County in the area approximately 23 years ago when the commenters purchased their home.

RESPONSE CARBONI-2

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all categories of impacts is that the Project’s impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will bring noise, traffic, pollution congestion and the like when Project impacts as defined by CEQA will be less than significant. Additionally, the potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)).

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Cielo Vista Project – Proposed Single-Family Residential Development
Community Open House
Comment Form

JAN 03 2014

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, **by January 7, 2014.**

Mail: P.O. Box 4048
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: Ron.Tippetts@ocpw.ocgov.com

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics Poor not in line with Yorba Linda Horse community.

Air Quality The dust particles blowing off the hill will make air quality poor for kids playing outside

Biological Resources

Cultural Resources

Greenhouse Gas/Climate Change

Geology and Soils

Hazards/Hazardous Materials

Hydrology/Water Quality

Land Use/Planning

poor planning on space + access

Noise

Population and Housing Too large of a project for area

Public Services

Recreation no parks planned?

Traffic/Transportation Traffic will increase + accidents will happen on San Antonio because street is narrow

Utilities

Alternatives needs to be a much smaller project + horse trails

2. What specific comments do you have regarding the proposed Cielo Vista project?

It will create too much traffic on San Antonio
more congestion. The left turn lane on Yorba Linda/^{Fire}statu
blvd only handles 4-5 vehicles. If more traffic
it will create hazard on Yorba Linda Blvd.
Fire hazard zone where house are to be built
Very High wind area. + potential lawsuits to
the County for approving project.

Please provide your name and contact information below:

Name: Rob Carrillo Email: klubb er@msn.com
Address: 2111 Ridge Park Dr.
Yorba Linda, CA
92786

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

SANTA ANA CA 927

31 DEC 2013 PMS 1

OC Public Works
OC Planning Services
300 North Flower Street
P. O. Box 4048
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

REC'D JAN - 8 2014



LETTER: CARRILLO**Rob Carillo**

211100 Ridge Park Drive
Yorba Linda, CA 92886
(January 3, 2014)

RESPONSE CARRILLO-1

The Draft EIR addressed the Project's visual compatibility with surrounding neighborhoods in Section 4.1, *Aesthetics*. As discussed therein, the Project would be surrounded on the north, west, and south by residential development similar to the Project, many of which have pools. The Draft EIR concluded that impacts would be less than significant.

RESPONSE CARRILLO-2

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, the Project could result in dust related to the construction and operation (vehicular travel) of the Project, and the Draft EIR evaluated these potential impacts. However, SCAQMD Rule 403, which applies to the Project, establishes fugitive dust limits to reduce the amount of particulate matter entrained in the ambient air as a result of man-made fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust. The Project will comply with Rule 403. Moreover, with the implementation of Mitigation Measures 4.2-1 and 4.2-2, impacts were concluded to be less than significant.

RESPONSE CARRILLO-3

The comment represents the opinion of the commenter and does not identify any significant issues with the analysis or conclusions contained in the Draft EIR. The Draft EIR addressed land use impacts in Section 4.9 *Land Use and Planning*. As discussed therein, impacts were concluded to be less than significant. The Project's proposed access is also described in Section 2.0, *Project Description*, in the Draft EIR.

RESPONSE CARRILLO-4

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes. Therefore, the Project is not too large for its 84 acre area with 36 acres preserved as open space. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan. Alternative 5 eliminates the 17 units in Planning Area 2 and reduces the density in Planning Area 1

from 95 to 83 units. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE CARRILLO-5

As stated on page 4.13-18 of Section 4.13, *Recreation*, in the Draft EIR, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City in the future.

RESPONSE CARRILLO-6

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Regarding accidents along San Antonio, San Antonio Road is a two lane roadway with curb and gutter improvements and is designated as a local road on the City's General Plan Circulation Element. The two intersections which were studied along San Antonio Road, at Aspen Way and at Yorba Linda Boulevard, were both determined to operate at an excellent level of service. Moreover, the Draft EIR evaluated whether there would be any increase hazards due to the Project. The Draft EIR concluded that there are no existing hazardous design features such as sharp curves or dangerous intersections on-site or in the surrounding area. Also, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County (see PDF 14-1). It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145).

RESPONSE CARRILLO-7

Please refer to Response Carrillo-4.

Project impact on planned bicycle, riding and hiking trails is discussed on page 4.13-15 and shown on figure 4.13-2, both in section 4.13, *Recreation*, in the Draft EIR. There are no County planned bikeways or other County planned trails in the project area. The project site is traversed by an earthen multipurpose City trail in an east-west direction, and a similar trail paralleling the project site's western boundary at the City limit as contained in the City's trail study recommendation. Both trails can be accommodated as shown on Figure 4.13-2. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. This is the extent of recreational trail planning as affecting the project site. No exclusive equestrian trails are planned by the City for the project site. However, the project site can accommodate such trails especially as traversing the 36 acre proposed open space area.

RESPONSE CARRILLO-8

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. With the proposed mitigation measure to install a traffic signal at the intersections of San Antonio Road at Aspen Way (Intersection #7) and San Antonio Road at Yorba Linda Boulevard (Intersection #8) are anticipated to operate at LOS “A” or “B” during the peak hours. Therefore, the vehicle queue length for the southbound approach for the intersection of Yorba Linda Blvd./San Antonio Road is expected to dissipate entirely during each cycle of the traffic signal at the intersection of San Antonio Road and Yorba Linda Boulevard.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR, and acknowledged that the area is in a Very High Fire Hazard Safety Zone. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts and emergency access.

Potential lawsuits against the County, if any, are not impacts on the environment which require analysis in the Draft EIR. Nonetheless, it is acknowledged that challenges to a project approval typically address the adequacy of a County-certified (approved) Final EIR where both the Project Applicant and the County are named respondents. The County’s standard practice is to have the Project Applicant pay the full cost of defending litigation challenging the adequacy of a Final EIR (e.g. through an indemnification agreement), which would be in effect for the Project.

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From: Brian C. [<mailto:bjcasacs@sbcglobal.net>]

Sent: Wednesday, January 22, 2014 2:49 PM

To: Tippetts, Ron

Cc: Spitzer, Todd [HOA]

Subject: Commnt letter Cielo Vista project

Please see my attached comment letter in regards to the Cielo Vista project. Please keep in mind that my residence of almost 25 years backs up directly this potential development. This will be a life changing event for me, my family and neighbors should it be approved, with a negative impact for both well being and property value.

Brian Casacchia

Brian J. Casacchia
Parcel # 350 051 09
4570 Dorinda Rd.
Yorba Linda, CA
92887

TO: Orange County Public Works/OC Planning

JAN. 22, 2014

SUBJECT: Cielo Vista Project, DRAFT ENVIRONMENTAL IMPACT REPORT # 615

ATTN: Mr. Ron Tippetts

Dear Planning Commission, as a resident and homeowner in Yorba Linda since 1989 I feel compelled to submit this letter in response and in protest to the proposed "Cielo Vista Project". My family and I reside at 4570 Dorinda Rd., Yorba Linda CA, 92887 and have done so for over 23 years. My house is seen in picture #3, figure 3(a) of the Notice of Preparation letter which I received, specifically at the upper most end of the street (3) houses from the end of the Dorinda Rd's. cul-de-sac. One of the main reasons that I purchased my house was the fact that the property behind me was zoned "A1(O)", exclusively for agriculture with oil. My home is constructed in a housing tract known as Travis Ranch which was built in 1984 on the adjacent hill of the proposed "Project" and has spectacular views of the area's natural rolling hills and habitat. I bought this house knowing and believing that I would always be able to enjoy the natural scenery of the hills and wildlife, as well as the serene privacy and peace of mind knowing that I would never have anyone or anybody living behind me or looking down onto my property. It appears that the "Project's" preliminary tract plan shows houses and streets constructed above and directly behind me in close proximity to my property line. It specifically shows a street "identified as D on their tract map" that will likely "light" my house up at night with each and every oncoming and passing vehicles headlights. I am positive and truly believe that my concerns regarding my home and neighborhood and the uncertainty for the future of my home and neighborhood and the lifestyle and comforts which I have enjoyed and have become accustomed to, would be shared by anyone found in my predicament. The following items are a list of additional concerns that I feel need to be addressed prior to any approvals to proceed with this project. I also find it hard to believe that the Esperanza Hills Project does not share vital common interests with the Cielo Vista Project as their representative claimed at the meetings. It would appear to me, through common sense that the main incentive to justify the expense to build such a small tract of homes off Aspen way, would be to use the street to access the Esperanza Hills Project's proposed 400 homes. I believe one project could not survive without the other and that both projects should be reviewed as "one" project.

Additional items of concerns:

- a) Traffic congestion. Existing traffic is already congested during school days and also with commuters using Yorba Linda Blvd as a short cut from the 55, 57 and 91 freeways.
- b) Preservation and protection of wildlife, habitats and wilderness, both endangered and not.
- c) Fire dept. approvals due to the high risk fire area. **EMERGENCY EVACUATION STUDIES MUST BE CONSIDERED WHEN THE SITUATION ARISES AT ITS WORST, e.g. 2:00 AM, 80 MPH WINDS, RAGING FIRE, COMPLETE POWER AND PHONE / COMMUNICATION OUTAGE, NO AVAILABLE FIRE FIGHTERS, POLICE SERVICE OR TRAFFIC CONTROL.**
- d) Overloading of the Public schools or additional demand on the city of Yorba Linda's infrastructure including public servants such as police and fire.
- e) Safely plugging or capping of abandoned oil wells, specifically the ones that have broken drilling bits still lodged in them.
- f) Construction DUST CONTROL, high winds blow regularly through this canyon, and construction dirt and dust would be intolerable if not contained or controlled.
- g) Restrictions on work days allowed and "quiet" times must be set and enforced for early mornings, evenings and absolutely no weekend construction.
- h) Specific storm water plans for the construction phase, approved by the city of Yorba Linda to avoid potential land and mud slides.
- i) Water! there is historical drought going on, we need a moratorium on all new housing and developments. It seems ridiculous that the governor of California is implementing mandatory water rationing and yet government agencies are allowing huge neighborhoods to be built.

In closing, I feel that the city of Yorba Linda should have 100% input and a majority voice in any or all zoning, building or infrastructure changes or approvals, both preliminary and permanent, to allow this project to proceed. I also feel that all the residents of Yorba Linda should have been notified in regards to this major development and not just the residents along the Projects immediate borders.

Respectfully,
Brian J. Casacchia

LETTER: CASACCHIA**Brian Casacchia**

4570 Dorinda Road
Yorba Linda, CA 92887
(January 22, 2014)

RESPONSE CASACCHIA-1

The Project would include residential lots along the west side of Street B, which intersects Street D (T-intersection). The backyard fence line to your property is located at an approximate elevation of 720 feet amsl. The intersection of Street B and Street D would be at an elevation of less than approximately 700 feet amsl. Further from Dorinda Road, vehicular headlights from cars traversing the project site along Street D, as well as light from the street lights along streets within the project site, would be “blocked” by the residential lots (including the single-family homes, fencing, landscaping, etc.) along Street B. Thus, with the elevation difference and intervening development, vehicular headlights are not anticipated to significantly impact your property.

RESPONSE CASACCHIA-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills project is not part of the Cielo Vista project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts.

RESPONSE CASACCHIA-3

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, specifically at various intersections along Yorba Linda Boulevard, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The commenter does not provide any evidence that the analysis contained in the Draft EIR is inadequate or its conclusions are incorrect.

RESPONSE CASACCHIA-4

The commenter generally states that the commenter is concerned with biological resource impacts. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.) The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE CASACCHIA-5

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE CASACCHIA-6

The commenter generally states that the commenter is concerned with impacts to public schools and other public services. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.) The Draft EIR addressed public service impacts, including impacts on schools and police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE CASACCHIA-7

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped, which would include remediation for broken drilling bits that can potentially affect a safe well closure. Project design feature (pdf) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, in the Draft EIR and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

RESPONSE CASACCHIA-8

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed on page 4.2-21, in Section 4.2, *Air Quality* (second to last paragraph), of the Draft EIR, during construction of the Project, daily fugitive dust (PM) emissions could exceed allowable South Coast Air Quality Management District’s (SCAQMD) localized significance thresholds if left unmitigated. However, implementation of Mitigation Measures 4.2-1 and 4.2-2 would reduce this potentially significant impact to a less than significant level. Both mitigation measures, as required by SCAQMD Rule 403, address fugitive dust control through periodic watering of the construction site and reduced construction vehicle speeds, both of which effect a reduction in air-borne dust which would not be achieved without construction site watering and reduced construction vehicle speeds. Per SCAQMD Rule 403, all disturbed unpaved roads and disturbed areas within the project site would be watered at least three times daily during dry weather. As indicated in Mitigation Measure 4.2-1, watering, with complete coverage of disturbed areas, would occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. Also, per Rule 403, traffic speeds on unpaved roads and project site areas would be limited to 15 miles per hour or less (see Mitigation Measure 4.2-2).

RESPONSE CASACCHIA-9

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed on page 4.10-15, in Section 4.10, *Noise* (second to last paragraph), of the Draft EIR, pursuant to Section 4-6-7(e) of the County of Orange Noise Control Ordinance, noise-related construction activities are not permitted between the hours of 8:00 PM to 7:00 AM on weekdays, including Saturday, or at any time on Sunday or Federal Holidays. As concluded in Section 4.10, construction noise impacts were concluded to be less than significant.

RESPONSE CASACCHIA-10

The Draft EIR addressed geology and soils impacts, including seismic hazards, in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Moreover, as discussed in Section 4.8, *Hydrology and Water Quality*, the Project would include a Stormwater Pollution Prevention Plan (with associated BMPs) which would protect water quality during construction, in accordance with the statewide NPDES Construction General Permit. A list of possible BMPs is provided in Section 4.8. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Compliance with regulatory standards would ensure that the Project would not result in an exceedence of water quality standards during construction. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

RESPONSE CASACCHIA-11

The commenter states that the State of California should place a moratorium on all new housing and development projects. This does not constitute a comment on the analysis contained in the Draft EIR. Nevertheless, see Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR, as well as Response Byrne-2 for a discussion of water supply.

RESPONSE CASACCHIA-12

The Project is being processed through the County as the property is located in the City's unincorporated sphere of influence where the County has land use jurisdiction. Should there be interest on the part of the Project Applicant to pursue annexation of the property in the future whereby the City would assume some component(s) of the land use jurisdiction process; Draft EIR page 2-38 references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City after annexation. The agreement would be a negotiated framework document between the Project Applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to compliance with CEQA either through an addendum or supplement to this Draft EIR or in a separate compliance document prepared for the annexation as a project.

Regarding Project notification regarding the Draft EIR availability and extensions of its public review and comment period, the County's standard procedure is to provide mailed notice to residents and occupants within a 300 foot radius of the project site. For Cielo Vista, the mailed notice radius was increased to 2,000 feet. Additionally, information on the Draft EIR, as well as the entire document, was posted on both the County and City websites. The County believes that such notice to affected residents and all city residents was sufficient to fully inform the public about the Project.

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From: lesliebc@aol.com [<mailto:lesliebc@aol.com>]

Sent: Sunday, January 19, 2014 9:20 PM

To: Tippetts, Ron

Subject: Cielo Vista

Mr. Tippetts,

I am writing to ask you to please help the citizens and city of Yorba Linda by stopping the development of Cielo Vista.

I have been a resident of Yorba Linda for more than thirty years. I have watched the city grow and I love it. Five years ago we went through a very traumatic fire. I have never been more aware of the lack of emergency exits in this city. My home was in the direct path of the fire. I drove past burning houses leaving my home. When I reached Yorba Linda Blvd., my exit was blocked by miles of cars trying to leave. We do not have the ability to evacuate the city as quickly and as orderly as we need to as it now stands. Putting more homes into the direct path of fire, therefore adding more cars to our already overtaxed exit routes is without a doubt asking for casualties the next time we have a major fire. We were lucky last time---adding to our burden is ridiculously ignorant of how frightening our situation was five years ago.

Please help us remain as safe as we are now.....do not add to our danger. STOP CIELO VISTA!

Sincerely,

Leslie Cobb

LETTER: COBB

Leslie Cobb
(January 19, 2014)

RESPONSE COBB-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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9222 Lake Canyon Road
Santee, CA 92071

January 16, 2014

Mr. Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

RE: Cielo Vista Project EIR

Dear Mr. Tippetts,

Please consider the following expert comments upon the Cielo Vista Project EIR related to the Public Safety impacts of the Project.¹ The Project as currently proposed has significant adverse fire safety impacts that are not adequately mitigated to a level of insignificance.

The Project is located entirely within a Very High Fire Hazard Severity Zone (VHFHSZ). Fire history makes clear that it is not a question of if a major firestorm will occur, but when the next firestorm will occur. Fire Safety Impacts are considered significant at the following thresholds.

Thresholds of Significance

“Threshold 4: Impair Implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?”

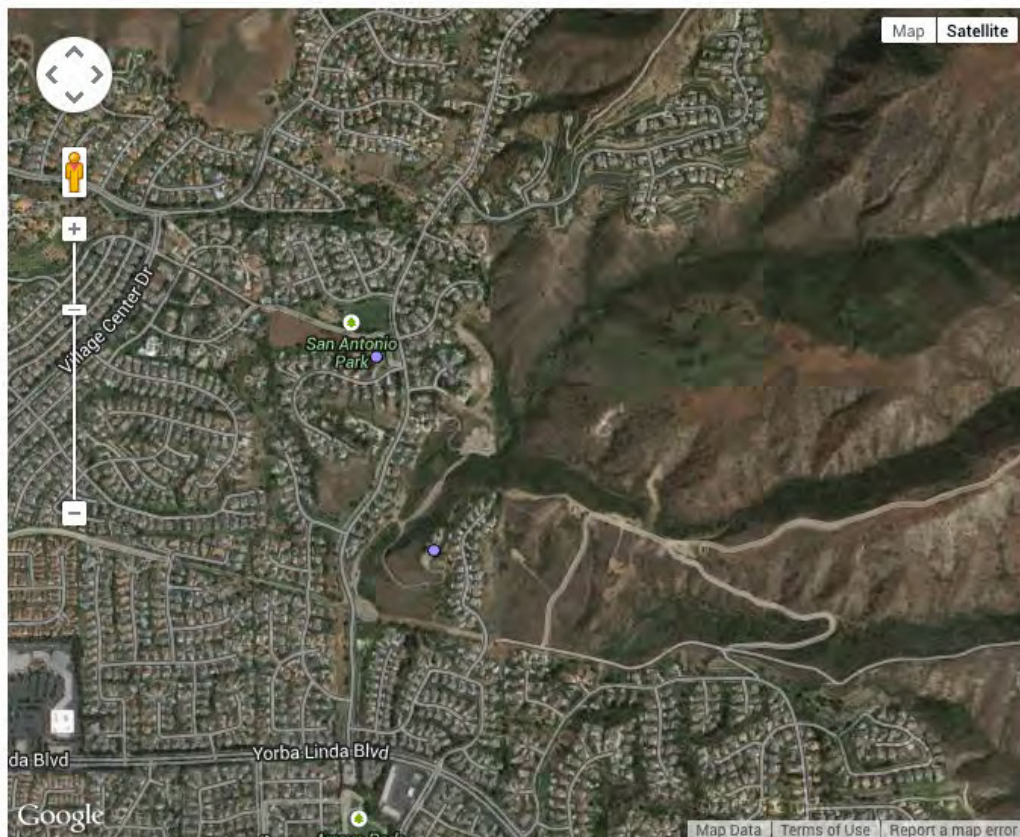
“Threshold 5: Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (refer to impact Statement 4.75).”

The EIR acknowledges significant fire risk in the Project vicinity by referencing the November 15, 2008 “Freeway Complex Fire” that destroyed 187 homes, 2 commercial buildings and damaged another 127 homes and 2 commercial buildings while burning 30,305 acres². Fire risk on the Project site is increased and complicated by past, current and potential oil extraction that releases combustible methane gas. Note that the EIR has not revealed or considered whether modern hydraulic fracturing “fracking” techniques are or will be utilized under or within the

¹ Van Collinsworth is a Natural Resource Geographer and former US-Forest Service Wildland Firefighter. Collinsworth has reviewed environmental documents during the last 20 years (including Fire Protection Plans) and provided expert depositions to the courts in regard to these documents. Resume Attached.

² Cielo Vista Fire Behavior Analysis Report, page 6.

vicinity of the Project site. Vague reference is made to potential “slant drilling” which can be utilized with “fracking”. In fracking, 5 % of well casings fail immediately and all are subject to failure over time due to entropy, which has implications for methane release into groundwater and the atmosphere. Any Project in a VHFHSZ that proposes to mix residential development and fossil fuel extraction by hydraulic fracturing or horizontal drilling needs to better document the status of past, present and future extraction plans in order to avoid or mitigate the associated hazards. This analysis should be performed and the results recirculated for public review. Furthermore, considering that climate change is creating weather extremes and higher intensity fires, there can be no assurance that the inevitable “worst scenario” considered by the Fire Behavior Analysis model will not have even greater severity.



Hydraulic Fracturing Sites Identified in the Cielo Project Vicinity June 2013 – January 2014 (Blue Circles)³

³ <http://baldwinhillsoilwatch.org/action-center/sc-aqmd-rule-1148-2-maps/>

The EIR downplays Fire Risk introduced by the Project

At 4.12-11 the EIR asserts:

"...existing single-family residences to the west and south of the Project site would gain increased protection from the spread of fire. As such, the Project would reduce the threat of wildland fires to people and structures in the project vicinity and thus, lessen the potential demand for fire services needed in the event of a wildland fire."

This assertion is unsubstantiated, incorrect and should be stricken from the EIR.

In fact, the Project creates substantial new wildland-urban-interface (WUI) in need of emergency response that potentially diverts and dilutes available fire suppression resources from the existing WUI. The Orange County Fire Authority (OCFA) preliminary report on the Freeway Complex Fire recognizes, *"...urban conflagrations are beyond the ability of a fire agency to control with initial response resources and that triage decisions must be made as to which structures to defend."*⁴ Some of the homes that burned in the Project vicinity during the Freeway Complex Fire could have been saved if fire resources were not already occupied elsewhere when the structures initially ignited.⁵ Fire resources are already overwhelmed by the extent of the existing WUI during major incidents. Furthermore, the conversion

"...oil well stimulation reports for the initial 7 months of reporting: June 2nd, 2013 and January 6th, 2014." South Coast AQMD 1148.2- Well stimulation mapping project.

⁴ Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, Page 15. *"Triage of homes in regard to an urban conflagration is very similar to what a paramedic would do for a mass casualty incident. Triage is to allow the organization to do the most good for the greatest number of people when the available resources do not match the need. This same goal applies to the triage of structures in a wildland urban interface fire. Fire personnel are trained to recognize which structures are least-salvageable and then to direct their efforts toward saving those structures that have the greatest potential to be saved. However, even with the best training and practice it takes great discipline to trade off the life of one patient for another, just as it takes the same discipline to drive past a structure that is on fire to defend one that is not. These triage decisions are often made in seconds with little more information than firefighters can gather as they drive down a smoky and ember ridden street."*

⁵ Reference the eyewitness testimony of resident Edward Schumann whose home burned in the 2008 fire. Mr. Schuman was told by a firefighter that the fire was in his attic and there were no resources available to extinguish it. Edward Schumann DEIR Comment Letter, January 2014. Also, *"Brush clearance and "hardened" (ignition resistant) homes go far in improving the chances for a home's survival from a wind-driven WUI fire. However, intervention by firefighters is often necessary in saving a home that is determined to be defensible."* Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, P. 7.

of native lands to extensive fuel management zones often converts more fire resistant vegetation into weeds and exotic flash fuels that are two-way fire conduits at greater risk of ignition and rapid rates of initial spread.

The Project is not sited adjacent to existing development, but instead embeds itself within fuels ignitable through embers, radiant heat or flame impingement.⁶ The report on the Freeway Complex Fire losses notes the general insulation of homes from direct flame impingement contrasted by their vulnerability to air born embers.⁷ Furthermore, the ability to backfire from older homes along the existing WUI is precluded by locating structures and circulation routes in the path of potential backfire operations.⁸ The continued vulnerability of existing homes to wind driven embers coupled with the dilution/diversion of fire suppression resources over a longer WUI and the preclusion of backfiring tactics, is a significant adverse impact of Project location/configuration.

In addition, water supply dwindled and hampered the effectiveness of available resources during the Freeway Complex Fire. Water supply would be further taxed by building additional homes / expanding the WUI in the Project vicinity. The report on the Freeway Complex Fire makes clear that water supply cannot be assured during a severe wildland firestorm.

“The demands of a single structure fire can tax even a well functioning water system. In contrast to the usual situation where an engine will pump directly from a hydrant to fight a structure fire, in a wildland event the hydrants are used to refill the water tenders and the engine water tanks. The engines then usually use their tank water to attack the fires during their mobile suppression efforts. As ground forces moved into threatened neighborhoods and tried to extinguish or defend dozens of homes, the Yorba Linda water supply was severely impacted. At approximately 2:00 P.M., several radio calls were received reporting fire companies encountering low or no water pressure in various sections of the Hidden Hills area. Fire companies encountered low or no water pressure on Hidden Hills Road, Mission Hills Lane, High Tree Circle, Fairwood Circle, Green Crest Drive, Skyridge Drive and others. With homes burning on multiple fronts Strike Team Leaders directed

⁶ Even the “Special Maintenance Area” zone separating Cielo Phase 1 from part of the existing WUI is ignitable and requires ongoing inspection and maintenance to reduce fire risk. CVFBAR page 23.

⁷ “Properly established and maintained brush clearance is typically very effective in protecting homes for direct flame impingement and radiant heat. However, it can do little to nothing to protect homes from ember intrusion. Homes must be constructed to withstand ignition from embers that land on homes or enter through attics and other openings.” Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, Page 6.

⁸ Backfiring Standard Operating Procedures, Novato Fire Protection District, (attachment).

companies to move to areas that had available water.”⁹

For all of the reasons above, the sheltering benefit asserted by the EIR at 4.12-11 is limited and inconsequential relative to the severe adverse impacts of diluting availability of fire suppression resources / expanding the WUI, precluding backfire tactics, taxing firefighter water supply and locating new families in harm’s way. Clearly, the current Project *exposes people or structures to a significant risk of loss, injury or death involving wildland fires.*

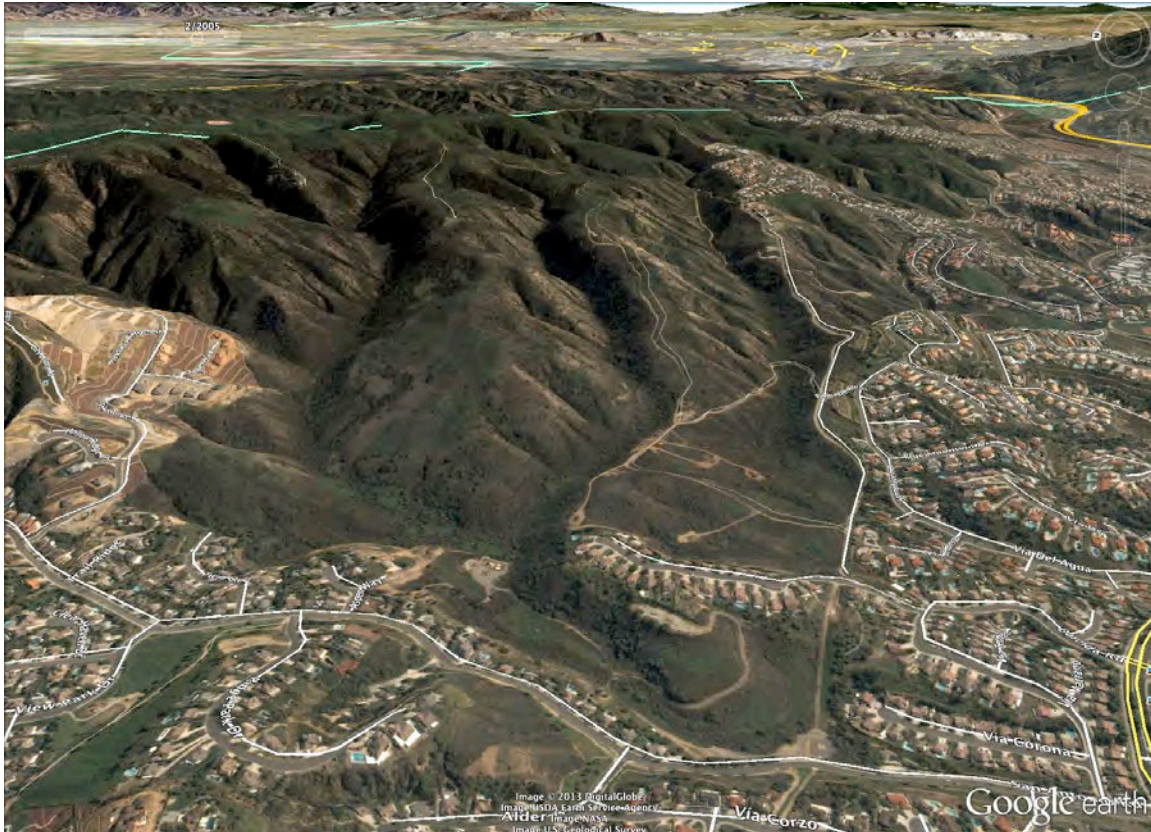
Cielo Vista Fire Behavior Analysis Report (CVFBAR), 8/27/2013

According to Firesafe Planning Solutions, the purpose of the Cielo Vista Fire Behavior Analysis Report (CVFBAR), is to assess the *“risks related to wildland fire and to establish the appropriate criteria for a defensible space installation and maintenance program that will reduce the intensity of a wildfire...The report provides results of computer calculations that measured fire intensity from a worst case scenario wildfire...The results of fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development.”* (CVFBAR page 3)

To adequately assess the risks associated with wildfire, the CVFBAR must accurately report the fire history for the Project site, the site vicinity with its continuous fuels and integrate any known or expected land use changes off site. The report does none of these adequately, as it fails to consider the long history of wildfire over the entire Chino Hills, the potential for rapid rates of spread from various eastern points of origin, nor does it consider the potential development of the Esperanza Hills Project. It fails to distinguish the most common sources and locations for ignitions. The CVFBAR does not clarify if, how, or under what circumstances residents would be expected to evacuate or remain at the site during wildfire emergencies. It fails to reveal how long it will take to evacuate the Project and compare that to potential rates of spread from various points of origin under extreme weather conditions. The CVFBAR discounts the severity of site topography to channel wind and convective heat by placing too heavy confidence in the results from developmental application Wind Ninja. The Missoula Fire Lab states Wind Ninja is “under development” has “Faster computation than WindWizard, *but is less accurate*”.¹⁰ Without adequately addressing these issues, fire safety risk impacts remain significant.

⁹ Freeway Complex Preliminary Report to City of Yorba Linda, OCFA, December 2, 2008, Page 13.

¹⁰ Even WindWizard is considered developmental and “no longer available”.
<http://www.firemodels.org>



Topographical wind corridors impacting the Project site

The Fire Behavior Analysis Report considers current vegetation, yet needs to account for the fact that the current vegetation of the site vicinity does not reflect climax vegetation due to only five years of recovery from the 2008 Freeway Complex Fire with below normal precipitation during the recovery period. The climax condition for the site (as evidenced in historical aerial photos) would reflect greater fuel loads and areas of Fuel Model 4 (FM4) vegetation with potential for significantly greater flame lengths, fire intensity and ember production. The Fire Behavior Analysis Report needs to reveal all of the input assumptions (including relative humidity, wind speed, slope percentage) utilized to generate the Behave Fire Model results. The Fire Behavior Analysis Report (page 19) model results for FM4 (six foot high chaparral / the most dangerous classification on site) generates a maximum flame length of 79.9 ft., however, providing only summary results does not allow evaluation of the variable assumptions utilized.¹¹ Behave Fire Model results run for other project sites with Fuel Model 4 vegetation generate maximum

¹¹ The Fire Behavior Analysis Report on page 42, references “Behave Reports”, but these reports are not included within the EIR or its Appendices. The EIR should be recirculated with the Behave Reports included so that the assumptions utilized can be evaluated.

flame lengths of 95 ft. and 96.7 ft.¹² The Behave Fire Model is only accurate for its variable inputs (these change under real geophysical conditions), which is why field observations for chaparral fires have documented flame lengths exceeding 100 feet during extreme weather conditions.

The CVFBAR even discounts the BEHAVE 79.9 ft. flame length calculation by suggesting that the maximum flame length will be 41.8 ft. (CVFBAR page 21). That conclusion is unlikely for a Santa Ana wind driven fire that reaches the site with momentum and moves upslope consuming FM4 vegetation.

It is also important to recognize that standardized fuel modification zones generally sufficient to prevent structure ignition from direct flame impingement does not assure survival of the associated structures.¹³ Even though 189 structures were destroyed (with another 129 damaged) in the Freeway Complex Fire, the Orange County Fire Authority (OCFA) considered “...brush clearance to be adequate” based upon its inspections of fuel management zones prior to the fire.¹⁴ Wind driven

¹² Behave Fire Model results for a Santa Ana wind driven fire in Fuel Model 4: Flame Length 96.7 feet, Rate of Spread 2,041 feet/minute, Fire Line Intensity 117 380 BTU's/foot/second “CFPP Cielo Ranch Santa Fe” page 15. Fanita Ranch Fire Protection Plan Behave Fire Model results generated 95 ft. flames in FM 4.

¹³ *“Fire officials believe that embers driven by raging winds through small openings or against exposed wood were responsible for igniting a majority of the 1,125 homes leveled by the Witch fire, the most destructive in California this year...An analysis of the Witch fire's pattern of destruction points to deficiencies in long-held beliefs about building in fire-prone areas. Fire-resistant walls and roofs are helpful, and brush clearance is essential. But alone they are insufficient in the face of millions of burning embers flying horizontally more than a mile ahead of the flames. Of 497 structures that burned in unincorporated areas of San Diego County during the Witch fire, more than half had fire-resistant walls and roofs, a Times analysis of government data showed. Information on construction materials has not been compiled for neighborhoods inside the cities of San Diego and Poway, but senior fire officials estimate that well over 75% of the destroyed homes had fire-resistant exteriors.”* **“Lessons From the Fire”** Joe Mozingo, Ted Rohrlich and Rong-gong Lin li, Los Angeles Times, December 23, 2007.

¹⁴ *“In 2008, staff inspected 587 WUI parcels and found only 16 out of compliance with minimum requirements for defensible space. By July 22, all properties were in compliance. In addition, staff inspected approximately 790 of some 950 fuel modification parcels to ensure that they were in “substantial compliance” with provisions of the requirements and found 322 in need of some type of corrective action. As of the date of the fire, all but 25 had met minimum requirements. A preliminary assessment of homes destroyed or damaged in the freeway fire indicates that they were victim to ember intrusion rather than direct flame impingement indicating brush clearance was adequate.”* Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 6.

embers are capable of penetrating the smallest of openings¹⁵ on structures and can ignite spot fires adjacent to structures in ignitable materials that can then damage or ignite structures¹⁶. Severe convective heat transfers through fire whirls/tornadoes can also bypass standard brush management zones.

*“Extreme Wildfires can produce firebrand spot-ignitions at distances of a mile or more; however **intense firebrand exposures within one-half to one-quarter mile** often ignite numerous surface fires within a residential area that spread to contact and ignite homes and/or **firebrands directly ignite homes.**”* US Forest Service Fire Scientist Jack Cohen, 4/23/2009 (bold emphasis added).



Attic vent vulnerable to embers within a fire tornado.

¹⁵ Research data has been gathered regarding the ineffectiveness of current ventilation standards for preventing ember penetration. BFRL/NIST researchers tested ¼-inch or 6 mm (the recently adopted California WUI standard) 3 mm and 1.5 mm screens. *“For all screen sizes tested, the firebrands were observed to penetrate the screen and produce a self-sustaining smoldering ignition inside the paper beds inside the structure.”* Samuel L. Manzello, John R Shields, and Jiann C. Yang, **On the Use of a Firebrand Generator to Investigate the Ignition of Structures in Wildland-Urban Interface (WUI) Fires.** Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology (NIST), 2007, p. 11.

¹⁶ The Fanita Ranch Fire Protection Plan acknowledged, “The Santa Ana winds with wind gusts of up to 60 mph blowing from the northeast/east pose significant threat from wind-blown embers to all structures within this project.” Page 14.

Homes with standard brush management zones still have the following significant vulnerabilities:

- Vulnerability of structures to embers/firebrands due to extreme events, human error, or inadequate maintenance (i.e., fire tornados or fire whirls,¹⁷ broken windows from flying debris, drapes left over windows, open windows, open doors and garage doors, settlement cracks of structures built in landslide areas, wood piles, gas barbeques and motor-homes and other flammables stored too close to structures, delinquent or inadequate fuel treatments).



Wind-blown embers

¹⁷ *“Observed fire whirl behavior was both unexpected and extreme in these fires, catching many firefighters by surprise and significantly contributing to spotting up to 3/4 mile. 180-degree wind shifts proceeded fire whirls by 45 seconds to a minute.” [Firefighter] “Respondents reported unusual numbers of fire whirls that ranged from several yards wide up to a 1/2 mile wide. Destructive fire whirls, those causing structural damage unrelated to fire, also were reported. In addition to appearing suddenly, large fire whirls, characterized by a jet engine noise, took in debris such as large tumbleweeds and bushes from the bottom and ejected flaming debris from top—raining embers and violently showering sparks as much as 3/4 of a mile beyond the head of the fire. In one reported case, a fire whirl entered an area that had already burned clean down to three-inch stubble and whirled across several hundred feet of burned area into unburned fuel, carrying fire the whole way and igniting the unburned fuel. Another fire whirl crossed an eight-lane freeway. Small fire whirls merged into larger ones. Some reported fire whirls moving downhill.” “What we were expecting to see were fire whirls (4' to 6' tall), what we actually saw were true fire tornados. The fire researchers kept telling us what we were seeing was impossible and never seen before. After three days of discussion, the fire researchers started to understand that what they were expecting and what was happening was not jiving. -Division Supervisor” **Southern California Firestorm 2003 Report for the Wildland Fire Lessons Learned Center**, Mission Centered Solutions, December 8, 2003, page 6.*

- Vulnerability of adjacent homes and the entire development from flame impingement and radiant heat once one or more homes are ignited from embers/extreme events or human error. There remains significant fire risk of structures within 100-feet of each other to cluster burn (especially those with north to east wildland interfaces).¹⁸

- Vulnerability of people outside of structures to flame impingement, radiant heat and smoke. (Individuals on foot, on motorized and un-motorized vehicles, hikers and other individuals in natural lands, individuals attempting to evacuate or reach and secure their homes, or individuals simply locked out of vacant structures because they reside in another neighborhood or are children without keys; individuals at inadequate fuel buffers on sloped sections of emergency access routes; firefighters defending structures without adequate safety zones or escape routes).

- Vulnerability of elderly and weak individuals within structures to smoke, stress, or loss of power.

Flame Lengths and Fire Intensity as related to Safe Evacuation Routes and Fire Safety Zones

Radiant and convective heat can be deadly for exposed residents, evacuees and firefighters drawn into defend or dispatched to inappropriately sited structures. A distance factor of 4x maximum flame length is utilized by firefighters to estimate the location of safety zones from radiant heat exposure. The 4x flame length radius

¹⁸ *"As a type of fuel, involved structures emanated intense radiant heat. Heat levels in the street were unusually high."* **Southern California Firestorm 2003 Report for the Wildland Fire Lessons Learned Center**, Mission Centered Solutions, December 8, 2003, page 7.



Cluster burn example from Cedar fire. Photo by John Gibbins, SDUT.

distance from flames may not be sufficient to prevent injury or death if there is severe convective heat transfer.¹⁹ For example, an expected flame length of 100 feet would require a safety zone with a radius of 400 feet from the fuel. 400 feet would likely be insufficient if the available safety zone was sited in, near or above steep topography that funnels convective heat.



Cedar Fire victim perished in area of wide clearance.

The Cielo Vista Fire Behavior Analysis Report fails to analyze whether the Project has configured evacuation routes and safety zones sufficiently to protect firefighters or residents from radiant heat exposure. Of related concern, is the CVFBAR's inconsistency with itself and other fire protection plans regarding the expected flame lengths for FM 4 vegetation. Compare the CVFBAR maximum 79.9 feet [page 19] or maximum 41.8 feet estimate [page 19] to other Behave Results for the same FM4 Fuel (95 feet at Fanita and 96.7 at Cielo CFPP). Furthermore, the results for Fuel SCAL18 (3 feet tall coastal sage / chaparral mix) **cannot generate only 15.3 feet flames for the same conditions that generate 23.1 feet flames for gs2** (1-3 feet tall grasses and shrubs), 34.2 feet flames for sh5 (4-6 feet tall shrubs) and 79.9 feet for FM 4 (southern mixed chaparral)[page 19 chart]. The Report needs to revisit these issues and recirculate its findings.

¹⁹ Butler and Cohen. Firefighter Safety Zones: A Theoretical Model Based Upon Radiative Heating. Firefighter Safety Zones: How Big Is Big Enough?

Fanita, under a 60 mph Santa Ana wind in an FM-4

Surface Rate of Spread (maximum)	1966.5 ft/min
Fireline Intensity	113088 Btu/ft/s
Flame Length	95.0 ft
Midflame Wind Speed	30.0 mi/h
Max Eff Wind Exceeded?	No
Area	30229.3 ac
Perimeter	241689 ft

Fanita Ranch FPP BehavePlus calculation.

TABLE 2.3.6

Expected fire behavior for a North, Northeast and East Santa Ana Wind Condition in a Fuel Model 4
(A Fuel Model 4 is a continuous cover of chaparral vegetation greater than 6' in height)

RATE OF SPREAD	2,041 feet/minute
FIRE LINE INTENSITY	117,380 BTU's/foot/second
FLAME LENGTH	96.7 feet in length

Additional Fire Behavior Calculation Input:

- 60 mph 20-foot wind speed (30.0 mph mid-flame wind speed)
- 30 percent slope
- 45° direction of wind vector to uphill slope

This equates to 7,952 acres in 30 minutes and 31,809 acres in 60 minutes assuming no initial attack.

Rancho Cielo FPP BahavePlus calculation.

The CVFBAR acknowledges “flame lengths of just under 50-feet are possible” in narrative [page 22] and 79.9 feet flames by chart [page 19]. A factor of 4x multiple of these outcomes generates safety zone radius distance of 200 feet, or 319.6 feet, or 380 feet (Fanita) or 386.8 feet (Cielo CFPP) to prevent radiant heat injury without additional convective heat transfer.²⁰ So the range is roughly a 200-400 feet radius distance needed from the most dangerous fuels to prevent radiant heat injury. Fuel modification zones for the Project extend to 170 feet, so the unmodified heaviest fuels at 170-feet or more have the potential to inflict radiant heat injury. This reality is significant for evacuees, firefighters or any individual that decides not to evacuate and attempts to defend property.

The CVFBAR has not considered the implications of potential radiant heat exposure to individuals, evacuees and firefighters. For instance, any firefighter dispatched to the Project during a firestorm needs to have viable escape routes and safety zones available. Where are these escape routes and safety zones? Are there areas of the Project and fire circumstances that firefighters would not be assigned to defend it, or expected to retreat? Under what circumstances are residents expected to evacuate or remain on the Project site and where? If residents are expected to remain on site, then what are they expected to do if confronted by a cluster burn within the Project? If they are expected to evacuate, then what are they expected to do if the streets are gridlocked by traffic or cut off by firestorm? What areas of the Project are the most vulnerable to convective heat transfer? The CVFBAR needs to answer these questions and recirculate the findings for public review.

²⁰ As an example, see the attached diagram that illustrates the lack of adequate escape routes and safety zones on the “Rock Point Peninsula” and the distances required for safety from radiant heat.



Rudy Reyes was unable to safely evacuate the Cedar Fire.

It has already been documented that without adding new development that traffic circulation is severely constricted or gridlocked at commuter hours and/or under emergency conditions. The intersection of Via del Agua / Yorba Linda Boulevard has an “unsatisfactory” or “F” failing Level of Service, EIR at 4.14-15.

“As residents began to evacuate, traffic grid-locked in some areas as emergency apparatus tried to enter the neighborhoods while residents tried to exit.”²¹

²¹ Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14. (Bold emphasis added).

Evacuation can be treacherous even without gridlocked streets based upon when the order is given, visibility, the fires direction and rate of spread, distance from fuel loads, etc. and the timing of the decisions made to evacuate. Fire authorities cannot force individuals to evacuate,²² which can put firefighters in greater jeopardy if lingering residents find themselves in trouble and request emergency assistance.

*"Wildland urban interface fires present many challenges pertaining to evacuation. **The fire spread rate is often so fast that emergency responders can only estimate the rate of spread and direction of travel.** In this case, within minutes of the fire start, spotting was reported one mile down-wind from the head of the fire. Driven by winds of 40 MPH and higher the rate of spread went from the usual estimate of acres per hour in a non wind driven fire to acres per minute."*²³

*"... **law enforcement does not have the legal authority to force residents out of their homes;** however, law enforcement may restrict the return of residents once they leave. **Determining where and when to evacuate is often difficult.** Each decision brings with it a new set of risks and benefits. **The greatest risk by permitting residents to remain with their homes is the potential for loss of life.**"*²⁴

*"The Tea Fire in Montecito resulted in more than two dozen civilian injuries, two of which were critical burns received while trying to flee their residence. In 2006, in Cabazon, the Esperanza Fire resulted in four firefighter fatalities that occurred during structure protection efforts. The Cedar Fire that occurred in San Diego County in 2003 resulted in the death of fourteen civilians and a firefighter all while trying to flee or protect homes. **Investigation into the citizen deaths and injuries identified one commonality: they all occurred because people decided to stay and protect their property or they evacuated too late and got caught in the fire front.**"*²⁵

When land use decisions can site development away from high-risk topography, (whether its fire, flood or landslide zones) what circumstances justify placing people and firefighters at greater risk of severe and life threatening injuries?

²² Under certain circumstances evacuation may pose the greatest risk.

²³ Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 15.

²⁴ Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14.

²⁵ Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14.

Firefighter fatality reports conclude that decisions to defend vulnerable structures located on high-risk topography were a primary factor in the fatalities of the Esperanza Fire and the Cedar Fire. The recent loss of a 19-person Granite Mountain crew in Arizona occurred when they were traveling through unburned fuel toward threatened structures at the town of Yarnell.²⁶

The Esperanza report identified “Causal” and “Contributing” factors for the firefighter fatalities. The root cause of the deaths was the decision to approve and build the home in a location destined to burn. While some consider this incident an accident, it may more readily be considered a high-risk gamble that was lost. The report identified these top factors:

*“Contributing Factor 1. Organizational culture - The public (social and political) and **firefighting communities expect and tolerate firefighters accepting a notably higher risk for structure protection** on wildland fires, than when other resources/values are threatened by wildfire.” (Bold emphasis added)*

“Causal Factor 2. The decision by command officers and engine supervisors to attempt structure protection at the head of a rapidly developing fire either underestimated, accepted, and/or misjudged the risk to firefighter safety.”

When faced with a Santa Ana wind driven fire head rapidly approaching Cielo Vista Project homes, will firefighters be expected to defend or decline to defend threatened homes directly in the path of the fire head?²⁷

Alternatives - Project configuration and the lack of site design for high-risk topography

The EIR’s downplay of the significant adverse fire risks associated with the Project and its focus upon the inconsequential benefits of the Project to homes on the existing WUI is used to rationalize a dismissal of superior Alternatives to the Project. The stacked rationalization favoring the Project over Alternatives should be rejected.

The fire risks of Cielo Vista Project cannot be mitigated to a level of insignificance and justification for a statement of overriding considerations is unlikely. Unfortunately, the CVFBAR attempts to bandage a high-risk site configuration with

²⁶ Esperanza Fire Accident Investigation Factual Report, USDA-Forest Service, October 26, 2006. Novato Fire Protection District Cedar Fire Incident Recovery Report, May 26, 2004. Yarnell Hill Incident Reports, <https://sites.google.com/site/yarnellreport/>

²⁷ Reference Wildland Structure Protection Standard Operating Procedure, Novato Fire Protection District, Cedar Fire Recovery Report, May 26, 2004 (attached).

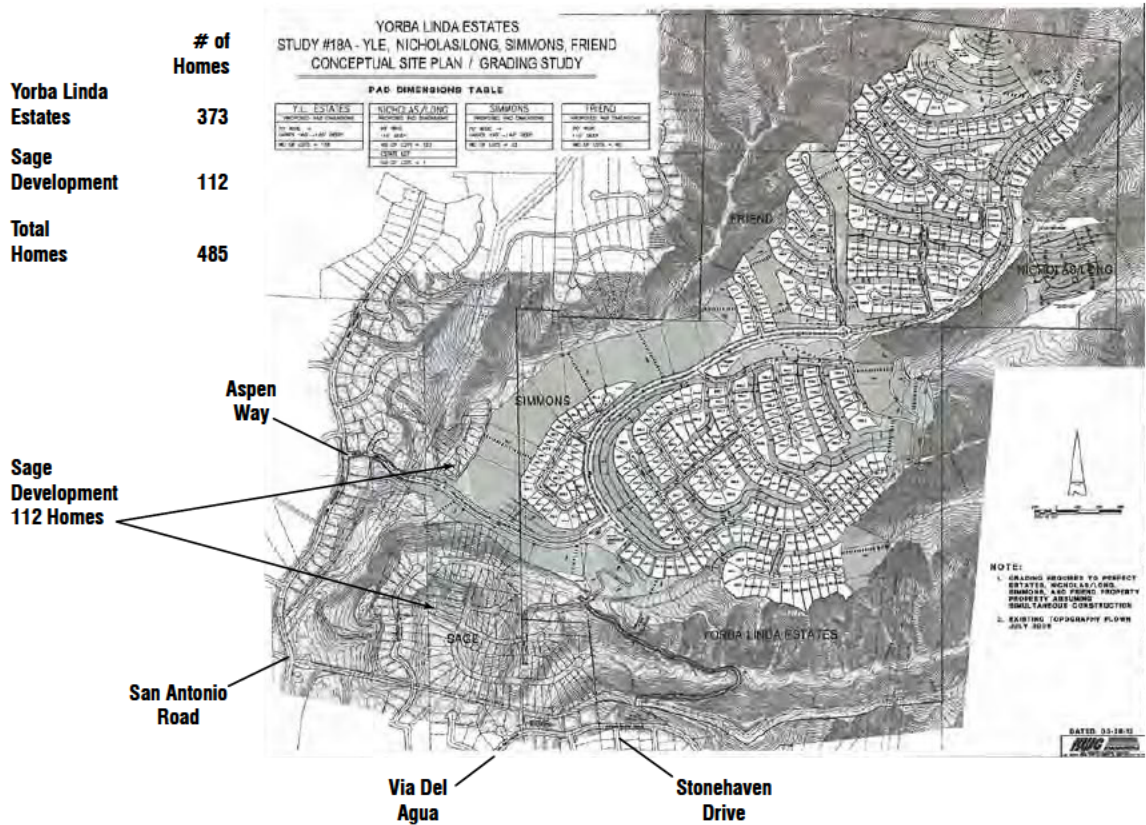
fuel modification zones rather than integrating techniques available to reduce site risk. If a Project is to be considered, it should be reconfigured with a new Alternative. Lots adjacent to high-risk topographic features should be replaced with pocket parks. Narrow peninsulas extending into natural lands should be eliminated. Streets should be placed on the perimeter of homes adjacent to wildlands to act as anchor points for suppression tactics and better insulate structures [place the front yards adjacent to natural lands instead of the back yards]. Alleys that allow for ready fire access and a better facilitation for evacuation should separate the backyards of homes. Homes directly on the wildland interface should be on larger lots to increase the space between home structures to a minimum of thirty-feet thereby reducing the vulnerability of homes to cluster burn. Homes within 30 feet of each other have significantly greater potential to ignite each other. Cul-de-sacs should be eliminated in favor of open circulation. Homes/lots should be oriented to minimize garage doors, large windows and other openings on the north to east interface with Santa Ana winds. Public spaces should be incorporated that are insulated enough to act as safety zones from radiant heat exposure. Functional evacuation routes and safety zones for residents and firefighters should be designed and incorporated.

The No Project Alternative is superior to any of the deficient Alternatives presented in the EIR. The No Project Alternative recognizes the volatile mix of locating residents upon high-risk topography within a Very High Fire Hazard Severity Zone, fossil fuel production under and within ten feet of homes that potentially releases flammable methane gas, an inability to forcibly evacuate homeowners, an already overburdened circulation system, the introduction of excessive risk to firefighters, questionable water supply demands and an already extensive WUI that is already in a state of triage during major firestorm.

Significant Cumulative Impacts Not Evaluated

The Fire Behavior Analysis Report does not recognize the impacts associated with the approximately “340-Unit Esperanza Hills” / “Yorba Linda Estates (Murdock Property)”.²⁸ In fact, the Cielo Vista EIR barely recognizes the Project even though Esperanza Hills and Cielo Vista are interdependent and would be considered more efficiently as a single Project. The Project footprint and traffic circulation system for Esperanza Hills has significant fire safety implications if it is to be integrated with or added onto a Cielo Vista Project. All safety issues raised in this letter need to be addresses in the context of both interacting Projects.

²⁸ Cielo Vista Draft EIR 3-1-3-4.



"340-Unit Esperanza Hills" / "Yorba Linda Estates (Murdock Property)"

Conclusion

The Cielo Vista Project's present configuration exposes people and structures to a significant risk of loss, injury or death involving wildland fires. The Cielo Vista Fire Behavior Analysis Report does not adequately research and mitigate the significant fire safety issues associated with the Project. The gaps identified in this letter need to be addressed and the document recirculated for further public review and comment.

Thank you for considering these comments,

Van

Van K. Collinsworth,
Wildland Fire Expert / Natural Resource Geographer

CC. Supervisor Todd Spitzer

Kevin K. Johnson, APLC

Attachments:

Attachments Continued – Collinsworth Cielo Vista Comments

Resume

Structure Protection / Backfiring Standard Operating Procedures

Significant Freeway Complex Fire Photographs

Freeway Complex Preliminary Report

BehavePlus 3.0.1 Results Excerpt – Fanita Ranch

BehavePlus 3.0.1 Results Excerpt – Rancho Cielo

Use of a Firebrand Generator to Investigate the Ignition of Structures in Wildland-Urban Interface (WUI) Fires

Firefighter Safety Zones: A Theoretical Model Based Upon Radiative Heating

Firefighter Safety Zones: How Big Is Big Enough?

Significant Fire Illustrations

Esperanza Hills Project Map

LETTER: COLLINSWORTH1**Van K. Collinsworth**

9222 Lake Canyon Road
Santee, CA 92701
(January 16, 2014)

RESPONSE COLLINSWORTH1-1

This comment provides information about the wildfire environment contained in the Draft EIR and a general introduction to fire-related comments raised in this letter. Therefore, no additional response is required. Individual fire-related responses to this letter are provided below in Responses Collinsworth1-2 to Collinsworth1-13, below.

RESPONSE COLLINSWORTH1-2

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

As stated on page 2-14 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. This requirement is incorporated into project design feature PDF 7-1, which would be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as a condition of approval for the Project. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling at the site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities. In addition to evaluating the environmental impacts associated with oil extraction operations on the 1.8 acres site in accordance with CEQA, an applicant for oil well drilling is required to file an intent to drill with the state Division of Oil, Gas and Geothermal Resources (DOGGR) which if approved would be subject to numerous safety conditions, including blowout prevention. Concurrent with DOGGR review, an application for drilling along with a plot plan would be filed for review by the County and the Orange County Fire Authority to ensure that oil well operations do not adversely affect sensitive land uses and sufficient distance separates the well to be drilled from existing and proposed residences.

This comment raises concerns regarding fracking and potential associated impacts at the project site. As stated above, there are no plans now or in the foreseeable future to reinstate drilling at the site or to pursue fracking. Thus, any analysis of future oil operations at the site, whether by fracking or other method of extraction, would be speculative, as the any such activities are currently undefined, and is not required by CEQA. Furthermore, no known fracking activities have occurred on the project site.

The Project's Fire Behavior Analysis Report, prepared by Firesafe Planning Solutions, included in Appendix G of the Draft EIR, was prepared using standard methodology for such analyses. As noted in the study, it takes into consideration both existing and future vegetative interface fuels, topography, and whether conditions during a fire, and measures the fire intensity from a worst case scenario fire.

Section 4.7 of the Draft EIR also addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. Regardless of regional or local fracking activities, the implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-24. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation

requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

RESPONSE COLLINSWORTH1-3

This comment is introduced by an excerpt from page 4.12-11 of the Draft EIR, which does not include the entire referenced sentence, and thus is construed out of context. The referenced sentence begins by stating that, "... because the existing site is not maintained as a fuel modification area and consists of uncontrolled wild land vegetation, existing single-family residences to the west and south of the project site would gain increased protection from the spread of fire." This sentence is included in Section 4.12, *Public Services*, of the Draft EIR. As discussed on page 4.12-11, the analysis of impacts to fire protection services provides a cross-reference to Section 4.7, *Hazards and Hazardous Materials*, which discusses the potential for impacts associated with wildland fires. Section 4.7 provides a detailed discussion of the fuel modification zones proposed by the Project, each of which would be designed specifically to help suppress a wildland fire in different ways. The California Fire Code (Chapter 49), the California Building Code, and various other design guidelines as discussed in the Draft EIR, all of which are applicable to the Project, provide standards which increase the ability of a structure to resist the intrusion of flames or burning embers projected by a vegetation fire. Moreover, the Fire Behavior Analysis accounted for the existing and future interface of fuels, topography, and weather conditions, including wind, during a fire. The County acknowledges that a new wildland-urban-interface (WUI) would be created by the Project. However, as discussed in Section 4.7 under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR, with implementation of the prescribed mitigation measures and the Project's fire protection features (PDFs 7-9 to 7-14), which are consistent with applicable regulatory requirements, the Project would minimize to the maximum extent practical the potential for wildland fires. Again, as discussed therein, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be substantially reduced when compared to existing conditions. Also, concerning backfires, these are fires set along the inner edge of a fireline to consume the fuel in the path of a wildfire or change the direction of force of the fire's convection column. These tactics would be employed by fire-fighting authorities at their discretion to minimize the impacts of a wildland fire. Development of the Project, which would alter the existing WUI, would not preclude the use of backfire tactics by firefighting authorities.

Also, the Draft EIR addressed public services impacts, including fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts related to fire protection services, including response times, were concluded to be less than significant with implementation of the prescribed mitigation measures.

Please also refer to Topical Response 3 regarding emergency access.

RESPONSE COLLINSWORTH1-4

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, the Project would reduce the risk of wildfires to the existing single-family residential uses to the west and south of the Project. Please also refer to Topical Response 3 regarding wildland fire impacts.

An important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Moreover, as discussed in Section 4.12, *Public Services*, of the Draft EIR and though beyond the jurisdiction of the County, the OCFA and local water agencies are working "to evaluate potential threats and weaknesses to the water distribution systems and facilities housing critical infrastructure."

RESPONSE COLLINSWORTH1-5

This comment provides a general conclusion to fire-related Comments Collinsworth1-1 to Collinsworth1-4 raised in this letter. Individual fire-related responses to this letter are provided above in Responses Collinsworth1-2 to Collinsworth1-4, above. Based on the responses provided, the Draft EIR's conclusion that wildland fire impacts would be less than significant (based on the applicable CEQA Threshold stated on page 4.7-26 of the Draft EIR) after implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project, is re-affirmed.

RESPONSE COLLINSWORTH1-6

This comment includes numerous comments on the Cielo Vista Fire Behavior Analysis Report (CVFBAR).

The analysis and conclusions contained in the Draft EIR are based upon numerous documents, including the Fire Behavior Analysis Report, the Fire Master Plan, and the Conceptual Fuel Modification Plan, as well as the facts and information contained in the Draft EIR. The Draft EIR includes a discussion of past wildfires in the area, including the Owl Fire and the Freeway Complex Fire, and the characteristics of Southern California which make it susceptible to wildfires. Moreover, the Fire Behavior Analysis Report notes that the large majority of fires within the area, as identified in the CalFire database, have burned from east to the west under high wind conditions and normally in the fall. The commenter does not identify the "various eastern points" from which rapid rates of spread are possible and were not analyzed in the Draft EIR. The fire

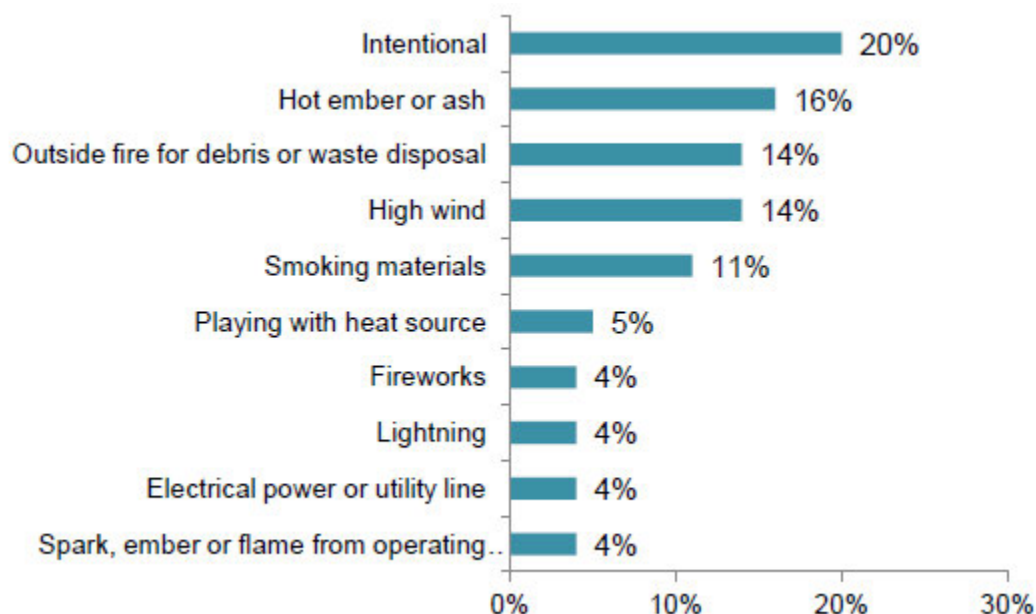
history of the project site and surrounding areas are included on page 6 and 7, respectively, of the CVFBAR with a discussion of the two fires that entered the site during the time covered by the database (over 50 years) and further speaks to the historic fire corridors that exist to the north of the project site.

The report does in fact calculate the faster rates of spread under a worst case scenario from points not only to the east but also to the west. The fire behavior was based on a worst case scenario and thus did not take credit for the improvements that will be gained by the Esperanza Hills Project were it to be constructed.

Cumulative wildland fire impacts are discussed on page 4.7-40 of the Draft EIR. As discussed therein, similar to the Project, any related project adjacent to an area susceptible to wildland fire hazards would be required to implement a fire protection plan consistent with OCFA requirements. Mitigation of potential wildland fire hazards is regulated by federal, state, and local requirements, and would be addressed on a project-by-project basis through implementation of Conceptual Fuel Modification Plans and Fire Master Plans. With regard to the adjacent Esperanza Hills Project, that Project will be required to implement a fire protection plan similar to the Project. The Esperanza Hills Draft EIR (Project No. PA120037) distributed in November 2013 by the County of Orange includes the fire protection plan for the Esperanza Hills Project. As the current Esperanza Hills site consists of vacant, undeveloped land with no fuel modification zones or measures in place, development of that site with a fire protection plan consistent with OCFA requirements would provide additional fire protection for the Cielo Vista project site and existing residential uses to the south of that site which are currently not in place. When completed, Esperanza Hills will reduce the wildland interface to Cielo Vista by removing wildland fuels from the areas to the NE of the Cielo Vista project site and replacing them with fuel modification zones, streets, and homes which constructed to current fire and building codes would be designed to keep out embers, reduce the impacts of radiant and convected heat, and have defensible space provided between them and the wildland fuels that are adjacent to them. Further, there would be a beneficial cumulative impact with the Project and the adjacent Esperanza Hills Project in reducing the potential for exposure to wildland fires on existing residential uses in the local project vicinity. Therefore, with implementation of requirements provided in the project-by-project fuel modification and fire master plans, the Project would not result in cumulatively considerable impacts relative to wildfire hazards.

According the *Freeway Complex Preliminary Report*, page 6, “none of the homes damaged or destroyed in the Freeway Fire were constructed after 1996 and thus, were not protected by provisions required by the City’s ordinance for WUI areas.” The Orange County Fire Authority’s *After Action Report for the Freeway Complex Fire* stated on page 21, “Notably, all the homes damaged or destroyed were constructed prior to 1996. Thus, they were not protected by the CFC provisions required by the City’s ordinance for WUI areas. However, the homes in Casino Ridge met the requirements of the 1996 ordinance. They were also protected by a relatively new fuel modification program. Firefighters stated they were able to focus resources and efforts on other areas of the City, as this community was developed to withstand a wildfire with little firefighting intervention.”

The most common source or cause of wildland fires is human activity. The chart below shows Brush, Grass and Forest Fires by Major Causal Factors and Type of Fire as reported by the NFPA (National Fire Protection Association) in the report entitled, “*Local Fire Department Responses to Brush, Grass or Forest Fires in 2007-2011 Fact Sheet.*”



This material was not provided for the CVFBAR as it is common to all fire in the region and is not site specific. The locations of past fires are shown in the fire history map of the CVFBAR and detailed in the discussion. The fire defense systems in place in the Cielo Vista Project are designed to work every time regardless of the frequency or direction of a possible wildland fire.

The project site resides in the jurisdiction of the Orange County Fire Authority and Orange County Sheriff. Both of these agencies are a part of the Ready Set Go program that addresses the needs to evacuate and the procedures for that evacuation process. Evacuation is a Law Enforcement function during a wildland fire emergency. It is accomplished within the Unified Command structure of the incident with input from the fire department, city, public works and law enforcement based on resources available and the specific locations and expected path of a given fire.

The Ready Set Go Evacuation website states, "Leave early! Knowing when to leave, what to take, where to go, and how to get there will prevent you and your family from being caught in smoke, fire, or road congestion while evacuating during a wildfire." The OCFA completes public education functions, inspects the wildland interface and will inspect individual homes to provide clear direction on what to do before, during and after a fire.

Specific trigger points for evacuation cannot be determined in advance beyond a general planning level as they will be impacted by weather, time of day and the location/extent of the fire.

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

The CVFBAR models the winds patterns in the wildland interface and models the fire behavior on three different aspects (N, S and E in full alignment). The slope was set at 200% for N aspects and 100% for all others. The majority of the interface is 50% or less; again, taking the worst case scenario. All other scenarios will have a lesser risk than the ones modeled.

According to FireSafe Planning Solutions, wildfire experts, Wind Ninja is the best product currently available to a fire behavior analyst. It is supplied by the Missoula Fire Lab as tools to use during actual fires to help predict fire behavior. Below is a copy of the information from the website:

WindNinja is a computer program that computes spatially varying wind fields for wildland fire application.

Wind is one of the most influential environmental factors affecting wildland fire behavior. The complex terrain of fire-prone landscapes causes local changes in wind speed and direction that are not predicted well by standard weather models or expert judgment. WindNinja was developed to help fire managers predict these winds.

WindNinja is a computer program that computes spatially varying wind fields for wildland fire and other applications requiring high resolution wind prediction in complex terrain. It was developed to be used by emergency responders within their typical operational constraints of fast simulation times (seconds), low CPU requirements (single processor laptops), and low technical expertise. WindNinja can be run in three different modes depending on the application and available inputs. The first mode is a forecast, where WindNinja uses coarser resolution mesoscale weather model data from the US National Weather Service to forecast wind at future times. The second mode uses one or more surface wind measurements to build a wind field for the area. The third mode uses a user-specified average surface wind speed and direction. Other required inputs for a WindNinja simulation include elevation data for the modeling area (which WindNinja can obtain from Internet sources), date and time, and dominant vegetation type. A diurnal slope flow model and non-neutral atmospheric stability model can be turned on or off. Outputs of the model are ASCII Raster grids of wind speed and direction (for use in spatial fire behavior models such as FARSITE and FlamMap), a GIS shapefile (for plotting wind vectors in GIS programs), and a .kmz file (for viewing in Google Earth). WindNinja is typically run on domain sizes up to 50 kilometers by 50 kilometers and at resolutions of around 100 meters. WindNinja runs on 32- and 64-bit versions of Windows XP and later operating systems (installers can be accessed on the WindNinja Software page).

Downloaded from <http://firelab.org/project/windninja> on 10/15/14

Wind Wizard is no longer available and the Fire Lab is in the process of adding additional features to Wind Ninja to insure that the parts of Wind Wizard that were superior to Wind Ninja are incorporated.

See comment from website below.

Note: WindWizard is no longer supported by the Missoula Fire Sciences Lab as the underlying software is not readily available. Much of the computational fluid dynamics (CFD) modeling within the WindWizard framework will be added to WindNinja within the next year and will be released as free software.

RESPONSE COLLINSWORTH1-7

With regards to climax vegetation, the CVFBAR accounts for fuel models gs2, sh5, SCAL18 and model 4. Model 4 fuels were modeled for N aspects. The photo below was taken 10/22/2007 a year before the Freeway Complex Fire. Clearly only the north aspects have heavy fuels. The south aspects are mostly grasses or barren. This photo represents 27 years of growth in this area (since the Owl Fire in 1980). This is shown on page 6 of the CVFBAR. Clearly the entire area is not six foot high chaparral.



Appendix C of the CVFBAR provides complete input and outputs for all Behave runs used within the CVFBAR. A copy of the CVFBAR is included within Appendix C of this Final EIR. Additionally, page 15 of the report states all of the assumptions used in the Behave modeling. They are repeated below:

Inputs for the Behave Plus Fire Behavior Model were as follows:

Moisture scenarios used are extreme. One-hour fuels at 3%, ten-hour at 4% and hundred-hour at 5%. Herbaceous live fuels are modeled at fully cured (30%) and woody fuels at 50%. Model runs have been completed for various aspects on the two wind scenarios and for an east wind with slope influences. All scenarios assumed a 100% (1:1 slope), except the north aspect influence which used 200% as the worst case. Aspects are shown on the model scenario and the spread direction is shown in 15 degree increments to show the slope effect and when and/or if it over powers the wind.

With regards to flame length calculated by the in the CVFBAR modeling results, the CVFBAR indicates that a fire burning in a Model 4 fuel that is in full alignment (running up hill, with the wind in a continuous fuel bed) can achieve a flame length of 79.9 feet. The reference to 41.8 feet is for a SCAL18 fuel. One –hundred (100) foot flame lengths are possible under extreme conditions BUT there still has to be sufficient fuel in the fuel bed on the slope to create this scenario. Cielo Vista does NOT have this condition where Model 4 fuel is directly below a structure and the wind is blowing upslope at a high rate of speed. In the case of Cielo Vista, the wind will be traveling across the slope for a N aspect rather than up it. The calculations for the N aspect

show the “slope pull” effect that moves the head of the fire from 270 degrees where it would be flat to 240 degrees. It should also be noted that the only 15 degrees off of the head of the fire, the maximum flame length is reduced by over 30 to under 49 feet. The calculations that have been made are very conservative and provide a large degree of margin to the design of the protection system for the project site.

RESPONSE COLLINSWORTH1-8

This comment is noted by the County. CEQA does not require the elimination of impacts, it only requires that significant impacts on the environment be mitigated to less than significant level. The Draft EIR complies with this directive. The California Fire Code (Chapter 49), the California Building Code, and various other design guidelines as discussed in the Draft EIR, all of which are applicable to the Project, provide standards which increase the ability of a structure to resist the intrusion of flames or burning embers projected by a vegetation fire. Please note that the Freeway Complex Fire was in 2008 and standards and regulations governing the construction of structures and fire protection measures have been revised since that incident (i.e., 2010 California Building Code). All applicable current fire protection standards, including OCFA’s updated standards most recently updated in 2014, will be applied at the time the Project starts the plan check process. This will lock in the standards and codes to be implemented by the Project.

Also, the OCFA, the County authority charged with maintaining fire safety and which completed a the Freeway Complex Preliminary Report, has reviewed and approved both the *Fire Master Plan* and *Conceptual Fuel Modification Plan*. As discussed in Impact Statement 4.7-5, with the implementation of mitigation measures, compliance with applicable regulations, and relevant project design features, the Project would result in a less than significant impact with respect to wildfires. To minimize the potential for structural ignitions, the Project would implement PDFs 7-10 and 7-11. PDF 7-10 requires the use of fire-resistant construction for all structures adjoining natural open space areas including the use of fire-resistant building materials. PDF 7-11 requires all structures to be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers.

RESPONSE COLLINSWORTH1-9

This comment lists “vulnerabilities” associated with standard brush management zones, but are not specific to the Project. The Project would implement a fire protection plan that would comply with OCFA’s standards for a VHFHSZ/SFPA (PDF 7-9) and include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines (PDF 7-12). These project design features would provide brush management in accordance with OCFA standards for a VHFHSZ/SFPA. Please also refer to Response Collinsworth1-8 for a description of PDFs that would minimize the potential for structural ignitions.

RESPONSE COLLINSWORTH1-10

The Orange County Fire Authority’s *After Action Report for the Freeway Complex Fire* stated on page 21, “Notably, all the homes damaged or destroyed were constructed prior to 1996. Thus, they were not protected by the CFC provisions required by the City’s ordinance for WUI areas. However, the homes in Casino Ridge met the requirements of the 1996 ordinance. They were also protected by a relatively new fuel modification program. Firefighters stated they were able to focus resources and efforts on other areas of the City, as this community was developed to withstand a wildfire with little firefighting intervention.”

The Casino Ridge community is directly north of the Cielo Vista project site. The slopes below the Casino Ridge community are steeper than those of the Cielo Vista project site. The Casino Ridge community has wildland fuels on slopes below homes which are directly in line with the prevailing wind. This community survived without damage or injury due to the fuel modification and building construction standards that will be present in the Cielo Vista project site.

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

With regards to flame lengths, page 19 of the CVFBAR does not have 41.8 feet value for Model 4 fuel. It has 79.9 as the maximum and the maximum for SCAL18 is 41.8. The 41.8 is used for all aspects except the north aspects where the Model 4 (79.9 feet is used).

Calculations for other projects have been done using different factors. For example, the wind direction is running relative to the slope rather than the aspect. The wind speeds are different and the assumptions on fuel moisture are significantly different. Winds are calculated at a 45 vector for one run and directly upslope and downslope for the other (Fanita). Cielo Vista calculates a 79.9 foot flame length at 50 mph (based on RAWs data) and this is not out of line with the other findings. The fact that the north aspects are not in alignment with the strong winds is important. The wind rose on page 11 of the CVFBAR clearly shows that an N wind occurs the least of any wind, including calm winds, and was never over 20 mph for the five years of data analyzed. This analysis runs from 2007 to 2012 and includes the Freeway Complex Fire.

The results for Fuel SCAL18 shown on page 19 of the CVBAR are accurate. The 15.3 foot flame lengths for SCAL18 are for the 240 degree spread. At 225 degrees, the SCAL18 has a flame length of 41.8. This is the "slope pull" influence discussed in the earlier question. It is pronounced on the N aspect because the wind is running cross slope and the slope is 200%. The sh5 fuel has a similar pull but not as great.

With regards to the Project's fuel modification zones, page 21 in the CVBAR states, "The largest flame length impacting the fuel modification zone would be less than 25 feet and well within the 2:1 ratio needed for protecting the structures. In fact, the ratio would be more in line with the 4:1 ratio required for a "safety zone" where personnel and equipment would be safe without the use of radiant heat shelters." The 79.9 foot flame lengths are not in the direction of the home BUT even if they were, the 170 foot fuel modification zone provides a 2:1 ratio for the hardened structure. The 4:1 ratio is for a safety zone and that would not be located in the back yard of the home between the fire and the structures. The safety zone would be at the front of the house, if not inside it, behind the structure and well out of harm's way. As was proven at Casino Ridge, these fire protection systems do work.

The project site has been designed to provide safety to the residents in their homes. Ready Set Go will provide the means for early evacuation but in the even that residents remain, they will be safe. Firefighters make decisions on the placement of resources based on current and expected fire conditions. A frontal assault on a fire in the green (wildland) is not an option for this topography and fuel arrangement. This means that the fire tactics will be indirect. Fire approaching homes will be attacked from the air and by the use of fuel breaks, fuel modification zones and fire breaks (non-burnable surfaces or areas). Each situation is different and predefined escape routes or safety zones are not possible. What is possible is to create areas that could function as safety zones or escape routes when the fire actually occurs. Interior portions of the

development qualify (4:1 ratio flame length to distance to wildland) as safety zones. This is how that works. The thinning zone will drop the maximum flame length to under 40 feet. The distance from the Zone B/Zone C interface is over 200 feet from the street in front of the homes. This is 5 times the distance of the largest flame length possible. This is by definition, a safety zone. [Note: 150 foot of that distance is on the flat portion of the project site.]

RESPONSE COLLINSWORTH1-11

First, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

The selection of Alternatives to the Cielo Vista Project was based on CEQA Guidelines Section 15126.6. Per CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project and an EIR need not consider an alternative if its effects cannot be reasonably identified, its implementation is remote or speculative, or if it would not achieve the basic project objectives. As suggested by the CEQA Guidelines, and as described on page 5-1 of the Draft EIR, the range of alternatives selected in the EIR is governed by the “rule of reason,” that requires the identification of only those alternatives necessary to permit a reasoned choice between the alternatives and the proposed Project. The CEQA Guidelines also emphasize that the selection of project alternatives be based primarily on their ability to reduce environmental impacts relative to the proposed project. Thus, the selection of alternatives was based on variations that have the potential to reduce the Project’s environmental impacts. Table 3-1, *Comparison of Impacts Associated with the Alternatives and Impacts of the Draft EIR*, in Chapter 3.0 of this Final EIR identifies the impact areas that would be reduced under each alternative when compared to the Project. In addition, the selection of alternatives was based on the ability of an alternative to attain most of the basic objectives of the Project. These objectives, which focus on development, design, and environmental objectives, are provided in Chapter 2.0, *Project Description*, and in Chapter 5.0, *Alternatives*, on pages 2-9 and 5-3, respectively. The alternatives analysis is not required to evaluate a project or set of proposed Project objectives not analyzed in the Draft EIR.

Based on the CEQA Guidelines, four alternatives were included in the Draft EIR Alternatives analysis, including the No Project Alternative as required by CEQA Guidelines Section 15126.6(3). A fifth alternative has been added in this Final EIR. The No Project Alternative assumed the Project would not be approved and no new development would occur. The range of alternatives addressed numerous means for reducing the Project’s potentially significant impacts.

A Draft EIR’s alternatives discussion satisfies CEQA if it allows decision-makers and the public to evaluate the comparative merits of the proposed Project to the alternatives on an impact-by-impact basis in the relevant environmental categories (*Mira Mar Mobile Community v. City of Oceanside*, 199 Cal.App.4th 477, 491 (2004)). According to CEQA Guidelines Section 15126.6(d), a Draft EIR must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.” A matrix may be included, “displaying the major characteristics and significant environmental effects of each alternative.” Significant effects may be discussed in less detail than the proposed Project. Table 5-1 displays the characteristics and significant environmental effects of each of the alternatives. Moreover, the alternatives were discussed on an environmental topic-by-topic basis, and were also analyzed and compared to the Project, consistent with the CEQA Guidelines. The analysis of each

alternative concluded with an evaluation of how well the particular alternative satisfied the Project Objectives. Based on the foregoing reasons, the Draft EIR alternatives evaluation was undertaken in compliance with applicable CEQA requirements.

This comment requests that a new alternative be provided that incorporates the suggested design recommendations to reduce wildland fire hazards. However, the Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. An EIR need not consider an alternative which it would not lessen a significant impact identified in the EIR. (*North Coast Rivers Alliance et al. v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614.) The OCFA has approved the Project's preliminary Fire Master Plan and Fuel Modification Plan, which is discussed in detail in Section 4.7 of the Draft EIR. The Project's Fire Master Plan would comply with or exceed the OCFA's standards for Very High Fire Hazard Severity Zone/Special Fire Protection Areas (VHFHSZ/SFPA). As wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures and PDFs, and a reasonable range of alternatives was provided in the Draft EIR, no new alternatives need to be further analyzed. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE COLLINSWORTH1-12

This comment in support of the No Project Alternative is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE COLLINSWORTH1-13

Please refer to Response Collinsworth1-6 for a discussion of cumulative impacts with the Esperanza Hills Project. Please also refer to Topical Response 3 regarding emergency access. The commenter is referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills project is not part of the Cielo Vista Project.

RESPONSE COLLINSWORTH1-14

The comment summarizes the commenter's opposition to the Project, as well as the comments contained in the letter. The comment is general and, therefore, no further response is required. Nevertheless, responses to specific comments contained in the letter are provided in Responses Collinsworth1-1 through Collinsworth1-13.

9222 Lake Canyon Road
Santee, CA 92071

January 22, 2014

Mr. Ron Tippets
300 N. Flower Street
Santa Ana, CA 92702-4048

RE: Cielo Vista Project EIR – Supplemental Comments

Dear Mr. Tippets,

Please consider the following supplemental comments upon the Cielo Vista Project EIR related to the Public Safety impacts of the Project.

State of Emergency Declaration by the Governor of California¹

The EIR and CVFBAR should consider the State of Emergency as it relates to water supply for the Project, water supply for fire suppression, the expectation for more severe fire behavior and recirculate its findings.²

WHEREAS the State of California is experiencing record dry conditions, with 2014 projected to become the driest year on record; and

WHEREAS the state's water supplies have dipped to alarming levels, indicated by: snowpack in California's mountains is approximately 20 percent of the normal average for this date; California's largest water reservoirs have very low water levels for this time of year; California's major river systems, including the Sacramento and San Joaquin rivers, have significantly reduced surface water flows; and groundwater levels throughout the state have dropped significantly; and

WHEREAS dry conditions and lack of precipitation present urgent problems: drinking water supplies are at risk in many California communities; fewer crops can be cultivated and farmers' long-term investments are put at risk; low-income communities heavily dependent on agricultural employment will suffer heightened unemployment and economic hardship; animals and plants that rely on California's rivers, including many species in danger of extinction, will be threatened; and the risk of wildfires across the state is greatly increased; and

¹ <http://gov.ca.gov/home.php>

² California Drought Brings 'Unprecedented' Fire Danger, Joseph Serna, Los Angeles Times, January 18, 2014.

WHEREAS extremely dry conditions have persisted since 2012 and may continue beyond this year and more regularly into the future, based on scientific projections regarding the impact of climate change on California's snowpack; and

WHEREAS the magnitude of the severe drought conditions presents threats beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State of California due to current drought conditions

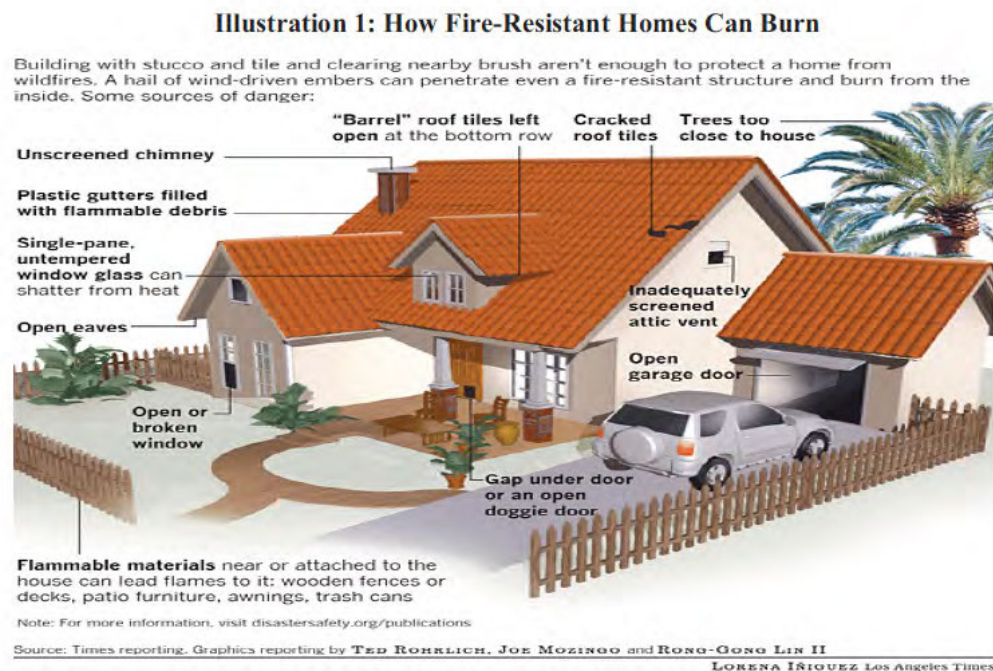
Within the context of Governor Brown's finding "*that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope*", it is important to recognize that the Yorba Linda Water District could not provide sufficient reliable service during the Freeway Complex Fire prior to the current State Of Emergency. Furthermore, the Water District position was that the water system met standards and the size of the fire front was excessive.

*"...water supply problems are not uncommon in catastrophic events such as the Freeway Complex Fire. It also is important to note that the vast majority of homes that were damaged or destroyed were in areas where water pressure and water flows were available during the firefighting activities...There is no way to guarantee that the magnitude of a natural disaster such as the Freeway Complex Fire will not overwhelm even the most robust water system."*³

³ Freeway Complex Fire Disaster Response & Water System Assessment, Yorba Linda Water District, January 8, 2009, pages 5 & 24. Report: Reservoir ran dry, pumps were shut down during fire, Erin Welch, Orange County Register January 8, 2009. Note that the fire was not "natural" as it was ignited by a vehicle malfunction.

Closer analysis of the 2008 Freeway Complex Fire incident needs to be provided to integrate measures that will avoid and mitigate fire impacts

The CVFBAR needs to provide a map of all the structures damaged and destroyed during the Freeway Complex Fire. The map should include fire points of origin, rates of spread and weather conditions during the most damaging burn periods. This information should be utilized to analyze the Project's impacts upon evacuation potential for the Project and its vicinity during Santa Ana wind driven fires originating from the most damaging points of origin at the most damaging time periods. The map should include the specifications for the fuel modification zones at the closest WUI for the damaged/destroyed structures. The CVFBAR is inadequate without providing more than just "worst scenario" for flame length. Even fire resistant homes with standard fuel modification zones are vulnerable to wildfire.⁴



The damaged or destroyed homes in Yorba Linda had many of the more traditional features that protect homes from flames and radiant heat. In some cases, these features are also effective in protecting homes from embers. However, in a wind driven fire storm, additional protection is necessary.

The information compiled on the map should also be used to discuss prospective decisions to evacuate or "stay and defend" property – which is an issue of

⁴ Freeway Complex Fire After Action Report, OCFA, Page 19.

controversy for the Project and its vicinity. This issue has been raised in the press and differing official positions have been reported.⁵

"Officials in Orange County began scaling back on their local version of the 'Stay and Defend' plan and began focusing on early evacuation and fire prevention instead. On Feb. 10, OCFA Chief Chip Prather announced to residents of Silverado Canyon that the 'Stay and Defend' policy would not work with Orange County."

Firefighter Safety and Performance Expectations:

Considering that *"no structure in the path of a wildfire is completely without need of protection,"*⁶ more analysis needs to be provided with a focus upon firefighter safety. Firefighter escape routes and safety zones, and their potential decisions to defend structures for the worst Santa Ana wind driven fire points of origin, time periods and worst weather conditions require analysis.

There have been at least 327 wildland firefighter fatalities in California since 1926.⁷ Because of the social and political climate associated with expectations for firefighters to defend property during wildfires, the Project's configuration relative to topography should be analyzed and the conditions that firefighters are expected to engage, decline deployment or retreat from specific portions of the Project described.

*"Wildland firefighters today are spending more hours fighting fires than ever before, and they are engaging fires of historic magnitude. The risk environment associated with wildland fire is being re- defined, and firefighters too have begun to redefine their own culture as a professional endeavor."*⁸

After a review of wildland firefighter fatality incidents, the CVFBAR should describe the conditions that would cause firefighters to reject assignment or retreat.⁹ The "Lesson Learned" analyses of fire behavior and firefighter fatality incidents are

⁵ Fire Officials Shift from 'Stay and Defend' to 'Ready, Set, Go', Salvador Hernandez, Orange County Register, May 27, 2009. New County Plan Would Train Homeowners to Fight Fires, Salvador Hernandez, Orange County Register, January 15, 2009.

⁶ Incident Response Pocket Guide, National Wildfire Coordinating Group, PMS461 NFES 1077, January 2010, page 12.

⁷ Wildland Fire Accidents by State, National Interagency Fire Center, page 2. Wildland firefighter fatalities nationwide exceed one thousand since 1910, page 24. http://www.nifc.gov/safety/safety_documents/State.pdf

⁸ Trends in Wildland Fire Entrapment Fatalities...Revisited, James R. Cook, National Wildland Firefighters Association, February 2013

⁹ Reference Freeway Complex Fire Incident Narrative – Map 4 Corona Fire Engine 5—Near Miss Entrapment, Freeway Complex Fire After Action Report, OCFA, Pages 31 & 47.

relevant and available.¹⁰ A firefighter near miss occurred on the Freeway Complex Fire.

“Approximately 9:27 a.m., a tragedy almost occurred when COR E5 became surrounded by fire and experienced a burn-over event. When the Freeway Fire began, COR E5 was on scene of a medical aid in a neighborhood less than a mile away. Once COR E5 cleared the medical call, it contacted COR Dispatch and was assigned to the fire. COR E5 chose to access the fire from a service road between the fire origin and the threatened homes. This decision put COR E5 in a dangerous position between the main fire and the threatened homes, with unburned vegetation between the crew and the fast moving head. Within minutes, the COR E5 Captain radioed they were being overrun by fire and were unable to escape. COR BR1, supported by multiple water drops from ORC HC41 and HC241, rescued the trapped firefighters and averted a tragedy. This event resulted in minor burns and smoke inhalation to two firefighters assigned to COR E5. Incident Narrative – Map 4 is a map showing the near miss entrapment.”

Convective Heat

The CVFBAR does not address safety issues related to convective heat transfers. Potential for convective heat transfers should be examined relative to topography, firefighter safety, evacuation and potential property location.

Thank you for considering these supplemental comments,



Van K. Collinsworth
Wildland Fire Expert / Natural Resource Geographer¹¹

CC. Supervisor Todd Spitzer
Kevin K. Johnson, APLC

Attachment:

Freeway Complex Fire Disaster Response & Water System Assessment, Yorba Linda Water District
Freeway Complex Fire After Action Report, Orange County Fire Authority

¹⁰ <http://www.youtube.com/user/WildlandFireLLC?feature=watch>

¹¹ Van Collinsworth is a Natural Resource Geographer and former US-Forest Service Wildland Firefighter. Collinsworth has reviewed environmental documents during the last 20 years (including Fire Protection Plans) and provided expert depositions to the courts in regard to these documents.

LETTER: COLLINSWORTH2**Van K. Collinsworth**

9222 Lake Canyon Road
Santee, CA 92701
(January 22, 2014)

RESPONSE COLLINSWORTH2-1

The Draft EIR addressed wildland fire impacts, and fire severity, in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. Please refer to Response Collinsworth1-4 for a discussion of water supply for firefighting purposes.

Page 4.7-34 of the Draft EIR provides a cross-reference to Section 4.15, *Utilities and Service Systems*, which addresses water supply (supporting data provided in Appendix J of the Draft EIR). The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035.³ Moreover, the Project does not represent a significant increase in service demand.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions depending on the severity of drought conditions.⁴ The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

³ Yorba Linda Water District Final 2010 Urban Water Management Plan.

⁴ Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD's water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

The commenter has not provided any significant new information which requires recirculation of the Draft EIR. Please also refer to Topical Response 2, which discusses water supply.

RESPONSE COLLINSWORTH2-2

Please refer to Response Collinsworth2-1 above.

RESPONSE COLLINSWORTH2-3

This comment requests mapping of structures burned and damaged during the 2008 Freeway Complex Fire, along with other fire-related data from the Freeway Complex Fire to be assessed in the CVFBAR. As noted in the Draft EIR, the Project will not result in any significant wildfire impacts, thus no additional mitigation measures need be considered or incorporated. The CVFBAR provided an assessment of the risks related to wildfire by taking into consideration existing/future vegetative interface fuels, topography, and weather conditions. It was prepared using generally accepted methodology for evaluating potential fire behavior. The CVFBAR was submitted with the fuel modification plan to OCFA as support to the adjustment/modification of zones and the establishment of special maintenance areas. The CVFBAR outputs are the design criteria for the performance based fuel modification plan that was submitted and approved by OCFA. Moreover, the CVFBAR considered the fire history of the area, including specifically the Freeway Complex Fire. Data such as fire points of origin and rates of spread during the 2008 fire would not be applicable to the future Cielo Vista development condition as the landscape of the Cielo Vista project site would change when compared to existing conditions. That is, the Cielo Vista Project would provide fuel modification in certain areas within the project site that currently have no fuel modification. The effect of the Project's fuel modification would not only provide fire protection for its residences, but also for residences to the west and south of the project site since no fuel modification currently exists in these areas.

Furthermore, the CVFBAR considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those

conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the CVFBAR are appropriate for addressing wildland fire impacts resulting from implementation of the Project.

Please also refer to Topical Response 3 for a discussion of emergency access. With regard to “stay and defend” tactics, the County acknowledges that there are different opinions on this tactic. However, the determination of implementation of such a tactic for a specific property owner is ultimately at their discretion. As discussed in Topical Response 3, emergency evacuation/access would be available to the Project and surrounding residences during a wildland fire event.

RESPONSE COLLINSWORTH2-4

The Draft EIR addressed impacts on public services, including fire protection services, in Section 4.12, *Public Services*, of the Draft EIR, with supporting data provided in Appendix J of the Draft EIR. As described therein, fire protection, prevention, and emergency medical services for the project site are provided by the OCFA. The OCFA has mutual aid agreements with all fire agencies in the State and automatic aid agreements with all agencies in the County. Also, the OCFA has an agreement for service with the United States Forest Service (USFS). The USFS provides fire suppression and preparedness, hazardous fuels reduction, wildfire suppression, and national fire and emergency support. Under the California Fire Mutual Aid Agreement, CAL FIRE and federal agencies such as the USFS provide mutual aid for fires in federal lands and in areas designated as State Responsibility Areas (SRAs). The project area also has an automatic aid agreement with the City of Anaheim to provide the third engine responder.

The OCFA and all other fire agencies provide training to its firefighters to maximize safety on an individual and team basis. Firefighters are trained to identify fire conditions that would allow them to stay and fight a fire, or reject an assignment and retreat. However, any particular wildfire event would present variable conditions (i.e., extent of available resources, severity of fire, weather conditions, etc.) that would affect a firefighter’s decision in the field to engage and fight a fire, or reject an assignment and retreat. It would be speculative to predict the conditions of a wildfire at the project site that would cause a firefighter to engage and fight a fire, or reject an assignment and retreat, as such decisions are based upon a multitude of factors and the nature of the specific wildfire. Thus, further analysis of firefighter escape routes, responses, and safety zones is not warranted in this CEQA analysis (per CEQA Guidelines Section 15145).

RESPONSE COLLINSWORTH2-5

The CVFBAR calculates the fireline intensity of the flaming front for the worst case scenario. It also analyzes the wind flow for a N, NE and SW wind as they would flow through the project site. Heat rises and the majority of the heat from the flaming front will rise and go up with the smoke column. Some of this heat will be carried ahead of the fire by the wind.

In the context of ignition through exposure to heating, the current understanding amongst fire experts suggests that a separation distance between flammable vegetation and the structure of 10 to 40 m is sufficient to prevent ignition. Fire Safety Journal 43, 565–575 suggests adding 20% to the safety zone calculations for convection issues. For the Cielo Vista safety zone, the 40-foot flame lengths at the Zone B/Zone C interface require 160 foot to the safety zone. Twenty percent (20%) additional makes the distance

192 feet (200 feet is available) making the safety zones for the entire project site within the current established parameters.

From: Paul Dayles [<mailto:pdayles@earthlink.net>]

Sent: Friday, December 27, 2013 3:22 PM

To: Kim, Judy

Subject: Cielo Vista Project, att. Ron Tippetts

This letter is directed to Mr. Ron Tippetts, reg. Publ. Notice of Draft Environ. Impact Report

This letter is in response to the planned building of approx. 500 homes named the Cielo Vista Project, directly and dramatically impacting not only the many hundreds of people nearby but also most of the people of Yorba Linda.

My wife and I strongly oppose this project because it will very seriously impact us for ENVIRONMENTAL, ECONOMIC, PERSONAL, LIFE ENDANGERMENT AND LIFESTYLE reasons.

Please do not let this happen. Those investors can make their money other ways without causing so much havoc on the lives of all of us here. Let them create their wealth elsewhere. They can move, we cannot.

Below are our reasons and sentiments in detail. You may not need/want to read all this if you only need to know that we are opposed to this outrageous project, which will also set a precedent if approved.

We find it **incomprehensible** how Orange County OC Planning Services can state:
Based on the analysis in the Draft EIR the Project will not result in any significant and unavoidable environmental impacts.

How can anyone who makes such a statement believe for a second that if a couple of thousand cars start going by his/her own house each day that the air quality, noise, pollution, life style, home value etc. is not going to affect him/ her and his/her family dramatically? Either this person is totally ignorant, intentionally lying, or making this statement for monetary gain or political power gain. I cannot fathom any other reason.

The statement totally ignores the impact that thousands of

additional car/trips a day are now going to use streets that were never meant to accommodate this kind of traffic. Stonehaven is a two lane residential street, never meant to accommodate thousands of car trips a day.

It is criminal that a couple of very wealthy people could be allowed to destroy the life of hundreds and hundreds of people who made the largest investment of their life expecting to be able to enjoy the safety, beauty, quality of life of this Yorba Linda area. **Only so these developers can increase their wealth.**

They claim they have a right to exploit their investment. They knew full well the problematic issues when they did but obviously expected to get around them by convincing Orange County of the windfall for them at the expense of the citizens of Yorba Linda. Damn the proven safety issues, life threatening conditions when another fire hits the area, destroying the wildlife, plant life and beauty of the hills, AND the enormous negative economic impact on each one of us.

No governmental organization representing its citizens should allow this project to go forward. If they do, they obviously are not representing and looking out for their constituents but are thinking of the aforementioned "special" interests.

Environmental Impact

Air: thousands of car trips will leave their air pollution foot print, impacting the people living on the streets such as Stonehaven. We strongly object to have Orange County tell us that I have to accept the exhaust gasses from all these cars going by our house. Since

we live near the intersection with Y.L. Boulevard, countless cars will sit at the intersection idling their engines while waiting for the lights or waiting in long, long lines to drop off their children at school. No impact you say? Would you like to see the daily soot already being deposited on our house and us by the traffic on Yorba Linda Boulevard?. **Have you observed the traffic jams when parents bring their kids to school in the morning, the almost endless line of cars during the peak hours??**

When you look around Yorba Linda Streets, most homes have three to four cars in the driveway. Even though some of the homes in the Cielo Vista projects may start out with 2 cars, within a few years traffic will quadruple in number of trips per day.

Traffic: if anyone evaluated the situation without being predisposed to OK the project, he/she would see there is already a very, very difficult situation with the traffic at Stonehaven/Y.L. Blvd. at certain times of the day. Adjusting the traffic lights (as one totally idiotic spokesperson gave as a solution at one of the meetings) is too silly for a serious response.

Y.L. Boulevard has already been enormously impacted over the last few years since another politician, then mayor Mr. Gullixson lied to

everyone in Yorba Linda by claiming that if we OK'd Shell's proposal to widen and "beautify" Imperial Highway, traffic on Yorba Linda Boulevard would be dramatically reduced. What a lie, but it worked, people were taken in by the slick commercials and voted for it. The same is happening again. A very intensely and well funded campaign ousted two of the strong opponents to the project on the Yorba Linda city council and were replaced by two very "pro" people. "Damn the consequences" for the people who will be impacted, the people whose interests they are supposed to represent.

Safety: As those of us who have lived and gone through the fires in 2008 know, traffic on Y.L. Blvd. and all streets leading to it, where a total disaster. Evacuation was a huge problem then and some of us lost our homes and belongings because of it. I was one of the lucky ones who was able to save my house because I knew how to get there through side streets not yet closed or totally obstructed.

Don't tell us that a thousand additional cars trying to come down the hill in panic via Stonehaven are not going to make a difference. Totally irresponsible. People will die, as anyone who was closely involved at the previous fire, will

attest to the danger you are putting is in. How can you ignore this, allowing this to take place?

Economic Impact

City:

Orange County wants to approve the project for obvious reasons: they will reap the profits but do not have to fund the additional police, schools, fire protection, water, traffic control, street maintenance etc. etc. The need for additional school(s), fire protection, water etc. will economically impact every citizen of Yorba Linda. Just look what already has happened during the past ten years. Simple example: to provide the thousands of new homes built during the last 10 years, our water costs has gone up by almost 150 percent!!

Personal :

Because of the difficult overall economic situation, most of us now have less money to spend and still we are asked to approve **the building of 1 to 2 million-dollar homes and in order to accommodate them, the present residents will face higher costs for their utilities and taxes (water imports, schools etc.). Additionally, the values of our properties nearby will go down substantially** because who will want to buy property that faces very heavy traffic on their street, impossible situations at the nearby intersections, noise levels like a highway, air pollution, no open windows at night, overcrowded schools etc. We will be taking a financial hit. Do you care?

Lifestyle Impact

Just so that a couple of wealthy investors can make more money, is Orange County going to allow them to destroy the lifestyle and endanger the lives of all the people who already

live there and have spent their life-time investments on their homes?

These investors obviously do not care that they will very negatively impact the lives of all the people already there. After they make their money, they will go elsewhere and will not have to deal with what they did to us. We however, will lose the quiet around our houses, the beauty of the hills behind us, will have to pay more for living here even though our property value will seriously decline and now also, and most importantly, will have to live with the fear that when the next fire hits us, as it will, we may not survive or our home may not. **And your approval of their plans will set a precedent for even more homes to be built there in the future, obviously.**

Why do we, long-time citizens of Yorba Linda have to give up so much because a couple of shrewd investors want to make a lot more money? What rights do they have because they simply had the money to buy land that should have been designated a wild life protected area in the first place?

Do they, because of their well-calculated investment, have the right to endanger the lives and of the citizens already living there? Does their well financed and well organized campaign to minimize the negatives have preference over the well being and rights of the hundred upon hundreds of the citizens of Yorba Linda?

I hope that each of you responsible for the final decision, reflects seriously on how he/she personally would feel if this would happen to them, reflects on suddenly having your quiet residential street turn into a highway, having to live with the noise and

pollution suddenly upon you, facing long lines of cars getting out of your house, worrying about the devaluation of your property, losing the peace and quiet that you bought your house for, the danger of where you will be when the fire hits and how you or your family can or cannot reach safety.

Please do not let this happen. Those investors can make their money other ways without causing so much havoc on the lives of all of us here. Let them create their wealth elsewhere. They can move, we cannot.

Signed: Mary Ann and Paul Dayles
21730 Allonby Circle
Yorba Linda, CA 92887

LETTER: DAYLES**Mary Ann and Paul Dayles**

21730 Allonby Circle
Yorba Linda, CA 92887
(December 27, 2013)

RESPONSE DAYLES-1

The commenter states that the Draft EIR's conclusions are inappropriate, but fails to specifically identify which conclusions or provide any evidence in support of commenter's assertion. The Draft EIR addressed noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, noise impacts would be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The Project is anticipated to contribute fewer than 50 peak hour trips to the intersection of Stonehaven and Yorba Linda Boulevard and the addition of Project traffic was found to also change the ICU value by less than 1% (or 0.01). As such, the County of Orange and City of Yorba Linda staff agreed (via the scoping process) that focused intersection level operation analysis is not needed for this intersection, consistent with the County's CMP and the City's traffic study guidelines. The access to Yorba Linda Boulevard and associated traffic patterns will change from what the commenter observes with the implementation of the Project and signalization of Via del Agua and Yorba Linda Boulevard. The Project access point is far closer in proximity to Yorba Linda Boulevard via Via Del Agua than to Yorba Linda Boulevard via Stonehaven. Although existing residents have been observed to travel north to Stonehaven to utilize the signalized intersection at Stonehaven and Yorba Linda Boulevard, this behavior is anticipated to decrease as the Project intends to signalize the intersection of Via del Agua at Yorba Linda Boulevard, making that intersection the most logical access point to Yorba Linda Boulevard from the project site. With the proposed signalization of Via del Agua and Yorba Linda Boulevard, it will be

more efficient for vehicles exiting from the project site to utilize the intersection of Via del Agua and Yorba Linda Boulevard to make either a left or right turn.

Also, please note that economic and social impacts are not environmental impacts for purposes of CEQA. (CEQA Guidelines § 15382.) This comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE DAYLES-2

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The Draft EIR includes a Carbon Monoxide "Hot Spot" analysis to determine whether the addition of cars and any changes in intersection level of service would have the potential to exceed applicable state and federal standards. The Project will not result in any significant impacts related to CO Hot Spots. Also, as noted in Table 4.2-10, emissions from mobile sources were determined to be less than significant. Moreover, as noted in Section 4.14, *Traffic/Transportation*, the intersection at Via del Agua and Yorba Linda Boulevard will improve with implementation of the prescribed Mitigation Measure 4.14-2 required for Project implementation.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The Draft EIR's traffic analysis did consider traffic associated with dropping off children at school. As noted in the Draft EIR, the Weekday AM Peak Hour utilized for the analysis was 7:00 AM and 9:00 AM, during which the majority of parents drop their children off at school. As discussed in the Draft EIR, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As to the number of cars associated with each residence in Yorba Linda, the Draft EIR utilized a trip generation rate for single family residences provided by the Institute of Transportation Engineers, a well-regarded trip generation authority.

RESPONSE DAYLES-3

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Response Dayles-1 for a discussion of traffic along Stonehaven Drive, along with its intersection at Yorba Linda Boulevard.

RESPONSE DAYLES-4

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE DAYLES-5

Contrary to the commenter's point, the County will not reap profits from the Project. Future residents will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. There is no extra money left over from these sources, and by law, government cannot make a profit. As for service facilities, Draft EIR Chapter

4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12-13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Street maintenance is provided for by the County General Fund. With respect to water services, the Yorba Linda Water District (YLWD) recently completed the Northeast Area Planning Study which will require infrastructure improvements to serve new development with such improvements to be paid for by new development.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on existing residents. As for water costs, the County is unaware of any increase of YLWD residential rates amounting to 150% over 10 years. Nevertheless, purely economic impacts to individual residents are not environmental impacts that require analysis under CEQA. (See CEQA Guidelines 15131(a)).

RESPONSE DAYLES-6

Please refer to Responses Dayles-1 and Dayles-6 regarding economic and social impacts.

With respect to traffic, with the addition of the Project, the intersections of Aspen Way/San Antonio Road and San Antonio Road/Yorba Boulevard for Planning Area 2 and Via Del Agua/Street "A" for Planning Area 1, these intersections will continue to operate at an acceptable Level of Service "A" or "B" as shown on in Table 4.14-11 on page 4.14-42 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before Project traffic would be added. However, the LOS at this intersection would be improved to LOS B with implementation of Mitigation Measure 4.14-2 as prescribed for the Project in the Draft EIR. So, contrary to the commenter's observation, the Project will not create a heavy traffic impact on local streets.

As discussed in Draft EIR Section 4.2, *Air Quality*, and specifically shown in Table 4.2-9 on page 4.2-27, thresholds for the criteria pollutants will not be exceeded by the Project, which indicate that Project impacts will be less than significant. The same can be said for traffic-related noise impacts which are shown as being less than significant in Tables 4.10-7 through 4.10-10 of Section 4.10, *Noise*, in the Draft EIR.

Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

RESPONSE DAYLES-7

Please refer to Responses Dayles-5 and Dayles-6.

The project site east of the City is located in the unincorporated county where the General Plan Land Use Element designation of "1B" allows for a residential density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation for this area is low density residential allowing up to one

dwelling unit per acre with a maximum of 536 dwelling units. This Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan’s density restrictions. Both General Plans envision this area for single family homes. To the extent that residential development is permitted, the hillside areas immediately east of the City have already been planned for development and will take on a different character from the present setting with a new single family community which is planned for compatibility with the existing homes in the area.

From: Kent Ebinger [<mailto:kebinger@lee-associates.com>]

Sent: Tuesday, January 21, 2014 2:00 PM

To: Tippetts, Ron

Cc: Spitzer, Todd [HOA]

Subject: Cielo Vista project

Ron;

The EIR that was done for the Cielo Vista project, is full of PHD, BA & BS experts, with their study and data. Like CPAs, it proves figures lie, and liars figure. I hope you are not expecting the homeowners to get technical, and respond to these elaborate figures? I am taking the practical approach, and with that I ask the following questions:

- 1) What benefit besides more traffic congestion, is Yorba Linda and/ or its current residents, receiving from this project? Please be specific.
- 2) Has a traffic study been done, when a reverse 911 evacuation is ordered?
- 3) If not, does that not place a huge question, on the traffic study methodology?
- 4) If not why, and be specific?
- 5) Are not the residents of Yorba Linda (that experienced this "mass exodus" during the complex fire), the best judge of what should or should not be done, for their wellbeing?
- 6) If not why? Please be specific.

I look forward to your response.

Respectfully

Kent Ebinger | Senior Vice President

License ID# 01078237

Lee & Associates | Industry, Inc.

Direct: 562.568.2031

Fax: 562.568.2081

Mobile: 714.334.1462

13181 Crossroads Pkwy N, Suite 300

City of Industry, CA 91746

LETTER: EBINGER**Kent Ebinger**

13181 Crossroads Parkway N, Suite 300
City of Industry, CA 91746
(January 21, 2014)

RESPONSE EBINGER-1

With respect to traffic, with the addition of the Project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1, these roads will continue to operate at optimal level of service “A” as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable level of service “F” during the AM peak period without a traffic signal even before Project traffic would be added. So, contrary to the commenter’s observation, the Project will not create “more traffic congestion” on local streets.

RESPONSE EBINGER-2

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE EBINGER-3

The commenter does not specifically challenge any of the analyses or conclusions contained in the Draft EIR. The decisionmaking and/or approval processes are outside the scope of the Draft EIR, which analyzes the potential environmental impacts of the Project. However, note that the Draft EIR did address wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access. The Draft EIR provides adequate information, with respect to all the resource areas analyzed in the Draft EIR, to ensure that the decisionmakers and the public are informed of the potential environmental impacts of the Project. (*Al Larson Boat Shop v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 748.)

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William Ensign
4805 Via Del Corral
Yorba Linda, CA. 92887

January 21,2014

Ron Tippetts/OC Planning
300 No. Flower St. 3rd Floor
Santa Ana, CA. 92702

RE: Proposed Cielo Vista Development

Mr. Tippetts:

After attending EIR Community Open House's for Cielo Vista (Dec. 16,2013) and Esperanza Hills (Jan. 16,2014) it is our belief these two projects must be addressed as ONE! (They work very hard at distancing themselves from one another.) Cielo Vista is proposing 112 homes, Esperanza Hills (a possible) 380 homes. These 500 homes will use the same ingress, egress that connect with Via Del Aqua, a small 2 lane street, which would be expected to carry 4,000 to 5,000 cars per day, over and above the existing residents. This does not even begin to address emergency situations. Could the fault be with Yorba Linda planning, who have known of these future projects since the mid 90's. and took NO ACTION?

Has the county (that professes to be neutral) done a traffic study? Has the Yorba Linda Traffic Commission done a study? Any kind of study? The only studies done, including traffic, fire(emergency response and evacuation), water and flood control (this is important to us because there is a flood control easement on our property) have been done by developers! We would welcome independent studies. Developers can buy experts to say what they want. As taxpaying residents we lack funds, and it appears we have no ally in this endeavor. Our city supervisors are not neutral, and have gone against the will of the people.

In closing, Cielo Vista hopes to annex into Yorba Linda upon completion, however the project does not comply with Measure B, voted on by the citizens. In this current environment, is bad behavior once again going to be rewarded?

Enclosed is a letter written Aug. 6, 2012 addressing the concerns(many listed on the comment form) that we STILL have regarding Cielo Vista.

Thank you for your consideration,



William Ensign
lynnbeefbill@roadrunner.com

Ms. Channary Lang

OC Public Works/OC Planning

300 N. Flower St.

Santa Ana, CA. 92702-4048

Cielo Vista Project (Project No. PA 100004)

1. Aesthetics

Our homes have 1/2 - 1 acre lots. The proposed homes have small lot sizes that are inconsistent with our existing neighborhoods. Second concern: The land will be developed and the economic downturn (especially in housing) still continues. Will we have empty pads, unfinished houses and streets to plight the neighborhood?

2. Biological Resources

Protection and active management of wetland and wildlife communities for hundreds of dependant species. CA has lost approximately 95% of these types of habitats.

3. Cultural Resources

The change in topography will destroy the reason why we chose to live in this area of Yorba Linda rather than an urban one.

4. Geology/Soils

We are nearly on top of the Whittier Fault (earthquake July 2008). Can the movement of large amounts of earth contribute to seismic activity?

In the last 26 years we have experienced vibrations throughout our home. Could this be low level seismic activity? Would that increase by large amounts of earth being relocated?

5. Hazard/Hazardous Materials

The Sage property has several (or more) producing oil wells. How will these existing wells and storage be effected when earth is being moved and housing is in place? (Could spillage and seepage be an issue?)

6. Hydrology

We have a natural flow of water across the lower part of our property. For 26 years we have never had a flooding issue. Will the reformation of the hills have an impact on the natural water flow thus creating a heavier flow(of water) undermining the slope to the higher section of our property?

7. Land Use and Planning

Lack of parks and other recreational areas for high density housing.

8. Population/Housing

The proposed entrance off of San Antonio/Aspen Way only provides entrance/exit to a very few homes. The burden will be on Via Del Aqua. During certain times of the day it is impossible to exit onto Yorba Linda Blvd. An additional traffic light would only increase congestion on Yorba Linda Blvd.

9. Public Services

On November 15, 2008 there was a total lack of police and fire department to assist in evacuating the area. Since this was the case, how will existing public services (in this age of cut-backs) cope with public safety in an increased population?

Increased burden on our already overcrowded schools.

10. Utilities and Service Systems

During the Freeway Complex Fire of 2008 many in the area encountered water shortages which led to the loss of many homes. How does the county intend to address this issue? We live in a high fire danger area. Additional housing will increase this danger.

William H. Ensign

4805 Via Del Corral

Yorba Linda, CA. 92887

LETTER: ENSIGN**William Ensign**

4805 Via Del Corral
Yorba Linda, CA 92887
(January 21, 2014)

RESPONSE ENSIGN-1

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills project is not part of the Cielo Vista project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE ENSIGN-2

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The traffic analysis under Impact Statement 4.14-1 beginning on page 4.14-21 includes the traffic volumes generated by both the Esperanza Hills Project and the Cielo Vista Project on the local roadway circulation network under both the Opening Year and Horizon Year forecasts. Also, the traffic analysis evaluates two access scenarios for the Esperanza Hills Project, which is separate and distinct from the Project. First, the analysis evaluates traffic impacts assuming their primary access is provided from Via Del Agua/Stonehaven Drive. Second, Esperanza Hills is considering an alternative access route via Aspen Way. As such, an additional analysis was performed for the intersections that could potentially be affected by the change in travel patterns resulting from the proposed access alternative via Aspen Way for the Esperanza Hills Project. The purpose of assessing the access alternative is to identify any additional near-term and long-range cumulative impacts that could potentially occur with the change in proposed access. Under either scenario, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. On June 2, 2015, the Orange County Board of Directors approved the Esperanza Hills Project, with two potential access options – Option 2B and Modified Option 2. Although these access options are not part of the Project, the impact analysis for a new alternative added to this Final EIR—a Modified Planning Area 1 Only Alternative (Alternative 5) reflects the County's approval of the Esperanza Hills Project, and for purposes of the cumulative impacts analysis, evaluates these access options as related projects.

RESPONSE ENSIGN-3

The commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

Regarding the City's involvement with the Project, a Notice of Preparation of an EIR was issued on July 5, 2012 soliciting input on the scope and content of the environmental information to be included in the EIR. A scoping meeting with the community was held on July 19, 2012 before preparation of the Draft EIR began. A 75-day draft comment period on the Draft EIR opened on November 7, 2013 and extended through January 22, 2014. A community open house on the Project was held on December 16, 2013. The scoping meeting and the community meeting were held at the Travis Ranch Activity Center. Additionally, Project information was periodically updated on both the County Public Works and City web sites. The Draft EIR was also posted on both web sites. The City provided extensive comments on the Draft EIR in a letter dated January 22, 2014.

The City has been involved with this Project through its inception and has prepared comments on the Draft EIR in furtherance of its interests to supplement comments provided by the City and community in response to the Notice of Preparation, at and after the scoping meeting and at and after the community meeting.

RESPONSE ENSIGN-4

It is standard practice by the County and many jurisdictions to allow developers to obtain private consulting companies to prepare technical studies (i.e., traffic, hydrology/water quality, etc.) for a proposed development project as part of the CEQA environmental review process. Such technical studies prepared by experts in their respective fields of study are reviewed and approved by the County during the CEQA environmental review process. This approach is consistent with CEQA standards and has been validated by the courts. (See, e.g., CEQA Guidelines section 15084(d); *Friends of La Vina v. County of Los Angeles*, 232 Cal. App. 3d 1446 (1991)). In addition, the analysis and results of the technical studies are incorporated into the Draft EIR, which has been subject to public review and comment. The public review period allows members of the public and applicable Federal, State, regional, and local government agencies to comment on the technical studies and Draft EIR. Through County review and approval, as well as public review during the CEQA environmental public review process, the analysis and results of applicant-sponsored technical studies are validated.

RESPONSE ENSIGN-5

Because the project site is located in the unincorporated area of the County and is being processed through the County, the City's Measure B does not apply to the Project. Measure B applies only to property within the City boundary. Should the Project Applicant choose to seek annexation of the property to the City in the future, the applicability of Measure B would be considered at that time.

RESPONSE ENSIGN-6

The Draft EIR addressed aesthetic impacts in Section 4.1, *Aesthetics*. To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges between 1.04 and 1.96 dwelling units per acre.

The County's General Plan Land Use Element designation of "1B" suburban residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation of low density residential at up to 1.0 dwelling units per acre states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints. The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions.

This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE ENSIGN-7

Regarding the commenter's concern that the Project may remain unfinished in the continuing economic downturn, should the Project's vesting tentative tract map be approved, all improvements attributable to the project developer, typically grading and infrastructure, must be secured usually through a bond or letter of credit to ensure that if the developer does not complete the vesting tentative tract map improvements, unfinished grading and adverse soil conditions will be stabilized and infrastructure will be completed to a certain extent so that the site can be secured for an indefinite period of time even if the Project is not completed by the Project Applicant, but can be by a subsequent developer. Multiple letters or credit and/or bonds assure that the project site is secured and made inert pending completion so that it does not create conditions which adversely affect the adjacent communities. These requirements will be adopted as conditions of approval for the vesting tentative tract map, if approved.

RESPONSE ENSIGN-8

The Draft EIR addressed impacts on biological resources, including wetland and wildlife communities, in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE ENSIGN-9

The County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation of Low Density Residential at up to 1.0 dwelling unit per acre states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Also, the Draft EIR on page 4.1-2 in Section 4.1, *Aesthetics*, references the City's hillside development zoning regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and -32. This consistency analysis concludes that the Project's open space area and concentration of the development envelope in two planning areas would ensure that intermediate and long range views of hillside locales and visually prominent ridgelines and canyon would not be altered, including preservation of the primary east-west canyon within the central open space portion of the project site.

RESPONSE ENSIGN-10

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE ENSIGN-11

Please refer to Topical Response 4 regarding geology and faulting. Geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. The County cannot speculate on the low-level vibrations at a specific home. However, Section 4.5 does provide an analysis of seismic impacts that could occur as a result of Project implementation. As discussed therein, seismic impacts would be less than significant with implementation of the prescribed mitigation measures. In addition, Section 4.10, *Noise*, of the Draft EIR includes an analysis of groundbourne vibration and noise under Impact Statement 4.10-2 beginning on page 4.10-27. The analysis indicates that the Project's construction activities would not result in perceptible ground-borne vibration to nearby residential uses.

RESPONSE ENSIGN-12

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped. Project Design Feature (PDF) 7-1 on page 2-33 of Section 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Therefore, before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development. The commenter's concern over spillage and seepage will also be addressed through the closure and capping requirements imposed by the State Department Of Oil, Gas And Geothermal Resources and the County.

RESPONSE ENSIGN-13

Hydrology and drainage impacts were addressed in Section 4.8, *Hydrology and Drainage*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed under Impact Statement 4.8-2 beginning on page 4.8-25 of the Draft EIR, the Project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements such that the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Compliance with applicable regulatory requirements and implementation of the project design features would ensure impacts regarding changes in drainage patterns and stormwater flows are less than significant.

RESPONSE ENSIGN-14

The Project is being processed through the County because the property is located in an unincorporated area within the County's land use jurisdiction. However, it may be annexed at some future time to the City. As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted

on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition.

At this time, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks And Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13, *Recreation*, addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

RESPONSE ENSIGN-15

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that traffic conditions at the intersection of Via Del Agua and Yorba Linda Boulevard are currently deficient based on applicable City of Yorba Linda and County of Orange regulatory traffic standards. The Project would add traffic to this currently deficient intersection. Thus, the Draft EIR prescribes Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable under both the City and County's traffic standards. Accordingly, the potentially significant impact at this intersection would be reduced to a less than significant level with implementation of the prescribed mitigation measure.

RESPONSE ENSIGN-16

Please refer to Topical Response 3 for a discussion of emergency access. Also, the Draft EIR addressed public service impacts, including impacts on schools and police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE ENSIGN-17

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space.

RESPONSE ENSIGN-18

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site,

including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. For additional information, please see Topical Response 2.

From: Irwin Fried [<mailto:irwinfried3@gmail.com>]

Sent: Thursday, January 23, 2014 10:57 AM

To: Tippetts, Ron

Cc: cyoung@yorba-linda.org

Subject: cielo vielo and esperanza hills developments in yorba linda

Dear Mr. Tippetts,

I am writing with respect to the above identified developments.

I write from the perspective of an individual who has served as a Planning Commissioner (4 years) and a City Councilman (16) years. During that time I have participated or observed the intense conflict between cities over the acquisition of territory lying in "spheres of influence" adjacent to both of them.

The developments under discussion do not adjoin any other city, only Yorba Linda. Under that unique circumstance, in my opinion, to ignore the standards of zoning, density, grading, ingress of emergency vehicles, water resources adequate to deal with fires, and other issues normally associated with the development within a city, when the development has no place to go other than Yorba Linda is somewhat unusual, and unfair.

I assume that the developers wish to develop under County of Orange standards in order to escape standards of the Yorba Linda which they consider more onerous, affecting their bottom line. This is understandable.

However, the County of Orange has a duty and responsibility to recognize the interests of the citizens of Yorba Linda.

I hope that the County of Orange will help the City of Yorba Linda to maintain the standards which have made the City the "Land of Gracious Living".

Irwin M. Fried

LETTER: FRIED**Irwin M. Fried**

(January 23, 2014)

RESPONSE FRIED-1

The commenter's general observation that the Project may at some time in the future become part of the City is correct. An application for annexation can be filed with the Local Agency Formation Commission either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed.

Therefore, to ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use and Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and -17 indicate that the Project will adhere to the City's Residential Urban (RU) zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU zone's key site development standards -- building height, setback and parking requirements. Moreover, the Final EIR includes a new alternative -- the Modified Planning Area 1 Only Alternative (Alternative 5) -- which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. With respect to roadway design, project design feature (pdf) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

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From: Lawrence Friend [<mailto:lfriendcpa@yahoo.com>]

Sent: Wednesday, January 22, 2014 8:43 AM

To: Tippetts, Ron

Subject: Cielo Vista, Esperanza Hill

Ron,

The Friend family has owned our parcel since the mid 50's. As a point of interest 160 acres of the Chino Hills State Park was once owned by the Friend Family. We believe the Chino Hills Park provides more than enough open space in the area. The Chino Hills State Park has created a financial burden on the state and has been on the state closure list in the past.

We currently hold title to our land in Bridle Hills Estates, LLC. We are in favor of the Esperanza Hills project and view it as the highest and best use of the land.

Bridle Hills Estates, LLC submits the attached comment letter on behalf of the entire Friend family.

Sincerely, Richard L Friend

Kevin Canning
Ron Tibbets
Contract Planners
County of Orange
300 N. Flower
Santa Ana, CA

Re: Cielo Vista and Esperanza Hills Proposed Developments

Dear Kevin and Ron:

Bridal Hills Estates, LLC owns approximately 47 acres situated north and east of the Cielo Vista project site, and north and east of the Esperanza Hills project site. Cielo Vista, Esperanza Hills and our land is part of the 630 acres referred to in the City of Yorba Linda General Plan as the "Murdock Property".

This comment letter applies to both projects.

Historical access to our site has come from both the Cielo Vista site and the Esperanza Hills site, over roads that still exist today or roads to be constructed in the future. Our family is familiar with and has used these roads for decades, as we leased much of this land for ranching for years. We believe that the County should ensure that our site will have continued access over these roads, or roads to be constructed in the future, and proper planning principles, common sense, and the responsibility of being a good neighbor should apply to both projects, so that access and utilities are provided for in their respective project designs.

We have worked with the Esperanza Hills developers on their project design, and they have accommodated our request for access and utilities to be run to southern boundaries of our site. We have a Cut/Fill Agreement in place with Esperanza Hills that should benefit both of our properties, and we have approved their current design, but want to ensure that if there are any design changes it does not adversely affect access or utility service to our land.

It is our understanding that the Cielo Vista project has included a potential access corridor in their Area Plan, on page 33, and that the Esperanza Hills project has designed two access options, 2A and 2B over this area, and that Esperanza Hills has also identified two other access options, Options 1 and 2, which provide for primary access from Stonehaven and Aspen Way, respectively.

It is our belief that all of these options are consistent with the City of Yorba Linda General Plan, which was adopted in 1993. It provides that access to our property and the properties owned by the Nicholas Long family, which is currently part of the proposed Esperanza Hills project and the Yorba Linda Land, LLC property, which lies to the north of our land, are to be served by access from the south and west, via easements to be given by the property owners to the south and west of us, which would include land included in the Cielo Vista and Esperanza Hills projects.

We also agree with the August 2, 2012 NOP comment letter issued by the Yorba Linda Water District on the Cielo Vista project, which is the sewer and water utility provider for this area, that the Cielo Vista

project should provide an easement for gravity flow sewer through the Cielo Vista project for both the Cielo Vista and Esperanza Hills project, and we further request that accommodation be made for extension of this sewer service to our property, as is currently provided for in the Esperanza Hills project.

We further understand that the Yorba Linda Water District has completed its Northeast Area Planning Study, which provides for the installation of underground water reservoirs on sites located on the Esperanza Hills project site, at the 1200' and 1390' elevations, which will eventually provide water gravity fed water storage for all properties in the 630 acre unincorporated area referred to above, and we will, at some point, enter into an agreement with the Yorba Linda Water District and/or the Esperanza Hills developers for the water storage necessary to serve our property should we decide to develop it in the future.

We oppose any effort by the Cielo Vista developers or property owners to entitle their land without providing access to our property through the Esperanza Hills property, as they have stated they would do in their NOP public meeting, and request that the County require that they provide access as part of the approval for their Area Plan. If Cielo Vista is denied approval of their entitlement request, we request that the County use its eminent domain powers to obtain a right of way easement over the Cielo Vista project for use by our property and the Esperanza Hills development as currently designed, which provides access to our property.

We believe that the County has a responsibility under the Subdivision Map Act to ensure that both Cielo Vista and Esperanza Hills provide access and utility access through their properties to all of the unincorporated areas east of the City of Yorba Linda and west of Chino Hills State Park, so that future development of our property and any other properties are properly planned, taking into account future development. The Esperanza Hills developers have agreed to make this access part of their existing design and the Cielo Vista owners and developers should be required to as well.

Finally, we support the fire staging areas, emergency ingress and egress plan, fuel modification and trail system designs for the Esperanza Hills project, which we believe benefit our property and the surrounding existing neighborhood, particularly from a fire safety standpoint.

Should you have any questions, please contact me directly.

A handwritten signature in cursive script that reads "Richard L. Friend". The signature is written in dark ink and is positioned above a horizontal line.

Richard L. (Larry) Friend
Manager
Bridal Hills Estates, LLC
13301 Flint Drive
Santa Ana, CA 92705
714 809-3873

LETTER: FRIEND

Bridal Hills Estates, LLC
Richard L. Friend
13301 Flint Drive
Santa Ana, CA 92705
(January 22, 2014)

RESPONSE FRIEND-1

The comment raises an issue of continued access to specific property owned by the commenter, Bridal Hills Estates, LLC, but does not raise any significant environmental issue related to the analysis or the conclusions contained in the Draft EIR. Moreover, the comment discusses access issues in the context of both the Project and the Esperanza Hills Project. As discussed in Topical Response 1, the Esperanza Hills Project is separate and distinct from the Project. Thus, any comments specifically relating to that project, including a Cut/Fill Agreement or potential design changes, are outside the scope of the Draft EIR.

Exhibit 4-1, *Master Circulation Plan*, of the Cielo Vista Area Plan did, in fact, include a potential access corridor. However, the Cielo Vista Area Plan is a conceptual document that has subsequently been refined during the environmental review process. Figure 2-6, *Master Circulation Plan*, in Section 2.0, *Project Description*, of the Draft EIR represents the current circulation plan. It is not clear from the comment which access roads might run through the Project site. Assuming the commenter is referring to the Bridal Hills Estates, LLC property as identified in the Esperanza Hills Initial Study, continued access to the commenter's property will be provided as part of the Esperanza Hills project. The EH IS specifically states that access to Bridal Hills Estates, LLC parcel will be provided for in the Esperanza Hills Project proposed project lot and street design. (EH IS at 1.) The commenter's request that the County ensure continued access as set forth in the Esperanza Hills proposed project appears to be directed to the County in connection with its consideration of the Esperanza Hills Project and not the Cielo Vista Project.

With respect to commenter's request that the Project provide an easement for sewer service to the Esperanza Hills Project and the commenter's property, please see Topical Response 1, which discusses how the Esperanza Hills Project is not part of the Project. The Draft EIR fully and appropriately evaluated the potential environmental impacts on utilities and services systems associated with development and operation of the Project. Moreover, as required by Mitigation Measure 4.15-1 and discussed in Topical Response 2, the Project Applicant would work with the Yorba Linda Water District to ensure that required storage water facilities, supporting infrastructure, and other related improvements would adequately deliver water and the necessary fire flow to the project site. To the extent the comment requests the extension of sewer services to the commenter's property, the comment is outside the scope of the Draft EIR.

The comment raises issues outside the scope of the Draft EIR, specifically future agreements between the commenter and the Yorba Linda Water District should the commenter decide to develop its property. The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required. Also, as commenter notes, development of its property is uncertain and speculative.

RESPONSE FRIEND-2

The comment is noted, but as it pertains exclusively to future access to the commenter's property, it does not raise any issues with the analysis or conclusions in the Draft EIR and is outside the scope of the analysis in the Draft EIR. Therefore, no further response is required. Please see Response Friend-1 for a discussion of access to the Bridal Hills Estates, LLC property.

RESPONSE FRIEND-3

The commenter expresses support for certain aspects of the Esperanza Hills Project. The Esperanza Hills Project is a separate project which has been analyzed in a separate EIR. See Topical Response1. The commenter does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required.

January 16, 2014

Ron Tippetts
Orange County Public Works
Environmental Planning Division

Dear Mr. Tippetts,

I recently moved my family to Yorba Linda from Anaheim. I was born and raised in the shadow of Disneyland my entire life. For the last 45 years, I could set my watch and know exactly when the fireworks show starts at 9:35pm. After living in our first home for 12 years in Anaheim, we made a large investment and bought a home in Yorba Linda for a better life for my family. Quality of life is important to us.

When searching for a home in Yorba Linda, the first thing that we noticed while looking for our home was that we loved that we could see the stars at night. That was the one thing that really stood out to us that set our home apart from our home in Anaheim. WE COULD SEE THE STARS AT NIGHT! We have serious concerns about the aesthetics of the proposed Cielo Vista Project and one of them is that if these houses are built we will no longer enjoy our Dark Skies that we love. The Cielo Vista Draft Environmental Impact Report clearly states that there is no light or glare currently generated in this area. The sheer amount of ambient light that this project, as well as the Esperanza Hills project, will diminish our night sky views. In no portion of the Cielo Vista Draft Environmental Impact Report does it address the impact that the amount of ambient light from these homes will have. The DEIR states "there would be for the most part no potential issues for light spill" but, has ZERO factual support to back up this summary conclusion. Where is the empirical data to support the developer's claims?

In reviewing the Cielo Vista Draft Environmental Impact Report, it appears that there are further gaping holes and lack of information supplied by the developer. The wildlife in the area in nearby Chino Hills State Park will most certainly be affected by the introduction of brighter LED style lights that will certainly cause a shift in the predator/prey balance. If coyotes, owls, bobcats and mountain lions can no longer hunt effectively because they do not have the cover of darkness, how does that affect our delicate ecosystem here on the edge of Chino Hills State Park. The developer of the proposed Cielo Vista Project does not address how this will affect the wildlife. If the predator/prey balance shifts will I see more predators in my backyard looking for food? How safe will my family be? How safe will my animals be? This is an imperative piece of information and, frankly, has not even been addressed in the Cielo Vista Draft Environmental Impact Report. Light intrusion and its affects on nocturnal animals MUST be addressed by the County and the Developer.

Aesthetics are a key element to any development, however, it should be known that the proposed Cielo Vista development and it's various plantings of vegetation will certainly create ladder fuels . Currently, there are no large street or shade trees in the areas as outlined by the DEIR. This makes a ladder fuel situation impossible once the houses are built. As the trees and shrubs that the developer plants mature and grow, this will allow the next fire that comes through the canyon to spread much more rapidly ... endangering my home. At no point in the Cielo Vista Draft Environmental Impact Report does the developer address possibility of creating a ladder fuel situation throughout their proposed development. This is a large concern for citizens of Yorba Linda, especially during Santa Ana Wind conditions.

It is very clear to me that the Cielo Vista Draft Environmental Impact Report makes many summary conclusions with no factual support. With a project that is this large and impacts not only the residents, but the wildlife, the County of Orange cannot approve the Cielo Vista project without requiring the developer to provide factual support on the environmental impact.

Best Regards,

A handwritten signature in black ink, appearing to read "Brian Gass". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Gass".

Brian Gass
21180 Ridge Park Drive
Yorba Linda, CA 92886

LETTER: GASS**Brian Gass**

21180 Ridge Park Drive
Yorba Linda, CA 92886
(January 16, 2014)

RESPONSE GASS-1

The Draft EIR addressed lighting impacts in Section 4.1, *Aesthetics*. Operational lighting impacts are discussed on page 4.1-26. As discussed therein, it is acknowledged that the project site does not currently include any light sources. Thus, Project implementation would result in an increase in ambient light within the project site. The lighting associated with the Project would be typical of single-family residential uses, such as that generated by the residential uses to the north, south and west of the project site. Given the distance of the proposed residences from existing residences, there would be no significant issues related to light spill. All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting (PDF 1-9). Per the County requirements, all lights would be designed and located so that direct light rays would be confined to the premises. No lighting as part of the Project would be cast directly outward into open space areas. Based on these considerations, the Project would not create a new source of substantial light which would adversely affect day or nighttime views in the project area and as such, lighting impacts would be less than significant. To ensure that all Project lighting is implemented in a manner consistent with County Code requirements, Mitigation Measure 4.1-1 has been prescribed for the Project. This mitigation measure requires a demonstration of compliance with County Code Section 7-9-55.8 ensuring that the Project’s lighting plan provides downward directed “night sky friendly” lighting.

RESPONSE GASS-2

The Draft EIR addressed lighting impacts in Section 4.1, *Aesthetics*. Existing night lighting is widespread to the north, west and south, resulting from the project study area being adjacent to an urbanized setting. A discussion providing context to indirect impacts such as lighting can found on page 4.3-23. Indirect impacts are those that involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to the project site.

The Draft EIR notes that nighttime lighting impacts would be significant if they interfere with or intrude into sensitive land uses or native habitat that supports sensitive animal species, among other things. The analysis concludes that lighting impacts would be less than significant, noting that all exterior lighting would be directed downward and “night sky friendly,” in compliance with Orange County Code of Ordinances Section 7-9-55.8 (PDF 1-9). In accordance with the Section 7-9-55.8 and PDF 1-9, all light would be designed and located so that direct light rays would be confined to the premises and no lighting would be cast directly outward into open space areas. However, in addition to Project Design Feature 1-9, Mitigation Measure 4.1-1 on page 4.1-27 is provided to further ensure that lighting is designed to avoid spillover effects. The effects of night lighting on common wildlife is included in the analysis of indirect impacts found on page 4.3-27 of

Section 4.3, *Biological Resources*, of the Draft EIR. Please refer to Response CDFW-2 for further discussion of nighttime lighting.

While it is acknowledged that the common wildlife species currently utilizing habitats on the site would for the most part avoid the development envelope of the Project, these indirect impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region. Response CDFW-1 provides a discussion of the developed area of the project site in context with the size of Chino Hills State park. As discussed therein, the project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only approximately 0.5 percent. Based on the above, the predator/prey balance will not be substantially different than currently found in the project area. Accordingly, based on the information and analyses contained in the Draft EIR, no further analysis of lighting impacts is required.

RESPONSE GASS-3

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. This comment expresses concerns regarding the potential for fuel ladders from new, larger and mature trees planted by the Project. A fuel ladder is a firefighting term for live or dead vegetation that allows a fire to climb up from the landscape into the tree canopy. Common fuel ladders include tall grasses, shrubs, and tree branches, both living and dead. Wildland fire impacts are discussed under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR. As discussed therein, per project design feature (PDF) 7-13, the Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. The Project's plant palette would not include vegetation such as tall grasses and shrubs beneath or near larger trees, which could result in fuel ladders. The landscape plan would include fire-resistant plants in accordance with OCFA guidelines for very high fire hazard severity zones (VHFHSZ). Further, the Project would implement a fire protection plan (PDF-7-9) and include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines (PDF 7-12). As discussed under Impact Statement 4.7-5, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

From: Ron Hamilton [<mailto:ron@tuffermfg.com>]

Sent: Tuesday, January 14, 2014 8:52 AM

To: Tippetts, Ron

Subject: Cielo Vista

Dear Mr. Tippetts,

I'm writing to you as I would like to be added to the list of Yorba Linda residents that have serious reservations about this project and its impact on our city and our way of life. I hope that you would step in and support myself and all of the Yorba Linda residents that oppose this project going forward.

Sincerely,

Ron Hamilton

LETTER: HAMILTON**Ron Hamilton**

(January 14, 2014)

RESPONSE HAMILTON-1

The role of County Planning Staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and project goals to provide recommendations on the disposition of a project to the decision-makers.

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From: Holbrook Floyd [<mailto:f-holbrook@sbcglobal.net>]

Sent: Thursday, November 07, 2013 7:51 PM

To: Tippetts, Ron

Subject: Cielo Vista Project

Mr. Tippetts,

It is my understanding that you are conducting an Environmental Impact Study for the Cielo Vista Project in Yorba Linda. As an OC planner, I am sure you will never make everyone happy. Positions of leadership are wonderful aren't they?

I hope that your analysis will include a "walk through" the area. When you do, I know the study will not favor the developer's plan. Why do I say that? Because, without more infrastructure (roads) the entrée project will put countless people's safety at risk.

As we all know, it's not a matter of if, but a matter of when the next fire will occur. If you have not seen the pictures of the November 15th fire that made our neighborhood look like a "war zone," then let me know and I will send them to you.

The addition of this number of homes, without more exit points is a DISASTER waiting to happen. Obviously, that is not what you or I would ever wish for.

As an California businessman, I do not want more government involvement and regulation. However, as an American citizen, I expect my government leaders to protect our communities and make sure that nobody puts us at risk. You cannot have an accident on the 91 and expect to get anywhere quickly. The same will hold true with this project. Add more traffic and not create any more exit points??? Even to a casual observer, that does not make sense.

Anyway, I do not want to send you a long, threatening or disrespectful letter, but rather a very simple email that says: **"...please come look at the site and ask yourself if you would make the same decision if you lived in this neighborhood."**

Thank you for your time and for your leadership,

Floyd Holbrook

LETTER: HOLBROOK

Floyd Holbrook
(November 7, 2013)

RESPONSE HOLBROOK-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: sdbphd@aol.com [<mailto:sdbphd@aol.com>]

Sent: Tuesday, January 14, 2014 4:22 PM

To: Tippetts, Ron

Subject: RE: Cielo Vista Project

Dear Sir,

As a long time Yorba Linda resident, I would like to add my voice to the concerns about traffic ingress/egress for the Cielo Vista Project. Please consider the traffic flow very carefully, particularly in a crisis situation.

During the 2008 Freeway Complex Fire, even Imperial Highway, a large several lane street, was heavy with traffic.

I urge you to reconsider the safety of a plan to put in 500 homes with so few avenues for access.

Thank You,

Stephanie Holzner

Yorba Linda Resident

LETTER: HOLZNER

Stephanie Holzner
(January 14, 2014)

RESPONSE HOLZNER-1

Please refer to Topical Response 3 regarding emergency access. Also, Section 4.14, *Traffic/Transportation*, of the Draft EIR thoroughly analyzed traffic impacts associated with the Project, which proposes 112 single-family homes, not 500 as commenter suggests.

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From: Jan Horton [<mailto:jan@horton4yl.com>]
Sent: Wednesday, January 22, 2014 1:56 PM
To: Tippetts, Ron
Subject: Ceilo Vista Project in Yorba Linda - EIR Response

Please be advised that I oppose continuing with this project until the following conditions are met:

The plan of the entire area with the multiple property owners is vetted. Developing this area piece meal is poor planning and only will result in significant impacts on the City's ability to respond to disaster and the comfort of the existing homeowners.

Any project in this area, needs to include two ingress and egress points that do not rely solely on Via del Agua, Stonehaven and San Antonio. In 2008, we experienced the Freeway Complex Fire and that particular area had an impossible time evacuating the area. Avoiding loss of life during that disaster was only by the Grace of God. Adding additional homes to the already overloaded streets without a secondary outlet is poor planning. It appears the developers in the area are addressing traffic patterns for everyday life. I and the community are VERY concerned about the ability to safely evacuate in the next disaster. This area is adjacent to the State park that has become seeded with non-native, highly flammable vegetation. It is also riddled with Earthquake fault lines. It is not about if there will be another disaster, it is about When will there be another disaster.

You need to make sure that when planning for evacuation, a complete plan is in place including evacuation of large animals and residents with special needs. If the roads are clogged with cars descending, how do you expect emergency personnel to reach the animals or residents with Special needs? Does any of these plans have a method of identifying which homes house Seniors/ individuals with special needs or those with large animals? How will you keep lookie loos out of the area from the various access points. People were using Bastanchury road up the back way to access these disaster areas.

Please place this project on hold until all proposed projects including Esperanza Hills and other sites being considered for development are included in the analysis. Do not piece meal this project and allow the City of Yorba Linda to have a greater say in the development standards and planning.

Sincerely

Jan Horton

LETTER: HORTON**Jan Horton**

(January 22, 2014)

RESPONSE HORTON-1

Please refer to Topical Response 1 regarding the separation of the Esperanza Hills and Cielo Vista Projects during the CEQA environmental review process, with Esperanza Hills being properly analyzed as a related project for purposes of Cielo Vista's cumulative impacts analysis. Also, please note that the Draft EIR evaluated the impacts of the Project along with other past, present, and probable future projects producing related or cumulative impacts, as is required by CEQA. (See Chapter 3.0, *Basis for Cumulative Analysis*.)

RESPONSE HORTON-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE HORTON-3

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. The evacuation plans and procedures in place would apply to all residents and households within the project area. Each household would be responsible for being able to follow and implement evacuation procedures, as necessary.

RESPONSE HORTON-4

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impact purposes and in the Draft EIR's analysis of growth inducing impacts. Please note that the Draft EIR evaluated the impacts of the Project along with other past, present, and probable future projects producing related or cumulative impacts, as is required by CEQA. (see Chapter 3.0, *Basis for Cumulative Analysis*.)

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January 4, 2014

Mr. Ron Tippets
Planning Services Director
300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Re: Cielo Vista Project

Dear Mr. Tippets:

I have reviewed the EIR for the Cielo Vista Development Project and have a number of concerns after attending the Community Open House. We appreciate the efforts of you and your staff to document the impact this development will have on our daily lives but there are a number of flaws in the assessments of traffic, public safety, emergency access, density and environmental impact to the community.

The Traffic/Transportation assessment 4.14 did not include the intersection of La Palma and Yorba Linda Blvd, which is a high traffic intersection due to congestion on the 91 freeway and motorists taking side streets to avoid the gridlock. In addition, the major flaw of the traffic assessment is that it did not take into account the evacuation of all residents in the event of a fire. With only one access road out of the development, it will be a deathtrap for residents when the next fire occurs. We experienced this situation first hand in 2008 and adding 450 more homes to the hillsides evacuation will be impossible. In fact, the access roads for ingress and egress into the developments are the property of the City of Yorba Linda, but our city is not a party to the approval of this project, which is a major concern to the residents of Yorba Linda since the City of Yorba Linda will ultimately be responsible for providing access to the development through Aspen Way or Via Agua, as these are city streets and will be under the purview of the city of Yorba Linda.

Public Safety should be a major concern of the Planning Committee, the County of Orange, and the City of Yorba Linda. The way in which this development and the sister development of Esperanza Hills are being submitted, is an outrage to the citizens of Yorba Linda. It is appalling to us as lifelong residents of the County of Orange, that this development can circumvent the City of Yorba Linda's authority by submission to the County. In essence, the City of Yorba Linda will be responsible for these residents in terms of public safety, so the County has the ability to approve these two development projects and walk away and leave the City of Yorba Linda liable for the protection and welfare of the inhabitants. When the next fire occurs, it will be impossible to evacuate all the residents in time to avoid fatalities as there will be an additional 1500 residents in the hills. We experienced this first hand in November 2008, when residents are evacuating, there was no emergency access for fire, ambulance, or police as the access roads are filled with cars exiting the hills. Without additional access roads that will be utilized by emergency vehicles, it will be impossible to gain access to San Antonio Road and Via Agua during a fire. Not to mention the gridlock on Yorba Linda Blvd, La Palma, and Fairmont.

The EIR does not address how an additional 119 homes will be serviced by the existing 1 fire engine and 3 fire fighters at station 32. The mitigation measures in 4.7-11 do not address the fire hazards or safety of the existing residents, only the fact that the existing one engine will be able to handle the needs of

the additional homes in Cielo Vista. It fails to mention the impact of the additional 350 homes being built in the sister development Esperanza Hills. Fire station 32 cannot handle the expansion of 450 homes and would require a secondary fire station to be built to support these developments near La Palma and Yorba Linda Blvd.

Section 4.7 with Hazards and Hazardous Materials Mitigations 4.7.1-6 indicate that there is an extreme hazard due to the oil drilling and oil impact to the soil surrounding these hills. The grading of this area will cause significant harm to the air quality and the impact on the residents during this extensive grading process. Although, there are steps taken to mitigate the impact, it is not stringent enough to protect the residents from the health impact of breathing this contaminated air and pollution. Due to the Santa Ana Winds which blow through the canyon at speeds of over 30 miles an hour, there must be additional mitigation includes daily air quality readings and discontinuance of grading if the air quality is impacted. The SCQMD Rule 1166 should be monitored daily to ensure the project complies with the AQMD regulations and an AQMD assessor should be at the Cielo Vista site daily to take readings to ensure enforcement of satisfactory air quality. If the air quality does not comply with regulatory limits then the construction process must cease until the AQMD readings are compliant. In addition, if wind speeds are over 5 miles per hour on any day during the grading or construction period, the process should be halted until wind speeds decrease to prevent additional contamination to the surrounding areas. The AQMD assessor should validate this on a daily basis.

Another concern of this project is the density and zoning considerations. This property is zoned R1 and would require a zoning change to allow construction in the density indicated. I am opposed to this zoning change and want to keep the hills undeveloped. The impact on wildlife and vegetation will be severe. We want to protect Yorba Linda from the overdevelopment and overcrowding of surrounding areas. Protect the wildlife and open undeveloped space.

Respectfully,

Karen Hosford
21155 Ridge Park Drive
Yorba Linda, Ca

LETTER: HOSFORD**Karen Hosford**

2115 Ridge Park Drive
Yorba Linda, CA
(January 4, 2014)

RESPONSE HOSFORD-1

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway and beyond, including La Palma Avenue, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, the intersection of Yorba Linda Boulevard and La Palma Avenue, was appropriately not analyzed as a study area intersection in the Draft EIR. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

Also, please refer to Topical Response 3 regarding emergency access. The Project includes the development of 112 single family residences, not 450 as suggested by commenter. In addition, public services impacts, including maintenance of roadways, were addressed in Section 4.12, *Public Services*, of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, where appropriate.

RESPONSE HOSFORD-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please note that the Draft EIR did evaluate the public service impacts, including fire, police, and schools, on the City of Yorba Linda (see Section 4.12, *Public Services*).

RESPONSE HOSFORD-3

The Draft EIR addressed public service impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, fire protection, prevention, and emergency medical services for the project site are provided by the OCFA. The closest OCFA fire stations to the project site that would provide fire protection and emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. In the event of wildfire or other

major emergency, the OCFA has mutual aid agreements with all fire agencies in the State and automatic aid agreements with all agencies in the County. Also, the OCFA has an agreement for service with the United States Forest Service (USFS). The USFS provides fire suppression and preparedness, hazardous fuels reduction, wildfire suppression, and national fire and emergency support. Under the California Fire Mutual Aid Agreement, CAL FIRE and federal agencies such as the USFS provide mutual aid for fires in federal lands and in areas designated as State Responsibility Areas (SRAs). The project area also has an automatic aid agreement with the City of Anaheim to provide the third engine responder. Thus, there would be more services available than just those within Station 32 or Station 10 to fight a wildfire.

Further, the Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires. As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. No new fire protection facilities would be necessary as a result of Project implementation. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate fire protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees. To ensure that the Project pays its fair share funding of improvements regarding fire protection services, Mitigation Measure 4.12-1 has been prescribed for the Project requiring the Project Applicant to enter into a Secured Fire Protection Agreement with the OCFA. The OCFA determined that such an agreement will mitigate any additional fire service impacts resulting from the Project. (Appendix J, *Public Services and Utility Correspondence*, at 13.) Although the project site would be adequately served by existing resources, the Project's participation in the Agreement would ensure that the Project would participate in funding the expansion of capital improvements and equipment needed to provide adequate fire protection services to the project site.

The need for fire protection services in consideration of the Project and the Esperanza Hills Project are addressed in the "Cumulative Impacts" section on page 4.12-13 of the Draft EIR. As discussed therein, while new development projects could place burdens on fire protection and emergency medical services potentially resulting in significant impacts to service providers, compliance with the California Fire Code (CFC) and OCFA standard conditions, implementation of fire protection plans, where required, payment of fees and annual property taxes on a project-by-project basis would avoid potentially significant cumulative adverse impacts on fire protection and emergency medical services by providing the necessary equipment and staff to allow for maintenance of service response times. Consideration of new fire station facilities are made at the discretion of OCFA based on their applicable service standards and criteria. The Project's payment of development impact fees and annual property taxes from future new residents would provide the Project's fair share contribution towards future fire protection facilities, as necessary.

RESPONSE HOSFORD-4

As indicated in Table 4.2-8 on page 4.2-25, in Section 4.2, *Air Quality*, of the Draft EIR, fugitive dust emissions (PM₁₀ and PM_{2.5}) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors. Also, Mitigation Measure 4.7-1 requires the creation and submission of a Soil Management Plan (SMP) to the County's Public Works Department prior to the issuance of grading permits. The SMP shall include protocols for the screening of soil exhibiting impacts, stockpile management, and vapor suppression and dust control, among other things. Mitigation Measure 4.7-2

requires a Volatile Organic Compound (VOC) Mitigation Plan, in accordance with SCAQMD Rule 1166, to be prepared and implemented if VOC contaminated soils are encountered. The VOC Mitigation Plan will be reviewed and approved by the SCAQMD Executive Officer.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible and reducing particulate matter (PM) emissions below the applicable SCAQMD air quality localized significance threshold (see page 4.2-24 and 4.2-25 of the Draft EIR). In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities. As noted in Sections 4.7, *Hazards and Hazardous Materials*, and 4.2, *Air Quality*, the Project will not create a significant hazard through the release of hazardous materials into the environment or a significant air quality impact. Therefore, no additional mitigation measures would be required.

RESPONSE HOSFORD-5

Land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. On pages 4.9-18 and 4.9-19, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. Nonetheless, the commenter’s statement of opposition to the Project, including the requested zoning change, is acknowledged and will be provided to the decision makers for review and consideration as part of the decisionmaking process.

Also, the Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

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From: iyad houshan [<mailto:ihoushan@hotmail.com>]

Sent: Wednesday, January 08, 2014 2:41 AM

To: Tippetts, Ron

Cc: iyad houshan

Subject: Draft of EIR

I am a new resident in Yorba Linda, I purchased my home at 21562 Saddle Ridge way November of 2012. Since I moved in, I heard all the " Fire" stories, it seems to have a lasted effect on the neighborhood and the City, everyone has a story to tell about that November 15, 2008 fire. The stories are so impactful it reminded me of the 9-11 stories I still hear when I go to New York City.

I am very concerned that the new development will add HAZARD of fire and congestion that can hinder fire fighting efforts in the event of a fire. I am intending to spend the rest of my life in this current home. Adding 500 homes will increase the chance of a fire similar to the 2008 fire, the current congested roads that did not support evacuation in the 2008 fire will certainly not support it with hundreds of homes, cars and families added.

I don't wish to experience what my neighbors have gone through, I have now experienced first hand the Santa Anna Winds and realized how damaging they can be especially in the event of a fire, it takes minutes to destroy a neighborhood and peoples livelihoods.

Thank you,

Iyad Houshan

21562 Saddle Ridge Way

Yorba Linda, CA 92887

LETTER: HOUSHAN**Iyad Houshan**

21562 Saddle Ridge Way

Yorba Linda, CA 92887

(January 8, 2014)

RESPONSE HOUSHAN-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please see Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR for a discussion of wildfire impacts.

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From: Brent [<mailto:peetie1@roadrunner.com>]
Sent: Sunday, January 05, 2014 9:17 AM
To: Tippetts, Ron
Subject: Cielo Vista's Draft Environmental Impact Report

Ron Tippetts,

Hello, my name is Brent Joiner and I have been a Yorba Linda resident for 43 years. I live near the Cielo Vista proposed project and I would like to make some comments/concerns about the impact this project will create to the city.

First, I would like to mention the traffic impact this project will create. In the environmental impact draft report 4.14, the draft specifically states: " b. Existing Conditions (1) Regional and Local Access: Regional access for the project site is provided by a system of freeways, highways and local arterials. Most notably, the 91 freeway" Why didn't this environmental impact report include Yorba Linda Blvd leading to the 91 freeway from this project site? This report actually only includes an "Intersection Analysis" of intersections located in the opposite direction from the freeway. I travel this route to and from the 91 freeway each day & I can tell you that traffic in this location is already jammed. I would also like to know how this report calculates how many extra vehicles will be on the streets? Each household usually has a spouse and 3 children. When these children grow up, they will likely or already are driving and that could ultimately increase the traffic by: $112 \text{ houses} \times 5 \text{ residents per house} = 560 \text{ automobiles}$ on the highways. Traffic of this level should have a planned dedicated road to ingress and egress from. Using existing residential streets for this overload in traffic is a failure of planning by the county. This is certainly unfair to make existing homeowners deal with traffic flows comparable to highway size proportions on existing residential streets.

The second comment is regarding the "Open spaces preserved in northern portion of site". Why isn't the "open spaces" being used throughout the project? Instead, the builder is creating high density home building in the southern portion of the land. The report lists minimum lot sizes are 7,500 sqft, yet the average lot sizes in the neighboring areas are twice that. This will have is a significant financial impact to existing homeowners. This land is currently being used for hiking and bicycle riding and for the few remaining wildlife that call this area home. Pushing this open space to steep hilltops and unusable land which most of the public will not want to use, will diminish the outdoor activities that this area was known for.

Finally, I would like to mention the most concerning issue coming from this project, which is the potential loss of life by building residential homes in a High Fire Zone. This has to be one of the most blatant disregards for safety in the county's history and those involved in this decision should be held responsible if a tragedy ever occurs on this site, due to fire. I witnessed the 2006 Yorba Linda fire in this area and I can tell you it was pure luck that lives weren't lost. The egress on these residential streets and boulevard routes were at a complete standstill. To further create a more dangerous area by

creating more congestion after knowing this fact, should be considered as a blatant act of disregard for safety and human life.

Thank you for your time,

Brent Joiner

LETTER: JOINER**Brent Joiner**

(January 5, 2014)

RESPONSE JOINER-1

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway, as well as those to Imperial Highway, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, intersections down to the 91 Freeway, south of the Via Del Agua/Yorba Linda Boulevard, were appropriately not analyzed as study area intersections in the Draft EIR. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

RESPONSE JOINER-2

The Project's trip generation is discussed on page 4.14-23 of the Draft EIR. The trip generation rates are based upon data collected by the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, 2008*. The use of the ITE trip generation rates is standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange.

The Project's traffic impacts are analyzed under Impact Statement 4.14-1 beginning on page 4.14-21 of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE JOINER-3

Land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. The project site is privately owned property, with the southern half of the property (Planning Area 1 – approximately 41 acres) designated for Suburban Residential (1B) land use by the County of Orange General Plan. This designation allows for a wide range of housing types, from estates on large lots to attached dwelling units (e.g., townhomes, condominiums, and clustered arrangements), and allows 0.5 to 18 du/ac (i.e., 1 unit/0.05 to 2 acres). The Project's proposed single-family residential uses are permitted under this land use designation. The existing General Plan designates approximately 43 acres of the project site as Open Space (5) (includes Planning Area 2 and the open space areas north of Planning Area 1 of the Project).

This designation provides for limited land uses that do not require a commitment of significant urban infrastructure and are consistent with the open space character of the area, such as agriculture; low-intensity high-technology; industrial; research and development; office and educational uses; and child care facilities. The Project's proposed single-family residential uses are not permitted under this zoning designation. The Project's proposed single-family residential uses are not permitted under this zoning designation. Thus, the Project Applicant is seeking a General Plan Amendment and Zone change for 6.4 acres in the northern portion of the site to allow the proposed residential uses in Planning Area 2. These requests are discretionary actions subject to approval by the County of Orange Board of Supervisors.

On pages 4.9-18 and 4.9-19, under the "Compatibility with Adjacent Neighborhoods" subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project's density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Please note that economic and social impacts are not, by themselves, environmental impacts that require analysis under CEQA. (CEQA Guidelines § 15382.)

The Draft EIR addressed recreational impacts in Section 4.13, *Recreation*. The existing onsite dirt access roads and trails are not currently maintained or operational facilities of the County of Orange or the City of Yorba Linda. The roads and trails are located on private property and are not currently designated for public use. Therefore, the loss of such trails is not considered to be a significant adverse impact as these are not public recreational facilities. Nonetheless, the Draft EIR acknowledges that the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map includes planned future trails through the Project's proposed open space area. The Project's proposed open space would accommodate these planned trails. Thus, the Project would not conflict with any of the contemplated trails through and near the project site as contemplated in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Nonetheless, Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents.

Also, the Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE JOINER-4

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

From: wynnk52@aol.com [<mailto:wynnk52@aol.com>]

Sent: Monday, January 06, 2014 2:34 PM

To: Tippetts, Ron

Subject: New Homes Proposed

Hello Ron,

The idea of building new homes North of Yorba Linda Blvd. is totally ridiculous. With the fire we had in 2008 many people couldn't leave their home in a timely manner. I know one family that couldn't even get out of her driveway because of the traffic backup on a street called Via Del Agua to leave her two already packed cars in the driveway because the fire moved so fast because of the heavy winds, not only her home completely burned down but her two cars also burned to the ground because she couldn't leave because of the traffic. This area will burn again in the future and absolutely no homes should be built.

Wynn Kamen

LETTER: KAMEN

Wynn Kamen
(January 6, 2014)

RESPONSE KAMEN-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: hikerbob@aol.com [<mailto:hikerbob@aol.com>]

Sent: Tuesday, January 21, 2014 10:55 PM

To: Tippetts, Ron

Subject: Cielo Vista comments by Bob Kanne

Dear Mr. Tippetts,

I have been disappointed by the documentation of the Cielo Vista project. The information is not presented in a way that lends itself to informed public comment. There is a lot of data and verbiage, but it is hard to find the useful and relevant information.

For example, one of the biggest impacts of this project is on the traffic usage of Via Del Agua, particularly its junction with Yorba Linda Blvd. But when I looked through the traffic section I could not find what I was looking for. There was no summary that helped me understand the impacts. And I could not find any information about traffic accident history at that intersection. When I asked about that at the public meeting, I was told that the Cielo Vista traffic engineer did not even attempt to find out the history of accidents at the intersection of Via Del Agua and YL Blvd!! I am shocked. Is it true that the traffic counts were done on just one day? If so, that is also shocking. How can you possibly draw conclusions about traffic impacts if the analysis is really so lacking in depth?

The remainder of my comments are about the recreation section of the proposal.

I have several concerns about the Recreation portion of the Cielo Vista DEIR.

INCONSISTENT WITH YORBA LINDA GENERAL PLAN

The table on page 4.13-18 shows the project to be "Potentially Consistent" with the Yorba Linda General Plan. One of my main concerns is that county development standards are lower than the City of Yorba Linda. The applicant wishes to have this development eventually annexed to the city, so it should be built to city standards and the DEIR should spell out where the proposed development is inconsistent with city standards. Saying "Potentially Consistent" is vague wording that misleads the reader.

For example, the "Riding, Hiking, and Biking Trails Component Map" (Fig 4.13-2) shows a trail connecting trail 35a to the Planned Staging Area (large orange star). It follows northern half of the western boundary of the project area. Yet it seems that it would be impossible to build this trail because the first part of it (adjacent to lot 96) would be crossing sideways across a steep manufactured slope as shown in Figures 2-9 and 2-10. It appears that the grading plan (Figure 2-9) makes it impossible for this trail to be a reality unless part of the slope at least 6 feet wide is left in a level configuration suitable for a trail. The visual simulation of this area (Figure 4.1-6) also does not show the trail. Incidentally, the visual simulation also appears to be very deceiving regarding the appearance of the lot 96 area. The visual simulation shows a backyard wall/fence running diagonal to the project boundary whereas the Conceptual Fuel Modification diagram (Fig 4.7-2b) shows the property line of lot 96 running parallel to the project boundary, what should be directly away from the viewer in Fig 4.1-6. This leads me to believe that the "Planned Earthen Multipurpose Trails" shown in Fig 4.13-2 are not "consistent" with the city's general plan and may be impossible to build as a result of this project.

Here is another example from the Trails map (Fig 4.13-2). There is an existing Earthen Multipurpose Trail adjacent to the project which is correctly shown in yellow on the map as running along the eastern half of the southern boundary of the project area. There is an existing EMT along Via Del Agua from the project entrance to Via Del Puente that is correctly shown on the map in yellow. Fencepost to fencepost, these trails are 11 and 13 feet wide, respectively. The Trails Map (Fig 4.13-2) shows a Planned Earthen Multipurpose Trail (in purple) which connects these two existing trails (and also extends westward as trail 35b). Yet the proposed south entrance to the project specifically excludes the possibility of this connecting trail as shown in Figure 2-12 "Primary Entrance at Via Del Agua"! The cross-section at the top of Figure 2-12 shows no Earthen Multipurpose Trail at all, which is inconsistent with the Trails Map! The cross-section shows two four-foot "walks" just four feet from the street, and it appears that both are standard paved sidewalks.

Finally, Trail 35b is shown as a purple line (EMT) on the Trail Map (Fig 4.13-2) running east-west from Aspen Way to the eastern boundary of the property. But the grading plan seems to make it impossible to build this trail because the only place that this trail could begin is shown as private property (lots 111 and 112) or steep manufactured slope with no level area for a trail (see lower left corner of Fig 4.7-2b for example, or Fig 2-9).

Although Mitigation Measure 4.13-2 (page 4.13-16) says that "the Project Applicant shall coordinate with the City" to "identify potential planned trail alignments" prior to grading, this is too vague given that the existing proposed grading plan seems to preclude the completion of any of the proposed trails on Trail Map 4.13-2.

I do not understand why the last line of Mitigation Measure 4.13-2 says that trail alignments will be defined by the "City and/or County", but that the alignments shall be dedicated only to "the City".

INADEQUATE MITIGATION OF PARKLAND ACQUISITION AND IMPROVEMENT

The key phrase is "fees shall be paid to the OC Parks" (middle of page 4.13-16 under Mitigation Measure 4.13-1). There is no way that fees paid to the County of Orange can properly mitigate the impacts of this project unless the money is transferred to the City (or Chino Hills State Park) to be spent on projects in our immediate area. Although the Mitigation Measure says "to the benefit of the northeastern Yorba Linda community near the project site", I do not see a discussion of how this could be accomplished through county processes.

The document says on page 4.13-15 (middle paragraph) that the developer would rather pay fees than provide 1.43 acres of parkland (due to the topographic relief of the property and scarcity of flat land). The document also says that "the city is approximately 167 acres deficient in meeting its recommended standard of a total of 4 acres per 1,000 residents for mini, neighborhood, and community parks" (end of fourth paragraph page 4.13-6). Existing county parks at Featherly and Yorba Regional are over a mile away and require an admission fee of about five dollars, so improvements or acquisition for these parks would not be of direct benefit to the neighborhoods around Cielo Vista. The Esperanza Hills project proposes parks on county land, but they would be behind private gates and unavailable to existing residents or the new residents of Cielo Vista. It is absurd when the DEIR says that the 12.6 acres of parks proposed in Esperanza Hills would be accessible to Yorba Linda residents "by pedestrian, bicycle, or equestrian access from existing or proposed trails" (third paragraph on page 4.13-19). The primary users of parks are families with young children and they need to drive to community parks, which makes the Esperanza Hills proposed parks inaccessible since they can only be accessed by pedestrians with a walk of thousands of feet horizontally and hundreds of feet vertically.

Those are the only parks under current or potential county control, so I do not see a way for parks mitigation money to be used by the county for the benefit of Cielo Vista families or residents near Cielo Vista. The parks money should be spent on existing city parks (one is .17 miles away, another .34 miles away), city park acquisitions, or Chino Hills State Park (.50 miles away).

The document says that the “park most likely to be used by future Project residents is San Antonio Park”. I think that is factually incorrect. Although the 17 homes in the northern half of Cielo Vista are near San Antonio Park, the residents of the 95 homes in the southern half would actually have to go south to YL Blvd and drive directly past Arroyo Park to get to San Antonio Park. So I think that the future residents would have a greater impact on Arroyo Park than San Antonio, and that the second sentence on page 4.13-12 is incorrect.

I look forward to major revisions of the proposal, or a denial. Sincerely, Bob Kanne 4825 Via Del Corral, Yorba Linda, CA 92887 hikerbob@aol.com

LETTER: BKANNE**Bob Kanne**

4825 Via Del Corral
Yorba Linda, CA 92887
(January 21, 2014)

RESPONSE BKANNE-1

The comment is noted. The analyses and conclusions in the Draft EIR are presented in a manner generally consistent with environmental analyses under CEQA, and presents information to ensure decisionmakers and the public are informed about any potential environmental impacts associated with the Project.

RESPONSE BKANNE-2

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of the first occupancy permits for the Project (MM4.14-2 revised per Response City2-249). The addition of a traffic signal would alleviate the exiting deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level. This information is clearly presented in the Draft EIR. As noted on page 4.14-44 of the Draft EIR, "since the intersection of Via de Agua and Yorba Linda Boulevard would operate at a LOS "B" under future with Project conditions, traffic impacts under the Horizon Year (2035) would be less than significant."

RESPONSE BKANNE-3

Regarding accidents along Yorba Boulevard, Yorba Linda Boulevard is a six-lane divided roadway that is designated as a Major road west of Fairmont Avenue and as a primary Arterial highway east of Fairmont Avenue according to the County's Master Plan of Arterial Highways and the City's General Plan. The Draft EIR evaluated whether there would be any increase hazards due to the Project. The Draft EIR assessment of traffic hazards on pages 4.14-62 to 4.14-69 concluded that there are no existing hazardous design features such as sharp curves or dangerous intersections on-site or in the surrounding area. Also, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County (see PDF 14-1.) Moreover, enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145).

RESPONSE BKANNE-4

The AM and PM peak hour traffic volumes were not all conducted in one day. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. The counts were conducted in

accordance with standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange. The traffic counts are representative of typical weekday peak hour traffic conditions within the study area. The count data worksheets are provided in Appendix “3.1” of the Traffic Study (included as Appendix L of the Draft EIR).

Also, the use the ITE trip generation rates, as utilized in the Project’s traffic study, is standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange.

RESPONSE BKANNE-5

An application for annexation can be filed with the Local Agency Formation Commission (LAFCO) either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Therefore, a property owner can petition LAFCO for annexation should the property owner desire annexation to the City.

With respect this Project, to ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and -17 indicate that the Project will adhere to the City’s Residential Urban (RU) Zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU Zone’s key site development standards -- building height, setback and parking requirements. With respect to roadway design, Project Design Feature (PDF) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU Zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

Regarding the commenter’s reference to the project being “potentially consistent” with City standards, that terminology is used because the County cannot presume a City determination on project consistency. But, based on the analysis contained in the Draft EIR, the County believes that the parameters discussed can support a determination of consistency with City standards as discussed above.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

RESPONSE BKANNE-6

The Draft EIR addressed recreational impacts in Section 4.13, *Recreation*. The Draft EIR acknowledges that the City of Yorba Linda’s Riding, Hiking and Bikeway Trail Component Map includes planned future trails by the City through the Project’s proposed open space area. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. Thus, they are appropriately

not shown in the visual simulations included in Section 4.1, *Aesthetics*, or elsewhere in the Project's illustrations included in the Draft EIR.

Nonetheless, the Project's proposed open space and/or common areas could accommodate these planned trails. Thus, the Project would not conflict with any of the contemplated trails through and near the project site as contemplated in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents. Once the trail alignments are defined by the City and/or County, the alignments would be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

Also, as shown in Figure 4.7-2b, while the Zone B fuel modification area would extend to the western project boundary, the backyard property line of Lot 96 would not. Thus, there would be adequate area for a future trail along the site's western boundary in Planning Area 2. In addition, the visual simulation in Figure 4.1-6 correctly illustrates the backyard walls of the residences proposed in Planning Area 2. From this vantage (northeasterly view), while the walls may appear to be "diagonal" to the western project boundary, they are in fact nearly parallel to the western boundary and correctly located in this figure.

RESPONSE BKANNE-7

Please refer to Response BKanne-6, above, which notes, among other things, that the alignments of these trails is conceptual with precise alignments to be determined as detailed plans are prepared by the City.

RESPONSE BKANNE-8

As discussed on page 4.13-15 of the Draft EIR, Trail #35b is proposed in an area that would traverse along the Metropolitan Water District (MWD) easement located at the southern boundary within the project site. Thus, this trail would not conflict with the Project. This is not an area of steep manufactured slope and Lots 1-9 on the southern portion of Planning Area 1 do not extend to the southern project boundary. Thus, there would be adequate area for a future trail along the site's southern boundary in Planning Area 1.

RESPONSE BKANNE-9

Please refer to Responses BKanne2-6 to BKanne2-8 above, which explain how Mitigation Measure 4.13-2 ensures that all contemplated trails could be constructed through the project site. The Project applicant shall work with the City and County to identify potential trail alignments and, once alignments have been identified, they shall be dedicated to either the City or County.

RESPONSE BKANNE-10

Mitigation Measure 4.13-2 has been revised to indicate the trail alignments could be dedicated to the City or the County. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-36. Modify Mitigation Measure 4.13-2 with the following changes:

Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

Chapter 4.13, Recreation**1. Page 4.13-16. Modify Mitigation Measure 4.13-2 with the following changes:**

Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

RESPONSE BKANNE-11

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 in Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

RESPONSE BKANNE-12

Please refer to Response BKanane-11.

Access to new local parks will be available to the residents of this Project and will address area-wide needs in cooperation with the City and other new development in the project area.

RESPONSE BKANNE-13

This comment provides recommendations for use of park fees. As stated in Mitigation Measure 4.13-1, "Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site." This implies that the fees will benefit Cielo Vista families or residents near the Cielo Vista project site.

RESPONSE BKANNE-14

While it acknowledged that Arroyo Park would be used by Project residents, the Draft EIR identifies San Antonio Park as the park most likely to be used by Project residents in consideration that it is located within the same neighborhood as the Project and residents walking or biking to the park would not have to cross any arterial streets (Yorba Linda Boulevard). Furthermore, it is certainly the most likely park to be used for Planning Area 2 given the close proximity off Aspen Way. Also, with a future trail (Trail 35b) expected to be implemented by the City of Yorba Linda per its General Plan Riding, Hiking and Bikeway Trail Component Map, future Project residents in Planning Area 1 would have access to San Antonio Road, which leads up to San Antonio Park.

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Diane D. Kanne

4825 Via del Corral • Yorba Linda, CA 92887
Phone: 714-779-2803 • E-Mail: ddktec2000@aol.com

Date: January 21, 2014

Ron Tippets
300 North Flower Street
Santa Ana, California 92702-4048
Ron.Tippets@ocpw.ocgov.com

RE: Cielo Vista Project

Dear Mr. Tippets:

Outlined below are my comments on the Draft Environmental Impact Report (EIR No. 615) for the Cielo Vista Project dated November 2013.

Summary of Comments

This Draft Environmental Impact Report (DEIR) is totally inadequate at addressing the severe environmental impacts from the rezoning and development of the proposed Cielo Vista Project. All of these impacts need to be fully analyzed and avoidance migration strategies fully addressed.

County representatives told us that both the Cielo Vista and Esperanza Hills DEIRs would address the combined impact of the two developments. That has not been done in this Cielo DEIR. Without an analysis of the combined impacts of these two projects, the County of Orange, City of Yorba Linda, and the various regulatory agencies responsible for protecting resident health and safety and avoiding irreparable environmental damage cannot adequately assess the environmental impacts of turning a natural area teeming with wildlife into relatively high-density housing. **This DEIR should be revised to include the combined impact of both Cielo Vista and Esperanza Hills developments.**

Moreover, even without the combined impacts of the two projects being evaluated in this Draft EIR, the Report does not adequately address environmental impacts in several key areas. The most egregious of these are:

- **Scenic Vista, Visual Character, and Visual Quality**
- **Scenic Resources**
- **Consistency with Air Quality Plan**
- **Compliance with Emissions Standards**
- **Sensitive receptor Exposure to Pollutants**
- **Odors**
- **Seismic and Geologic Stability Hazard**
- **Emergency Response Plan**
- **Wildland Fires**
- **Provision for Public Services**
- **Park and Recreation Facilities**
- **Circulation System**
- **Emergency Access**

General Comments:

This project should never be built. The enormous impact of this project on public safety, traffic, air quality, biological resources, geology and soils, greenhouse gas emissions, and increased exposure to hazardous materials cannot be ignored and should not be ignored.

Additionally, the scope of the project, including the enormous amount of earth moving, rearrangement of the landscape to make a mountainous area flat enough for house to be built, and grading required to complete this project would significantly impact property

owners directly behind or next to this property. The owners of Cielo Vista are asking you to ignore the substantial impact this earth rearranging will have on property owners abutting their property on three sides. **This massive earth moving and its environmental impacts cannot and should not be ignored.**

The Cielo Vista Project is surrounded by the city of Yorba Linda **on three sides**. The project site is within the City of Yorba Linda Sphere of Influence. There is no other city that this project could join. **This land should be annexed into the city of Yorba Linda before it is developed.** All of the services that will be provided to the residents of any new development, including roads, schools, police, the fire department, libraries, and commercial businesses are located in the city of Yorba Linda yet the residents of this new development will not be equally financial responsible for these services. For example, Travis Ranch Elementary and Middle School is a joint use facility with the City of Yorba Linda, yet the residents of this proposed development would not financially support the City's obligation to this joint facility. **The residents of any new development will be using facilities in Yorba Linda that they will not pay for equally with their Yorba Linda neighbors right next door. This inequity should not be ignored.**

Moreover, the proposed development is not congruous with the surrounding community. Homes in the surround community have lot sizes of about 15,000 square feet or greater. None are as small as 7500 square feet. The proposed homes in this Cielo Vista development are located on smaller pads than any of the surrounding community. The Yorba Linda General Plan for the Murdock Property is low use residential and is designed to have one dwelling unit on large lots up to one acre in size. These proposed Cielo Vistas homes are high density for the surrounding area and are not in keeping with our Yorba Linda community. **This attempt to avoid Yorba Linda's planning process cannot and should not be ignored.**

The EIR states that the project will be completed on 47.7 gross acres in two planning areas. These numbers ignore that the actual project is 84 acres. The owners of Cielo Vista appear to be attempting to avoid several regulations, including air quality regulations, that require extensive remediation when the project is 50 acres or larger. They plan to build homes on pads that are half the size of the adjacent homes on Via del Corral and Via del Roca. This will result in approximately two homes being built for every existing home on Via del Corral and Via del Roca that is directly adjacent to the proposed development. **This attempt to avoid regulations by grading 47.7 acres of a 84-acre project, then cramming homes on lot sizes about half the size of lots in the adjacent community cannot and should not be ignored.**

The owners of the Cielo Vista Project want to have “their cake and eat it, too.” After years of drilling for oil and gas on this property, they now want to develop homes on top of old oil wells while maintain oil and gas production next to the new development. These oil and gas activities are suspected to be responsible for many recurring environmental impacts on the existing neighborhood. For example, unexplained oil and gas odors regularly emanate from this site. As recently as mid-December, during a mild Sana Ana event, our neighbors at 4835 Via del Corral noticed the strong odor of petroleum oil in their backyard downwind of the current oil and gas facilities. It was evident when standing on their master bedroom balcony as well as when exiting their family room sliding doors. When our neighbor tried to determine its origin, it appeared to be emanating from the Cielo Vista property. The petroleum oil odors were so strong that one of our neighbors acquired a headache from the odors and could not allow their 11-year-old children to play in their backyard. **The DEIR should complete a comprehensive study addressing oil and gas air emission in the adjacent community and propose appropriate mitigation measures.**

Additionally, after 15 years of residence on Via del Corral, we have noticed recent, unexplained lifting of our driveway at 4825 Via del Corral that prevents us from opening our garage door, cracks in our hardscape that have become more plentiful over the past two years, unexplained cracks in our street that crisscross the entire street and formed within a month of the most recent street repaving. Also, an unexplained water leak that was not caused by a broken water pipe or other infrastructure malfunctions emanated from under the street at the bottom of Via del Corral and continued for more than one year. Residents suspected that this water may be the result of an undiscovered underground spring or along with the street cracks and other recent earth shifting, the water is a direct result of the oil and gas development above our properties. Both current and future residents can expect similar impacts on their properties if the county approves the rezoning of this property to joint use: Single Family Residential District and Joint Use Overlay. **The county should not subject more residents to the environmental damage, property damage, and health dangers of living next to oil and gas facilities. The DEIR should address the impact of oil and gas development on existing residential property, including the potential impact of earth movement and water leakage on existing and future residents.**

The greatest hazard is to the safety of current and future residents during emergencies. This property lies near or on the Whittier Earthquake Fault, an offshoot of the San Andreas Fault. The Whittier fault has been active in the past 40 years and can be expected to be active in the future. On Wednesday evening, January 15, 2014, scientists at the California Institute of Technology were interviewed on the CBS evening news about the likelihood of a major earthquake in Southern California in the next 20 years. Their estimate was that it

is 99.9% likely that Southern California will have a major event in the next 20 years. **It is unconscionable to build more homes near a known active fault that is tied to the San Andreas, the major fault expected to produce our next major earthquake. The DEIR should be revised to adequately determine the impact of building homes next to an active earthquake fault.**

This property is located at the bottom of a canyon where Santa Ana winds blow at speed higher than most areas of Yorba Linda or the surrounding communities. Wind speeds can reach up to 75 miles per hour (mph) during the most severe Santa Ana events. For example, the After Action Report on the Freeway Complex Fire prepared by the Orange County Fire Authority states that sustained wind speeds at the start of the Freeway Complex Fire were 43 mph and gusts reached 61 mph. Also, an article in the Orange County Register dated April 9, 2009 stated that wind speed reached 75 mph in Yorba Linda during the Freeway Complex Fire. Even without construction upwind of our homes, these winds generate enough dust and particulate matter to cover plants, structures, and cars left outside during an event. Particulate matter seeps into homes leaving a layer of dust on inside surfaces and dirtying indoor air filters. The winds can be so strong that they knock over anything smaller than a car, including the large industrial-sized trashcans now being used in Yorba Linda. These winds are directly responsible for the **Freeway Complex Fire** spreading into the community of Yorba Linda, destroying or damaging more than 130 homes, including two that are adjacent to this proposed new development. **With the canyon upwind of this proposed development, these new homes would be directly in the path of the next fire.**

The next fire will happen and will endanger lives and property. As I am writing these comments, every major station on television is showing the January 16, 2014 fire in the Glendora and Azusa hills. As I write, 1,709 acres have burned and at least five structures have been destroyed. Embers travel for miles causing spot fires and burning homes nowhere near the actual flame front. No fire resistant plantings will be able to stop the next fire during these high wind conditions. Property was lost during the Freeway Complex Fire because structures caught fire and the winds carried embers from these structures to other structures. **Building new homes will not, in fact, protect existing homes from the next fire. They will actually provide new fuel that could result in more damage in existing communities during the next fire. This fire hazard to new and existing residents should not be ignored. The DEIR should be revised to adequately address the danger to lives and property from inevitable wildfires.**

Moreover, Via del Agua did not accommodate the emergency traffic during the Freeway Complex Fire and could not accommodate more homes during a future fire emergency.

During the Freeway Complex Fire, vehicles were exiting onto Yorba Linda Boulevard in three traffic lanes coming out of Via del Agua, three lanes created by residents during the panic, but many at the top of the hill were still unable to exit the community for more than an hour. These three traffic lanes also left a very narrow lane for emergency vehicles to go up the hill. A light at Via del Agua and Yorba Linda Boulevard would not solve this problem. **Lives will be put in mortal danger during the next fire if new homes are built that can only leave the area during an emergency by Via del Agua. This road is not built to accommodate traffic from any new homes in these hills. The DEIR should be revised to show how Cielo Vista plans to mitigate the inadequate emergency evacuation infrastructure for their project and the surrounding community.**

Comments on Specific Sections of the EIR

Executive Summary, Section 3: Environmental Impacts

I respectfully disagree with the comment that the project would not result in any significant, unavoidable impacts. I will address these impacts specifically in the following sections.

Table ES-1

Scenic Vistas/Visual Character and Visual Quality

The Cielo Vista developers claim that this project would not alter the views of and across the project site with the development of the proposed residential uses. This statement is absolutely incorrect. This project is directly uphill of the streets Via del Aqua and Via del Roca and adjacent to Dorinda on the western border. At least 20 residences on these streets have impressive views of the local hills and canyons. Certainly the houses that are adjacent to the proposed development on Via del Agua, Via del Roca, and Dorinda would have their views of the natural area completely blocked by the new homes. Our home at 4825 Via del Aqua has impressive views from our second story of the natural hills up the street. One reason for building bay windows in homes such as ours is to take advantage of those views. If Cielo Vista is developed, the view outside our bay window would be of houses crammed together on small pads, incongruous with the surrounding community, instead of hills covered with grass, shrubs, trees, and wildlife. **This is a significant impact. We would completely lose all views north of our home. The DEIR**

should address the loss of these natural scenic vistas and the destruction of the visual character and quality of our community.

Scenic Resources

By its very nature, building on a natural, undeveloped area, home to wildlife, including bunnies, roadrunners, quail, orioles, hawks, owls, and other large birds that frequent our community, would significantly impact the scenic resources. We moved to our home to enjoy the scenic views of the hills and chaparral native to our California semi-arid climate and to enjoy the wildlife that frequents our community. Our yard is visited by hawks, owls, roadrunners, quail, ducks, migrating orioles, towhees, hummingbirds, finches, bunnies, and coyotes, just to name a few of the variety of wildlife. **Building Cielo Vista would have a major impact on the Scenic View across this property that cannot be mitigated. Building Cielo Vista would destroy all of this scenic beauty and severally impact the lives of various wildlife species. The DEIR should adequately address the impact of this development on the wildlife in this area, including all migrating and residential birds, reptiles, and mammals as well as the native plant life.**

Emergency Response Plan

This project would most definitely affect the emergency response plan in the City of Yorba Linda. The Freeway Complex Fire amply demonstrated the inadequacy of the existing roads to handle traffic during an emergency. Adding more than 100 new homes to an area already unable to handle traffic during an emergency would endanger both the lives of new residents and those of current residents uphill of this development who expect the city street that they have paid for with their tax dollars to provide them an adequate exit during emergencies. The current ingress and egress from Cielo Vista is inadequate to meet the needs of both current and future residents during an emergency. **For the sake of public safety, this land should not be rezoned and development of over 100 new homes should not be approved. The DEIR should address the inadequate infrastructure needed for emergency evacuations and provide mitigation measures that sufficiently protect existing and future residents lives.**

Park and Recreation Facilities

This is a county project surrounded by the city of Yorba Linda. **No new parks or recreational facilities are planned in this development.** Paying fees for county parks that these new residents will not use seems ridiculous. These residents will be using recreational facilities in the city of Yorba Linda. **Cielo Vista should be annexed into the**

City of Yorba Linda to allow fees for parks and recreation to be collected by the city for maintaining city parks and recreational facilities these new residents will use. The DEIR should be revised to show the impact of building 112 new residences on Yorba Linda city parks and recreational facilities and provide sufficient financial resources and mitigation plans for the impact of these new homes.

Circulation System

Our quiet city residential street will be inundated with construction traffic. These roads are not designed as main thoroughfares for trucks and construction equipment. Who will pay for the extra police officers, crossing guards, road paving, etc. that will be required when this quiet residential street located in the city is taken over every morning by construction traffic? **Cielo Vista developers should be required to pay for the cost of increased construction traffic on our city streets. These payments should be made to the city of Yorba Linda where the expenses will be incurred. The DEIR should be revised to adequately address the impact of constant construction traffic on the safety and health of existing residents.**

Section 4.2: Air Quality

(1)(b)(3) Wind Patterns and Project Location

The DEIR's explanation of local wind patterns at the Cielo Vista Project's location is extremely general and not at all applicable to the actual wind patterns. While the general wind patterns in the South Coast Air Basin may be accurately described, the wind patterns at the project site are totally misrepresented. For example, the DEIR states, "Winds are characteristically light, although the speed is somewhat greater during the dry summer months than during the rainy winter season." **The wind patterns at the project site are typically the opposite of this description. Winds are greatest during Santa Ana events in the winter as this project is located at the bottom of a canyon where wind speeds can be reach speeds greater than 60 mph. Cielo Vista developers should be required to study the actual local climate conditions rather than the general conditions for the entire South Coast Basin. The DEIR should be revised to include a study of local wind patterns at the project site.**

(1)(4)(b) Local Air Quality

While the project site is located in Source receptor Area 16 (North Orange County), the monitoring station for this area is located at the opposite end of North Orange County, in La Habra. The conditions in La Habra would not and do not represent the conditions in Yorba Linda, especially those located in a mountain and canyon area where pollutants can be trapped, oil development is currently underway, and future oil and gas development is planned. The wind conditions can generate local ROG, NO_x, SO_x, PM₁₀ and PM_{2.5} conditions not seen at the Pampas Lane monitoring station in Anaheim which is located in a relatively flat, residential and commercial area far from the hills and canyons of Yorba Linda. **Cielo Vista developers should monitor actual conditions in the area to determine how their development would impact actual local conditions. Relying on monitoring in La Habra and Anaheim is unacceptable. The DEIR should be revised to require local monitoring of local air quality for all pollutants, including ROG, NO_x, SO_x, PM₁₀, PM_{2.5} and toxic air contaminants to determine actual concentration before project development and to determine the actual expected impacts from the Cielo Vista development both during construction and after completion.**

As shown in Table 4.2-2 of the DEIR, the South Coast Air Basin is designated as nonattainment for state PM₁₀ standards and serious non-attainment for federal PM₁₀ standards. This project would generate significant PM₁₀ and PM_{2.5}, especially if the developers are not required to meet the requirements for Large Operations pursuant to SCAQMD Rule 403. Relying on a generalized model, CalEEMod, developed for all small projects located in the South Coast Air Basin is not sufficient for describing the local impacts from this project. While Cielo Vista proposes to grade only 4 acres per day and thus used only the look up tables to determine local emissions from construction activities, this project is just under the threshold for using the table and is proposed to be developed at the same time as the much larger Esperanza Hills development. Given this fact and the special location of the project downwind of a canyon and upwind of adjacent homes, **the Cielo Vista developers should be required to meet the requirements of a large project and complete dispersion modeling to determine localized pollutant concentrations. This dispersion modeling should then be used to determine the required mitigation of air quality impacts. The DEIR should be revised to require the project to complete dispersion modeling of localized air pollutants and to suggest mitigation measures for impacts on local residents.**

This is particularly relevant as the air quality impacts of Cielo Vista cannot be separated from those that will be generated by the proposed Esperanza Hills development. **As the South Coast Air Basin is in serious non-compliance with federal PM₁₀ standards,**

Cielo Vista should not add to the PM10 loading in the Basin by developing this land for residential use. At a minimum, Cielo Vista developers should be required to meet all the requirements of a Large Operation for the mitigation of Fugitive Dust Emissions pursuant to SCAQMD Rule 403.

Once again, **we cannot separate the air quality effects of Cielo Vista from Esperanza Hills. These two projects should be reviewed together and their effects mitigated together.** The environmental justice guidelines issued by the SCAQMD are designed to protect the health and safety of **local residents**. Cielo Vista's proximity to houses on three sides and its location downwind of a canyon and the proposed Esperanza Hills development makes it a unique situation that is extremely different from the Source Receptor Area (SRA) 23 in Riverside that was used to determine Localized Significance Thresholds (LST's). Even without using the more accurate dispersion modeling for determining localized pollutant effects, Table 4.2-7 clearly shows that Cielo Vista construction would generate daily emissions that are near or exceed the recommended daily maximums for PM10 and PM2.5. **Add to these projected emissions the emissions from Esperanza Hills and the combined projects may not meet LST's even after mitigation. The DEIR should be changed to require Cielo Vista developers to more accurately determine localized emissions using the recommended and more accurate localized dispersion modeling and mitigate any non-compliance using the measures for Large Operations, such as those required in Table 2 of the SCAQMD's Rule 403.**

(5) Existing Project Site Air Quality Conditions

This project site is not vacant! It is the site of current oil and gas development and planned future oil and gas development. As described above, as recently as December, residents in the area detected strong oil odors emanating from the site. It is also located in a hill and canyon area that can trap pollutants locally or generate significant PM10 and PM 2.5 emissions during Santa Ana conditions. **The DEIR should be revised to require Cielo Vista developers to monitor actual local air quality conditions to determine the actual impact of their development on local air quality.**

(2)(1)(b) Localized Construction Emissions

There is an environmental justice concern with this development. While the development operation would result in ROG, NOx, CO, SOx, PM10 and PM2.5 emissions from combustion associated with vehicles and construction equipment, fugitive dust from vehicular travel, landscape maintenance equipment, emissions from consumer products, and architectural

coatings, the greatest concern should be from generation of fugitive dust emission from the actual grading and dirt moving. Residents live directly downwind of this construction. Winds are common in this area and will generate significant PM10 and Pm2.5. In fact, without even considering the local geography and the proposed constructions location relative to local residents, Cielo Vista recognizes that their development will exceed recommended local PM2.5 levels (Table 4.2-6). There is no way that this construction can occur so close to and downwind of local residents in a canyon area where winds are common and not significantly adversely affect local PM10 and PM2.5 conditions, resulting in health hazards for local residents with lung conditions, such as our son. **Cielo Vista should not be allowed to construct on this site until they can show that their development would not severely impact the health of local residents downwind of their property. The DEIR should be revised to require Cielo Vista to adequately determine the health impacts of fugitive dust emissions, especially during Santa Ana wind conditions, and recommend appropriate mitigation measures that protect the health of local residents.**

Additionally, this project should not be looked at as the only one affecting the health and safety of local residents. As a larger development, Esperanza Hills, would generate even greater emissions in the local area, these combined emission, including PM10 and PM2.5 would significantly impact the health of local residents. **Neither Cielo Vista nor Esperanza Hills should be approved until the combined local health affects of emissions from these two developments are determined.**

(2)(3)(d) Analysis of Project Impacts

Cielo Vista developers are claiming that they **project** they will only disturbing 47.7 acres of soil on a 84 acre site; thus, they are not subject to the mitigation measured required in the South Coast Air Quality Management District's rule 403, Fugitive Dust, for Large Operations. The unique features of this project's location (downwind of a canyon where wind speed can exceed 60 mph and upwind of an existing residential community) coupled with the size of the project being just under the Large Operation acreage of 50 acres and its proximity to the Esperanza Hills development that is well over 50 acres should require Cielo Vista to meet the particulate matter mitigation measures for large operations. This land is surrounded by homes on three sides, many directly downwind of the proposed development. Existing residents will be significantly impacted by any development on this property, let alone substantial earth moving on lands just under the Large Operations limit.

My teenage son regularly walks and plays outdoors, both in our backyard and in our cul-de-sac, just downwind of this project. My son also has asthma. The amount of particulate

matter that this project will generate, especially during the frequent Santa Ana Wind conditions, will significantly affect my son's health and well-being. It is totally unreasonable to ask my son to stop using our property so that the Cielo Vista developers can first rezone and then build high-density housing in our neighborhood.

Cielo Vista developers should be required to meet all the requirements of a Large Operation, most specifically hiring a dust control supervisor and complying with the dust control measures required of Large Operations and outlined in Table 2, DUST CONTROL MEASURES For LARGE OPERATIONS, in SCAQMD's Rule 403.

Hazards and Hazardous Material

Existing Conditions – Methane Gas (1)(b)(1)(a)

Methane gas is currently generated on this property and will be generated by oil and gas development. Oil and gas production is the unequivocal major source of methane gas on this site. To imply that biogenic sources are significant is ludicrous. In fact, Cielo Vista's own preliminary study detected potentially hazardous levels of methane gas on the site. Methane is a health hazard, is extremely flammable, and is a significant contributor to greenhouse gases. These properties make methane gas emissions from future, current, and former oil and gas development a significant concern. **The DEIR should be revised to include a complete study of actual and proposed methane gas emissions and measures to mitigate the health, safety, and environmental impacts of these emissions.**

Areas of Fire Hazard/Wildfire (1)(b)(2)

The DEIR suggests that Santa Ana Wind conditions occur only during the fall. This is not accurate. Santa Ana Winds blow during both fall and winter and occasionally in the spring. We are experiencing severe drought conditions in California. These conditions are becoming more frequent and with the unpredictability of climate change, can be expected to become the norm throughout California. Coupling these drought conditions with the more frequent Santa Ana Winds will likely lead to more frequent wildfires. The DEIR barely mentions the most recent Freeway Complex Fire that came roaring through Blue Gum Canyon upwind of Cielo Vista burning all the vegetation on the Cielo Vista site, and burning numerous homes adjacent to the proposed development and more than 100 homes in Yorba Linda. The fact that this fire was caused by man and not nature is irrelevant. The destruction caused by this fire cannot be ignored. **The DEIR should be**

revised to include a study of the effects of building 112 new homes on the health and safety of current and future residents during a fire emergency.

Analysis of Project Impacts (2)(d)

This project site has had oil and gas development for more than 30 years. As with all oil and gas development in the Basin, abandoned wells and oil and hazardous material spills can and do lead to contaminated soils. The Cielo Vista project preliminary studies confirm that there is significant soil contamination from prior oil and gas development. New homes should not be built on the site of old wells without significant soil remediation. **The DEIR should be revised to require Cielo Vista developers to complete an extensive study of both surface and subsurface soils to determine the extent of hazardous material contamination before the project commences. Additionally, the DEIR should include proposed remediation of this contaminated soil.**

Wildland Fires

As discussed above, natural and manmade fires will occur on this project site. The proximity of this project site to Blue Gum Canyon, a natural funnel for winds in the area coupled with frequent Santa Ana Wind conditions make this particular project a unique site where no amount of fire retardant vegetation or specialized driveways will prevent homes from burning or releasing embers that will cause homes far away from the flame front to burn. **Property and future residents' lives will be put in the path of the next wildfire in this area. The DEIR should be revised to recognize the severe impact on the community of the Freeway Complex Fire and the inadequacy of emergency measures to protect both current and future residents. The DEIR should be revised to include adequate ingress and egress into both the existing community and the proposed project during an emergency, such as a wildfire.**

Summary

This Draft Environmental Impact Report (DEIR) is totally inadequate at addressing the severe environmental impacts from the rezoning and development of the proposed Cielo Vista Project. All of these impacts need to be fully analyzed and avoidance migration strategies fully addressed.

Additionally, this DEIR should be revised to include the combined impact of both Cielo Vista and Esperanza Hills developments.

As outlined above, the DEIR should be revised to include further studies on the impacts of Scenic Vista, Visual Character, and Visual Quality, Scenic Resources, Consistency with Air Quality Plan, Compliance with Emissions Standards, Sensitive Receptor Exposure to Pollutants, Odors, Seismic and Geologic Stability Hazard, Emergency Response Plan, Wildland Fires, Provision for Public Services, Park and Recreation Facilities, Circulation System, and Emergency Access on the local environment.

Very truly yours,

Diane Kanne

4825 Via del Corral

Yorba Linda, CA 92887

(714) 779-2803

ddkanne@gmail.com

LETTER: DKANNE**Diane D. Kanne**

4825 Via Del Corral
Yorba Linda, CA 92887
(January 21, 2014)

RESPONSE DKANNE-1

This comment provides a general introduction to comments raised in this letter. Individual responses to this letter are provided below in Responses DKanne-2 to DKanne-35, below.

RESPONSE DKANNE-2

Contrary to the comment, the Draft EIR for the Cielo Vista Project did address the impacts of both the Cielo Vista and Esperanza Hills Projects. For each environmental issue analyzed in Chapter 4.0, *Environmental Impact Analysis*, a “Cumulative Impacts” subsection is included at the end of each section (i.e., within 4.1, *Aesthetics*, 4.2 *Air Quality*, etc.). Each of the “Cumulative Impacts” analyses subsections evaluates the cumulative impacts of the Cielo Vista Project along with the Esperanza Hill Project, as well as other cumulative projects identified in Chapter 3.0, *Basis for Cumulative Analysis*, in the Draft EIR.

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts.

RESPONSE DKANNE-3

This comment introduces specific environmental issues raised in this letter. Individual responses to this letter are provided below in Responses DKanne-2 to DKanne-35, below.

RESPONSE DKANNE-4

This comment provides general references to impacts related to public safety, traffic, air quality, biological resources, geology and soils, greenhouse gas emissions and hazardous materials. Each of these environmental issues were analyzed in the Draft EIR in their respective sections as follows: Section 4.12, *Public Services*; Section 4.14, *Traffic/Transportation*; Section 4.2, *Air Quality*; Section 4.2, *Biological Resources*; Section 4.5, *Geology and Soils*; Section 4.6, *Greenhouse Gas Emissions*; and Section 4.7, *Hazards and Hazardous Materials*. Each of these issues areas were concluded to have less than significant impacts after implementation of the prescribed mitigation measures, where necessary. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

RESPONSE DKANNE-5

This comment provides general comments about earthmoving on the project site. The Draft EIR evaluated construction impacts associated with the Project, including from grading, throughout the Draft EIR. For example, construction and grading was analyzed in the context of air quality (Section 4.2), hazards and

hazardous materials (Section 4.7), and noise (Section 4.10), among others. The Draft EIR determined that impacts resulting from grading would be less than significant. The commenter does not provide any evidence that challenges the analysis or the conclusions in the Draft EIR. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

RESPONSE DKANNE-6

This comment states the project site should be annexed into the City of Yorba Linda. This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE DKANNE-7

The comment does not challenge the analysis or the conclusions contained in the Draft EIR with respect to the potential environmental impacts of the Project. The Draft EIR addressed public service impacts, including impacts on schools, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Contrary to the comment, the Project would pay development fees to support services to be provided to the Project, including fees to the Placentia-Yorba Linda Unified School District (PYLUSD), Orange County Sheriff's Department, Orange County Fire Authority (OCFA), Orange County Public Library (OCPL). With regard to school fees, pursuant to Senate Bill (SB) 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD constitutes full mitigation by the Legislature for Project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3.

RESPONSE DKANNE-8

The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre.

In association with the Low Density Residential designation, the Land Use Element states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

Contrary to the commenter's point, there is no attempt to avoid Yorba Linda's planning process. The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use

Element designation of “1B” Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County’s “1B” designation with a density of 1.3 dwelling units per gross acres being near the low end of the “1B” range.

However, the Project can become subject to the City’s planning process with an application for annexation being filed with the Local Agency Formation Commission (LAFCO) either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Therefore, a property owner can petition LAFCO for annexation should the property owner desire annexation to the City. In addition, it is acknowledged that the Draft EIR throughout Chapter 4.0 provided a consistency analysis of the Project with the applicable policies of the City of Yorba General Plan. Section 4.1, *Aesthetics*, provided a Project consistency analysis with the City’s Hillside Development Zoning Code Regulations (see pages 4.1-31 to 4.1-32) and Section 4.9, *Land Use and Planning*, provided a Project consistency analysis with the City’s zoning designation for the project site (see pages 4.9-16 to 4.9-17). As concluded in each of these analyses, the project would not substantially conflict with these City plans such that a significant physical impact on the environment would occur.

RESPONSE DKANNE-9

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. Applicable air quality regulations to the project are discussed under the “Regulatory Framework” sub-section beginning on page 4.2-1. As discussed in Section 4.2, operation- and construction-related impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Project was appropriately considered to be 47.7 acres because, while the project site is 84 acres, 36.3 acres will be preserved as open space and will not contribute to any significant environmental impacts. Thus, the Draft EIR analyzed the impacts associated with the development of the Project, which will occur on 47.7 acres and develop 112 single family residences. It is unclear which regulations commenter believes would be applicable to the Project if it were 50 acres or larger; see Response DKanne-23 for a discussion regarding SCAQMD Rule 403. Nevertheless, the proposed dwellings and associated infrastructure would occupy 47.7 acres.

The Draft EIR addressed the Project’s visual compatibility with surrounding neighborhoods in Section 4.1, *Aesthetics*. As discussed therein, impacts were concluded to be less than significant. In addition, land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. On pages 4.9-18 and 4.9-19, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses.

RESPONSE DKANNE-10

As stated on page 2-28 in Chapter 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. This requirement is incorporated into project design feature PDF 7-1, which would be included in

the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as a condition of approval for the Project. A 1.8-acre parcel located in Planning Area 1 (also referred to as the "drilling pad") is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations if permitting and site planning were to be pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities and would be subject to Project-specific mitigation measures and conditions of approval. Therefore, preparation of a health risk assessment would not be meaningful as future drilling operational parameters are not known and speculative at this point. In addition, the Draft EIR beginning on page 4.2-29 in Section 4.2, *Air Quality*, addressed odor impacts from Project implementation. As discussed therein, odor impacts would be less than significant.

RESPONSE DKANNE-11

The County cannot speculate on existing conditions affecting properties outside of the project area. Nonetheless, geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level. In addition, please refer to Response DKanne-10, above, for a discussion of impacts related to potential future oil operations at the project site. Because continued or new oil and gas operations are not a part of the Project, it would not be appropriate for the Draft EIR to address the impacts of such activities on existing properties outside the project area.

RESPONSE DKANNE-12

Please refer to Topical Response 4 regarding geology and faulting, and to the discussion beginning on page 4.5-14 of the Draft EIR regarding the measures that will be incorporated into the Project in order to ensure that potentially significant impacts associated with seismic-related groundshaking would be reduced to a less than significant level.

RESPONSE DKANNE-13

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The Fire Behavior Report utilized BehavePlus, a fire behavior prediction and fuel modeling system that is one of the most accurate methods for predicting wildland fire behavior. The

results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergency response and wildland fire impacts.

RESPONSE DKANNE-14

This comment asserts that new homes proposed by the Project would provide new fuels for wildland fires resulting in increased fire susceptibility for existing homes than under existing conditions. Contrary to the comment, as discussed under Response DKanne-13 above, the Fire Behavior Report assessed fire conditions under worst-case conditions (i.e., high winds) and provided fuel modification and fire planning design and landscape recommendations that are incorporated into the Fire Master Plan and Fuel Modification Plan to be implemented by the Project (see Figures 4.7-1 and 4.7-2, respectively, in the Draft EIR). With implementation of the prescribed mitigation measures and the PDFs prescribed for the Project (discussed in Section 4.7 of the Draft EIR), which are consistent with the applicable OCFA regulatory requirements, the Project would minimize to the maximum extent practical the potential for wildland fires. As noted in the Draft EIR, the OCFA, the agency responsible for fire protection in the area, has reviewed and approved the Fire Master Plan and Fuel Modification Plan. In addition, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be reduced when compared to existing conditions.

RESPONSE DKANNE-15

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE DKANNE-16

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas, scenic resources, and visual quality and character. It is acknowledged that the Project would alter views of the project site from surrounding areas. However, the assessment of aesthetic impacts is based on the "Thresholds of Significance" discussed on page 4.1-6 of the Draft EIR utilizing the "Methodologies" presented on page 4.1-5 of the Draft EIR. As discussed on page 4.1-5, the discussion on visual impacts typically includes analysis of views by the general public from public places, as opposed to private residences. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493 [EIR properly focused the impact analysis on public views].) Based on the "thresholds of significance," which are consistent with those provided in the State's CEQA Guidelines, impacts were concluded to be less than significant with site, design, building design/building materials, open space/landscape plan, and lighting features (see project design features PDF 1-1 to 1-9) to be included as part of the Project. These features will be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as conditions of approval for the Project.

In addition, on pages 4.9-18 and 4.9-19 in Section 4.9, *Land Use and Planning*, in the Draft EIR, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses.

RESPONSE DKANNE-17

The commenter generally states that the Draft EIR should address potential impacts to wildlife, including migrating and residential birds, reptiles, and mammals, as well as native plants. The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27 and impacts to wildlife movement and migratory species begin evaluation on page 4.3-40. As discussed therein, impacts were concluded to be less than significant with implementation of prescribed Mitigation Measures 4.3-1 to 4.3-3.

The Draft EIR also addressed potential impacts on scenic resources in Section 4.1, *Aesthetics*, of the Draft EIR. Discussion of impacts to scenic views begins on page 4.1-11. As discussed therein, impacts were concluded to be less than significant. Please refer to Response DKanne-16 for a discussion of aesthetic impacts.

RESPONSE DKANNE-18

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE DKANNE-19

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project’s residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project’s open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that Project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

Therefore, no changes are required in the Draft EIR in response to this comment.

RESPONSE DKANNE-20

Construction traffic impacts are addressed on page 4.14-22 in Section 4.14, *Traffic/Transportation*, in the Draft EIR. In addition, construction-related traffic to school routes and access is addressed in Section 4.12,

Public Services of the Draft EIR. As discussed in Section 4.12, potentially significant construction related traffic impacts regarding school routes and access would be reduced to a less than significant level with implementation of prescribed mitigation measures (Mitigation Measures 4.12-4 to 4.12-7). Also, the construction employee trips associated with the Project would be minor (approximately 40 inbound and 40 outbound per day) and would not substantially affect the performance of the circulation system during peak traffic periods. The Project grading plan proposes that grading quantities would balance and that no import or export of soil would be required, with the exception of the potential removal and export of contaminated soil from the on-site oil operations. As such, haul truck trips associated with export/import of soils would be limited, if any at all. Finally, with respect to heavy machinery, delivery would not occur on a daily basis, but rather periodically. As discussed In Section 4.14, construction traffic impacts would be reduced a less than significant level with implementation of the prescribed Mitigation Measure 4.14-1. The Project would be responsible for paying for the cost of implementation of the prescribed mitigation measures. Short-term construction traffic noise is also addressed in Section 4.10, Noise, of the Draft EIR beginning on page 4.10-14 under Impact Statement 4.10-1. As discussed therein, construction traffic noise impacts would be less than significant.

RESPONSE DKANNE-21

As the commenter notes, the discussion on existing setting is general in nature. However, mitigation measures applicable to the project apply regardless of the site-specific wind condition considered, i.e. extreme conditions (Santa Ana - NE wind) or the predominate conditions (onshore – southwest wind). The Project would be required to comply with SCAQMD Rule 403, which prohibits airborne dust traveling off-site during grading activities, and requires special dust control measures such as work stoppage, covering of stockpiles or applying additional water or soil stabilizers in the event of high-wind conditions (>25 mph).

RESPONSE DKANNE-22

Current SCAQMD CEQA methodology identifies Source Receptor Area (SRA) 16 as the most representative monitoring station for the project site.⁵ SCAQMD CEQA methodology allows for use of the closest monitoring station to represent background concentrations and also does not require on-site monitoring for such a project.⁶ Accordingly, the localized construction impact analysis in the Draft EIR is consistent with SCAQMD methodology and is therefore a valid assessment of such impacts.

RESPONSE DKANNE-23

The CalEEMod model represents the latest emissions calculations methodology developed by the SCAQMD, CARB and EPA. This model is currently recommended by the SCAQMD for all CEQA projects in the region. The SCAQMD Localized Significance Threshold methodology allows for use of look up tables instead of dispersion modeling for projects which will disturb less than five acres per day. As indicated in Section 4.2, Air Quality of the Draft EIR, although the project is larger than five acres, construction activities would not disturb more than five acres per day. Mass rate look-up thresholds developed under the SCAQMD LST methodology are meant for screening purposes which are conservative in nature. As mentioned in the SCAQMD LST Methodology (Page 4-1): "Screening procedures are by design conservative, that is, the predicted impacts tend to overestimate the actual impacts. If the predicted impacts are acceptable using the

⁵ South Coast Air Quality Management District. *Final Localized Significance Threshold Methodology*. July 2008.

⁶ *Ibid*.

LST approach presented here, then a more detailed evaluation is not necessary.” Because the conservative LST method used demonstrated that the project would not result in unacceptable localized impacts (i.e. construction emissions are below LST screening thresholds on the look-up tables), additional analysis (dispersion modeling) is not necessary.

The Project would disturb less than 50 acres and as such does not meet the definition of a large project under SCAQMD Rule 403. Once final grading plans are developed and if the Project were to meet the definition of a large project, then applicable portions of SCAQMD Rule 403, Table 2 would apply to the Project. Such requirements include submitting notification to the SCAQMD; maintaining daily records to document specific dust control actions; installing and maintaining project signage, and identifying a dust control supervisor.

Please refer to Response SCAQMD-3 for a discussion of cumulative construction impacts, including those with the Esperanza Hills Project.

RESPONSE DKANNE-24

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts. With regard to PM10 nonattainment, the thresholds used to evaluate localized air quality impacts are based on a 10.4 ug/m³ 24-hour PM10 concentration increase. This threshold was developed by the SCAQMD under the LST program which uses a different methodology for nonattainment pollutants. Under this methodology, the SCAQMD uses a change in concentration threshold for PM10 listed in Rule 1303, Table A-2.⁷ Therefore, the localized PM10 threshold used in the Draft EIR takes into consideration the nonattainment status of the region.

Please refer to Response DKanne-23 for a discussion of fugitive dust impacts and compliance with Rule 403.

RESPONSE DKANNE-25

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts. Please refer to Response DKanne-23 for a discussion of localized construction impacts to nearby residents and compliance with Rule 403.

The commenter is incorrect that SRA 23 (Riverside County) was used to evaluate localized air quality impacts. As indicated in Chapter 4.2, *Air Quality*, of the Draft EIR, page 4.2-18, SRA 16 (North Orange County) was used in the analysis.

⁷ South Coast Air Quality Management District. *Final PM2.5 Calculation Methodology and PM2.5 Significance Thresholds*. Page 4. October 2006.

RESPONSE DKANNE-26

Please refer to Response DKanne-22 regarding local air quality conditions and monitoring and Response DKanne-10 regarding on-site oil and gas activities.

RESPONSE DKANNE-27

As indicated in Table 4.2-8 on page 4.2-25, in Section 4.2, *Air Quality*, of the Draft EIR, fugitive dust emissions (PM₁₀ and PM_{2.5}) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities or permit airborne dust to travel off-site during grading activities. In addition Rule 403 requires special dust control measures in the event of high-wind conditions (>25 mph). Such measures include work stoppage, covering of stockpiles or applying additional water or soil stabilizers to prevent dust plumes from travelling off-site. Therefore, no additional mitigation measures would be required.

RESPONSE DKANNE-28

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impact purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE DKANNE-29

In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. As indicated in Response DKanne-23, if the Project is classified as a large project under SCAQMD Rule 403, additional requirements such as maintaining daily records to document specific dust control actions; installing and maintaining project signage, and identifying a dust control supervisor, would be required.

RESPONSE DKANNE-30

Please refer to Response DKanne-10 for a discussion of oil related activities. As discussed therein, no oil related activities are proposed by the Project. Also, Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise

occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-24 Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

RESPONSE DKANNE-31

Please refer to Responses DKanne-13, DKanne-14, and DKanne-21 above for a discussion of wildland fire impacts and climactic conditions. Also, please refer to Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR which discusses potential wildfire impacts associated with the Project.

RESPONSE DKANNE-32

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells, including remediation for surface or sub-surface contaminated soil. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development. The commenter's concern over the potential for spillage will also be addressed through the closure and capping requirements imposed by the state Department of Oil, Gas and Geothermal Resources and the County.

Therefore, no changes are required in the Draft EIR in response to this comment.

RESPONSE DKANNE-33

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE DKANNE-34

This comment provides a general conclusion to Comments DKanne-1 to DKanne-33 raised in this letter. The commenter suggests that the Draft EIR needs to address the environmental issues raised in this letter. As discussed above, the Draft EIR fully and appropriately evaluates the Project's potential environmental impacts on the referenced environmental issues and includes information sufficient to allow the decisionmakers to intelligently take account of environmental consequences. (State CEQA Guidelines Section 15151.) Moreover, as discussed above, the impact conclusions contained in the Draft EIR are supported by substantial evidence, which the commenter does not specifically challenge or provide any evidence to the contrary. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; State CEQA Guidelines Section 15384.)

RESPONSE DKANNE-35

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

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From: S. Katzmann [<mailto:s.squared@att.net>]

Sent: Saturday, January 11, 2014 9:06 PM

To: Tippetts, Ron

Subject: Comments on the Draft EIR for Esperanza Hills and Cielo Vista in Yorba Linda

To Whom It May Concern:

My wife and I live on Heatheridge Drive - near the proposed sites for both the Cielo Vista and Esperanza Hills proposed housing projects. We've lived here for 16 years. Although our house was spared, the Freeway fire five years ago destroyed eight houses on our street and nearby Cardiff. We barely escaped with a few of our possessions. The evacuation was frightening. This was because there were too many vehicles trying to escape the flames at the same time. In fact, the fire was coming down the hill towards us on Stonehaven drive as we were sitting in traffic trying to get out to Yorba Linda blvd. It is insane to think that anyone would consider increasing the number of homes here, in high fire danger area (as rated by the insurance industry), without first considering additional fire egress availability for the current residents of the area.

We hope that if these projects allowed to proceed, that they proceed with added traffic handling capabilities as a primary requirement.

Please also consider all of our concerns listed in the attached document.

Sincerely,

Mr. & Mrs. S. Katzmann

Yorba Linda Residents

Risks	Benefits
Increased property damage & loss from fires	The developer profits (money)
Potential injuries or death due to fires	Increased OC County property tax base (money)
More traffic congestion during fire evacuations - inadequate egress routes	Increased customer base for local businesses (money)
Increased traffic accidents	
Increased work commute times for residents	
Police, Fire & Paramedic resources spread thinner	
More frequent and longer lasting electrical power outages	
More stringent water conservation restrictions	
Increased State requirement to provide affordable lower-income housing	
Construction traffic, debris, and damaged city roads and infrastructure	
Construction adverse impacts on noise level, air quality, and environment	
More school classroom crowding = higher student-to-teacher ratios	
More crime	
Reduced Yorba Linda aesthetic appeal - natural surroundings gone	
Less "Land of Gracious Living"	
Frustrated Yorba Linda residents	
Yorba Linda refuses to incorporate the County land	

FACTS:

- Due to a lack of planning and resources, the disastrous November 2008 fire destroyed eight homes and damaged several others in our neighborhood, before any firefighting resources arrived on scene. Some of our neighbors did not evacuate and risked their lives by staying and fighting the fires with garden hoses.
- The area being considered for the new homes is an extremely high fire-risk area, especially during Santa Ana wind conditions (like in 2008).
- Our evacuation during the '08 fire was too close for comfort. As fire approached us from the hillsides east of Stonehaven/Via Del Agua, our evacuation traffic was blocked from entering YL blvd for some time. Until someone (no police presence) physically stepped out into YL blvd and stopped the traffic to let our side street proceed. There have been no added or improved traffic routes since the fire.
- The fire destroyed eight of our neighbors homes on Heatheridge/Cardiff. Two properties were never rebuilt and remain as eyesores and neighborhood blight. The city has since done nothing to force owners to improve these lots.
- Electrical power in our area has gone out 3 or 4 times in the past 13 years for an hour or more (in one case more than 8 hours). Not aware of any permanent repairs or preparation for increased demand? In contrast, the power never went out for any length of time when we lived on the west side of San Antonio for 12 years prior to our current location.

LETTER: KATZMANN**Mr. and Mrs. S. Katzmnn**

(January 11, 2014)

RESPONSE KATZMANN-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. The Draft EIR also specifically analyzed traffic impacts resulting from the Project, and concluded that all impacts would be less than significant (see Section 4.14, *Traffic/Transportation*).

RESPONSE KATZMANN-2

This comment provides general references to environmental impacts related to public services (i.e., fire, police), utilities, water supply, land use and planning, construction traffic, construction noise, construction air quality, schools, and aesthetics. These environmental issues were analyzed in the Draft EIR in their respective sections as follows: Section 4.12, *Public Services* (i.e., fire, police, schools); Section 4.15, *Utilities and Service Systems* (water supply); Section 4.14, *Traffic/Transportation*; Section 4.9, *Noise*; Section 4.2, *Air Quality*; and Section 4.1, *Aesthetics*. The comment does not provide any evidentiary support for the assertions provided therein. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Each of these issues areas were concluded to have less than significant impacts after implementation of the prescribed mitigation measures, where necessary. In addition, the Project is not proposing affordable housing. Also, with regard to issues at properties off the project site, such as those pertaining to damaged houses from a past fire or power outages, the County cannot speculate as to the circumstance that pertain to these issues, which are beyond the scope of the EIR.

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Jan. 3, 2014

TO: OC Planning
Attention: Ron Tippets

This letter is in response to the community open house meeting that was held on December 16, 2013 regarding the Cielo Vista Project. Our family lives on San Antonio Road which will be directly impacted by the additional traffic that this proposed new development will create. We are greatly concerned with the process by which this important decision is being made. Anybody who has been on San Antonio Road knows that this two way street is already congested with cars. Most mornings there is a considerable wait just to be able to back out of our driveways. We have been to several Yorba Linda City Council Meetings as well as the community open house meeting. There seems to be a common theme occurring in that the citizens of Yorba Linda are not being heard or respected. To be more specific, the Draft EIR does not logically address the concerns that we have with regard to additional traffic flow down San Antonio Road as well as evacuation plans for the next fire. **These proposed new single family homes do not become more important than the existing homes and family's that will be negatively impacted by this development, regardless of the financial gain to the City of Yorba Linda.** I would like to be informed as to what other roads are being considered as a means to access this new housing development as well as a more realistic emergency evacuation plan for the next fire. If you have not heard this loud and clear by now, we do not plan on standing by and allowing our neighborhood to become a freeway.

Keuilian Family
email katszsz@aol.com

LETTER: KEUILIAN

Keuilian Family
(January 3, 2014)

RESPONSE KEUILIAN-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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**Cielo Vista Project – Proposed Single-Family Residential Development
Community Open House
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, by **January 7, 2014**.

Mail: P.O. Box 4048
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: Ron.Tippetts@ocpw.ocgov.com

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics LOOKS NICE NOW BUT THIS DEVELOPER COULD
SELL OFF HIS RIGHTS TO DEVELOP AND WHO KNOWS
Air Quality WHAT WE REALLY GOT DOWN THE ROAD
Biological Resources
Cultural Resources GATED COMMUNITY? HOW DO I DRIVE IN?
Greenhouse Gas/Climate Change
Geology and Soils EARTH MOVEMENT FOR TWO YEARS
Hazards/Hazardous Materials OIL WELLS?
Hydrology/Water Quality
Land Use/Planning - OPEN LAND MUCH OF WHICH IS NON-MAINTAINED
- THE IMPROVED OPEN LAND IS NOT ACCESSIBLE
Noise TO PEOPLE IN CARS OUTSIDE THE DEVELOPMENT
Population and Housing DOES NOT FIT ORIGINAL PLAN OF DEVELOPMENT
WITH CLUSTERING OF HOMES
Public Services NONE
Recreation NOT AVAILABLE TO RESIDENTS DOWN THE HILL
VIA AUTOMOBILE
Traffic/Transportation TRAFFIC STUDY DID NOT INCLUDE MASS EVACUATION
SITUATION
Utilities NO WATER IN THE LAST FIRE
Alternatives BRAVO NEW INGRESS / EGRESS ROAD RESIDEN
EXISTING SAN ANTONIO & JAGUA & STONETOWN WHICH
COULD NOT EVACUATE EXISTING RESIDENTS IN 2008
FIRE!

2. What specific comments do you have regarding the proposed Cielo Vista project?

- TOO Big For EXISTING INFRASTRUCTURE
OF ROADS, CHAINED EMERGENCY ROADS
WILL NOT SUFFICE IN TRUE EMERGENCY WITH
SMOKE, CHAOS, WINDS, FIRE, DARK
WHO WILL MAINTAIN? WHO WILL OPEN
GATES IN EMERGENCY? LAST TIME NOBODY

WAS THERE, SOME WILL DIE
IN NEXT FIRE.

Please provide your name and contact information below:

Name: SCOTT KIRBY
Address: 4785 VIA DE LA ROCA
YORBA LINDA, CA
92887

Email: SMKIRBY@CISCO.COM

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

Ron Samorei
714 667 3217

OC Public Works
OC Planning Services
300 North Flower Street
P. O. Box 4048
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

LETTER: KIRBY1**Scott Kirby**

4785 Via De La Roca
Yorba Linda, CA 92887

RESPONSE KIRBY1-1

Whatever project the County approves for development on the property runs with the land. Thus, if the property is sold before the Project is built; the new property owner can only build out what was approved. If the new owner seeks to build a different project that would require a new project application and a separate process which will evaluate whether or not the new project is approved with review subject to compliance with CEQA and public input.

RESPONSE KIRBY1-2

Neither the access to Planning Area 1 from Via Del Agua nor the access to Planning Area 2 from Aspen Way will be gated. No access gates are planned for the Project.

RESPONSE KIRBY1-3

Geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

If commenter is referring to grading impacts, such impacts were analyzed throughout the Draft EIR and were determined to be less than significant.

RESPONSE KIRBY1-4

New oil wells are not planned as part of the proposed Project.

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped prior to grading activities. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards which would include protections against methane seepage and other fire hazards, including oil seepage.

RESPONSE KIRBY1-5

Approximately 36 acres of the project site between the two planning areas is planned to be retained as permanent open space. Future ownership of this area can be by the Project's homeowner's association, a

non-profit agency, or a public agency. Because ownership also typically includes responsibility for maintenance and liability, public access to the open space would typically be greater under the terms of public ownership and most restricted with private ownership. Other factors yet to be considered which can affect access include the purpose for the open space. Open space for habitat restoration would be most limiting of public access as compared to the area accommodating a passive park which would allow for more public access.

What is known today is that the project site is traversed by an earthen multipurpose City trail in an east-west direction as contained in the City's Trail Study Recommendation. This trail can be accommodated as shown on Figure 4.13-2 on page 4.13-13 of Draft EIR Section 4.13, *Recreation*. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. This is the extent of recreational trail planning as affecting the project site.

RESPONSE KIRBY1-6

Both the County General Plan and City General Plan allow for clustering of homes on the project site.

In association with City's Low Density Residential designation, the Land Use Element states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County's "1B" designation with a density of 1.3 dwelling units per gross acres being near the low end of the "1B" range.

RESPONSE KIRBY1-7

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that Project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and

improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

RESPONSE KIRBY1-8

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

RESPONSE KIRBY1-9

The Draft EIR addressed traffic impacts, including existing infrastructure and intersections, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As required by PDF 14-1, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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From: Scott Kirby [mailto:scotty_kirby@yahoo.com]

Sent: Wednesday, January 15, 2014 2:38 PM

To: Tippetts, Ron

Cc: Spitzer, Todd [HOA]

Subject: Comments on draft EIR for Cielo Vista and Esperanza Hills Development proposals Yorba Linda, CA

NOA Purpose: The purpose of this NOA UPDATE is to inform local residents, responsible agencies, institutions, and other interested parties that the Draft EIR is available for review and comment during the Public Comment Period (Thursday, **November 7, 2013** through Wednesday, **January 22, 2014**. Written comments to the Draft EIR must be submitted no later than Wednesday, January 22, 2014 to: Ron Tippetts, Planner, Current & Environmental Planning Section, OC Planning Services, P.O. Box 4048, Santa Ana, California 92702-4048 or via email at: Ron.Tippetts@ocpw.ocgov.com.

My name is Scott Kirby and I have lived at 4785 via de la Roca in Yorba Linda for over 15 years.

When the freeway complex fires hit Yorba Linda I was out of town and received a call from a friend that "Yorba Linda was on fire". It was mid morning. My son was still home in Yorba Linda at my house. He was working the night shift at UPS so I knew that he would be sleeping.

I woke him up on his cell phone and asked him about the fires. He of course knew nothing and heard nothing from anyone else about it. I asked him to look out the window. He did and saw a large amount of smoke coming over the hill towards our cul de sac. I told him to hang up and go check it out and call me back.

Five minutes later he called back out of breath and asked me what I wanted out of the house because it was surely going to burn down. I asked him if he had talked to the crowds of police and firemen in the area that surely were there. He said that NOBODY was there. I told him to grab some pictures / videos and leave immediately which he tried to do.

By the time he got his car onto Via Agua the road was blocked with exiting residents as they could not manage to get off of Agua onto Yorba Linda Blvd because of all the traffic. With the chaos there was no Police or Fire Dept. staff directing any traffic anywhere. Finally my son drove on the other side of the road to get off the hill. I cannot imagine the fatality rate when the next fire hits those same hills now occupied higher up with 500 more homes and the same egress and ingress streets in place. This is a death warrant for whoever purchases those homes.

At the same time, my neighbor on the cul de sac was sitting in his living room with friends. He saw the same fire coming over the same hill. He went to get his camera to take a picture of the fire. By the time he returned the fire was almost on top of them having moved a quarter mile in just a minute. He dropped the camera and told everyone to get out of the house and into their cars in the driveway. With their hands on their cars and loading, the fire was on top of them having blown over the house. They immediately abandoned plans to drive and ran screaming down the street. Their two cars are shown in the driveway attached here.

His house was destroyed as was one other directly next to my property. Only the actions of my next door neighbor who stayed to fight and 10 other neighbors who came into my yard saved my house after fighting fires in the yard for hours with water from my pool. We never saw a fireman or policeman.

Some 114 houses burned down that day in Yorba Linda...many because the water pipelines providing water to the hydrants were destroyed and there was no water higher up.

I don't see how anyone that approves this scale of project on existing streets in those hills will be able to live with themselves. It is not a question of whether a fire will ever hit those hills. It has happened and will happen again. Orange County Fire Authority and responders were and will continue to be helpless in fighting fires in that area when the wind blows like it did that day.

Sincerely,

Scott Kirby

4785 via de la Roca

Yorba Linda, CA

LETTER: KIRBY2

4785 Via De La Roca
Yorba Linda, CA 92887
(January 15, 2014)

RESPONSE KIRBY2-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE KIRBY2-2

Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

RESPONSE KIRBY2-3

The Commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Scott Kirby [mailto:scotty_kirby@yahoo.com]

Sent: Wednesday, January 15, 2014 2:41 PM

To: Tippetts, Ron

Subject: Cielo Vista Draft EIR comments

NOA Purpose: The purpose of this NOA UPDATE is to inform local residents, responsible agencies, institutions, and other interested parties that the Draft EIR is available for review and comment during the Public Comment Period (Thursday, **November 7, 2013** through Wednesday, **January 22, 2014**. Written comments to the Draft EIR must be submitted no later than Wednesday, January 22, 2014 to: Ron Tippetts, Planner, Current & Environmental Planning Section, OC Planning Services, P.O. Box 4048, Santa Ana, California 92702-4048 or via email at:Ron.Tippetts@ocpw.ocgov.com.

Date: Monday, August 6, 2012 3:54 PM

To: "Channary.Leng@ocpw.ocgov.com" <Channary.Leng@ocpw.ocgov.com>

Cc: rebelwoof <rebelwoof@att.net>

Subject: Cielo Vista Environmental Impact Report Submission: Written Comment form

Ms. Channary Leng

OC Public Works

OC Planning

300 North Flower Street

Santa Ana, CA 92702 92702-4048

Subject: Draft Environmental Impact Report for Cielo Vista Project

Written Public Comments for the Scoping Meeting for the Draft Environmental Impact Report for the Cielo Vista Project are due to the County of Orange NLT August 6, 2012

Please leave this form in the box provided at the Scoping Meeting or deliver or mail it to: Ms. Channary Lang, OC Public Works/OC Planning, 300 N. Flower Street, Santa Ana, California 92702-4048. This form can simply be folded and placed in a mailbox. Please remember to add postage. Alternatively, you may e-mail your comments to Channary Lang at: Channary.Leng@ocpw.ocgov.com

Dear Ms. Leng;

The following are my comments regarding the Cielo Vista Project under the County of Orange jurisdiction in Yorba Linda. Please include them in your EIR study:

1. Any approval of the plans submitted by the developer for Cielo Vista and approved by the County of Orange should include a death certificate for some future resident of that development. One ingress and one egress point for up to 500 homeowners and their families will without a doubt lead to deaths in the next fire similar to the Freeway Complex fire already experienced in 2008. I live in this area, and the evacuation of existing residents on existing streets onto Yorba Linda Blvd was backed up and three abreast on a two lane street during those fires.

2. Any proposal by the developer should be reviewed in context with both the Cielo Vista Project of 100 plus homes and the Esperanza Hills proposal of homes which is directly attached and would use the same streets , ingress and egress, as well as the same fire and water safety concerns.
3. The proposal submitted by the developer includes no schools and would dump 500 homes full of children into the schools that are maxed out at the bottom of that hill (Travis Ranch Elementary and Middle School).
4. The proposal includes “open space” that already exists but does not make any provision for landscaping or maintenance or water of the same open space. What we learned in the freeway complex fire was that the open space in hidden hills as provided by that developer, was actually the perfect kindle for that fire and led directly to the destruction of many homes in that area. (114 homes burned in Yorba Linda during that fire. It is not a question of IF there will be a fire again in this area, but when. So it is incumbent on the County of Orange to make sure that all means of protection of residents and property is accounted for by the developer who’s interest is strictly monetary and will provide the minimum of safety tools to get his proposal approved and developed.
5. The proposal includes the covering of an open spring and creek with some sort of bridge at the ingress point off of Via Agua/Stonehaven. This is a collection point for wildlife as well as for mudslides. Please see attached pictures of mud slides and fire damaged home that backs up to that very location.

LETTER: KIRBY3

4785 Via De La Roca
Yorba Linda, CA 92887
(January 15, 2014)

RESPONSE KIRBY3-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please note that the Project proposes 112 single family homes, not 500.

RESPONSE KIRBY3-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE KIRBY3-3

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, the Project, which proposes 112 single family residences, is anticipated to result in an additional 26 students at Travis Ranch School (elementary), 14 at Travis Ranch School (middle school), and 20 at Yorba Linda High School. Pursuant to SB 50 (Government Code 65995), the Project Applicant would pay fees to mitigate the impact of these additional students. Thus, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE KIRBY3-4

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The analysis describes the fuel modification zones required for the Project, which would include fire-resistant plant species approved by the OCFA. As noted in the Draft EIR, a Fire Master Plan and Fuel Modification Plan were developed and reviewed by the OCFA. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE KIRBY3-5

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27. As discussed therein, after significant research and site surveys to determine what animal and plant species were present at the project site, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed hydrology and erosion impacts in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. Creek A, the creek to which the commenter refers, was analyzed in the Draft EIR. A debris basin is proposed at the easterly property boundary within Planning Area 1, which would de-bulk approximately 636 acres of offsite undeveloped tributary storm flows. Clear flows would then leave the basin and be conveyed through the site via a proposed 8'x7' RCB at Stonehaven Drive with a transition inlet to allow open flow into the system and prevent upstream ponding. The proposed development would be designed to allow for onsite flows to be directed towards proposed local streets and then intercepted by proposed catch basins. Once the storm flows are within the proposed storm drain system, flows would be conveyed to water quality facilities as required and then ultimately to the proposed 8'x7' RCB, prior to leaving the project boundary, and joining the existing downstream facility in Stonehaven Drive. The Project's drainage plan presented in Section 4.8 of the Draft EIR, with revisions incorporated into Chapter 3.0 of this Final EIR, would serve to minimize flooding and mudflow hazards during major storm events. Per the analysis in Section 4.8, impacts were concluded to be less than significant with incorporation of the project design features, as well as compliance to applicable regulatory requirements.

From: Jim Kloman [<mailto:JKloman@brfa.com>]

Sent: Thursday, December 26, 2013 8:44 AM

To: Tippetts, Ron

Subject: Cielo Vista's Environmental-Impact

Dear Ron,

My concern is the impact of all the extra cars on Stonehaven Dr. As it is as many as 8-12 cars line up at the light on Stonehaven to the Yorba Linda light. When you edouble th, triple and quadruple the number of cars more than a traffic jam will exist. People that live on the Stonehaven or bring their children to the pre-school on the corner will not be able to get in and out of their own driveway.

I think it is paramount that the developer should be required to build additional roads to get these cars for the new home owners out of these developments some other way then using existing streets.

As you should be aware that during the fire that went through this area Yorba Linda Blvd. wqas impossible to get to for the existing home owners and any addition homes would make thigs worse and more than likely a death trap for which you would be responsible and charge.

Jim Kloman

President/Owner

Brenner-Fiedler & Associates, Inc. - ISO 9001:2008

Phone: 951-299-4100 x-219

Fax: 562-404-7975

Email: JKloman@brfa.com

Online ordering and account viewing: www.brfa.com



Building Futures Through Automation

LETTER: KLOMAN**Jim Kloman**

(December 26, 2013)

RESPONSE KLOMAN-1

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The California Environmental Quality Act (CEQA) encourages agencies to have thresholds to determine when projects would have the potential to cause an impact. The lead agency (County of Orange) and the adjacent City of Yorba Linda both have established traffic study guidelines that dictate when a project's off-site traffic impact is considered to be significant for CEQA purposes. Per the County of Orange Congestion Management Program (CMP) guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more of a DEFICIENT intersection as compared to the No Project condition is considered significantly impacted and mitigation measures are required to reduce the project's impact to a level of insignificance. This is more stringent than the City of Yorba Linda's traffic study guidelines, which recommend the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. The Project is anticipated to contribute fewer than 50 peak hour trips to the intersection of Stonehaven and Yorba Linda Boulevard and the addition of Project traffic was found to also change the ICU value by less than 1% (or 0.01). As such, the County of Orange and City of Yorba Linda staff agreed (via the scoping process) that focused intersection level operation analysis is not needed for this intersection, consistent with the County's CMP and the City's traffic study guidelines.

Regardless, the access to Yorba Linda Boulevard and associated traffic patterns will change from what the commenter observes with the implementation of the Project and signalization of Via del Agua and Yorba Linda Boulevard per the Draft EIR's prescribed Mitigation Measure 4.14-2. The proposed Project access point is far closer in proximity to Yorba Linda Boulevard from Via del Agua than to Yorba Linda Boulevard via Stonehaven. Although existing residents have been observed to travel north to Stonehaven to utilize the signalized intersection at Stonehaven and Yorba Linda Boulevard, this behavior is anticipated to decrease as the Project intends to signalize the intersection of Via del Agua at Yorba Linda Boulevard, making that intersection the most logical access point to Yorba Linda Boulevard from the project site. With the proposed signalization of Via del Agua and Yorba Linda Boulevard, it will be more efficient for vehicles exiting from the Project to utilize the intersection of Via del Agua and Yorba Linda Boulevard to make either a left or right turn. In effect, residents will likely choose to take the shortest path and adjust travel patterns accordingly. Accordingly, the vehicle queue lengths at the intersections of Via Del Agua and Yorba Linda Boulevard, as well as the intersection of Stonehaven Road and Yorba Linda Boulevard are not anticipated to be substantially impacted by the Project.

RESPONSE KLOMAN-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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TRAFFIC CONTROL ENGINEERING, INC.

January 22, 2014

Mr. Ron Tippetts
OC Planning Services
County of Orange

Re: Response to Draft EIR on Cielo Vista Project

Dear Ron:

Thank you for the opportunity to submit our responses to the above Draft EIR. I am a resident of City of Yorba Linda.

One major consideration that has not been mentioned in the previous open house, public meetings... is that the additional traffic generated by the proposed development should call for a "Traffic Calming" study in an effort to slow down the traffic, especially down-hill direction on both Via Del Aqua and Stonehaven Dr.. Mitigations from similar studies include landscaped raised median, neighborhood traffic circles, diagonal diverters, half street closure, stop signs, traffic humps, chokers, ... Some of the mitigation measures may involve on-street parking restrictions and possibly street closures. Therefore, it is imperative that an in-depth neighborhood public workshop program be developed to solicit residents' input for the final traffic calming study recommendations.

Further, the proposed development should also consider widening the intersection of Yorba Linda Blvd. and Via Del Aqua to accommodate added traffic due to the development. Via Del Aqua should have a landscaped raised median and an outbound right turn lane and a left turn lane. Northbound Yorba Linda Blvd. should be widened to accommodate a new right turn lane and a continuous bike lane. Southbound Yorba Linda Blvd. has a vertical and horizontal curve approaching Via Del Aqua. It is critical that southbound left turn traffic shall not be allowed to back up onto the southbound through lane due to the limited sight distance. Therefore, the southbound left turn lane should also be lengthened to ensure that such a problem will not occur.

We appreciate your consideration of our responses and all your hard work on this project.

Sincerely,

TRAFFIC CONTROL ENGINEERING, INC.

David Kuan, T.E.,P.E.

2687 Saturn St.
Brea, Ca 92821

TEL (714) 447-6077
FAX (714) 447-6081

LETTER: KUAN

Traffic Controlling Engineering, Inc.
David Kuan, T.E., P.E.
2687 Saturn Street
Brea, CA 92821

RESPONSE KUAN-1

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Through the scoping process, the City of Yorba Linda did not request that traffic calming be addressed as part of the traffic study. Furthermore, the Project's traffic alone does not warrant a traffic calming analysis as the Project is anticipated to contribute less than 100 peak hour trips to Via del Agua. As demonstrated in the Project's traffic study, the addition of Project traffic is not anticipated to result in any deficiencies, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard which is currently operating at deficient LOS during the peak hours. The Draft EIR prescribed Mitigation Measure 4.14-2 requiring a traffic signal to be installed at this intersection, which would improve the operating condition at this intersection to an acceptable level based on City and County standards. It is important to recognize that traffic calming measures are intended to slow vehicles and consequently also result in reduced traffic capacity.

RESPONSE KUAN-2

Contrary to the commenter's suggestions, with the Draft EIR's prescribed Mitigation Measure 4.14-2 to install a traffic signal at the intersection of Via Del Agua at Yorba Linda Boulevard, the intersection of Via Del Agua at Yorba Linda Boulevard is anticipated to operate at LOS "B" during the peak hours under Horizon Year 2035 traffic conditions. As peak hour capacity and associated LOS are anticipated to far exceed the County and City of Yorba Linda's standard of LOS "D" or better, widening of the intersection or otherwise improving the median is not necessary.

Further, the future long-range Year 2035 traffic analysis for the intersection of Via Del Agua and Yorba Linda Boulevard indicates that 35 to 96 vehicles will make an eastbound left turn movement during the peak hour conditions. Standard industry practice for transportation engineers is to provide 1 foot of storage for each vehicle anticipated during the peak hour conditions. Using a conservative application of this rule, the peak hour storage demand for the intersection of Via Del Agua and Yorba Linda Boulevard is calculated at 96 feet. Today, the eastbound left turn pocket length is approximately 100 feet, not including the transition, and is therefore adequate to accommodate the Year 2035 peak hour eastbound left turn movements.

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From: Maureen A. Hatchell Levine [<mailto:maureenlevine@klplaw.com>]

Sent: Monday, January 13, 2014 6:14 PM

To: Tippetts, Ron

Subject: Cielo Vista Project Above Yorba Linda

Hello Mr. Tippetts,

My name is Maureen Levine, and I am a 27-year resident of Yorba Linda. I live in the older part of Yorba Linda, near Imperial and Kellogg, not close to the hills where the Cielo Vista project is proposed.

Nevertheless, I have very strong concerns about burdening the hills with more housing. I know that whenever new projects are proposed in an area, existing residents feel threatened and do not want further crowding in their area. However, in this situation it is not just a selfish concern over space and ethics. The hills in general are very susceptible to wildfire, and we experienced the devastation of a substantial amount of land near the subject area in the 2008 fires. I have read Supervisor Spitzer's letter to residents, and he is correct that the County should be assured that the development should be allowed only after the county is convinced that living up in those hill would be safe for the residents of the new homes.

However, I go a step further and ask that the County also consider the safety of the existing residents, who did not have sufficient egress to evacuate at the time of the fires, and did not have sufficient water. And water pressure. Supposedly the water issue has been resolved, but was it resolved with an eye for all these additional homes? Further, if the egress was already insufficient for the existing homes, one can only imagine the life-threatening situation with thousands more residents trying to evacuate.

Additionally, aside from safety, what about the mental health that space promotes? I know we live in a capitalistic democracy, and we all benefit from it. However, government officials do not have to cow-tow to developers every time developers lick their chops over a lucrative opportunity. One of the most appealing aspects of Yorba Linda is that it has preserved space throughout all the

years, and to the people to whom space is important, that is extremely valuable, and the main reason those people want to live in Yorba Linda. Yet Yorba Linda residents are continually threatened by high density development, developers from out of the area proposing high density, using the value of the spacious environment the residents have fostered, to maximize developer profits without contributing to the value of the area; instead detracting from property values by inflicting crowding.

Please do not give in to developer influence. As an objective entity, the government must fully review the impact of this proposed development with eyes wide open. The developer certainly cannot be trusted to fully disclose any danger it has discovered about putting the development in the hills. The citizens are counting on you to fully weigh the pros and cons, not as a token gesture, but in a genuine effort to determine whether this development should be allowed.

And another issue: isn't this land county land? So where does the developer get off burdening the City of Yorba Linda with county residents' use of Yorba Linda infrastructure? Too many developers have been allowed to exceed low density requirement without contributing any valuable offset to the City of Yorba Linda.

Thank you for considering the foregoing.

Maureen Levine

LETTER: LEVINE

Maureen Levine
(January 13, 2014)

RESPONSE LEVINE-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

RESPONSE LEVINE-2

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and project goals to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

RESPONSE LEVINE-3

This and other new community type projects in the unincorporated area are essentially required to pay for themselves and not burden adjacent jurisdictions and existing residents. Future residents of the Project areas will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. As for service facilities, Draft EIR Chapter 4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12.13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Project related infrastructure including streets, connections to City streets, as well as water and sewer lines are paid for by the developer. Street maintenance is provided for by the County General Fund.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on adjacent jurisdictions and existing residents.

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From: Venessa Lopez [<mailto:vw2000@sbcglobal.net>]

Sent: Tuesday, January 21, 2014 6:46 PM

To: Tippetts, Ron

Subject: Urgent!!

To Ron Tippetts and

whom this may concern,

This is a matter of life and death. It's important that the County of Orange and developers of the Cielo Vista Project know, and be aware that I represent the homeowners that live on and near my street, approximately 50+ taxpayers. The homeowners that live on Alder Ave. (adjacent to San Antonio Blvd.) we are **OPPOSED** to this project for many significant reasons. The first and most obvious is the impact on the reemerging wildlife in that is still in recovery process due to the fires that devastated that area in November of 2008. These are the last hills that remain in Orange County and need to be preserved for that very reason. These indigenous animals may not be on the endangered list now, but they will be extinct to this area if you continue to build and develop homes in and on their habitat.

During the "open house" with the Ceilo Vista developers on January 16th they acknowledged that they are going to preserve a very small area on the west side of the development for a bird sanctuary, and in the same breath explained how they would have to remove the trees, bushes and plants in that area, in order to plant the new bushes and plants they want the birds and other wildlife to nest and reside in. I feel that this is a fine example of the doubletalk that they have used to get the permits for building approved, and the County has for some reason forsaken us and signed off on these permits for no benefit to

the city and the taxpayers who are already living here. In fact it's to the detriment of the existing homeowners and wildlife.

The developers want to utilize our water resources! They want to add an additional 500 homes to a existing water reserve in the midst of a drought that may last decades! We are currently being asked to cut back on our daily water usage by 20% a day! How is adding an additional 500 homes to tap from our water reserve going to help to accomplish this? In addition to the Ceilo Vista development there are two more developments that will be encroaching upon all our reserves in addition to that post the completion of the 1st development, why would the County of Orange approve these developments without taking any and all these aspects into consideration?

These developments are large in scale and do not fit in to the community. The proposed project is on such a grand scale that it will impact our already overcrowded schools and existing shopping centers. It will potentially impact local traffic as well as increasing the risk of fire / safety hazards.

During the fire in Nov. of 2008 we almost lost our home and all of our belongings because we had left town that morning with only an overnight bag. The only reason our house was not burned and a complete loss was because our neighbors stayed and fought the flames armed only with garden hoses and shovels, and **it's by the grace of God that no lives were lost in that process.** There was no help in my neighborhood from the local fire dept. that is located at the end of San Antonio! There was no help from law enforcement who were virtually absent with the exception of the two officers that were posted at the end of San Antonio Ave., they were there keeping the home owners

from returning to their homes to rescue their loved ones, pets and prized possessions. Since this time there has only been a few sheriffs added to increase the protection of our community, not enough to make a significant difference in the event of a real emergency.

My husband and I spent the better part of the day trying to get home to rescue our dog, and the freeway system was so impacted we were stuck in a traffic gridlock for better than eight hours and we were unable to return home until the next day. During that time we were exposed to toxic fumes and I am still experiencing respiratory problems. The closest we got to home was approximately 15 to 20 miles! We had to check into a hotel for that night and the closest room that was available was in Anaheim, near Disneyland! This was due to all the evacuations that had occurred.

In the event of another fire, or an earthquake or some other unforeseen catastrophic event, the safe evacuation of all the people who live here and are going to be living here pending the completion of these projects will be impossible. Lives will be lost so that the developers can make money! Not if but when the next fire occurs. It's wrong for so many reasons. We implore you to stop these developments and please save our lives and Save our Hills!

Sincerely,

Venessa Lopez & Wayne Martin

4610 Alder Ave.

Yorba Linda, Ca. 92886

LETTER: LOPEZ/MARTIN**Venessa Lopez and Wayne Martin**

4610 Alder Avenue
Yorba Linda, CA 92886
(January 21, 2014)

RESPONSE LOPEZ/MARTIN-1

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The analysis in Section 4.3 accounted for the fact that the area was previously subject to wildfires that affected the flora and fauna, and utilized that information in its analysis. The commenter has not provided any evidence that contradicts the analysis or conclusions contained in Section 4.3. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Contrary to the comment, the Project Applicant has never contemplated a bird sanctuary as part of the Project.

Also, this comment's stated opposition to the Project as currently opposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE LOPEZ/MARTIN-2

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035.⁸ Moreover, the Project does not represent a significant increase in service demand. Please note that the Project proposes 112 single family residences, not 500.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions

⁸ Yorba Linda Water District Final 2010 Urban Water Management Plan.

depending on the severity of drought conditions.⁹ The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant. Furthermore, the analysis includes an analysis of cumulative water supply impacts with the Esperanza Hills Project under Impact Statement 4.15-7 beginning on page 4.15-26 of the Draft EIR. As discussed therein, cumulative water supply impacts would be less than significant. Please also refer to Topical Response 2 regarding the Project’s water supply infrastructure.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

Please also refer to Topical Response 2, which discusses water supply.

RESPONSE LOPEZ/MARTIN-3

Please refer to Response Lopez/Martin-2, above.

⁹ Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

RESPONSE LOPEZ/MARTIN-4

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes.

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts, including the potential for school overcrowding, the potential for increased local traffic, and the potential for increased hazards is that the Project's impacts are less than significant, or less than significant with mitigation.

RESPONSE LOPEZ/MARTIN-5

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergency access. Also, the Draft EIR addressed public services impacts, including police and fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts to both fire protection and police services were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE LOPEZ/MARTIN-6

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE LOPEZ/MARTIN-7

This is comment on a personal experience during the 2008 Freeway Complex Fire and is noted by the County. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE LOPEZ/MARTIN-8

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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January 10, 2014

Orange County Planning services

Attention: Ron Tippetts

Subject: Response to Cielo Vista Draft EIR

We have reviewed the document as best we are able, considering the size and the amount of information.

We would like to start by saying that we are not anti-development. The homes we live in, were obviously once open land. It is difficult to say that once we have ours, it is time to stop development.

That said, there are things about Cielo Vista and proposed other developments in the adjacent area that do raise a large degree of concern in our minds.

There are two main areas of the EIR that are of special concern. They are:

Section 5.7 Hazards and Hazardous Materials

Section 5.14 Transportation and Traffic.

5.7 HAZARDS AND HAZARDOUS MATERIALS

5.7.9 Community Evacuation Planning

The key premise of this section seems to be that the majority of residents will dutifully follow an evacuation plan. Further, this plan will be initiated early enough to support a structured and orderly evacuation. As was noted in the general comments in this document, this did not go well with the Freeway fire. Residents will naturally want to stay at their homes, assessing what might be done to protect them. We find it improbable that residents will now leave their homes early, before they have some ability to assess the risk to their property and to themselves. In the event that the fire does become more threatening and it does seem prudent to leave, there will very likely be the same situation, but with significantly more persons attempting to leave (do to the added number now included in the area of concern). This evacuation will again be attempted using a very limited number of egress options. Having seen that process happen first-hand, we feel that this issue is not as easily passed over as is implied in this study. Additionally, If we read the document correctly, these plans are still "in-process", so it is difficult to really evaluate the potential for being effective.

5.7.5 Project Impacts Prior To Mitigation

Section g.

This discussion suggests that Emergency Ingress/Egress Plans for Evacuation have been incorporated into the circulation design of the project. Have any real-world simulations been done showing that these plans have some credibility? That would, of course, include a **realistic** assessment of the time residents would **actually** have when they try to evacuate.

Throughout this section, the Home Owners Association bears a significant responsibility to ensure that all the planned mitigations are done properly and kept maintained. Having had some experience with HOAs, they do not always function in the orderly and strictly proper manner that will be needed. Is there a requirement that the HOA report to some Agency on the status of their mitigation efforts/programs?

i. Project Emergency plan

Again, it is noted that allowance for adequate time will be key in formulating an effective evacuation plan, so that roads do not become congested. Looking ahead to the later section on traffic, we find that the plans for egress are still quite indefinite, and those proposed options do not really address the traffic flow leaving the streets such as Via Del Agua onto Yorba Linda Blvd.

Further, it is noted that if alternative measures, other than evacuation are required, the ***Proposed Projects residents would receive an alert and the community's pre-planned and practiced emergency response would be initiated.*** We find that level of community involvement prior to an emergency, difficult to imagine. Is it realistic to assume that this Community will hold **practice evacuation drills**? What system would be in place outside the community that would monitor this "readiness"?

A key intersection that will be crucial in any evacuation is that of Via Del Agua and Yorba Linda Blvd. We personally witnessed the incredible congestion there during the Freeway fire, since we live very near that intersection. As noted in the Traffic Section, the actual eventual outcome for that area is not determinate because of the uncertainty of the implementation of a traffic signal and other mitigations. However, even assuming that something will be done to improve access to Yorba Linda Blvd, it is difficult to see how this much larger traffic load will transfer smoothly to Yorba Linda Blvd. Even without this large additional traffic load, it was virtually impossible to get onto Yorba Linda Blvd. during the Freeway fire due to the congestion on Yorba Linda Blvd.

5.14 Transportation and Traffic

As noted in **5.14.1.5 Existing Level of Service Results**, the intersection 10, Yorba Linda at Via Del Agua receives an **F** rating in the AM.

As noted in **5.14.3.4.d. Peak Hour Intersection Capacity Analysis section 1) Existing Plus Option 1**, Project Traffic Conditions, at both the AM and PM hours will degrade to LOS F status.

In section **5.14.4.4.e Area-Wide improvements**, a proposed mitigation would be the installation of a three-phase traffic signal at Yorba Linda Blvd and Via Del Agua. This study totally ignores a situation that will severely impact traffic flow from the homes (including ours) that are on Via Del Cerro. There is also one home on Via Del Puente affected as well. These homes normally access Yorba Linda Blvd by going West on Via Del Puente to Via Del Agua, then making a left turn onto Via Del Agua proceeding to Yorba Linda Blvd. The proposed traffic solution will create either a solid line of cars waiting for the light to change to access Yorba Linda Blvd, or solid traffic flow when the light is green. In addition, this will be aggravated by traffic entering Via Del Agua heading North from Yorba Linda Blvd. While the traffic study personnel may not consider the fact that 20-30 or so impacted homes are significant, we residents do. Unfortunately this situation is likely to negatively impact our home prices significantly, as well. In an emergency it would virtually ensure that there would be no exiting the tract via Via Del Agua.

Looking at **5.14.4.5 Option 2 Project Analysis**, once again Via Del Agua is a level F in the AM and E in the PM. Once again, the traffic signal is indicated as the mitigation. The concerns with that solution are, of course, the same as with Option 1.

5.14.4 Mitigation Measures

As noted, the Mitigations are “recommended” measures. There is no assurance they will be implemented.

Other Traffic Concerns

One issue that we were not able to find addressed, is the school-related traffic. Presently, when children are being taken to and from Travis Ranch School, there is a significant amount of congestion. This often involves parents going out of their way to make U turns and various other maneuvers to attempt to negotiate this busy area. The change in traffic flow due to the “surges” in traffic due to the high-load traffic signals, will likely severely worsen this problem. Also the simple addition of a large number of parents/students will have a major impact as well. This is a problem that is presently being “struggled with” every day. We have not seen any mitigation plans to address this problem and prevent it from getting significantly worse.

SUMMARY

In summary, the build-out and eventual sale of this proposed tract of homes will have a significant and negative effect on many homes. The largest impact is likely to be to those homes that front, or require access to Via Del Agua. This impact causes two areas of concern. First, there is a clear increase in the chance of homes lost or damaged by fire in the event of another situation such as the Freeway Fire. This is due to the traffic congestion on Via Del Agua making fire-fighters access to homes along that route difficult or impossible. In addition, the safety of the residents themselves may be jeopardized by the inability to readily exit their neighborhoods.

Secondly, this development will have a very detrimental effect on everyday living to a large number of existing residents. We believe representatives of the County should be sensitive to these effects on their constituents, and would appreciate their honest evaluation of the impact this, and other proposed projects will have on this community.

Thank you,

Gary and Jacquelynn Macheel
5040 Via Del Cerro
Yorba Linda, CA.

PS:

We would like to offer a suggestion to the preparers of this report and reports to follow. The practice of omitting the full paragraph description number with each referenced paragraph (number or letter), makes referencing sections very difficult. For example, on page 5-553, we have sections d. e. and f. If we as the reader want to reference something in one of those sections, we must go back page by page until we finally trace down the rest of the reference. In this case we have to go back to page 543 to see that it relates to section 5.14, then we must note that it is 5.14.1. Further research leads us to page 548 where we find it is 5.14.1.4, which now allows us to note that there are no new paragraphs in between. We then conclude that those of interest must be section 5.14.1.4 d e or f. It is true that there are page numbers associated with these paragraphs. It seems to us, that these numbers would tend to change often with revisions. That would make it difficult to use them as long-term references.

LETTER: MACHEEL**Gary and Jacquelynn Macheel**

5040 Via Del Cerro
Yorba Linca, CA
(January 10, 2014)

RESPONSE MACHEEL-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MACHEEL-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MACHEEL-3

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MACHEEL-4

This comment states that there is no assurance that the mitigation measures will be implemented. Under CEQA, a lead agency adopts mitigation measures described in the EIR and those measures must be enforceable through conditions of approval, contracts, or other means that are legally binding. (CEQA Guidelines, § 15126.4(a)(2).) This requirement is designed to ensure that mitigation measures will actually implemented. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As indicated in this comment, the Draft EIR has prescribed a mitigation measure to install a traffic signal at the intersection of Yorba Linda Boulevard and Via Del Agua. Under existing conditions, the intersection operates at a level of service (LOS) F. This LOS level is indicative of extreme intersection delays with intersection capacity exceeded, as shown in Table 4.14-2 on page 4.14-14 of the Draft EIR. The Draft EIR contains substantial evidence to support that under future conditions with the Project and installation of the traffic signal, the intersection would operate at LOS B. This LOS is indicative of short traffic delays and an acceptable performing intersection based on City and County traffic standards. With a LOS B, it would be expected that even during AM peak hour traffic, during "green light" traffic signal cycles that left turns could be made onto Via Del Agua from Via Del Puente without significant delay. Also, please refer to Topical Response 3 regarding emergency access.

RESPONSE MACHEEL-5

Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analyses. As concluded in Section 4.14, construction-related and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE MACHEEL-6

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

Ron and Judith Magsaysay
21230 Twin Oak
Yorba Linda, CA 92886
714.801.6757

January 20, 2014

Cielo Vista Project – EIR Comments

Hazards/Hazardous Materials:

Our first and foremost concern is for the safety of residents during a fire emergency in this area. Wild land fires follow a pattern and this area is an historical fire corridor. These homes are right in the line of future fires. The developer states that these new homes will be “hardened and fire-safe.” As a 32 year veteran firefighter, engineer, captain and brush fire crew supervisor with LA County Fire Department, I can state unequivocally, that no matter what a developer states, you cannot fireproof a home. Any exposed wood or glass window will make a home susceptible to fire. A burning bush near a structure can raise enough heat to cause glass to break or wood to burn, allowing fire to enter.

The evacuation plans will not work. During the 2008 fire, traffic was backed up San Antonio for ¾ mile. Additional homes will only create more congestion, especially during an evacuation. There is no way for San Antonio to support the number of evacuees. The developer stated that the sheriff will control the intersections to avoid back-up. With so few (6?) officers on duty, how long will it take to get additional officers out to control the impacted intersections for traffic to flow? It is our concern that by the time the intersections are controlled, lives may be lost due to the backup.

On San Antonio the homes are on the east side of the street and the fire hydrants are on the west side of the street. With hoses stretched across San Antonio, the evacuation route is lost. Also, with fire engines along the street, there will not be sufficient room for San Antonio to serve as a main road of egress.

During the 2008 fire, the 91 Fwy. was closed, resulting in no space for evacuated traffic to move. With the proposed plan, there is no way to lessen traffic on YL Blvd., Imperial or La Palma. Y. L. Blvd and Imperial are the only ways out of the city. Additional cars will only exacerbate the problem.

We were fortunate that the 2008 fire took place on a Saturday. During a weekday fire, Bryant Ranch, St. Francis, Travis Ranch, Fairmont and Y.L. High School evacuations would greatly impact traffic flow and egress.

High pressure gas line runs directly behind our property. With extensive movement and vibration of earth and the possibility of the pipes getting disturbed or bumped, we are fearful of a San Bruno type explosion/disaster. We are aware of the danger of this high pressure line. The EIR does not sufficiently address this danger.

During the 2008 fires, the oil wells on this property were compromised. The vapor exhaust systems failed and flammable vapors were released into the atmosphere and were burning.

Around these oil pumps, there are above ground oil lines which will be disturbed, increasing potential danger to homes, people and wildlife. That danger is not sufficiently addressed within the current EIR.

Air Quality:

With lengthy land grading and construction, the air quality will suffer for an extended period of time. Particulate matter will cover our homes, yards, plants, animals, streets, cars, etc. and enter our respiratory system as well as that of the local wildlife. When our kids were small and construction pollution was still evident around us, one-third of the kids on this cul-de-sac had asthma. Will our asthma count go back up due to the pollutants and particulate matter with this lengthy process?

With the protracted drought, we know that water will be restricted and rationed for everyone. Will there be sufficient water to tamp down the dirt and dust? We are concerned that the builders will also have to lessen their water usage for this purpose. The developer says that watering down will mitigate. Will there be sufficient water to tamp down the dirt and dust? Will their use impact our water use? They will be creating a mess on our city streets.

Diesel exhaust and other greenhouse gas emissions will be extreme due to massive amt. of earth moving equipment. According to the EIR, over 200,000 cubic yards of earth will be moved directly behind our home. 1.5 million cubic yards will be moved throughout Cielo Vista alone and we are concerned about the cumulative effect as Esperanza Hills and other developments come into play, with even more particulate matter and greenhouse gas emissions.

Noise:

Being adjacent to the project, we will have constant noise from tractors, earthmovers and power equipment.

Aesthetics:

Property value and enjoyment of nature will be greatly diminished due to loss of our unobstructed views of natural hillsides with all of their accompanying sights, sounds and smells. This project will be an aesthetically negative experience from start through and after completion. Viewing a 100+ acre construction site over several years will negatively impact the local peaceful aesthetic....including sights, sounds and odors.

Biological Resources

This area serves as a wildlife corridor, regardless of the fact that the city and or county never formally designated it with the title of "wildlife corridor." Therefore, we urgently request that the County of Orange and/or any authority with the power to do so, designate the entire area (formerly known as the Murdoch Property) as a wildlife corridor to be protected and preserved as such. We see the wide variety of wildlife; deer, coyote, raccoons, rabbits, squirrels, opossum, hawks, owls, numerous variety of hummingbirds, woodpeckers, egrets, heron, geese, lizards, snakes, tarantulas, bobcats, and yes,

occasionally mountain lions. A family of mountain goats has lived or hung out nearby. Least Bell's Vireo, labeled federally and at state level as endangered, will be disrupted by the noise and pollution if it survives construction. All of these creatures will be disturbed and displaced. If they survive, they will be forced all the way back to the Chino Hills State Park, where they will have less access to water supplies as well as less land for survival. Currently, many animals creep down to the ravine/culvert below us for life saving water which they won't be able to access. This corridor serves as an ecological escape or overflow valve that construction will close off.

Hydrology/Water Quality:

During construction, the runoff will overly impact our flood control system with dirt, dust, oils and diesel pollutants which will flow directly to the ocean.

The natural water run-off that feeds the Blue Mud Canyon aquifer will be altered, even with the proposed mitigation.

Geology and Soils:

The loss of vast amounts of topsoil and subsequent soil erosion is a major concern. We will be highly impacted by extensive runoff, pollutants, and overloading of existing drainage systems.

Cultural Resources:

Our local schools and public library will need to absorb the added student population. Travis Ranch (K-8) currently uses 28 portable classrooms in addition to its permanent structures. Its K-5 school is currently 88 students over capacity. Yorba Linda Middle School and Yorba Linda High School are close to capacity now and may exceed capacity as the elementary schools feed into them.

While the new homeowners will be able to access any and all of our parks, fields, community centers, the new park within the development can only be accessed by foot, bike or horse due to it being located behind gates.

Traffic/Transportation:

Mitigation Measure 4.12-5 states that construction vehicles shall not haul past Travis Ranch School during school arrival and dismissal times. We are concerned that this may not address all of the varying schedules between the elementary, middle school grades and the "Early Bird" and "Lator Gator" kinder students. There are 4 different start times: 7:59 a.m., 8:35 a.m., 8:46 a.m., and 10:15 a.m. Then the dismissals include 1:55 p.m. 1:37 p.m. and 2:52 p.m., and 3:35 p.m. Please see the Travis Ranch School's website as there are different times for early dismissal days (Wednesdays) and for minimum days.

This project will dramatically alter the open space and wild landscape which we all sought when moving into this area. Please respect the city of Yorba Linda's no ridgeline building and lower density policies as you make recommendations to the Board of Supervisors regarding this and other future projects as this county land is surrounded by Yorba Linda and may very well become part of our city.

We are hopeful that the many safety and environmental concerns raised with the development of this last remaining parcel of open land here in the Yorba Linda area will result in the protection of this natural resource.

Respectfully,

Ron and Judith Magsaysay
jrsay2@gmail.com
714.801.6757

Handwritten signatures of Ron and Judith Magsaysay in blue ink. The signature for Ron is on the left, and the signature for Judith is on the right.

LETTER: MAGSAYSAY**Ron and Judith Magsaysay**

21230 Twin Oak
Yorba Linda, CA 92886
(January 20, 2014)

RESPONSE MAGSAYSAY-1

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed Mitigation Measures 4.7-7 to 4.7-11, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Also, while the County concurs that no home is “fireproof,” the Project’s PDFs and prescribed mitigation measures recognize the site is within a very high fire hazard severity zone (VHFHSZ) and require the installation of numerous fire protection features that would minimize the potential for a structural fire. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE MAGSAYSAY-2

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts.

RESPONSE MAGSAYSAY-3

Please refer to Topical Response 3 regarding emergency access.

RESPONSE MAGSAYSAY-4

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MAGSAYSAY-5

Potential impacts regarding gas lines are addressed on page 4.7-23 in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed therein, within the project site is a natural gas easement maintained by the Southern California Gas Company. No residential uses are proposed directly adjacent to the easement. Regardless, the Project Applicant would coordinate directly with the Southern California Gas Company to ensure no conflicts would occur during construction or long-term operation of the Project. As such, no impacts regarding conflicts with existing natural gas lines/easements would occur with Project implementation.

RESPONSE MAGSAYSAY-6

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped which would ensure proper sealing of wells to prevent the escape of flammable vapors. The potential for wells being compromised will no longer be a concern as the wells will be closed and capped and would no longer be operating. Project Design

Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells, including remediation for surface or sub-surface contaminated soil. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development.

RESPONSE MAGSAYSAY-7

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM₁₀ and PM_{2.5}) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors. Section 4.2-3 on page 4.2-29 of the Draft EIR provides an analysis of whether the implementation of the Project would expose potential sensitive receptors including existing residences located in close proximity to the project site and concludes that a less than significant impact would occur in this regard.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents.

RESPONSE MAGSAYSAY-8

Please refer to Response Magsaysay-7 for a discussion of fugitive dust control measures. Alternative fugitive dust control measures which do not use water may include covering stock piles with tarps, chemical soil stabilizers and covering exposed areas with vegetation. In addition, the Project would be required to comply with SCAQMD Rule 403 which does not allow for dirt to be tracked out onto public streets.

Also, the Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions

depending on the severity of drought conditions.¹⁰ The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

RESPONSE MAGSAYSAY-9

Diesel particulate emissions resulting from construction activities were addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix G of the Draft EIR. Greenhouse gas emissions, were addressed in Section 4.6, *Greenhouse Gases*, of the Draft EIR. Both of these sections include an assessment of cumulative impacts at the conclusion of the section. As indicated in these sections, construction criteria pollutant emissions and greenhouse gas emissions would result in less than significant impacts, with construction-related impacts being reduced to a less than significant level after implementation of the prescribed mitigation measures. Please also refer to Response SCAQMD-3 for a discussion of cumulative construction air quality impacts with the Esperanza Hills Project.

RESPONSE MAGSAYSAY-10

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant. Nonetheless, mitigation measures are prescribed to minimize construction noise at nearby sensitive residential land uses.

¹⁰ Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

RESPONSE MAGSAYSAY-11

The Draft EIR addressed the Project's visual compatibility with surrounding neighborhoods and aesthetic impacts in Section 4.1, *Aesthetics*. Section 4.1-1 of the Draft EIR provides a discussion of the Project's potential impacts on the scenic views from surrounding areas. As discussed therein, construction and operational impacts were concluded to be less than significant.

RESPONSE MAGSAYSAY-12

The Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. The wildlife movement function of the project site is described on page 4.3-23 of the Draft EIR. Because the project study area is bounded by residential development on the north, west and south, large mammal movement would be deterred as a result of the lack of suitable habitat except to the east of the project site.¹¹ Species such as raccoon, skunk, coyote, and birds that require less extensive movement pathway requirements or are adaptable to urban environments will likely move through the project site. The project study area does not connect two or more habitat patches because of the developed areas on three sides and consequently does not function as a regional wildlife movement corridor.

This comment states that the area serves as a wildlife corridor even though it has not been formally designated as such. The commenter does not provide any data, references or other evidence to support this conclusion aside from an account of personal observations of certain species in the area. A comment that consists almost exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines, § 15384.) Moreover, because of the diversity of jurisdictions and the mix of public and private properties, no single agency, including the County of Orange, has the authority to designate this area surrounding as a protected wildlife corridor. The Wildlife Corridor Conservation Authority (WCCA) was established to provide for the environmental protection, and maintenance of lands within the Puente-Chino Hills corridor area. Its goal is to assure that sufficient continuity of habitat can be preserved to maintain a functioning wildlife corridor between the Santa Ana Mountains and Whittier Hills. WCCA's governing board consists of representatives from the cities of Brea, Whittier, Diamond Bar, La Habra Heights, the Santa Monica Mountains Conservancy, California Department of Parks and Recreation, California Department of Fish and Game, Los Angeles County, and two public members. WCCA is aware of the importance of maintaining the viability of the regional Puente-Chino Hills corridor. WCCA provided a comment letter on the Project. Please refer to Responses WCCA-1 to WCCA-5 for WCCA's responses provided to each WCCA comment. The responses confirm that the Draft EIR's conclusion of less than significant impacts to wildlife corridors is correct, as discussed on page 4.3-40 of Section 4.3, *Biological Resources*, in the Draft EIR.

A discussion on the impacts to wildlife species is provided on page 4.3-27 of the Draft EIR, which concludes that impacts to common wildlife species are considered to be less than significant.

RESPONSE MAGSAYSAY-13

Hydrology and water quality impacts were addressed in Section 4.8, *Hydrology and Drainage*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section

¹¹ The "project study area" is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.

4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Construction-related water quality impacts are discussed under Impact Statement 4.8-1 beginning on page 4.8-22 of the Draft EIR. As discussed therein, compliance with regulatory requirements, including permitting coverage under the statewide NPDES Construction General Permit, would ensure that construction of the Project would not result in the exceedance of water quality standards during construction. Thus, construction-related impacts water quality impacts would be less than significant.

RESPONSE MAGSAYSAY-14

Impacts to groundwater supplies are discussed under Impact Statement 4.8-3 beginning on page 4.8-28 of the Draft EIR. As discussed therein, since the Project would not extract groundwater from the site or substantially interfere with groundwater recharge, less than significant impacts on groundwater supplies and groundwater hydrology would occur from Project implementation. No mitigation measures are necessary to address groundwater impacts since such impacts would be less than significant.

RESPONSE MAGSAYSAY-15

The Draft EIR addressed soil erosion and loss of topsoil impacts in Section 4.5, *Geology and Soils*, under Impact Statement 4.5-2 beginning on page 4.5-18 of the Draft EIR. In addition, hydrology and erosion impacts were also addressed in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The analysis under Impact Statement 4.8-1 beginning on page 4.8-23 includes an analysis of long-term operational water impacts that would occur with Project implementation. Also, an assessment of drainage impacts is provided under Impact Statement 4.8-2 beginning on page 4.8-25 of the Draft EIR. As discussed in these EIR sections, compliance with applicable regulatory requirements, as well as implementation of the project design features (PDFs) and best management practices (BMPs) identified in the Project's Water Quality Management Plan (WQMP) would ensure that operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff. Thus, water quality impacts would be less than significant. Also, the Project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements such that the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Compliance with applicable regulatory requirements and implementation of the PDFs would ensure impacts regarding changes in drainage patterns and stormwater flows are less than significant.

RESPONSE MAGSAYSAY-16

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are

used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space.

As for additional library space to accommodate the Project, the incremental need for additional library facilities can be met through payment of a library development fee as required by Mitigation Measure 4.12-8, or pursuant to a facilities and equipment (books, technology) agreement pursuant to the proposed additional mitigation measure as provided below, which would address impacts to City of Yorba Linda library facilities, as necessary.

The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-36. Add the following mitigation measure under “Libraries”:

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

Section 4.12, Public Services

1. Page 4.12-16. Add the following mitigation measure under “Libraries”:

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

RESPONSE MAGSAYSAY-17

To the extent that the Project includes a public passive park in the proposed open space area, and the City-planned multi-purpose trails through the open space area are completed, they would be accessible to the local community because neither planning area is to be gated.

RESPONSE MAGSAYSAY-18

It is acknowledged that varying schedules occur at Travis Ranch Elementary School. To ensure that the various arrival and dismissal times are accounted for, the project contractor would be required to maintain on-going communication during construction with the school administration at the Travis Ranch School per Mitigation Measure 4.12-4. This on-going communication would address the varying schedules at the elementary school.

RESPONSE MAGSAYSAY-19

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas and scenic resources, as well as consideration of impacts to ridgelines. Further, the analysis included an assessment of the Project's consistency with the City of Yorba Linda's Hillside Development Zoning Code Regulations pertaining to ridgelines. Section 4.9, *Land Use and Planning*, in the Draft EIR evaluates the Project's consistency with the City's applicable density-related policies. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. On pages 4.9-18 and 4.9-19, under the "Compatibility with Adjacent Neighborhoods" subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project's density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Overall, Sections 4.1 and 4.9 conclude that the Project would result in less than significant impacts related to aesthetic and land use impacts, respectively.

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From: Michael A. Mahony [<mailto:MMahony@Dynamic-Plumbing.com>]

Sent: Monday, January 13, 2014 1:53 PM

To: Tippetts, Ron

Subject: Cielo Vista Project

Importance: High

Mr. Tippetts,

The statement that "the analysis of the Draft EIR would not result in any significant and unavoidable environmental impacts" is ludicrous. The fire dangers, dust and pollution are significant and putting the additional homes in the path of wildfires is grossly negligent and putting all of the existing families in harms way. It is avoidable by severely reducing the number of homes to be built or not building at all and making it a sanctuary.

During the most recent fires my family was STUCK in our car on Via del Aqua trying to escape, but could not because of the mass exodus taking place. Our car was licked by the flames on both sides of the road. There is absolutely no way to evacuate the existing homeowners on the roads, REGARDLESS OF WHAT YOUR TRAFFIC STUDIES REPORT states, as the proof is in the last attempted evacuation WHICH FAILED. Adding 1000 additional cars deeper into the hills utilizing the same exit roads WILL NOT WORK as it did not work without the proposed homes. Your studies are flawed and the County and City, along with all personnel IGNORING the recent events that were opposite of the reports will make each and all liable for the damage and destruction of property and lives.

I believe in property rights and ownership rights, however the original plan created years and years ago could not have foreseen the fire and congestion impacts. The plan should be changed immediately. It is not safe for the new residents, and increasing the already existing dangers to the existing residents. The county and city officials are making their decisions based on sheer greed for monies from the development without regard to public safety due to all the budget shortfalls existing at government level.

Michael A. Mahony, resident 13 years at 6030 Rockhampton Court, Yorba Linda

LETTER: MAHONY**Michael A. Mahoney**

6030 Rockhampton Court
Yorba Linda, CA
(January 13, 2014)

RESPONSE MAHONY-1

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access. The Draft EIR also addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data in Appendix B of the Draft EIR. As discussed therein, air quality impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Also, this comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE MAHONY-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MAHONY-3

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and developer interest to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

The County's decision-making process will consider the adequacy of fire protection through the Project proposed Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements. Project design features to be considered include those on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants.

The decision-makers will also consider the Draft EIR's conclusion that Aspen and San Antonio for Planning Area 2 and Del Agua for Planning Area 1, these roads will continue to operate at optimal Level of Service "A"

as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*. In evaluating this information in the Draft EIR, the County's decision-makers will decide whether Project changes are warranted which may result in a modified project.

Contrary to the commenter's point, the County will not make money from the Project. Future residents will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. There is no extra money left over from these sources, and by law, government cannot make a profit.

From: Lana Mak [<mailto:lanawmak@att.net>]

Sent: Monday, January 06, 2014 8:20 AM

To: Tippetts, Ron

Subject: San Antonio Road Yorba Linda

Dear Mr. Spitzer,

My home was on the path of the Freeway Complex fire in 2008. Six homes were destroyed on my block alone including my neighbors next to me and across from me. I was spared. I lived here since 1988.

The fire spread so fast that morning that I had very little time to evacuate. My neighbor and I had no warning to leave but when we saw orange flames towering the top of the hills across San Antonio we got as much as we can and tried to leave via San Antonio. We were able to leave because it was still fairly early about 1 PM. Cars were leaving, using San Antonio the only road out of our neighborhood. Traffic got much congested on San Antonio with dense smoke blowing making visibility minimum. I was lucky to get out early using a side street off San Antonio, Alder street which winds it way back to Yorba Linda Blvd.

I am writing to you to consider what it would be like if cars from **500 more houses tries to leave our neighborhood via San Antonio Road when another such fire sweeps through.**

Please put our lives and safety first before any other considerations.

Thank You

Lana Mak

LETTER: MAK

Lana Mak
(January 6, 2014)

RESPONSE MAK-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Olynn [<mailto:olynn@roadrunner.com>]

Sent: Tuesday, January 21, 2014 2:49 PM

To: Tippetts, Ron; Spitzer, Todd [HOA]

Subject: Cielo Vista project

Ron & Todd,

Myself & many of our neighbors are concerned with the following:

The EIR that was done for the Cielo Vista project, is full of PHD, BA & BS experts, with their study and data. Like CPAs, it proves figures lie, and liars figure. I hope you are not expecting the homeowners to get technical, and respond to these elaborate figures? I am taking the practical approach, and with that I ask the following questions:

- 1) What benefit besides more traffic congestion, is Yorba Linda and/ or its current residents, receiving from this project? Please be specific.
- 2) Has a traffic study been done, when a reverse 911 evacuation is ordered?
- 3) If not, does that not place a huge question, on the traffic study methodology?
- 4) If not why, and be specific?
- 5) Are not the residents of Yorba Linda (that experienced this "mass exodus" during the complex fire), the best judge of what should or should not be done, for their wellbeing?
- 6) If not why? Please be specific.

I look forward to your response.

Respectfully

Olynn Marshall

5010 via Alvarado

LETTER: MARSHALL**Olynn Marshall**

5010 Via Alvarado

(January 21, 2014)

RESPONSE MARSHALL-1

Contrary to the commenter's observation of increased traffic congestion, with additional traffic attributable to the project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1 will continue to operate at optimal Level of Service "A" as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before project traffic would be added. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14 requires traffic signal installation at Via del Agua and Yorba Linda Boulevard in consultation with the City.

As for specific public benefit, beyond the payment of fees and taxes to support public services and implementation of mitigation measures (such as traffic improvements) identified throughout the Draft EIR, approximately 43% of the project site will be preserved in perpetuity as open space. Development will not occur in this area and there will be no direct maintenance and operations cost to adjacent homeowners.

RESPONSE MARSHALL-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MARSHALL-3

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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LINDA AND DALLAS MILLER

4550 Via Corzo

Yorba Linda, CA 92886 Phone: (714) 695-9778 email: miller_linda@yahoo.com

January 13, 2014

OC Planning Services
300 North Flower Street
P.O. Box 4048
Santa Ana, CA 92702-4048

Attention: Ron Tippetts, Project Planner

Dear Mr. Tippetts:

RE: CIELO VISTA PROJECT CONCERNS

I am writing to you to outline concerns that my husband, Dallas and I have with the above noted proposed project, currently being considered for the Yorba Linda area.

Sir, as you are well aware, this development along with the proposed Esperanza Hills development have embroiled the residents of Yorba Linda. The passion and determination shown by area residents is brought about due to the fact that we, experienced firsthand, the devastating fire of 2008. Unless you were there; panicked, terrified, trapped and desperate, you cannot possibly understand the full catastrophic impact these projects could have on our City.

I have a most interesting fire story that I would like to share with you, so that you can understand where I am coming from. My home is located on the corner of Via Corzo and Alder and my back hillside reaches down to San Antonio. On that fateful day, we were watching the fire creep toward our community from Corona on the television. At one point we went over to Dorinda to see the fires ravaging the Hidden Hills area. We determined right then that we needed to get back to the house to pack a few bags, our valuables and paperwork and get ready for evacuation.

We were afforded approximately 4 minutes before ash started to rain down. The sky went from sunny and blue to grey and orange and ominous peril enveloped our street. Neighbors were fleeing. We saw the hillside across San Antonio catch fire from our back windows and at that point, all level headedness left and we piled into our vehicles.

As I approached the three way stop sign at Alder and San Antonio, I saw the house located at 4660 San Antonio burst into flames. My son screamed. The fire jumped San Antonio and set the hillside beneath our home on fire. There were cars everywhere trying to get out to Yorba Linda Blvd and I made the choice to instead of going south on San Antonio, to go north, UP San Antonio and out the back way. Turns out this decision played a huge part in the fate dealt to us that day.

...../2

You see, one block up on San Antonio we came upon a loaded horse trailer on their way down. I slowed to scream at the driver to turn around as she was driving straight into the flames. She took my advice. But in her panic got stuck making the u turn, now blocking all traffic from going up or coming down San Antonio. The first vehicle that was trying to make his way up San Antonio when it was blocked, immediately turned west onto Alder and south onto my street, Via Corzo. The house next door to me, 4580 Via Corzo was now ablaze and the driver of that vehicle, Mr. Mark Tayler, made a decision that saved our home. Mr. Taylor was in the Yorba Linda area hanging Christmas lights for friends. He was in his company vehicle. He happened to work for OC Fire Prevention. He had firefighting equipment in his truck; including a fire hose and respirator. There was a hydrant on our property. He didn't hesitate and the rest is a miracle.

Four homes in the immediate area of our home burned; three of them to the ground. Mr. Taylor shared with us how scared he was. Two hours into the fight, he realized that if his hose caught fire, he would be a goner. His life flashed before his eyes....but he stayed put, turning around and spraying the homes across the street when burning embers would land. Four hours passed before firefighters actually made their way up our street. And the only reason they were there - because Mr. Taylors wife was terrified he had perished (his cell phone died) and had OC Fire Authority ping his truck GPS to get a location. That location, my address, was passed on to the fire department who made their way to check on him. It was the first fire truck in the area. Not acceptable, but understandable, given the situation.

Mr. Tippetts, this Freeway Complex Fire was an anomaly. Triangle Complex Fire is the more appropriate name for this fire. Catastrophic. Fire in Corona, fire in Yorba Linda, fire in Anaheim Hills, fire in Brea, fire in Chino and fire in Diamond Bar. Tens of thousands of acres burned. Hundreds of buildings and homes lost. Resources including water and firefighters were stretched to their limits and inadequate. People trapped and panicked. What stands out in my memory so vividly was calling my sister in Kansas as we were fleeing. I was crying. I stammered out that we were surrounded by fire and trying to get out and that my home was likely burning. She said "Linda, follow your evacuation plan!! Follow your plan"! To which I responded "our plan is on fire, as is our back up plan, we're just trying to survive"! The silence that followed haunts me to this day.

In summary, here are our concerns:

1. The proposed Cielo Vista development is planned for a high risk fire area. While fire fighting and water issues will always be inadequate in the event of a catastrophe, the safety of the lives of the residents of Yorba Linda will be put in even more danger than what currently exists with the addition of traffic and population. The residents of this development will be further impacted, as there is only one proposed way in and out for them. As evidenced by my story, people panicked. And regardless of fire, earthquake, toxic train derailment; all the preparation in the world by fire and police will be for naught. All it takes is one horse trailer to block their exit.....

2. While Cielo Vista and Esperanza Hills are two separate projects, the Planning Commission must keep both projects in mind, as Esperanza Hills has only one egress and ingress and that has to go through the Cielo Vista area. How on earth can the Planning Commission think that it's acceptable for hundreds of homes to have to enter and exit through one little side street. It's preposterous on all levels, even with fire and earthquake danger aside.
3. Actual experience proves that "the best laid plans" cannot be relied upon and adding any new traffic patterns to the current infrastructure is like cramming a square peg into a round hole.

What's the solution? I'm not naive. I understand that development is progress. But progress should not be at the expense of others. If the developers want to proceed with these projects, then now is the time to force them to spend the money to upgrade the roadways that are going to be affected. Perhaps they'll have to cut back on their proposed number of lots to make way for wider and additional roadways. Force the Developers to figure out how to work with the terrain to allow the prospective residents of these developments better options for getting in and out. Should these developers not be willing or able to meet your demands, then shut them down. But they cannot be allowed to proceed as currently planned.

And as an aside, has anyone actually checked into whether or not homeowners insurance will be available for these new developments? AAA, Mercury, Allstate and Safeco will NOT write insurance on homes within 1500 feet of brush. That pretty much leaves only Non-Admitted Insurance Company options for these residents. If insurance companies see the danger and won't take the risk, why would Orange County?

Please Mr. Tippetts, listen to us. Hear us. Help us!

Kind regards,

A handwritten signature in black ink, appearing to read 'Linda Miller', written over the typed name.

Linda Miller

cc: Todd Spitzer, Orange County Supervisor
Shane L. Silsby, Director - OC Public Works

LETTER: MILLER**Linda and Dallas Miller**

4550 Via Corzo
Yorba Linda, CA 92886
(January 13, 2014)

RESPONSE MILLER-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MILLER-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MILLER-3

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access. This comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR and therefore, no further response is required.

RESPONSE MILLER-4

Please refer to Response Miller-3 above regarding traffic and emergency access. Also, this comment's stated opposition to the Project as currently opposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

This and other new community type projects in the unincorporated area are essentially required to pay for themselves and not burden adjacent jurisdictions and existing residents. Future residents of the project areas will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. As for service facilities, Draft EIR Chapter 4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12.13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Project related infrastructures including streets, connections to City streets as well as water and sewer lines are paid for by the developer. Street maintenance is provided for by the County General Fund.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on adjacent jurisdictions and existing residents.

Other than a traffic signal at Via Del Agua and Yorba Linda Boulevard, the Project does not create traffic impacts which would warrant roadway improvements. With additional traffic attributable to the Project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1 will continue to operate at optimal Level of Service "A" as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before Project traffic would be added. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14 requires traffic signal installation at Via Del Agua and Yorba Linda Boulevard in consultation with the City.

RESPONSE MILLER-5

County staff is unaware of an inability of homeowners in the developed residential areas along the City's existing open space fringe to obtain homeowners insurance. The Draft EIR includes Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements – with all of these mitigation measures addressing fire safety. Project design features are also included on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants. Therefore, the County believes that homeowners in this new community, like the existing open space fringe residential communities, will be able to obtain homeowners insurance. Additionally, and while the commenter's concerns will be provided to the decision makers for review and consideration as part of the decision making process, the possibility that homeowners' insurance will not be available is not an environmental impact requiring analysis or mitigation under CEQA.

Additionally, the Public Services and Facilities Element of the County General Plan places the 1B, Suburban Residential General Plan designation of the project area within the Insurance Services Office (ISO) rating of ISO 3 because the project site is within 0.3 and three miles of two Orange County Fire Authority fire stations, and no project structures will be located 1,000 feet or more from a fire hydrant. The Project consistency analysis at the top of page 4.12-19, of Section 4.12, *Public Services*, details the project features which will make the development "fire safe."

From: Bill and Diana Monroe [<mailto:billanddianamonroe@msn.com>]
Sent: Thursday, December 12, 2013 10:28 PM
To: Canning, Kevin
Subject: Environ. Impact Rept.-Esperanza Hls/Cielo Vista Development

Hello Kevin,

We would like to comment on the Esperanza/Cielo Vista Developments.

We witnessed and were affected by the 2008 Freeway Fire, and we wouldn't wish that nightmare on anyone. There are two exit streets leading out of our tract and everyone was praying that their cars would not explode, while they dangerously waited with their families, in bumper to bumper traffic and with flames encompassing them, to reach the bottom of the hill. But, of course, once they got to the bottom of the hill, the streets were so overcrowded that they did not move for what seemed like an eternity. Even fire trucks could not access our development, and many, many other developments in our hills, due to the traffic caused by the mandatory evacuation.

As you are aware, approx 125 homes in the area burned to the ground. The home across the street from ours burned to the ground and a home behind us burned to the ground, and many additional homes experienced tremendous fire damage. We personally suffered over \$100,000 in damages. And yet, developers and the County of Orange are turning a blind eye and deaf ear on that very serious and costly disaster. They still are attempting to push and shove it down our throats. Their only interest is the income/revenue a 500 plus development would produce. They would build approximately 500 homes in the hills in some of the same area that was affected by that fire.

In addition, we, who live here, cannot even begin to imagine or conceive of how the developers, The City of Yorba and the County of Orange could even remotely consider proceeding with developing these homes, if they seriously take into consideration the risk they would put residences in by building additional homes on the hillsides, knowing full-well that there is a huge concern for the limited ingress and egress should another fire or earthquake hit that area...and they will! Earthquakes are just as concerning and potentially dangerous, as they have the potential to cause fires, which could also force evacuation.

And then there is, of course, the tremendous concern for the excessive traffic that would be added to an already overly-crowded area. That's all we need is additional traffic on our already congested surface streets and 91 freeway!!!!

We all know that developers build and then walk away and leave their mess behind. Again, they only are concerned about the money it would make for them, not how homeowners' quality of life would be affected or the fact that they intentionally are putting lives and homes at risk by cramming additional homes into an already crowded area, that does not have the ability to handle the

overcrowding and excess traffic it currently is experiencing -- let alone adding another 4,000 plus vehicles traveling the local streets and freeways on a daily basis.

At what cost is enough, enough? Won't someone please stand up to these developers and governmental agencies before it is too late. What government entity or developer, in their right mind, would subject homeowners to this very real risk, and would ever approve and proceed with these developments, as it borders on insanity. Are they really ready to be hit with another huge lawsuit should this development be approved and then afterwards when another disaster hits the area. It is a tremendous liability and a potential disaster-in-the-making.

We are letting you know ahead of time that there would be a class action lawsuit filed should these projects proceed, as everyone involved in these projects is well-aware of the risk they are taking should they move forward with this insane proposal.

The Land of Gracious Living is becoming anything but...

Bill and Diana Monroe

Successful Homebuyers Realty, Inc.

5220 Avenida De Kristine, Yorba Linda, CA 92887

LETTER: MONROE**Bill and Diana Monroe**

5220 Avenida De Kristine
Yorba Linda, CA 92887
(December 12, 2013)

RESPONSE MONROE-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MONROE-2

The County's decision-making process will consider the adequacy of fire protection through the Project's proposed Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements. Project design features to be considered include those on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants.

The commenter is also referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MONROE-3

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE MONROE-4

This comment expresses concern regarding the traffic that would be added by the project. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE MONROE-5

Please refer to Response Monroe-2.

The potential for litigation in response to Project approval, should the County approve the proposed Project, is acknowledged.

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Tippets, Ron

From: Carla Murphy <carmurf@pacbell.net>
Sent: Friday, December 13, 2013 2:39 PM
To: Tippets, Ron; Canning, Kevin
Subject: new development

My family and I are very much opposed to the additional homes and development. We are original owners and were at our current address when the fires hit and it was extremely stressful to wonder if my husband had been able to get out. I took the first group of children and pets and took nothing from my home. The streets were totally stopped and blocked and it was by the grace of God that the fire did not overtake all those that were sitting still on San Antonio Road. This is going to be a huge increase in traffic and in an emergency I can not even imagine what would have happened with 112-340 additional homeowners trying to get out. For this reason we are opposed to this new construction. There are already additional homes being occupied near Fairmont which is the only upward access.
Thank you.

Carla and Mark Murphy and family
21295 Clear Haven Dr.
Yorba Linda CA92886

LETTER: MURPHY

Carla and Mark Murphy and Family

21295 Clear Haven Drive

Yorba Linda, CA 92886

(December 13, 2013)

RESPONSE MURPHY-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Ted Nakayama [<mailto:tednakayama@me.com>]

Sent: Monday, January 06, 2014 9:06 AM

To: Tippetts, Ron

Cc: Bridgett ♥

Subject: Cielo Vista Project Draft Environmental Impact Report comment

Dear Mr. Tippetts,

My name is Ted Nakayama and we live at 4465 San Antonio Road, Yorba Linda CA 92886.

We are one of the homes that were lost in the Freeway Complex fire on Nov. 15th, 2008.

We strongly vote against adding these new homes at Cielo Vista Project for the main reason of San Antonio Road cannot absorb additional traffic coming down the street to get out to Yorba Linda Blvd.

It is hard enough now to turn on San Antonio Road now with so many cars coming down the hill to get to Yorba Linda Blvd on normal days during traffic hours.

I, myself thought I was going to die stuck on San Antonio Road on that day of the fire. As fire approached behind the east side homes of San Antonio, I made a right on San Antonio from our drive way to try to escape via Yorba Linda Blvd. As I approached Alder which is the first stop sign before Yorba Linda Blvd, I realized the traffic is completely back up on San Antonio because Yorba Linda Blvd was backed up and not moving. I sat still in the traffic in dark smoke around me, I saw a fire on the left side of the Street hop over the cars in front of me and landed on the hill on the right side of the San Antonio and ignited and fire raced up the hill toward the houses on the top of the hill. I imagined myself getting burned to death right there, I made a split second decision to turn the car around and go back up San Antonio Rd and I was able to escape from Fairmont St. At that time I realized a few of the cars behind me followed me out as well.

There is no way San Antonio can handle additional 500 + homes which could easily have 1000 more cars without causing major traffic on the street.

Next time we have another fire in the area like the one we had, someone will die getting stuck on San Antonio Road because they cannot get out.

Yorba Linda Blvd. will become a parking lot and therefore no one from San Antonio could get out and traffic will be backed up all the way to Aspen.

Last fire happened on Saturday. Can you imagine what could happen on weekday during rush hours and 1000 more cars from the new development try to get out at the same time?

If the development must happen, developer needs to figure out a way to make Esperanza Rd the only access Road to the new development. Esperanza Road never ever have any traffic and it is a straight shot to Imperial Hwy to hop on the freeway which makes it an easy route to escape in case of another fire.

Thank you for listening my story and I am available anytime if you would like to speak to me.

Sincerely,

Ted Nakayama

4465 San Antonio Road

Yorba Linda, Ca 92886

LETTER: NAKAYAMA

Ted Nakayama
4465 San Antonio Road
Yorba Linda, CA 92886
(January 6, 2014)

RESPONSE NAKAYAMA-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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Mr. Tippetts

Draft EIR – Cielo Vista Project

Comment request: 1/22/2014

This project should not be built as described in the Draft EIR.

This EIR needs to be combined with all the adjoining projects proposed in the nearby area. It is obvious that the developers are trying to pull a fast one over the local residents in staggering the request submittals and rushing comments during the holiday period. This creates a trust issue. All the projects need to be reviewed together as one combined environmental impact.

We are hearing that there are multiple developments of 500 homes. This area cannot absorb them for reasons stated by this memo and comments from the general population living in the area.

It will negatively affect my family's life style and my neighbors as well.

Prices of our San Antonio property will decrease and I will have difficulty selling, now that this development is being proposed, as well as others planned.

San Antonio Road is already heavily travelled and making the traffic light in one or two cycles is impossible on school / work mornings.

There continues to be excessive speed on San Antonio and high traffic noise. I cannot open my front windows without the constant sound of traffic traversing up and down the street and interrupting conversation and television viewing. Therefore instead of naturally cooling our home, I turn on the Air Conditioner; another negative environmental impact.

Backing out of our driveway continues to be a challenge for the 14 homes along San Antonio and nothing is mentioned in the EIR about traffic control mediation for San Antonio, except add to the problem with more homes and cars.

Yorba Linda Blvd. in the evenings is highly congested leaving the 91 Freeway.

On weekends, we can hardly get to Costco, Savi Ranch, and Home Depot. Adding 500 homes doesn't help the traffic situation.

San Antonio Rd. leads right into a Santa Ana driven fire and that will not change, due to the geographic terrain and wind tunnel effect in the canyon. Why are we adding more cars to an already congested exit from an emergency? In the 2008 fire, I found the only way out was by going up to Fairmont, since flames were blowing across the road at the lower part. The smoke was so thick on San Antonio that it was like a heavy foggy day with intense fire and heat. I could not even see the median islands recently installed for speed control and had to turn around to get out. This is setting the residents up for a death wish.

During a fire, there was a discussion in one of the EIR review meetings about getting residents out and keeping residents from getting back in. This was a sheriff solution to moving traffic. We were lucky that the fire occurred in early afternoon on a Saturday. The scenario would be quite different had it occurred on a work and school day. Residents need to be able to retrieve their family, kids, and pets, so they need a safe way back in to do this. We were so lucky that there wasn't a loss of life. The thought process is incomplete on the proposed remediation.

On the day of the fire, the fire station was empty as they were miles away fighting the fire. All fire protection for our area was from outside the area. We were not given any fire help and I was left to fight off the fire myself as my neighbor's home burnt to the ground. There must have been over 50+ fire trucks that went up the street and none stopped to help us fight the fires on our properties. A few neighbors and I were up over 24 hours with garden hoses that had only a few pounds of pressure.

The fire hydrants are on the wrong side of San Antonio Rd. to fight off a fire. If this is going to be an egress, then how are the cars going to travel over the fire hoses from the hydrants to the trucks?

There is nothing in the EIR that discusses how San Antonio homes are to be protected, when cars, and now more cars, are going down the hill, and fire equipment is coming up the hill with fire hoses strung across the road to the hydrant.

I am also concerned about the loss of our wildlife population and natural rural settings, in addition to endangering protected birds found in the canyon area behind our home.

Travis Ranch Elementary and Middle School are already overcrowded in class rooms. Everyone has to drop off and pick up children, as the bus system was done away with years ago. This creates heavy traffic and contributes to pollution. Nothing is mentioned in the EIR about the additional school trips with new homes built.

The traffic study was very light. Was it done on only one day on a school holiday?

The developers need to build roads directly to Fairmont and Esperanza Roads to:

- 1) Provide travel away from the path of a fire with winds.**
- 2) Alleviate the traffic jams on Yorba Linda Blvd.**
- 3) Get the traffic off over crowded neighborhood residential roads.**

The only one benefitting is the developer, who doesn't live in the area.

Thanks for the opportunity to comment.

I can be reached by telephone if clarification is needed.

Ken Newman

4580 San Antonio Rd.
Yorba Linda, CA 92886
562-676-6176

LETTER: NEWMAN**Ken Newman**

4580 San Antonio Road
Yorba Linda, CA 92886
(January 22, 2014)

RESPONSE NEWMAN-1

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE NEWMAN-2

The commenter should note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space. This is an area located in the unincorporated County where the General Plan Land Use Element designation of "1B" allows for a residential density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation for this area is Low Density residential allowing up to one dwelling unit per acre with a maximum of 536 dwelling units. Both General Plans envision this area for single family homes. To the extent that residential development is permitted, the hillside areas immediately east of the City are planned for development and will take on a different character from the present setting with a new single family community which is planned for compatibility with the existing homes in the area. Therefore, development of single family homes in this area, as permitted by the General Plans of the respective jurisdictions, should not have an adverse impact on existing residents as their neighbors will be the same as they themselves who purchased new homes in the eastern fringes of the City when those homes to the west of the project site were constructed.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

RESPONSE NEWMAN-3

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the intersection of San Antonio Road and Yorba Linda Boulevard, the intersection currently operates at a level of service (LOS) A. This LOS level is indicative of little or no delays, as shown in Table 4.14-2 on page 4.14-14 of the Draft EIR. Under future conditions with the Project, the intersection would continue to operate at LOS A. Accordingly, less than significant impacts would occur at this intersection.

RESPONSE NEWMAN-4

The Draft EIR addressed operational traffic noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

RESPONSE NEWMAN-5

The Draft EIR addressed traffic impacts, including impacts along Yorba Linda Boulevard, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Also, through the scoping process, the City of Yorba Linda did not request that traffic calming be addressed as part of the traffic study. Furthermore, the Project's traffic alone does not warrant a traffic calming analysis as the Project is anticipated to contribute less than 100 peak hour trips to San Antonio Road. As demonstrated in the Project's traffic study, the addition of Project traffic is not anticipated to result in any deficiencies, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard which is currently operating at deficient LOS during the peak hours. The Draft EIR prescribed Mitigation Measure 4.14-2 requiring a traffic signal to be installed at this intersection, which would improve the operating condition at this intersection to an acceptable level based on City and County standards. It is important to recognize that traffic calming measures are intended to slow vehicles and consequently also result in reduced traffic capacity.

RESPONSE NEWMAN-6

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE NEWMAN-7

Please refer to Topical Response 3 regarding emergency access.

RESPONSE NEWMAN-8

The Draft EIR addressed impacts on biological resources, including impacts to common and sensitive wildlife species, in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE NEWMAN-9

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Also, the Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the

Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analysis. As concluded in Section 4.14, construction-related and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

In addition, the Draft EIR addressed operational air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

RESPONSE NEWMAN-10

Please refer to Response Newman-9, above.

RESPONSE NEWMAN-11

The Draft EIR addressed traffic impacts, including impacts on Yorba Linda Boulevard, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As the study area intersections were found to operate at acceptable service levels, based on City and County standards, under future with Project conditions, no new roads beyond those proposed by the Project are necessary. Please also refer to Topical Response 3 regarding emergency access.

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January 21, 2014

Mr. Ron Tippets
OC Planning Contract Planner
300 N. Flower St.
Santa Ana, California 92702-4048

RE: Cielo Vista Project

Letter is 4 Pages including map & Notebook containing pictures, reports, articles, misc.

The primary area of concern regarding any and all residential developments in any of the proposed developments (Cielo Vista, Esperanza Hills, Bridal Hills, and Yorba Linda LLC) is first and foremost – **PUBLIC SAFETY** and the very real risk of **LOSS OF LIFE** any additional homes would bring to the existing residents of Yorba Linda, as well as futures residents.

We feel it's important NOT to look at these developments as a standalone project, when they ALL will rely on the same streets and roads for evacuation. These proposed developments, cumulatively, would add over 500 new homes that will burden the same residential streets that proved over capacity in the 2008 Freeway Complex Fire for evacuations that were both chaotic and sporadic, since there was never an alert to evacuate "at once" put in place and that there were no pre-existing evacuation plans made by the city.

There are no new proposed streets for entering or exiting these projects, and the major arterial streets throughout the city are the same as in November of 2008 during the evacuations. **All of these proposed developments SIT BEHIND TWO SMALL RESIDENTIAL STREETS, at the very top of the hill, and require all future residents to enter and exit off of these two streets, in addition to the existing residents using them as well.**

The DEIR is required to specifically address how the existing, limited street system, will or will not function in another wildfire event. If the system will not function, and I see no reason to believe it would, either new streets need to be added or new homes should not be built.

In 2008, on a Saturday, the fires moved at an alarming rate, 100 feet per minute, and embers carried over a mile and a half during the firestorm, with random house's turning into infernos all at once throughout multiple neighborhoods. Thousands needed to evacuate immediately, many leaving with just the clothes they had on.

Schools, such as Bryant Ranch, Travis Elementary/Jr High, St. Francis Elementary, Kindercare, as well as a senior apartment complex, were affected by the fire in a very small window of time on that Saturday, November 15, 2008, as reported in the After Report by the city. At 10:57 reports of fire at Bryant Ranch Elementary (pg 46), and by 1:17 homes had already burned on streets off Stonehaven and emergency crews, upon arriving, called for help indicating homes burning and "large chunks dropping on houses" and people trapped (pg 49) At 1:33 Emergency response indicated fire at St Francis School. (Please refer to the map following this letter).

Assuming the exact same conditions repeated itself on a WEEKDAY, instead of a SATURDAY, I would like the following questions to be addressed and answered, since this issue was NOT ADDRESSED in the EIR:

- What would the evacuation procedure be for Bryant Ranch elementary (691 students), Travis Ranch Elementary/Jr High (1371 Students), St Francis of Assisi Catholic School (475 students), Kindercare (65 very small children all requiring car seats), and Vintage at Stonehaven (a senior low income apartment complex, 350 residents, most who do not drive, and may need extra physical assistance)
- How exactly would these 2,693 children be evacuated?
- Where will they go and who will take them home?
- Many of the small children need car seat type equipment, will such equipment be available? Will buses be available to service these many children at one time?
- How will communication to the parents of these children be handled?
- If the evacuation plan calls for only outgoing traffic, because Yorba Linda arterial streets cannot support any incoming traffic except for emergency vehicles, how would the city handle the thousands of parents desperately trying to get back INTO the evacuated neighborhoods to find, or get information about their child? And that's assuming just ONE parent is trying to get to their child.
- How would you avoid the incoming cars trying to get to the schools, when that was not an issue on Saturday, November 15, 2008?
- How would you avoid the probable chaos with people trying to exit the city as well as desperate parents trying to get INTO the city with emotions running even higher?
- How will the evacuation plan be implemented if the orders come immediately before school starts or immediately after, with hundreds of school age children walking to or from school?
- How long will it take to conduct the evacuations? What are the chances of delays occurring affecting any time estimates? What are the time scenarios for when a fire will reach housing? How much warning time will there be of an approaching fire? When will there be insufficient time to evacuate? Who will make the decision and will they have plans in place to know when it is too late to evacuate?
- If children are removed and taken to a different location, who would determine who the child could be released to? And if that person is allowed to take custody of that child?
- Who would help the seniors living in the low cost apartment complex evacuate?
- If there are wildfires burning in other areas in the County or elsewhere in California, will there be Firefighting and Sheriff Personnel available to assist in evacuations?

FIRES OR EARTHQUAKES - OR FIRES FROM EARTHQUAKES and how it relates to Gas Lines that are adjacent to the proposed development with only two ingress and egress points:

- If there is a mandatory evacuation in the neighborhood of the proposed development from a wildfire, or fire resulting from an earthquake, what would the evacuation route be if one, of the only two ingress or egress openings, are blocked and unable to be accessed, either by fire, quake damage, or possible gas explosion?

The State of California is now under a drought emergency plan declared by the Governor. Because of mandatory requirements to reduce water use, I am asking the following:

- The EIR does not take into consideration reduced rainfall, water supply and reduced water usage due to drought conditions. Since dry hillsides played a part contributing the firestorm in November 2008, due to city's mandatory restriction against watering slopes for fear of further land movement, the EIR needs to fully analyze what impacts reduced rainfall and water supplies will have on vegetation, both inside and outside of buffer areas.
- How will reduced mandatory water usage impact any wildfires, small or large? Does dryer slopes result in how a fire reacts? Or how fast it spreads?
- How will the reduced rainfall impact water supply to fight fires?
- What measures will be put in place during a mandatory water use reduction usage to prevent the occurrence and spread of wildfires?

The DIER is remarkably insufficient in addressing these and other related wildfire prevention, wildfire fighting, and evacuation challenges. It needs to be revised and recirculated.

Danny and Kim Paul
4820 Stonehaven Drive
Yorba Linda, Ca 92887
714-244-5341
Kimjpaul@aol.com

LETTER: PAUL**Danny and Kim Paul**

4820 Stonehaven Drive
Yorba Linda, CA 92887
(January 21, 2014)

RESPONSE PAUL-1

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE PAUL-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE PAUL-3

This comment includes numerous evacuation and fire-related questions pertaining to off-site areas and facilities. These questions do not constitute comments on the analysis contained in the Draft EIR, which require clarification or revised analysis in the Draft EIR. Thus, no further response is necessary. Nonetheless, it is acknowledged that each school, senior complex, and the like, have their evacuation procedures that are not related to the Project. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE PAUL-4

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE PAUL-5

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions

depending on the severity of drought conditions.¹² The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

¹² Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

From: Wayne Pecora [<mailto:mrpeck2001@yahoo.com>]

Sent: Tuesday, January 14, 2014 6:58 PM

To: Tippetts, Ron

Subject: Cielo Vista project Draft Environmental Impact Report (DEIR)

Please accept this communication outlining my wife's, and my total opposition to the building of these two housing developments.

We've lived in Yorba Linda for over 12 years and reside in the area directly impacted by this proposed expansion and development. We lived here during the recent Freeway Fire and can personally attest to the fact that it was very hard to evacuate our neighborhood. Traffic was impossible on the feeder roads onto Yorba Linda Boulevard, and that road was a virtual parking lot. What would happen with hundreds (thousands) of additional cars?

In addition, our ongoing and current water pressure continues to fluctuate on a daily basis and appears to be much less than when we moved here. What is the potential negative impact on our water supply with the hundred of additional homes and thousands of additional residents? Could we fight the next fire?

Also, what's the potential negative impact on the environment, the lifestyle of current residents and their safety?

There continues to be significant, positive property development in Yorba Linda. But the location of these homes would make the complete survival of their residents in the next fire very doubtful. I believe their development would also greatly expand and increase the risk to my family, my neighbors and our properties in the next natural disaster --> wildfire, earthquake, ??

Please join the vast majority of residents in this area and oppose the development of these houses in this part of Orange County.

Regards,

Wayne & Lois Pecora

6000 Rockhampton CT

Yorba Linda, CA 92887

LETTER: PECORA**Wayne and Lois Pecora**

6000 Rockhampton Court

(January 14, 2014)

RESPONSE PECORA-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE PECORA-2

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

RESPONSE PECORA-3

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts is that the Project's impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will create a negative impact on the environment and thereby on lifestyle and public safety when Project impacts as defined by CEQA will be less than significant. Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

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From: docramo@aol.com [<mailto:docramo@aol.com>]

Sent: Monday, January 20, 2014 2:22 PM

To: Tippetts, Ron

Subject: Cielo Sage EIR

OC Planning,

attn. Ron Tippetts

1. I feel the soils and Geo Technical area failed to address the eminent position of the development to the active Whittier Fault.

This fault has produced recent earthquakes with millions in damages. Are you sure building as close as you recommend will be safe?

Moving tens of thousands cubic yards of dirt.....and less than significant impact...REALLY!!!

2. On the supply of utilities, especially water, I feel extremely strong that before any certificate of occupancy is issued, the ENTIRE water system should be tested and certified to its ability to meet the current acceptable Cal Fire standard of Appendix B.

This testing should take place with YLWD, OCFA, COUNTY REPRESENTATION, and OUTSIDE INDEPENDENT AGENCY!!!

No occupancy until this critical test is verified.....PERIOD.

Given the past history of the Hidden Hills failed water system during the Freeway Complex Fire and lack of ever meeting the minimum standard prior to the fire, and multiple developers, this should be obvious for public safety.

Even after the Freeway Complex Fire, permits were issued to build and occupy, the system still failed to meet water availability studies.

3. Lastly the DEIR fails to address potential liability if the project causes unforeseen losses due to faulty analysis in the DEIR

Will the county bear the consequences?

Will the City of Yorba Linda if the area is annexed?

Ultimately it will be the residents of the project and the citizens of this community.

We don't need this exposure.

Thank You

David Ramocinski

22865 Hidden Hills Rd.

Yorba Linda, Ca

LETTER: RAMOCINSKI**David Ramocinski**

22865 Hidden Hills Road
Yorba Linda, CA
(January 20, 2014)

RESPONSE RAMOCINSKI-1

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE RAMOCINSKI-2

The Draft EIR addressed geology and soil impacts in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding geology/soils.

RESPONSE RAMOCINSKI-3

Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure. This comment also states that before any certificate of occupancy is issued, the entire water system should be tested and certified to its ability to meet the current acceptable standards. The proposed water system would be tested by the YLWD and OCFA as required by applicable regulatory requirements prior to certificates of occupancy. These agencies would ensure the water system operates and meets the required fire flows to serve the Project. This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE RAMOCINSKI-4

This is a comment on future liability due to future unforeseen losses. The County cannot speculate as to the circumstance that may pertain to these issues, which are beyond the scope of the EIR. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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From: Sharon & Ted Rehmeyer
4795 Via De La Roca
Yorba Linda, CA 92887-1816
Home: (714) 777-6818; Cell: (714) 323-4101
Email: ssrehmeyer@gmail.com

Date: January 20, 2014

SUBJECT: CIELO VISTA DRAFT EIR—SECTION 4.12 PUBLIC SERVICES

OVERVIEW:

- The Public Services section—Section 4.12-- of the Cielo Vista DEIR falls far short of providing a thorough, objective analysis of the proposed Project's likely impacts on public services and public safety. Anyone who lived in Yorba Linda during the 2008 "Freeway Complex Fire" knows all too well that **public safety in hillside areas** is not just a theoretical concern. It's a very tangible issue that **has real impacts on real people in our community**. In light of Yorba Linda's heightened sensitivity to this issue, it is especially disappointing that **the DEIR fails to meaningfully evaluate and fully disclose the potential threats associated with this high-risk development located in Very High Wildfire Hazard Severity Zone (VHFHSZ)**.
- Overall, the Cielo Vista DEIR lacks a genuine quantitative analysis of public services and instead relies on generalities, unsubstantiated assumptions and vague mitigation measures. Whereas public safety impacts can be readily quantified in terms that the general public and the County's decision makers can clearly understand, the DEIR fails to do this. Specifically, the DEIR avoids quantitatively answering the critical question, **"How will the response feasibility of public safety agencies—notably, Orange County Fire Authority and Orange County Sheriff Department—be impacted by this Project for evacuating residents living in close proximity to the Project during wildfire events and earthquakes?"**

The well documented data on the 2008 Freeway Complex Wildfire that swept through the entire Project area—as well as that of the other proposed Project, Esperanza Hills-- shows that the Wildfire destroyed 76 homes within a half a mile of the Project site. Gigantic walls of flames, seen in a multitude of photographs and videos from that 2008 wildfire are forever embedded in ours and our neighbors' memories. Memories are still vivid of the intense heat, the wind-blown debris, smoke, ash, and soot, as flaming embers rained down on adjacent Yorba Linda neighborhoods at 60 mph, the rate the fast moving Santa Anas traveled that Saturday, Nov. 15, 2008.

QUESTIONS:

- **How will public service agencies-- OCFA and OCSD-- be impacted when the next Wildfire or Earthquake occurs?** As pointed out by OCFA at the 5th Anniversary of the Freeway Fire, "It's not a question of 'IF' it will occur, but 'WHEN'!"
- How can Orange County's Planning Commission and Board of Supervisors make a responsible decision on this project without getting an answer to this basic question, and understanding the degree to which the project would put existing residents in jeopardy?
- How will the response time and effectiveness of OCFA and OCSD be impacted by the addition of more residents in the Project area as earthquakes and Wildfires driven by 60 mph Santa Anas whip through the Project yet again? This information needs to be collected and scrutinized.

In addition to failing to provide a quantitative assessment of *future* response times, the DEIR even **fails to provide good baseline data indicating existing response times for these agencies.** Without the analysis of this data--which should be readily available from public records---it makes it impossible to understand potential impacts on the existing homes, plus the addition of the Project's proposed 112 houses.

The **four most significant concerns** regarding the Public Services section of the DEIR are summarized as follows:

1. *Wildfire service impacts are understated.* Although the DEIR correctly acknowledges that Cielo Vista is a high-risk project by virtue of its location within a Very High Wildfire Severity Zone – VHFHSZ), its unsupportable conclusions regarding potential impacts to fire safety and fire protection services seem to ignore the project's VHFHSZ status. In particular, the following deficiencies in the DEIR's analysis of fire protection services are noted:

- a. The DEIR (page 4.12-3) indicates that the OCFA guidelines for development within VHFHSZ's are currently being revised and are identified as "Expired" on the OCFA website. Yet, the DEIR fails to explain when these guidelines will be updated, pending their adoption, and what they are likely to say about how the development can safely proceed in the meantime, pending their adoption..
- b. The DEIR (page 4.12-5) indicates that **OCFA's goal for response time is to have the first engine on the scene within seven minutes and 20 seconds from the**

receipt of a call. The DEIR then states that the response travel time to Cielo Vista is estimated at three minutes. This is an incorrect and misleading comparison. Travel time and response time are two very different things. While an engine might be able respond within three minutes under ordinary circumstances, but when it most matters – **during an extraordinary event such as the Freeway Complex Fire of 2008– response times may far exceed the goal of seven minutes and 20 seconds (although it’s impossible for a reader of the DEIR to know, since the DEIR neglects to discuss response times during a major fire event).**

Also on page 4.12-5, the DEIR indicates that the fire stations that would serve the proposed project respond to approximately four service calls per day “on average,” presumably implying that these stations have plenty of capacity to respond to additional calls from the proposed project. Again, however, it’s not the “average” circumstance that is the most significant concern. **The real issue that needs to be evaluated (and which the DEIR fails to evaluate) is how this project would alter OCFA’s response times during a major wildfire.** Frequently, in a wildfire situation, there are multiple wildfires, and with OCFA and OCPD participating in mutual aid agreements, especially with surrounding area Fire Departments, how does that impact our local public service personnel who might otherwise be available to serve the Yorba Linda Project area? With mutual aid agreements among cities and counties, local **firefighters** can easily be called elsewhere during a major wildfire, especially since Santa Ana wind conditions drive wildfires as fast as the wind itself can blow. In effect, during a major wildfire the proposed project would be “competing” with existing residents for fire protection resources, with the potential for significantly worsened response times, as demonstrated in the Nov. 15, 2008 Freeway Complex Wildfire. What happens to the residents of this 112 house Project if they either can’t or won’t “shelter in place”? Who will be there to aid them? **The DEIR’s failure to evaluate response times during a major wildfire event is a fatal flaw in the overall document.** Furthermore, with regard to access to the hillside during a wildfire, there would need to be serious changes to Via Del Agua and Stonehaven, far beyond simply adding a traffic signal at Via Del Agua and Yorba Linda Blvd. With major egress/ingress to the Project at the intersection of Stonehaven and Via Del Agua, evacuation from the Project, and Esperanza Hills, plus emergency egress from Hidden Hills in an emergency situation, will be life threatening. During the 2008 wildfire, traffic evacuated existing homes down Stonehaven and Via Del Agua to Yorba Linda Blvd., and they evacuated with

three cars abreast on the winding, narrow two-lane roads. There were no Fire responders until Sunday night, November 16, 2008, 36 hours later, well after the fire was over. They were checking gas leaks on properties adjacent to our neighbor's home which had burned to the ground and his gas line too. What are the issues with methane gas leaks if it's being collected and transported out of the area? How does this impact public health and safety? But even if a fire truck had tried to access Via Del Agua or Stonehaven during the height of the flaming inferno, it couldn't have done so because of the traffic pouring downhill 3 abreast. To "shelter in place" in supposedly "fire safe" houses is not an acceptable alternative for this Project, given the project's location within this Very High Risk Fire Hazard Zone subject to the Whittier Earthquake Fault line. Who is going to "make" someone stay and shelter in place? What happens if they stay, and then become afraid and then try to evacuate? What's going to happen? Who will be there to help?

- c. On page 4.12-10, the DEIR states that "the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis." Again, it's not the average impact of the course of year that really matters, but the impacts during a major event lasting perhaps just a few hours. How do concurrent multiple wildfires in the County or in Southern California impact the response effectiveness, as well as evacuation scenarios? The need to alter response times during an extraordinary event is the real "incremental" impact of this project, and the DEIR fails to adequately address this fundamental issue. Example: It took nearly 36 hours after the Nov. 15, 2008 Freeway Complex Wildfire before any OCFA trucks or personnel came to check for damaged gas lines or other major fire-related issues in four house cul de sac adjacent to the Project—this in spite of the fact that one of the two fire stations cited in the DEIR is located just a short distance from the County hillside Project. What are the problems of fighting wildfires with multiple regional wildfires, and what is the effect of this issue on the effectiveness of OCFA and OCPD personnel?
- d. The DEIR (pages 4.12-11 and 4.12-12) discusses the OCFA's Freeway Complex Wildfire After Action Report (released in 2009), but does not fully explain how the recommendations from this report have (or have not) been implemented. From the DEIR's rather disjointed discussion of this report, it's unclear how its recommendations may help to minimize damage incurred during the next major

wildfire event. As OCFA officials pointed out at the Yorba Linda City Event commemorating the 5th Anniversary of the 2008 Freeway Complex Wildfire, “It’s not a question of ‘if’ but ‘when’ the next wildfire roars through” this County Hillside. There is historical documentation of the hill being a wildfire prone area. See www.hillsforeveryone.org for the historical fire study records for this Project area (published in 2012): “A 100 YEAR HISTORY OF WILDFIRES NEAR CHINO HILLS STATE PARK” (ATTACHMENT A) states on p. 1: “Though fires are a natural part of the ecosystem, there is nothing natural about the size and frequency of the fires destroying our wildlands year after year.” This fire study focuses on the period from 1914-2011, and the published data (pp.24-33) shows that only 2 fires were caused by lightning; all the rest in the 100 year history were caused by man.

- e. On page 4.12-11, the DEIR makes the claim that “existing single-family residences to the west and south of the Project site would gain increased protection from the spread of wildfire [presumably due to the proposed project acting as a barrier between existing development and wildland areas]. As such, the Project would reduce the threat of wildland fires to people and structures in the project vicinity and thus lessen the potential demand for fire services needed in the event of a wildland fire.” **This argument is not substantiated by evidence, and it ignores spreading mechanisms, such as embers igniting vegetation.** It needs further analysis before being presented as a key conclusion of the DEIR. We note that during the Freeway Complex Wildfire, damage to structures was not limited to homes on the edge of the urban/wildland interface. Some homes in “interior” locations (several blocks from wildland areas) were lost. In fact, 76 houses burned within a ½ mile of the proposed Cielo Vista Project site. Furthermore, with five active oil wells, one abandoned oil well, and one inactive well, the potential for methane gas explosions runs high in this Project. Also an active earthquake fault—the Whittier Fault line-- runs through the Project, and the impact of this and the issues of Fracking off Dorinda Rd. and San Antonio Rd., close to the Project, need further study. Further studies are needed on adding additional houses to a known and VERY HIGH RISK WILDFIRE ZONE! Who will provide homeowners’ insurance for the folks who might unwittingly buy into this Project?
- f. Page 4.12-11 also refers to OCFA’s **mutual aid agreements** as a means of increasing response capacity to a major wildfire event. However, virtually all fire

protection agencies in California have mutual aid agreements. While they can be an important part of a local agency's overall capacity to respond to fires, they do not specifically address the unique impacts associated with a high risk project such as Cielo Vista. What will be the effect locally when our local personnel are going elsewhere to fight multiple wildfires under regional and Southern California mutual aid agreements?

- g. The DEIR (on page 4.12-13) presents a total of only two mitigation measures related to fire protection services, and these are very generic. (4.12-1 and 4.12-2 are mitigation measures that could be offered for almost any project anywhere in Orange County. They do not reflect the unique risks associated with this project's VHFHSZ status. (4.12-1) states that "Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the project site." How does this mitigate any potential risks to this Project to existing homeowners or to future home buyers? Mitigation (4.12-2) states: "All new traffic signals on public access ways and electric operating gates installed for the Project shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services."

These are both very vague mitigations for a Project located in a very HIGH RISK WILDFIRE ZONE with a known earthquake fault line down the middle, and the potential for methane gas explosions.

- h. Elsewhere (page 4.12-9), though not specifically listed as a mitigation measure, the DEIR describes several Project Design Features (PDF's) that are presumably intended to mitigate the project's VHFHSZ status. While these PDF's are laudable and may reduce damage during a major wildfire, they do not address the underlying risk of a major wildfire event in this sensitive location or the resulting risk that wildfire emergency response times will be impacted due to the Project's additional demands on OCFA resources. "Sheltering in Place" housing might work, but ONLY if the residents don't exit into the burning inferno, deciding at the last minute that the fire is too scary and decide to leave. What happens if something goes wrong and they have overgrown vegetation, or they have wooden patio furniture or large umbrellas or tents in their backyard patio? With Santa Ana winds driving embers and flaming debris, there is no way any house in

this Project could truly be “fire safe.” There is no mitigation because of the dangerous location of the Project in a VERY HIGH RISK WILDFIRE ZONE.

2. ***Police protection impacts are not adequately analyzed.*** The DEIR’s analysis of police protection impacts is vague and fails to quantitatively measure the degree to which the proposed project would affect OCSD’s response times. The DEIR (page 4.12-7) indicates that the OCSD has the following goals for response times: Priority One Calls in 5 minutes, Priority Two Calls in 12 minutes and Priority Three Calls in 20 minutes. The DEIR then makes the following vague statement regarding existing response times: “While response times fluctuate, the Department is generally meeting its response time goals for the City. The Police Services Chief reports to the City Manager regularly on the success of meeting these response time goals.” If the Police Services Chief is regularly reporting to the City manager, actual data on response times must exist. Why are these data not provided in the DEIR? Without an accurate understanding of baseline conditions, how can the DEIR preparers make the conclusions (page 4.12-13) that existing response times are “adequate” and that “response times would not be substantially changed such that response time objectives are compromised in any manner”? It’s also odd that the correspondence from OCSD (Appendix J of the DEIR) regarding this project was dated July 2012, or approximately 6 months before OCSD became the law enforcement agency for Yorba Linda. As such, the information provided obviously does not reflect current conditions and is of questionable value as the basis for the DEIR’s conclusions. How could OCSD report on response times for a city which it did not serve at that time? Updated information is needed.
3. ***School overcrowding is acknowledged but not addressed.*** The DEIR (page 4.12-7) acknowledges that the K-5 portion of Travis Ranch School is overcrowded (with current enrollment exceeding capacity by 16%). With the addition of K-5 students generated by the proposed project, the DEIR forecasts (page 4.12-14) that the overcrowded condition would be exacerbated, with the result that enrollment would exceed capacity by 21%. The DEIR further acknowledges there are “no plans for new facilities or expansion of existing facilities.” Although the DEIR indicates that Travis Ranch School is slated for modernization, it also clearly acknowledges that such modernization would be dependent on “State funding availability” and that “modernization of the schools does not necessarily mean that capacity will be increased.” The proposed mitigation measure (payment of SB 50 mitigation fees) is of little consolation, since there is no guarantee that these fees would actually be guaranteed by State funding or spent to provide the needed expansion of Travis Ranch School. Furthermore, these are one time developer

fees. This mitigation is not guaranteed at all, but very “iffy” and totally dependent upon the alignment of the stars and the State Representatives and Governor funding expansions at the local school sites impacted by this Project. School enrollment fluctuates, and the DEIR proposes an improper deferral of mitigation for schools for major negative school impacts.

4. ***Cumulative impacts analysis is inadequate.*** As with the rest of the Public Services section, the cumulative impacts discussion is lacking in substance and quantitative analysis. Notably, the project-specific discussions on fire and police services seemed to be based largely on correspondence with OCFA and OCSD (Appendix J of the DEIR). However, this correspondence was focused on the proposed project itself and did not address the substantial list of cumulative projects. How did the DEIR preparers make conclusions regarding cumulative impacts if the affected agencies did not specifically provide input regarding the cumulative projects? Furthermore, this Project should be considered by OC Planning and the City of Yorba Linda as one single Planning Package, along with Esperanza Hills, and the potential development of another 48 unit housing development called Bridal Hills that depends on access through Esperanza Hills. There may be other developments that feed off of these projects as well in the hillside area. Any and all developments proposed for the Project location is in HIGH RISK WILDFIRE ZONE and face the risks of potential oil well fires, which are far more dangerous and cause major harm to the environment and air quality. Many local homeowners, adjacent to the Project, cannot get adequate insurance on their existing homes because of the danger of policy cancellation because they live in a HIGH RISK WILDFIRE ZONE. If the potential buyers cannot get insurance for their houses, who will pay for the insurance gaps? Will people of Yorba Linda and/or Orange County end up paying for gaps caused by insurance companies failing to provide any or adequate coverage to potential home buyers in the Project or cancellation of insurance because of the risks involved with living in a HIGH RISK WILDFIRE ZONE. Shouldn't the potential dollar impact on the County and City because of lack of insurance issues be considered an impact on public services?

In the absence of a more comprehensive and even-handed analysis of these issues, it would be unconscionable and irresponsible for the County's Planning Commission and the Orange County Board of Supervisors to approve this project.

LETTER: REHMEYER**Sharon and Ted Rehmeyer**

4795 Via De La Roca
Yorba Linda, CA 92887
(January 20, 2014)

RESPONSE REHMEYER-1

This comment provides general comments on the Draft EIR regarding impact conclusions presented in the Draft EIR Public Services section. The commenter does not provide any data, references or other evidence to support this conclusion. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE REHMEYER-2

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-3

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-4

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-5

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-6

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-7

This comment provides general comments on the analysis of fire protection services includes in Section 4.12, *Public Services*, of the Draft EIR. The comment also introduces specific comments on the fire protection analysis, which are discussed in responses Rehmeyer-8 to Rehmeyer-21, below. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE REHMEYER-8

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-9

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-10

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-11

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-12

Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:**

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-24. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

RESPONSE REHMEYER-13

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-14

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-15

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-16

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-17

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-18

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

As stated on page 2-14 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling

at the site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities.

This comment raises concerns regarding fracking and potential associated impacts at the project site. As stated above, there are no plans now or in the foreseeable future to reinstate drilling at the site or to pursue fracking. Furthermore, no known fracking activities have occurred on the project site.

Please refer to Response Rehmeier-12, above, for a discussion of methane-related impacts.

RESPONSE REHMEYER-19

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-20

As indicated on page 4.12-13, compliance with the applicable regulatory requirements and implementation of the project design features (PDFs) and prescribed mitigation measures would ensure that the Project would not adversely affect fire protection services and all potentially significant impacts in this regard would be reduced to a less than significant level. Thus, not only would Mitigation Measure 4.12-1 and 4.12-2 help to reduce the significance of potential fire-related impacts, but also the PDFs (see PDFs 7-9 to 7-14) that have been incorporated into the Project would prevent the occurrence and/or minimize the significance of potential fire related impacts. A mitigation plan is sufficient for purposes of CEQA if it identifies methods that will be used to mitigate the impact and sets out standards that the agency commits to meet. (*North Coast Rivers Alliance v. Marin Mun. Water Dist. (2013) 216 Cal.App.4th 614, 647.*) Furthermore, OCFA regulatory requirements for projects in a VHFHSZ would be implemented by the Project, which are reflected in the Project's Fire Master Plan and Conceptual Fuel Modification Plans, where applicable (see PDFs 7-9 and 7-12). A detailed description of the fire-related PDFs, including the fire protection plan and fuel modification zones, to be implemented as part of the Project is included in Section 4.7 in the Draft EIR.

Please refer to Response Rehmeier-12, above, for a discussion of methane-related impacts.

RESPONSE REHMEYER-21

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

RESPONSE REHMEYER-22

Also, this comment requests clarification on the extent of impacts regarding responses OCSD time objectives. As described on page 4.12-7 of the Draft EIR, the OCSD prioritizes calls for service, with Priority One being the highest (life threatening emergency). It is the goal of each patrol officer to respond to Priority One Calls in 5 minutes, Priority Two Calls¹³ in 12 minutes and Priority Three Calls¹⁴ in 20 minutes. Police services in

¹³ Requires immediate response and may not be assigned Code 3 (lights and siren) response. Includes crimes which have just occurred and the suspect has left the area and the victim is not in any further danger; any incident with potential of quickly escalating to a crime against person, i.e., family disturbance, custody disputes where all parties are present; bomb threats; any incident where a delay in response could impede further investigation, i.e., deceased person or situation involving delicate evidence; alarm calls; or similar circumstances.

the local project vicinity were recently evaluated as part of the contract for OCSD police services between the City and OCSD, with staff provided to meet response time objectives. The Project would add up to 112 new residences (up to approximately 358 residents), which is an incremental increase (0.5%) relative to the City's population of approximately 67,000 people. The OCSD's patrol routes would be modified to include the project site. As discussed on page 4.12-13 of the Draft EIR, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added further ensure impacts to police services are less than significant. This mitigation measure requires that prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site. The proposed mitigation measure is shown in Response LAFCO-8. In consideration of the Project's incremental population increase to OCSD's service area and the payment of development impacts by the Project, there would not be a "substantial" change in OCSD response times resulting from Project implementation. That is, the change would not be such that response time objectives would not be met with the Project, compared to without the Project.

RESPONSE REHMEYER-23

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space necessitated by the Project. This Project impact fee is due and payable at the issuance of building permits. Payment is not dependent on any involvement by the state.

RESPONSE REHMEYER-24

Please refer to Response Rehmeier-23.

With respect to the commenter's point that there is a deferral of mitigation, as stated in Response Rehmeier-23, SB 50's fee payment requirement (see Government Code 65995) provides full mitigation for school impacts upon payment of the school impact fee as declared by the Legislature. As such, there is no deferral of mitigation.

RESPONSE REHMEYER-25

The cumulative impact analysis is based on the requirements set forth in Section 15130, *Discussion of Cumulative Impacts*, in the CEQA Guidelines. The context for analyzing cumulative impacts is described in Chapter 3.0, *Basis for Cumulative Analysis*, of the Draft EIR. As discussed therein, CEQA *Guidelines* Section 15130(b) indicates that the analysis of cumulative impacts shall reflect the severity of the impacts and the

¹⁴ Requires immediate response unless assigned a priority 1 or 2 call. Includes calls where the informant is to be contacted for a report only; most routine situations where there is an informant; suspicious person, loud parties or similar disturbances.

likelihood of occurrence, but the discussion need not provide the same level of detail as is provided for the impacts attributable to the project alone. A lead agency is not required to provide evidence supporting every fact underlying the EIR's evaluation of cumulative impacts nor is an exhaustive analysis required. (*Ass'n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th, 1383, 1404.) Instead, the discussion of cumulative impacts is guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of the other projects which do not contribute to the cumulative impact. Moreover, an EIR need not follow any particular format as long as it contains the information required by CEQA and CEQA Guidelines. (CEQA Guidelines § 15160.) CEQA does not require a specific format for an EIR's analysis of cumulative impacts nor does it specify that the analysis be set forth in any particular place in the EIR. (See *Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411, fn 7 [stating that the analysis may be set forth either in a section on cumulative impacts or elsewhere in the EIR].) While the discussions of cumulative impacts for each public service discussed in Section 4.12 of the Draft EIR do not specifically state a "Threshold Statement," the analyses of cumulative impacts assume that potential impacts associated with the related projects being evaluated would be subject to the same or similar thresholds of significance used to evaluate project-specific impacts, which are already listed in Section 4.12. Based on these thresholds, the EIR provided a cumulative assessment of public service-related impacts.

RESPONSE REHMEYER-26

This comment states that this Project should be considered by Orange County Planning and the City of Yorba Linda as one single planning package along with Esperanza Hills and the potential development of another 48-unit housing development called Bridal Hills that depends on access through Esperanza Hills. The County disagrees for the reasons set forth in Response HFE1-2, which discusses a similar claim in the context of the two part *Laurel Heights* test. The facts surrounding development at Bridal Hills are arguably even stronger than Esperanza Hills (discussed in Response HFE1-2) because while the Esperanza Hills Project was the subject of a separate development application that was approved by the County Board of Supervisors on June 2, 2015, any development at Bridal Hills or Yorba Linda Land is speculative at this point as no applications are pending. Please also refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the DRAFT EIR's analysis of growth inducing impacts.

RESPONSE REHMEYER-27

Please refer to Response Rehmeier-18, above, for a discussion of oil-related operations and impacts associated with the Project.

In addition, the County cannot speculate on the ability of property owners to obtain homeowners insurance, which is beyond the scope of the Draft EIR. Because the comments pertaining to insurance coverage do not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

From: Chris R [<mailto:cdrikel7@gmail.com>]
Sent: Wednesday, January 22, 2014 5:13 PM
To: Tippetts, Ron
Subject: Cielo Vista Project

Mr Tippetts,

I am a Yorba Linda resident and writing you with great concerns about the Cielo Vista project that is being proposed in the hills near Yorba Linda. I have lived in Yorba Linda for over 20 years and was in the city during the 2008 Freeway Complex Fire, witnessing the destruction it brought to Yorba Linda and all the surrounding territories. Specifically the North East area of Yorba Linda and the neighboring hills. This is the general area that is being proposed for this development.

I am urging the County of Orange to deny the project from progressing any further until the County can assure all Yorba Linda Resident's safety will not be adversely impacted by the project.

Chris Rikel

LETTER: RIKEL

Chris Rikel

(January 22, 2014)

RESPONSE RIKEL-1

The Commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Debra Ruge [<mailto:druge@ph.lacounty.gov>]

Sent: Monday, January 06, 2014 10:27 AM

To: Tippetts, Ron

Subject: Cielo Vista Environmental Impact

Hello Mr. Tippetts,

I am contacting you to express my concern about the proposed Cielo Vista housing development. I live on Dunrobin Way in Yorba Linda which can only be reached via Stonehaven or Via Del Agua roads. I was at this address during the 2008 Freeway Fire and experienced firsthand the challenge of evacuating at the same time that fire vehicles were attempting to go to the homes. I concur with the recent environmental –impact report that states that the intersection at Via Del Agua and Yorba Linda Blvd. would be adversely affected by increased traffic from the proposed houses. I am concerned that not only will this intersection be affected, but the intersection of Stonehaven and Yorba Linda Blvd. as well. In addition, traffic on Yorba Linda Blvd. would be at a standstill with the additional residents based on the experience during the Freeway Fire as residents must use Yorba Linda Blvd. to evacuate the area. I ask that you take these safety concerns very seriously.

Thank you for your consideration,

Debra Ruge

Director, Medical Therapy Program

California Children's Services, Children's Medical Services

Los Angeles County Department of Public Health

9320 Telstar Avenue, Suite 226

El Monte, CA 91731

druge@ph.lacounty.gov

LETTER: RUGE

Debra Ruge

Dunrobin Way
Yorba Linda, CA
(January 6, 2014)

RESPONSE RUGE-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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Melanie Schlotterbeck
19042 Alamo Ln
Yorba Linda, CA 92886
714-779-7561

January 22, 2014

Via E-Mail

Orange County Planning
Attn: Ron Tippetts
300 N. Flower Street
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

As a resident of Yorba Linda I would like to submit the following comments and attachments on the Cielo Vista Draft Environmental Impact Report (DEIR). The project's DEIR must be recirculated to provide more complete investigation as it relates to geology.

Understanding the existing geologic conditions for the Cielo Vista site is critically important to knowing the safety of the site as it relates to this proposed development. There is a unique confluence of geologic circumstances: liquefaction, seismic risk (earthquakes), landslides, and expansive soils on this site. These conditions need further review and investigation. The project proponent must conduct extensive trenching and boring on the site to understand the existing conditions. This investigation has not been done. Therefore, the DEIR must be recirculated.

Additionally, this analysis in and of itself requires its own environmental impact review under the California Environmental Quality Act due to the impacts.

I submit into the record photos from the neighboring Esperanza Hills property, where similar investigations were already completed for that property's DEIR. **(See Attachments 1, 2, and 3)**

Sincerely,



Melanie Schlotterbeck

CC: Todd Spitzer

Attachments: 1, 2 and 3 – Photos of Esperanza Hills

LETTER: SCHLOTTERBECK**Melanie Schlotterbeck**

19042 Alamo Lane
Yorba Linda, CA 92886
(January 22, 2014)

RESPONSE SCHLOTTERBECK-1

Please refer to Topical Response 4 regarding geology and faulting. In addition, please refer to Response POHH-REED-6 for a discussion of implementing Mitigation Measure 4.5-1 that requires further geotechnical investigations.

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From: Mark Schock [<mailto:mschock74@earthlink.net>]
Sent: Tuesday, January 21, 2014 4:52 PM
To: Tippetts, Ron; Canning, Kevin
Cc: Lindsey, Tom; Gene Hernandez; anderhd@roadrunner.com; Mark Schwing; maalders@yorba-linda.org; Steve Harris; David Brantley; cyoung@yorba-linda.org
Subject: Public Comments - Esperanza Hills DEIR

Mr. Ron Tippetts (Cielo Vista)

Orange County Planning Services

300 N. Flower St.

P.O. Box 4048

Santa Ana, CA 92702-4048

Mr. Kevin Canning (Esperanza Hills)

Orange County Planning Services

300 N. Flower St.

P.O. Box 4048

Santa Ana, CA 92702-4048

January 21, 2014

Public Response to Esperanza Hills DEIR and Request for Time Extension and a Request that this Public Comment also be attached to the **Cielo Vista DEIR**

Mr. Tippetts & Mr. Canning

Immediately after the Freeway Complex Fire, I made a Public Records Request for copies of any security camera footage **captured during the fire** from the Metropolitan Water District's Santiago Tower. **The MWD Santiago Tower security camera directly overlooks the canyon where the Cielo Vista and Esperanza Hills developments are proposed to be built.** During the fire, the security camera was remotely operated by personnel from the MWD Deimer Plant, and was panned from the top (at Hidden Hills) of the Canyon, to the bottom, where the new developments are proposed to be built. This video footage shows in real time, the devastating speed and intensity of the fire where it raced down the canyon where the proposed **Esperanza Hills and Cielo Vista Projects**, will be built if approved. The viewing of the MWD Santiago Tower Freeway Complex Fire Videos, will most assuredly give anyone

responsible for reviewing or approving Esperanza Hills or Cielo Vista Project plans, a much greater insight into whether or not the proposed development plans are adequate as currently presented. The video appears to show that the **ENTIRE CANYON burned in approximately 37 MINUTES**. The video is fully date and time stamped.

Please see the attached e-mail that I had sent to the County for the NOP Public Comment Process for Esperanza Hills describing the MWD Video and my comments that it should be reviewed by all parties involved in the preparation and review of the Esperanza Hills DEIR process, as well as the DEIR process for Cielo Vista. Also see the attached e-mail from Kevin Canning acknowledging receipt of my public comments.

I attended the **Esperanza Hills Open House Meeting on January 16, 2014**. I asked to see the hard copy of the DEIR so that I could ensure that my public comments were included in the formal package. Much to my surprise, my letter was nowhere to be found in the document. I asked the developer's staff person to confirm that my letter had somehow not been included in the document. She confirmed that my letter had not been included in the document, and said that it must have been a printing error. I checked the County's website to see if my letter had been included in the electronic version of the document. My letter had also not been included in the electronic version posted on the County's website.

At the end of the meeting, I approached **Mr. Michael Huff, of Dudek** who was the **Fire Protection & Urban Forestry Practice Manager** hired by the developer to ask if he had reviewed my public comments or the MWD Video as part of his preparation of the **Fire preparedness and Fire Evacuation** portion of the DEIR. **Mr. Huff indicated that he had not seen my public comments nor the MWD Video and was unaware of their existence.** Mr. Huff said that **he would very much like to get a copy of the video so that he could compare it with his computer fire simulations upon which he had based his DEIR report.** After all, why depend solely on computer fire simulations when an actual dated and time stamped video of the Freeway Complex Fire in the canyon where the Esperanza Hills development is proposed to be built exists. Mr. Huff could not explain why the developer had not provided him with my public comments.

Please see the above e-mail from Kathy Crum of the Developer's staff. In her e-mail, she stated that my public comments were "somehow" not included in Appendix B of the DEIR. **She went on to say that my comments were considered in the preparation of the DEIR.** This seems very hard to believe. **I find it very unfortunate and of great concern** that Mr. Huff of Dudek had no knowledge of my public comments or the video, that the developer evidently did not provide Mr. Huff with that information, and finally, that my public comments were not published in the DEIR document in a timely manner for review by the public, OCFA and the Sheriff's Department prior to the preparation of those agencies' formal responses to the DEIR.

Because Mr. Huff of Dudek indicated that he would very much like to obtain a copy of the MWD Video so that he could compare it with his computer fire simulations upon which he had based his Fire Preparedness and Fire Evacuation portion of the Esperanza Hills DEIR, I request the following:

- That the Esperanza Hills Developer be required to formally document that the current Esperanza Hills DEIR as presented to the public did not consider the MWD Santiago Tower Security Video Footage during its preparation of the Fire Preparedness and Fire Evacuation portions of the document.
- That the developer formally document that my original NOP Public Comment e-mail had been omitted from the DEIR until yesterday which precluded all reviewing agencies and members of the public from having access to its contents and knowledge of the existence of the MWD Video Footage. This information, along my original NOP Public Comment e-mail should be immediately sent to all entities and individuals who had previously been sent HARD and ELECTRONIC copies of the DEIR.
- That the Esperanza Hills DEIR process be extended for an ADDITIONAL 30 DAYS to allow Mr. Huff of Dudek and the developer to obtain and review the MWD Video to see if it would have any impact on the final preparation of the Fire Preparedness and Fire Evacuation portion of the DEIR.
- That the Esperanza Hills DEIR process be extended for an ADDITIONAL 45 DAYS after that to allow a reasonable period of time for responding agencies and members of the public to review and comment on the new revised information.
- That the **MWD Video be added to the electronic copies and County website postings of the Esperanza Hills DEIR and the Cielo Vista DEIR** to facilitate public access to the video footage as well as additional public comment on the issue.

Before any County of Orange employees or appointed or elected officials, begin their review, or approval, of any and all documents related to the proposed Esperanza Hills and Cielo Vista projects, I strongly recommend that all parties be required to view the Metropolitan Water District Santiago Tower Security Camera Video taken during the November 15, 2008 Freeway Complex Fire.

Based on my telephone conversation with Mr. Tippetts this afternoon, I will provide each of your respective offices with both **full and edited copies of the MWD Video Footage** and hard copies of this correspondence tomorrow. The edited copy of the MWD Video Footage is approximately 142MB in file size and approximately 33 minutes in length. The edited version starts as the fire appears at the top of the canyon at Hidden Hills, and essentially has been edited to eliminate those portions of the video where the security camera's view was obscured by smoke.

Please attach this Public Comment Letter to BOTH the Esperanza Hills and Cielo Vista DEIR's as the importance of the MWD Video directly applies to both proposed developments.

Mark Schock

4955 Fairwood Circle

Yorba Linda, CA 92887

LETTER: SCHOCK**Mark Schock**

4955 Fairwood Circle
Yorba Linda, CA 92887
(January 21, 2014)

RESPONSE SCHOCK-1

This comment letter requests an extension to the public review period for the Draft EIR. As described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for a 45-day public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. Subsequently, a "Second Revised" Notice of Availability was issued on January 2, 2014 and extended the public review and comment period on the Draft EIR an additional 15 days, resulting in a review and comment period ending on January 22, 2014.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input. CEQA Guidelines § 15105(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances. The 75-day public review and comment period provided more than sufficient time for public review under CEQA.

RESPONSE SCHOCK-2

This comment includes comments pertaining to the Esperanza Hills Project that are not applicable to the Cielo Vista Project. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE SCHOCK-3

This comment requests the County review the footage of the Freeway Complex Fire from the Metropolitan Water District's Santiago Tower. This comment is noted by the County and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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To: Ron Tippets, Planner, Current & Environmental Planning Section, OC Planning Services
From: Edward Schumann
Re: Cielo Vista Project, Draft EIR #615
Date: Jan. 16, 2014

The purpose of this letter is to comment on the Cielo Vista Project, Draft EIR #615. As a concerned Yorba Linda resident I am opposed to the Project and believe the Draft EIR does not adequately address important issues and reaches incorrect and erroneous conclusions. My specific comments follow:

Aesthetics

One of CEQA's stated purposes is "to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities" (§ 21001, subd. (b)), and aesthetic issues are among those that are "properly studied in an EIR" (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492; *National Parks & Conservation Assn. v. County of Riverside* (1991) 71 Cal.App.4th 1341, 1360). As relevant here, the Guidelines give content to the concept of aesthetics by including the following questions in the checklist of a project's potential environmental effects: "Would the project have a substantial adverse effect on a scenic vista?" and "Would the project substantially degrade the existing visual character or quality of the site and its surroundings?" (Guidelines, Appendix G, questions I(a) and I(c).)

The Project and it's neighboring Esperanza Hills Project effectively destroy the last open scenic space between Yorba Linda and Chino Hills State Park. (The DEIR gives short shrift to the cumulative impact of the adjoining projects.) In its less than 50 acres, the Project will grade some 660,000 cubic yards of hillside. Figures 4.1-2 - 4.1-7 to the DEIR show existing views but the proposed views fail to take into account the cumulative visual impact with the Esperanza Hills Project.

Likewise, the DEIR erroneously concludes the Project will affect the view of only a few existing homes and will not substantially degrade the existing visual character of the area. As shown in the attached photographs, the area currently consists of rolling hills and scenic vistas. The area is visible from most of the homes in the Casino Ridge area, as well as from the homes to the south and west of the Project area. There is no mitigation for the destruction of the visual character of the area. The DEIR must address and analyze the degradation of the scenic landscape and aesthetic quality of the area.

Yorba Linda's Land Use Element (LUE) requires hillside area density to account for slope severity and stability, topographic conditions and natural resources protection, and to preserve open space areas and natural drainage areas. Per the County's LUE, development in hillside areas is bound by the same constraints both to preserve the natural terrain and contours, as feasible, which is also addressed in the County's Resource Element.

The Yorba Linda Municipal Code (18.30.040 - Standards and guidelines) provides these Site Design Principles:

1. Most of the hillside sites are highly visible from distant locations. Therefore, views of the site from the neighborhood and other off-site locations should be given careful consideration.
2. Massive grading and single retaining walls in excess of six (6) feet in height should be avoided in order to preserve a more natural slope appearance.
3. The buildings located near hillside rims have higher visibility. The buildings should be partially screened with landscaping to minimize the "wall" effect.
4. Significant trees and other vegetation, which contribute to the aesthetics of the site and surrounding area, should be preserved.
5. Natural hillsides and ridgelines should be preserved to the extent feasible. The usual impacts of grading should be softened through designs which incorporate slope undulation, blending and other features to reflect the natural terrain.

Additionally, any residential tract or individual residential unit development within hillside areas, **shall conform** to the following standards:

1. Ridgelines shall be preserved in their natural state to the degree possible.
2. Streets, both public and private, shall be developed below the crest of a natural ridgeline.
3. Building pads shall not be located so as to be on the crest of a natural ridgeline.
4. Any construction shall be done in a manner so as a dwelling, roofline or any component part of the construction shall be superimposed against another land mass and shall not be visible against a horizon or the sky when viewed from the canyon floor.

5. Tract and parcel maps for the purposes of residential construction shall include a variety of house styles, heights, roof elements and other design features.

6. Natural earth tones and materials shall be used; use of bright colors, including stark white, shall be discouraged.

7. Terraces, terrace drains, down-drains and other similar structures, shall incorporate the use of natural rock or other man-made design feature that has the appearance of a natural material.

8. Any manufactured slope shall be contoured in a manner to appear to have a natural grade.

Finally, the Code provides that, for any proposed residential development that is determined to be viewed from any point within Chino Hills State Park, the grading and landscaping plans shall include, for each lot so determined to be viewed, specific measures, including height limits, setbacks, landscaping, berms and/or other measures which will assure that any structure built on the lot will not be viewed from Chino Hills State Park.

The Draft EIR fails to recognize or address these multiple requirements. The Project proposes to destroy natural hillsides and ridges via massive grading. The building pads for Planning Area 1 flatten a natural ridgeline and replace it with densely packed homes.

Planning Area 2 abuts homes just east of San Antonio Road. Each of those homes are on lots of over an acre. In contrast, the 17 residences in Planning Area 2 all fall within only 6.4 acres. The DEIR gives no consideration to this failure to maintain the rural quality of the surrounding area.

OrangeCounty.net City Guide describes Yorba Linda as follows:

"In 2005 CNN ranked Yorba Linda 21st among the best places in the U.S. to live in their 'Great American Towns' quest. With a population over 68,000, Yorba Linda is best known as a residential community of single-family homes situated on sizable lots.

Yorba Linda's commitment to equestrian activities has helped set it apart from other communities with its [sic] three state-of-the-art equestrian arenas. It also boasts 100 miles of equestrian, biking and walking trails."

The OC Register likewise describes Yorba Linda as "primarily a residential community of single-family homes built on large lots." "Yorba Linda is well known for its equestrian community. Many of the large

lots have their own stables and riders can often be seen along the streets moving between the city's 100 miles of trails."

The Project aesthetically fails to conform to these existing conditions and the DEIR fails to address the divergence with the character of the local community.

Air Quality

The DEIR does not adequately address the generation of dust and other particulates as soil is disturbed (including soil contaminated with hazardous substances from oilfield operations and methane deposits) during construction. Such particulates could cause or exacerbate asthma and reactive airway syndrome for downwind residents.

One significant health risk not addressed in the DEIR is soil disturbance during site preparation resulting in the airborne dispersal of coccidioidomycosis (aka "Valley Fever") spores. These spores frequently contaminate soils in arid areas of California. The resulting disease, which produces flu-like symptoms lasting one to several weeks in most cases, is endemic to inland valleys in California. Since the symptoms are usually transient and resemble many other common illnesses, many cases are not recognized or diagnosed. Disseminated disease, which develops in about 1/1000 recognized cases, can spread to many organ systems, manifesting in a variety of ways including lung disease and meningitis. Dissemination is more likely among Blacks, Asians and individuals who are immuno-suppressed. Although coccidioidomycosis is endemic to Los Angeles County and the incidence has increased sharply in the past five years, it is unknown whether the spores are found in soils in the Project area. This should be analyzed and determined in the DEIR with appropriate mitigation measures required.

The California Dept. of Public Health (CDPH) received reports of 18,776 statewide cases of coccidioidomycosis with estimated symptom onset dates from 2001 through 2008. Annual rates of coccidioidomycosis increased by 91.3 percent from 2001 (4.25 per 100,000) to 2006 (8.13 per 100,000) and decreased by 25.3 percent from 2006 to 2008 (6.07 per 100,000). During the surveillance period, 265 (1.4 percent) cases were reported to have died with coccidioidomycosis. (Epidemiologic Summaries of Selected General Communicable Diseases in California, 2001-2008.)

The DEIR also does not address dispersal into the atmosphere of toxic or carcinogenic components of petroleum from currently operating wells and facilities.

The DEIR further fails to consider release of methane creating potential for explosions. Drilling and other oilfield related operations in the past may facilitate increased migration and leakage of methane through ground fissures and faults and through old shafts and wellheads where it can then build up to explosive concentrations in buildings. Methane gas is a colorless, odorless, tasteless gas that is less dense than air. It is formed as the by-product of organic decomposition and is of concern because of its flammability and explosive potential, particularly in the manmade enclosed spaces. In California, the sensitivity to methane gas increased dramatically with an explosion and fire in the Fairfax district in 1985. This occurred when methane gas built up in the basement of a department store and exploded. The methane was traced to oil contamination in an abandoned portion of an old oil field—the Salt Lake Field.

The danger can be greatly reduced or prevented by venting the methane and installing alarms. Such mitigation is not discussed in the DEIR. The Orange County Fire Authority Fire Prevention Division Informational Bulletin 05-03 (Combustible Soil Gas Hazard Mitigation for Existing Homes Undergoing Expansion in Yorba Linda) noted that the City of Yorba Linda has adopted an amendment to the local fire code that enables the city to enforce measures requiring methane soil gas hazards to be investigated and mitigated. The DEIR fails to address the conditions and necessary mitigation measures. (See, http://www.ocfa.org/_uploads/pdf/ib-05-03.pdf)

A Union of Concerned Scientists 2006 study analyzed air pollution caused by construction equipment and quantified its effect on California's public health and economy. The report noted that construction equipment is operating in cities and towns throughout California, releasing harmful NOx and PM emissions into the air and raising the risk of exposure to these pollutants for residents who live and work near construction sites. The likelihood of people living or working close to construction sites is highest in densely populated urban areas, but the suburbs are not free of risk from construction equipment pollution. Many projects in these areas, including new commercial and residential developments, require extensive use of construction equipment for land clearing and grading operations.

The analysis found that the economic and health damage caused by construction equipment pollution in California is staggering. More than 1,000 premature deaths per year can be attributed to these emissions, along with more than 1,000 hospitalizations for cardiovascular and respiratory illness, and more than 30,000 asthma attacks and other respiratory symptoms. Hundreds of thousands of lost work days and school absences equate to more than \$60 million in annual economic losses. In addition,

Californians collectively experience millions of days each year when air pollution restricts their activities. Overall, construction equipment pollution costs the state more than nine billion dollars every year. Construction equipment pollution is therefore a health concern for all Californians.

The DEIR does not address the public health issues from air pollution arising from construction equipment and operations. The DEIR must also include a cumulative impact analysis of such issues.

Geology & Soils

As the Yorba Linda City's Safety Element points out, slope stability is a serious geologic problem in the northern and eastern portions of the City. This area is underlain by siltstone and interbedded sandstone of the Puente Formation and are often the most prone to landsliding and other forms of slope failure. Slope stability needs to be fully addressed in the DEIR.

the identification, excavation and disposal of contaminated soils is not meaningfully addressed in the DEIR. The Project site has long been used for oil production and the DEIR acknowledges the abandonment of oil service material (including an unidentified 55 gallon drum of unknown contents and origin) but fails to evaluate the existing conditions and likely environmental impacts associated with the Project as required by CEQA. The DEIR fails to analyze and identify appropriate mitigation measures. The level of contamination is not properly evaluated and the various methods of soil reclamation and disposal of contaminated soil are not addressed.

Yorba Linda Municipal Code 15.36.700 requires leak testing of abandoned wells processed through the Orange County Fire Authority with the leak test report prepared by a state licensed geotechnical or civil engineer or state-registered environmental assessor, class II. The Code provides that a well shall be considered leaking if the leak test report indicates the meter read is greater than the lower explosive limit which is set at 500 parts per million. An approved leak test report is only valid for 12 months from City acceptance. The DEIR provides no leak test data and fails to report any historic or current conditions or to analyze future performance..

Greenhouse Gases

Even if methane (see above) is "safely" vented to the atmosphere, it is also a potent greenhouse gas. Direct health effects linked to such greenhouse effects are negligible in isolation, but cumulatively contribute to the global burden of greenhouse gases with far reaching effects on the physical environment and human health. This element is not addressed in the DEIR.

Hazards & Hazardous Materials

Yorba Linda is subject to wildfires due to the steep terrain, highly flammable vegetation of adjacent Chino Hills and the high winds (Santa Ana winds) that correspond with seasonal dry periods. Major fires have threatened the City in the past. High wildfire hazard areas include the northern and eastern portions of the City.

Since 1980, the Yorba Linda area has experienced 25 separate wildland fires, burning a total of 82,734 acres; single events range from one to nearly 20,000 acres. Until the recent Freeway Complex Fire, the most notable and devastating of these were the 1982 Gypsum Incident (19,986 acres), the 1980 Owl Incident (18,332 acres), the 1980 Carbon Canyon Incident (14,613 acres) and the 2006 Sierra Peak Incident (10,506 acres). The commonality of each of these larger fires is the Santa Ana Wind and the effect it has on vegetation and fire behavior. The Santa Ana Canyon funnels the wind, increasing its speed and magnifying the effects on the available fuel bed. The frequency of fire in this area has allowed non-native vegetation of volatile grasses and weeds to become the dominate fuel type.

On November 15, 2008, Yorba Linda experienced the Freeway Complex Fire. The Orange County Fire Authority's preliminary report (December 2, 2008) on the fire indicated that the fire consumed 30,305 acres; destroyed 187 residential structures (including multi-family residential buildings) and damaged 127 residential structures. Four commercial properties were destroyed or damaged, along with 43 outbuildings. My home was one of those destroyed.

As you will note from my experiences, we live in a rural community. Most resident have animals, many have horses, chickens, goats and other livestock. This results in much more confusion and logistic difficulties in evacuating for a fire. Local vets evacuated during the 2008 fire and left no emergency facilities available. That contributed to the death of our dog the night our house burned down.

This is my story:

It was a hot day for November 2008, not unlike the first weeks of 2014. The Santa Anas were blowing hard, hot and dry. A heavy chain rattled against my barn as I fed the horses that Saturday morning. My wife, Tam, left about 8:30 for a class in Lemon Heights.

As I started the weekend chores, I saw the smoke to the east and went to the back fence to have a look. We live on a hillside property - about 2 1/2 acres, all told. The house and landscaped yard sat on a pad at the top. Our 2 stall barn was on a small pad just lower than that. A steep hill then falls away to the 'lower 40' - a flat piece of land that runs to the edge of our property. We have a small riding arena and hay shed down there. A small creek runs just beyond our property line, paralleling it. Beyond that is the Cielo Vista property and other open land and the Chino Hills State Park.

The next door neighbor, Nick, was standing by his back fence too and we chatted a while as we watched the smoke. I remember one of us commenting that one of these days the land back there needed to burn. It was so dense you couldn't even bushwhack through it. We discussed that we were safe from any fire. Between the cleared arena area was our hillside. Our hillside was bare with drought resistant ground cover near the top; Nick had his planted in freeway daisy or some type of drought resistant plant. Also the fire was both east and south. Since the wind was a hard easterly, the fire would run down along the 91, not north toward us.

Still, you don't take chances. Our other adjacent neighbor, Joyce, was loading her horses to ship them farther away from the danger area. I hooked our trailer to my pickup and took the 2 horses down to the arena and turned 'em out.

By 10 or so, the smoke became thicker; I went back to the house and called Tam to come home but the students don't take phones into her classes. She'd be gone til noon. I called some friends who live in Hidden Hills. John was at work but Lisa and the kids along with her neighbor and her kids were out and could not get home due to the evacuation and chaotic traffic. I told them to come over "where it's safe" until they could get back home. They agreed and headed over.

Meanwhile, I went back down and helped Joyce with her animals. In addition to several horses, she had some goats and pot-bellied pigs, dogs, a cat..... The horses had been moved out and the rest of the menagerie was being loaded up when the pigs got free. While restricted to her own arena, the big fellows gave several of us a good run before they all got loaded... a pretty funny scene all in all. By that time, it was clear that the fire was coming our way. I started the water sprinklers we use to keep the dust down in the arena and turned on the automatic sprinklers around the house. I went back up to the house. Tam had arrived and was talking to Lisa and clan and watching the fire coverage on TV. I told them they'd better not stay and needed to get moving. I told Tam to load the dogs and call

our friends Ken and Jana and see if we can dump the animals there until it's safe, then get loaded and get over there. I'd follow with the horses.

We scattered and I went down and got the horses in our trailer. As I helped Joyce with the last of hers, we saw the flames cresting the closest hill. Time to go. By the time I got up to San Antonio, the traffic was jammed and the fire was right behind me, blasting through the little canyon like a furnace. Traffic was virtually stopped going down San Antonio and houses were burning on either side of the street. I turned and headed up San Antonio, threading the trailer through the downhill traffic trying to use both lanes. It was probably 1 pm but was like night up along the hills... the smoke dense as flames licked along the ridgeline to the northeast. I was able to circle around to Fairmont and parked in the Methodist Church parking lot to wait for Tam. Where the hell was she?!

She had grabbed things out of the safe, a change of clothes for each of us, and the 3 dogs and went down San Antonio. She saw kids running down the street carrying their pets.... traffic snarled trying to get down to YL Blvd.... and houses on fire to the left as the flames jumped across the street. (And to this day, I have not heard the end of the fact that I left the Element almost on empty and Tam was certain she was going to run out of gas and be pushed to the side and left....She got down to the Chevron station and cursed me until she made it to our rendezvous. Now we wonder, is it safer to keep cars fueled up knowing they pose a heightened fire danger or keep limited fuel with the attendant danger of not having enough to get out.)

In the parking lot, we traded cars and put the dogs in the truck with Tam. I headed back home. I managed to get up San Antonio through the still heavy downhill traffic. When I pulled into our cul-de-sac, I saw Joyce & Todd's house on fire. A fire dept. pickup truck was parked in the middle of the cul-de-sac and a single fireman stood alongside. He asked if that house was mine and I said, no, and pointed out mine. He said he was sorry but mine was 'gone too'. "But it looks fine." I said. He explained that the fire was in the attic and there were no resources available to do anything. It seems everyone had been sent to Hidden Hills, again assuming the fire would not turn north. There was no one coming to help us. This poses the question for future fires - what are the chances of fire personnel being called to another area - Cielo Vista, Esperanza Hills, Hidden Hills - and again leaving us without sufficient protection?

He offered to go in with me ("We have maybe 5 minutes.") and grab a few things. Let me digress a moment here. Both of Tam's parents died that summer within about 2 months of each other. We had

recently cleared out their Las Vegas home to sell it and had brought back what we wanted to keep. Our dining room had been cleared out and was full of crates, boxes and furniture. For our part, we had about 20 years of collected goods in the house including a pretty nice art collection (a Goya series, a very nice Gorman litho, an original Steadman drawing, a few original works by minor artists and a couple of really nice bronzes). Tam teaches Japanese tea ceremony, so she had a LOT of Japanese ceramics, utensils, scrolls and the like, in and around a bedroom I had converted into a tea room. I had a collection of Japanese tea bowls from the famous kilns from across Japan. I also was working as an independent contractor and had a home office upstairs. The garage contained a wine cellar with about 200 bottles of aging cabs. We also love books and could probably have started a used bookstore with our inventory... or a nice house fire. Tam also had an office upstairs. She is also an accomplished pianist. She had a Steinway concert grand piano and a Yamaha baby grand.

So when you are offered 5 minutes to 'grab a few things', your mind kinda goes blank. The fireman suggested my computer. Good idea. We sprinted upstairs but when we got there my office was full of smoke and he wouldn't let me go in. He asked where it was and crawled in after I gave directions. He came out with the (desktop) unit. (Later I realized he had pulled all the cables including the one to my external hard drive. So much for data.) By this time, not only was the wind still howling, rattling the windows, but all of the smoke alarms were screaming their high pitched whistle, and the upstairs was filling with smoke. "We can't stay", the fireman warned. That eliminated saving anything from the offices or bedrooms.

We went down and I grabbed some family photos and our wedding album (I did want to see Tam again, after all..) My tea bowl collection was in a display case and I tossed some into an empty box. And that was about it. A second fireman came in and they told me to get out. As we left, we passed our 48" flat screen TV sitting on a table. "Want this?" one asked. He grabbed it and the next thing I knew he was trying to shove it into my Mini Cooper (in the garage). "Just put it in the yard." I suggested. Through force of habit, I guess, I grabbed my tennis bag and pulled the Mini out to the street. I took a third car from the garage and then shuttled them a few blocks away. I came back and, at that point, all I could do was watch and take some pictures as my house burned.

At some point a fire truck arrived. They stayed a while, mostly trying to keep the fires contained and then left saying they had to try to save some homes. They left a hose attached to the fire hydrant (ironically) directly across the street from our house. By this time it was late afternoon, a male from each of the five houses on our cul-de-sac (except for Todd next door who was out of town) was there

and we took turns on the hose, keeping the fires contained, wetting down the adjacent houses and, occasionally, putting out the random tree fire. There was not sufficient fire department personnel to protect the surrounding homes.

The end - until the next one.

The Cielo Vista Project proposes to add over 100 homes. The adjoining Esperanza Hills Project would add another 340 homes. The projects cannot be considered in isolation due to their cumulative impact on all environmental matters including and especially public safety. The After Action Report on the Freeway Complex Fire by the OC Fire Authority noted that traffic became gridlocked as residents tried to flee while emergency vehicles attempted to gain access. As noted above, San Antonio Drive was almost impassable as homes burned on each side of the street. Access by Via del Agua was similarly clogged. The major artery of Yorba Linda Blvd. was inadequate to divert the evacuating vehicles.

The DEIR uses the unrealistic and unsupported figure of 1.5 vehicles per home. Ours is an affluent community with multiple vehicles per home. Even at 1.5 vehicles per home, the Project would add over 150 vehicles to the already overburdened exit routes and when considered with the adjoining project, some 700 additional vehicles would make the exit routes virtually impassable during an emergency. Even at the volume of traffic which existed in 2008, one stalled car on San Antonio could easily have resulted in many lost lives. Without major changes to the traffic infrastructure surrounding the Project, the lack of consideration of public safety is irresponsible.

Edward Schumann
4310 Willow Tree Ln
Yorba Linda

LETTER: SCHUMANN1**Edward Schumann**

4310 Willow Tree Lane
Yorba Linda
(January 16, 2014)

RESPONSE SCHUMANN1-1

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. This comment states the Project would effectively destroy the last open scenic space between Yorba Linda and Chino Hills State Park. This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. In addition, the comment states that Figures 4.1-2 to 4.1-7 do not include the Esperanza Hills Project. The visual simulations were appropriately prepared for inclusion into the “project-specific” analysis of the Aesthetics section. Cumulative aesthetic impacts are addressed under Impact Statement 4.1-4 beginning on page 4.1-33 of the Draft EIR. As discussed therein, cumulative visual impacts with the Esperanza Hills Project were concluded to be less than significant.

RESPONSE SCHUMANN1-2

The Draft EIR in sub-section b, Existing Conditions, on page 4.1-2 acknowledges that the site is currently undeveloped and consists of moderate to steeply sloping hillsides, with photographic illustrations of the project site. The visual impact assessment beginning on page 4.1-8 under Impact Statement 4.1-1 includes visual simulations from vantages considered generally representative and similar to views from nearby single-family residential uses, including views from Casino Ridge (see Figure 4.1-7), from the south (see Figure 4.1-2), and views from the west (see Figures 4.1-3 to 4.1-6). The visual simulations are used to provide an assessment of the aesthetics impacts resulting from Project implementation.

RESPONSE SCHUMANN1-3

Page 4.1-2 of Section 4.1, *Aesthetics*, in the Draft EIR references the City’s Hillside Development Zoning Code Regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and -32. This consistency analysis concludes that the Project’s open space area and concentration of the development envelope in two planning areas would ensure that intermediate and long range views of hillside locales and visually prominent ridgelines and canyon would not be altered, including preservation of the primary east-west canyon within the central open space portion of the project site.

Consistency with the retaining wall criteria of the City’s Hillside Development Zoning Code Regulations is addressed in Table 4.1-3 on page 4.1-31. The retaining wall criteria associated with grading is stated to be six (6) feet, with additional height to be avoided in order to preserve a more natural slope character. As stated in Table 4.1-3, retaining wall heights above 6 feet will be used only when needed to ensure manufactured slope stability with wall features landscaped and adjacent grading to be blended in furtherance of restoring a more natural slope appearance to ensure that the character and quality of the site affected by such slopes can be minimized, as feasible.

RESPONSE SCHUMANN1-4

Please refer to Response Schumann1-3.

RESPONSE SCHUMANN1-5

The Draft EIR addressed aesthetic impacts in Section 4.1, *Aesthetics*. At 112 dwelling units, the proposed Project's density is 1.3 dwelling units per acre of single family homes (with an open space area of 36 acres) is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the proposed project would be compatible with the adjacent single family homes. Therefore, at an overall density of 1.3 dwelling units per acre, the homes in Planning Area 2 would be compatible with the homes in the City subdivisions west of Planning Area 2 which the commenter states without specific information as being on lots "over an acre."

The commenter should note that both the County General Plan and the City General Plan permit clustering to preserve topographically constrained and open space areas such that actual lot sizes are allowed to be smaller than the arithmetic one dwelling unit per acre as identified in the City General Plan Land Use designation of Low Density Residential.

RESPONSE SCHUMANN1-6

Construction-related air quality impacts were addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix B of the Draft EIR.

As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM₁₀ and PM_{2.5}) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been prescribed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents.

Handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans would establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable

project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

Also, Section 4.7 of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

Section 4.7, Hazards and Hazardous Materials

1. Page 4.3240. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading

activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

RESPONSE SCHUMANN1-7

Please refer to Response Schumann1-6, above. With regard to concerns of Valley Fever spores, the Project implements fugitive dust reduction measures consistent with South Coast Air Quality Management District requirements (see Rule 403) which will limit the travel of potential spores off-site. Rule 403 establishes fugitive dust limits to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions. This rule requires implementation of best management practices (including construction equipment maintenance and upkeep) for fugitive dust control. With these fugitive dust reduction measures to be implemented by the Project, risk of Valley Fever would be less than significant. Section 4.2, *Air Quality*, in the Draft EIR provides a discussion of the Project's construction-related fugitive dust-related impacts. As discussed therein, impacts would be less than significant with implementation of the prescribed mitigation measures.

RESPONSE SCHUMANN1-8

As stated on page 2-28 in Chapter 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. A 1.8-acre parcel located in Planning Area 1 (also referred to as the "drilling pad") is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations with permitting and site planning to be pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities. Therefore, preparation of a health risk assessment and analysis of any potential odor impacts would not be meaningful as future drilling operational parameters are not known and are speculative at this point.

RESPONSE SCHUMANN1-9

Please refer to Response Schumann1-7, above.

RESPONSE SCHUMANN1-10

The localized air quality thresholds used in Section 4.2, *Air Quality*, of the Draft EIR are health-protective thresholds established by the SCAQMD, CARB and EPA. These pollutant standards take into account sensitive populations such as children, elderly and people with respiratory problems. Potential health impacts resulting from criteria pollutant exposure are provided on pages 4.2-10 through 4.2-13 of the Draft EIR. Localized criteria pollutant impacts were addressed on page 4.2-25 which demonstrated that localized criteria pollutant concentrations would remain below SCAQMD health-protective thresholds. Please also refer to Response SCAQMD-3 for a discussion of cumulative construction impacts.

RESPONSE SCHUMANN1-11

The Draft EIR addressed geology and soil impacts, including slope stability, in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. Slope stability impacts are discussed under Impact Statement 4.5-1 on page 4.5-15. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding geology/soils.

RESPONSE SCHUMANN1-12

The grading plan for the site assumes that nearly all of Planning Area 1 would be graded to accommodate the proposed residential and supporting infrastructure uses. The locations of the existing oil wells are within the grading footprint areas of Planning Area 1. Thus, it is anticipated that the majority extent of contaminated soils, if any, is included within the grading quantities for the Project. It would be speculative to estimate the extent of any underlying soil contamination based on the analysis conducted in Section 4.7, *Hazards and Hazardous Materials*. As discussed therein, while the Phase II Subsurface Investigation report concluded that the soils tested on the site, including those near the oil facilities, do not contain chemicals of concern (COCs) that exceed applicable health risk screening levels, the Draft EIR conservatively concludes that there is nonetheless still the potential for the Project to encounter impacted soils during soil-disturbing/grading activities associated with Project construction. As such, a Soils Management Plan (SMP) has been prepared for the Project that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. The SMP is required by Mitigation Measure 4.7-1 and included in Appendix G of the Draft EIR. Furthermore, Mitigation Measures 4.7-2 and 4.7-3 are prescribed to address potentially encountered contaminated soils during construction activities.

RESPONSE SCHUMANN1-13

The referenced Yorba Linda Municipal Code Section 15.36.700 in this comment pertains to a Site Plan and Design Review approval being sought from the City of Yorba Linda Planning Commission and/or the Community Development Director. The Project does not require Site Plan and Design Review from the City of Yorba Linda and as such, this Municipal Code section is not applicable to the Project. However, all existing on-site oil wells and production facilities would be abandoned or re-abandoned, with leak testing provided, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange.

RESPONSE SCHUMANN1-14

The Draft EIR addressed greenhouse gas impacts in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. Cumulative greenhouse gas emissions impacts, inclusive of all

greenhouse gases (methane included), are discussed under Impact Statement 4.6-3 beginning on page 4.6-26 of the Draft EIR. The analysis acknowledges that, “On a global scale, no single project alone will measurably contribute to a noticeable incremental change in global average temperature. Therefore, GHG impacts to global climate change are inherently cumulative.” The cumulative GHG impact analysis recognizes that the project would be consistent with applicable GHG plans to reduce GHG emissions and would not exceed applicable SCAQMD GHG thresholds. Further, as discussed therein, since the Project would result in less than significant impacts based on AB 32 derived thresholds, the Project would not have cumulatively considerable GHG impacts.

RESPONSE SCHUMANN1-15

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergence response and wildland fire impacts.

RESPONSE SCHUMANN1-16

Please refer to Topical Response 3 regarding emergence response and wildland fire impacts.

RESPONSE SCHUMANN1-17

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts.

RESPONSE SCHUMANN1-18

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE SCHUMANN1-19

Contrary to the comment, the Draft EIR does not assume a specific number of vehicles per household. Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

From: Ed & Tam Schumann [<mailto:tam.ed.schumann@gmail.com>]

Sent: Tuesday, January 21, 2014 6:54 PM

To: Tippetts, Ron

Cc: Spitzer, Todd [HOA]

Subject: Cielo Vista Project DRAFT EIR No. 615

TO: Mr. Ron Tippetts

Orange County Planning

300 North Flower Street

Santa Ana, CA 92702-4048

Cc: The Honorable Todd Spitzer, OC Supervisor, Third District

FROM: Edward L. Schumann

DATE: JANUARY 21, 2014

SUBJECT: Cielo Vista Project DRAFT EIR No. 615

This article from Voice of OC, provides a nice response to the DEIR which fails to take into account the issues raised in Ms. Sefton's article.

Community Editorial: Heed the ‘Sustainable Communities Strategy’

By GLORIA SEFTON | Posted: Tuesday, January 21, 2014 8:15 am

At first blush, the Madrona housing proposal in Brea might look like any other. It's a 162-unit development of single-family homes that will sit on 367 acres.

But it represents a tipping point.

And it's only one of many similar proposals that are pushing development boundaries all over Orange County.

As the Brea City Council opens hearings on Madrona on Tuesday, council members and the public should see the project for what it actually is: more sprawl development.

It's on virgin hillside land abutting Chino Hills State Park on the fringes of Brea. It runs counter to the Sustainable Communities Strategy that Orange County — and Brea itself — adopted in April 2012.

What is the Sustainable Communities Strategy?

It flows from California's landmark greenhouse gas reduction law, which requires cuts in greenhouse gas emissions to 1990 levels by the year 2020. The Southern California Association of Governments, in response to the law, set greenhouse gas transportation reduction targets for the region at 9% by 2020 and 16% by 2035, and in a multiyear effort involving stakeholders across the region, established the Sustainable Communities Strategy.

The Strategy lays out many ways to reduce vehicle miles driven to achieve the mandated greenhouse gas reductions and at the same time build livable, vibrant and sustainable communities for Orange County — even in the face of expected population growth of 4 million over the next 25 years.

([Click here](#) to read the Sustainable Communities Strategy.)

These “smart land-use strategies” encourage maximizing use of existing facilities and avoiding or limiting impacts to open space that contain important natural resources and habitat. The strategies also support “infill” housing and redevelopment, mixed-use development and walkability of communities, improving the jobs to housing ratio and promoting land-use patterns that offer alternatives to single-occupant auto use. These strategies also have the benefit of reducing pollution and improving health.

The Sustainable Communities Strategy doesn't propose a wholesale change to Southern California's developed areas; existing stable residential neighborhoods are expected to remain the way they are today. Rather, the strategy promotes new ways of developing new neighborhoods and revitalizing old ones to give Orange County residents a variety of lifestyle choices.

But Madrona doesn't fit the bill for any of these modern planning strategies. It's dangerous too. The tract would be situated on hills prone to landslides and smack in the middle of a historic wildland fire corridor. Surely Madrona violates the fundamental principle of protecting natural habitat and resources that are critical for environmental and public health. It will destroy more than 1,300 oak and walnut trees and bulldoze virgin land.

Likewise, Cielo Vista and Esperanza Hills, also in the binge of proposals under consideration, fail to make the grade. Those tracts are on virtually undeveloped county land that Yorba Linda is anticipated to annex. Cielo Vista proposes 112 homes on 84 hillside acres that support natural habitat. Esperanza Hills proposes 340 homes on 469 hillside acres bordering a state park.

Adding more to the list, Mission Viejo recently approved Skyridge, a development next to natural habitat on previously unincorporated county parcels that will be annexed to Mission Viejo, expanding its boundaries. And SaddleCrest, though currently in litigation, is an isolated tract in unincorporated rural Trabuco Canyon on undeveloped land far from services and transportation hubs and without current infrastructure. If SaddleCrest's approval stands, we can expect more developments like it in the canyon areas.

All of these development proposals fly in the face of sustainable development strategies. And they are being made against a backdrop of burning Southern California hillsides and an official state declaration of drought emergency. It would be reckless to ignore the fact that these developments will require vast amounts of water where virtually no water is being used today.

Climate change is occurring, and it's having severe negative impacts that cannot be denied. If we're serious about greenhouse gas reduction and, importantly, sustainability and protection of resources and quality of life for the next generations, projects like Madrona, Cielo Vista and Esperanza Hills should not go forward.

Instead of blithely approving these outmoded development plans, it's time for elected officials — the ones with authority to say yes or no to these projects — to scrutinize them according to the sustainable development tenets that the region signed on to. Will these officials have the courage and foresight to reject these proposals, or is the Sustainable Communities Strategy just a meaningless document?

Local jurisdictions can use creative tools, like transferring development rights to appropriate locations elsewhere, to keep the valuable and sensitive open space undisturbed while providing economic fairness to landowners and developers. Many California cities and counties are already doing this.

We have virtually no chance of meeting our target greenhouse gas reductions or creating a desirable, livable Orange County for the long term if land-use decisions are going to be made with little or no regard for the adopted strategies of building sustainable communities and reducing vehicle miles driven. Rather, our precious open space will be consumed forever and we'll be living in isolated island communities, far from work or services, traveling long distances on traffic-choked highways and dealing more and more with the negative impacts of climate change.

That would be a colossal failure on our part.

[Gloria Sefton](#) is a Voice of OC Community Editorial Board member and a co-founder of the Saddleback Canyons Conservancy.

LETTER: SCHUMANN2**Edward Schumann**

4310 Willow Tree Lane
Yorba Linda
(January 21, 2014)

RESPONSE SCHUMANN2-1

This comment references an article written by Gloria Sefton from Voice of OC, which references the Cielo Vista Project, amongst others, and provides her opinions of the various development proposals in regards to SCAG's Sustainable Communities Strategies (SCS). This article is noted by the County and will be provided to the decision makers for review and consideration as part of the decision making process. This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. However, it is noted that SCAG's SCS targets are not project-specific and are achieved through region-wide vehicle miles traveled (VMT) reduction measures. These VMT reduction goals contained in the SCS may be achieved through other means such as mass transit or transit oriented development within the region. A discussion of the Orange County Council of Governments (OCCOG) SCS has been added to the Draft EIR (see below). As discussed therein, the Project would not conflict with the SCS. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.6, Greenhouse Gas Emissions**1. Page 4.6-26. Add the following text below the 1st paragraph in the discussion of "Consistency with Applicable GHG Plans":**

Further, as discussed previously, SB 375 was enacted to reduce GHG emissions by requiring MPOs to develop an SCS as part of their RTP. As a result, SCAG has included an SCS element to their RTP which encompasses the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Riverside. SB 375 also allows for subregional council of governments to develop a subregional SCS. The Orange County Council of Governments (OCCOG) has developed a subregional SCS specific to Orange County.

The OCCOG subregional SCS contains goals (VMT reduction) identical to the regional SCAG SCS. However, goals of the SCS are not project specific. As stated in the OCCOG subregional SCS, "no subregional GHG emissions reduction targets were set by CARB or SCAG. GHG emission reduction targets are only calculated at the regional level." Therefore, the SCS does not target specific projects, but reductions will be achieved on a regional level.

In order to achieve VMT and GHG reduction goals, the SCS contains several VMT reduction measures which may not be project specific. Such measures include transportation system efficiency improvements and transit oriented development. As these VMT reduction measures are more regional in nature, the Project would not be able to implement such measures. Therefore, the Project would not conflict with goals of the SCS.

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From: Robert Sedita [<mailto:rsedita@sbcglobal.net>]

Sent: Monday, January 13, 2014 3:22 PM

To: Tippetts, Ron

Subject: Cielo Vista Project

Mr. Ron Tippetts

Orange County Public Works

Mr. Tippetts:

I am writing you today to express my concern over the proposed Cielo Vista Project in Yorba Linda. I have lived in the track of homes entered thru Via Del Agua for approximately 25 years and have seen the continued growth of Yorba Linda and the effect such growth has had on the existing infrastructure, safety and quality of life within Yorba Linda.

I have two primary concerns relative to this project. Firstly, the traffic situation that currently exists at the uncontrolled intersection of Via Del Agua and Yorba Linda Blvd. has continually deteriorated with the addition of more homes in the area. This is especially true during school hours, when parents dropping off their children at Travis Ranch School use Via Del Agua as a turn-around get onto Yorba Linda Blvd., and approach the school from the north rather than deal with the congestion at the school when approaching from the south. This routinely backs traffic up and it is not uncommon to have over a dozen vehicles waiting to make left turns out of Via Del Agua. This level of traffic waiting at the stop sign and the high volume of traffic already moving on Yorba Linda Blvd. during this time of day, results in substantial delays for residents attempting to exit the track. Additionally, pedestrian traffic is also impacted. Many residents walk in this area as do many parents and grandparents with small children and/or infants in strollers. The amount of traffic already using Via Del Agua is significant and crossing at the corners is somewhat hazardous for these pedestrians. I have witnessed several incidents wherein drivers were traveling in excess of the residential limit and have cut-off pedestrians attempting to cross Via Del Agua. The addition of these homes would exasperate these already significant problems.

Secondly, I was at home during the Freeway Complex Fire and witness how rapidly a wind driven fire can spread. We lost three homes in our track. The problem was not so much the hillsides, but rather the landscaping and the homes that fed the fire into our track. We did not see a fire truck for 3 days in our track. The construction of these homes bordering the Chino State Park property is a recipe for disaster.

I respectfully request that the County reconsider allowing the construction of these homes. Such construction would have an adverse effect on the traffic flow, public safety and quality of life that attracted many of us to Orange County in the past.

Respectfully,

R. Sedita

LETTER: SEDITA**Robert Sedita**

(January 13, 2014)

RESPONSE SEDITA-1

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of building permits for the Project. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level. Further, the traffic signal would provide designated crossings for pedestrians at this intersection.

RESPONSE SEDITA-2

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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From: Mark Shidler [<mailto:msrshidler@msn.com>]

Sent: Friday, January 17, 2014 3:11 PM

To: Tippetts, Ron

Subject: Objection to Cielo Vista Project and Esperanza Hills Project

Good Afternoon,

I am a long time Yorba Linda resident, living here since 1994. I moved here because my family and I craved the low density and rural feel, Yorba Linda offered. My family was quite content with the "Land of Gracious Living" until we were stuck in the major traffic jam, caused by the Freeway Complex Fire evacuations. We genuinely feared for our lives as the fire came towards us. As a result of the fire we lost our back yard and almost our house. Thanks to the fire fighters infra- red technology, the embers that started burning in the frame of our house were discovered and cut out. I have no doubt our house would have been lost.

The streets here in our track couldn't handle the amount of cars already trying to escape the blaze. Adding more homes and cars is only going to make it worse and next time, it could cost lives.

The developer and the OC planning staff, need to be honest and not just ram this thru.

The Fire Authority has concerns, as does the OC Sheriffs Dept. about public safety. These projects must not endanger anyone and as it stands there aren't adequate routes to escape quickly. There needs to be enough water to fight future fires. The only reason my house was saved was because the water pumping station was damaged from the fire and the fire dept. came back.

Everyone of my neighbors is against this project as am I. These projects need to be rejected and put down permanently. They do not benefit our community.

I urge you to not let these projects proceed.

I want this on the record.

Sincerely,

Sheryl A Shidler

LETTER: SHIDLER

Sheryl A. Shidler
(January 17, 2014)

RESPONSE SHIDLER-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE SHIDLER-2

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

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From: Barbara Sinner [<mailto:barbsinner@gmail.com>]

Sent: Sunday, January 05, 2014 9:50 PM

To: Tippetts, Ron

Subject: Cielo Vista and Esperanza Hills

Dear Ron,

I am strongly opposed to these two proposed developments being accessed by utilizing San Antonio or Via Del Aqua. I lost my home in the Freeway Complex Fire. I live on San Antonio with a fire station and a police station at the bottom of my street. My home never received a drop of water from a Fireman, and when police were notified of looters on my property, they did not respond. I remember the horrifying gridlock that day I escaped. I remember driving through the thickest cloud of black smoke, hoping there wouldn't be a car in front of that cloud, and that I wouldn't die in my car on San Antonio.

Yorba Linda lost 135 homes that day. The new developers claim that their additional homes will create a fire break. I think we already had hundreds of homes that did not create a fire break. No so called "fire break" can withstand 50 mph gusts carrying burning embers. The developers claim that their new houses will be burn proof. Anyone remember the Titanic????

The developers claim that people won't evacuate and stay in their homes because they have been told their new houses are burn proof. Let's see, I don't see Grandma whose babysitting her grand kids calmly watching a DVD and cranking up the A/C. I don't see a dad calling his 16 yr old daughter at home and instructing her on how to use the garden hose to put out the fire on the bushes. I don't see horse owners bringing their horses indoors until the fire passes. It is second nature to run, not to stay. People will not stay at home comfortable with the belief that their home is fire proof, they will run. And they will all run at the same time in the same direction, because they have no other way out, A proposed 500 home cul de sac in a well documented fire area is ludicrous!!

Please know that I and others will continue to fight these proposed projects.

Barbara Sinner

LETTER: SINNER**Barbara Sinner**

(January 5, 2014)

RESPONSE SINNER-1

Please refer to Topical Response 3 regarding emergency access. Also, the Draft EIR addressed public services impacts, including police and fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

RESPONSE SINNER-2

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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Lizette and David Spellman

4460 San Antonio Rd

Yorba Linda, CA 92886

(714) 970-1420

Lizette18@sbcglobal.net

January 19, 2014

Mr. Ron Tippets

ORANGE COUNTY PLANNING

300 North Flower Street

Santa Ana, California 92702

SUBJECT: Response to Cielo Vista Project DRAFT EIR No. 615, Geology – Section 4.5

The Draft EIR acknowledges four major geological risks present on the project site:

- a. The presence of the Whittier fault and trace lines, although the locations used for site planning were “inferred”. (Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Page 2);
- b. Several “large-scale” landslides are indentified at the northwestern portion of the subject site”. (Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Page 2);
- c. expansive soils are present;
- d. liquefaction is possible;

The DEIR statement that with proper geotechnical investigation, all of these risks can be minimized is not supported by substantial evidence.

All four of the above listed conditions are likely to have significant impacts on the site plan. For example, a significant number of planned homes fall within the 1000’ wide Whittier fault zone in areas that could be undevelopable.

Additionally, depending upon the amount of remedial grading required to mitigate landslide formations, significant offsite grading may be required to the east on the Esperanza Hills property. (Appendix E, PSE Geotechnical Evaluation, 6/8/06, Section 4.5.)

Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Introduction makes reference to “subsurface geotechnical evaluation of the site is currently in-progress”....this information was not found.

Mitigation Measure 4.5-1 proposes to require a final site specific geotechnical investigation prior to issuance of grading permits. The final site specific geotechnical investigation should be completed prior to approval of the EIR. Identification of impacts must be analyzed in the Draft EIR and all reasonable avoidance and mitigation options must also be analyzed in the document.

Any other approach constitutes improper deferral under the California Environmental Quality Act.

LETTER: SPELLMAN

Lizette and David Spellman

4460 San Antonio Road
Yorba Linda, CA 92886
(January 19, 2014)

RESPONSE SPELLMAN-1

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE SPELLMAN-2

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE SPELLMAN-3

Please refer to Topical Response 4 regarding geology and faulting.

RESPONSE SPELLMAN-4

Please refer to Topical Response 4 regarding geology and faulting.

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From: Valerie Stansberry [<mailto:Truthrule7@aol.com>]

Sent: Wednesday, January 22, 2014 8:48 AM

To: Tippetts, Ron

Subject: Corliss Vista & Esperanza Hills

Dear Ron, my husband and I have been residents in Yorba Linda for thirty years. The appealing semi small town atmosphere has been Yorba Linda's appeal and trademark. Unlike South Orange County, you don't have to wait through a traffic signal three times to cross. Also, witnessing and being part of the last fire, all residents will conclude that the evacuation did not work in our best interest. It will only get worse. Let's leave our beautiful city which attracts people just because of the quaintness and less congestion. Please stop the building!! Sincerely, Ron & Valerie Stansberry

LETTER: STANSBERRY**Ron and Valerie Stansberry**

(January 22, 2014)

RESPONSE STANSBERRY-1

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and a project's goals to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

With respect to emergency evacuation, the commenter is referred to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Olivia Steverding [<mailto:steverdingassoc@sbcglobal.net>]

Sent: Friday, January 10, 2014 1:03 PM

To: Tippetts, Ron

Subject: Cielo Vista Responses

My name is John Steverding and my wife is Olivia we live at 4760 Stirlingbirdge Circle Yorba Linda, CA for 25 years. Our cull de sac empty's on to Stonehaven a few houses from Via Del Agua.

On the day of the fires in November of 2008 we were viewing the fire on a hill top close to our street. As the fire approached we prepared to evacuate, the wind was extreme and the fire was moving very fast, within 10 minutes it traveled over a mile and was upon us. The fire was over 30 feet tall and the air was as dark as midnight.

As we approached Stonehaven the street was packed with cars and fire surrounded us. We never expected to see our home again, cars were being abandoned and some were running down the street, there was no other way out and it took forever to get onto Yorba Linda Blvd. Now picture that and add 500 new auto's to the scenario, and when the second development is completed add another 1,000 vehicles.

I cannot even believe that a new development that empties on to Via Del Agua is going to be considered. On top of that, the project could go on 5 to 7 years of earth moving and contaminating the air, with God knows what.

If this project goes through as designed I'll think about moving from the "Land of Gracious Living" it won't be gracious anymore.

I am sure that you are aware of the earthquake faults within these developments.

LETTER: STEVERDING

Olivia and John Steverding
(January 10, 2014)

RESPONSE STEVERDING-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE STEVERDING-2

The Draft EIR addressed air quality impacts, including construction and operational impacts, in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Please also refer to Topical Response 4 regarding geology and faulting.

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From: tlstull [<mailto:tlstull@pacbell.net>]
Sent: Wednesday, January 22, 2014 2:30 PM
To: Tippetts, Ron
Subject: Cielo Vista Project

Dear Mr. Tippetts,

I writing regarding the Cielo Vista project. I strongly oppose this project due to the negative impacts that it will impose on the air quality, the increased traffic, and the harm it will do the environment.

The harm and negative impacts it will have on the current resident's quality of life is significant.

Further, it will cause irreversible harm to the environment and sensitive populations that reside in the vicinity.

Please do not allow this project to proceed.

Sincerely,

Theresa Stull

Yorba Linda Resident

LETTER: STULL**Theresa Stull**

(January 22, 2014)

RESPONSE STULL-1

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts is that the Project's impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will create air quality, traffic, and general environmental impact when project impacts as defined by CEQA will be less than significant. Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

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From: David & Tricia Thaete [<mailto:badandee@ca.rr.com>]

Sent: Tuesday, January 14, 2014 9:58 PM

To: Tippetts, Ron

Subject: Ceilo Vista and Esperanza Hills

Importance: High

Mr. Tippetts: this email serves as my notice of opposition to the Ceilo Vista and Esperanza Hills projects. As a resident of Yorba Linda in the neighborhood below and adjacent to these projects, and having personally experienced the ravishing fires 5 years ago, including the inept actions of our emergency response agencies, I am convinced that these projects would only serve to increase the level of danger that my family and our fellow neighbors would be exposed to in the event of another catastrophic event, like the fires five years ago, or an earthquake. Primarily, with the number of residential units planned, and the ingress/egress planned to accommodate these units, there has been a complete lack of good planning practices and good judgment applied to support these projects.

Please put me on record as opposing these projects.

Sincerely,

David Thaete

21570 Dunrobin Way

Yorba Linda, CA 92887

LETTER: THAETE

David Thaete

21570 Dunrobin Way
Yorba Linda, CA 92887
(January 14, 2014)

RESPONSE THAETE-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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From: Dale Thayer [<mailto:dalethayer@me.com>]
Sent: Wednesday, January 22, 2014 6:01 PM
To: Tippetts, Ron
Subject: Cielo Vista Project

Mr. Tippetts
Mr. Tod Spitzer

My name is Dale Thayer and I live at 4660 San Antonio Rd. I attended the meeting on the 16th of January but was not able to make a comment due to the late hour that the meeting ran to. I will keep my comments brief and to the point.

I lost my home and nearly my wife and son during the fire of 2008. If you look up my address you will see that we are the first house as you go up San Antonio. Even being that close to Yorba Linda Blvd. my wife was not able to exit down San Antonio due to heavy smoke and fire. She had to turn around amidst several other vehicles doing the same thing to travel up San Antonio to Fairmont and out. With additional traffic created by the new development coming the same way it's not incorrect to state that there will be life lost in the case of a similar event.

My second statement is this: One of the proposed exit routes is to build a road practically in my back yard in the gas easement area from the development to San Antonio. All I want from each of you is your estimate of how much this will lower my property value. I did ask the developer after the meeting on the 16th and he admitted that he could not answer me. In other words, "substantially" and I think you will agree. That being the case how is it right to allow one man or developer the right to build in such a way that another mans property is devalued?

I informed the developer that evening that if this plan were to go forward I will be seeking legal action against all involved in this action and those approving this action which would include all public agencies. His comment to me before he walked away was "let's get together and work something out". I trust that the decision makers in this action will consider the damage this will do not only to me but several of my neighbors not to mention the endangerment of future residents to this community.

Please be men of integrity in your decision making.

Sincerely,

Dale Thayer
4660 San Antonio Rd.
Yorba Linda, CA

LETTER: THAYER**Dale Thayer**

4660 San Antonio Road
Yorba Linda, CA
(January 22, 2014)

RESPONSE THAYER-1

Please refer to Topical Response 3 regarding emergency access.

RESPONSE THAYER-2

This comment states that the proximity of the proposed exit route to the commenter's property will substantially lower his property value. The potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), particularly given that the Project's density and design is compatible with adjacent and nearby single family homes. At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes.

RESPONSE THAYER-3

This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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From: James Unland [<mailto:jmunland49@att.net>]

Sent: Monday, January 06, 2014 8:19 AM

To: Tippetts, Ron

Subject: Cielo Vista Development

As a property owner immediately adjacent to the proposed Cielo Vista development in Yorba Linda, I write to express my strong opposition to the development. Putting a large development in a fire prone area is not only a danger to the new residents, it is a danger and risk to the existing residents. Developers cannot mediate this risk, no matter what their PowerPoint slides will say.

I lived through the Freeway Complex fire. I remember trying to evacuate the area only to find gridlock on Stonehaven, and more importantly, Yorba Linda Blvd-we were trapped. There is no way a builder can promise to mediate the risk of surface street gridlock. Promising development exits into two streets running into YL Blvd, to evacuate the 500 homes, does not do anything but increase the gridlock.

Fire will come again. We must intelligently plan for that eventuality. Putting a new development squat in the middle of the fire area is just not intelligent.

Open space is at a premium in Orange County. The higher purpose of the land should be for open space, not developer's pockets.

Very Respectfully,

Jim Unland

4765 Stirlingbridge Circle

Yorba Linda, CA 92887

jmunland49@att.net

LETTER: UNLAND**Jim Unland**

4765 Stirlingbridge Circle
Yorba Linda, CA 92887
(January 6, 2014)

RESPONSE UNLAND-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE UNLAND-2

Approximately 36 acres or 43% of the project site between the two planning areas is planned to be retained as permanent open space. Future ownership of this area can be by the Project's homeowner's association, a non-profit agency, or a public agency. Development will not occur in this area and there will be no direct maintenance and operations cost to adjacent homeowners.

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From: Scott Wallace [<mailto:scottwallace@votaw.com>]

Sent: Thursday, November 21, 2013 3:41 PM

To: Tippetts, Ron

Subject: Cielo Vista Project

I am writing in opposition to the Cielo Vista Project. I live on Allonby Circle which is the street right off of Stonehaven. We are at the bottom of Stonehaven and hear the traffic coming down the hill to Yorba Linda Blvd all day and night. It can be substantial at specific times of the day. During the fire evacuation, I am told there was tremendous traffic trying to get off of the hill. Adding the Cielo project will add significantly to the challenge of evacuation.

Yorba Linda Blvd is a main road which has increased in traffic tremendously over the past 10 years we have lived here. More traffic in this area will negatively affect our "Gracious Living" in Yorba Linda.

I have lived in Orange County since 1963, so I witnessed amazing growth. For me, in this case it is not so much the growth - it's the access to it and the added specific traffic over very few roads. I can only imagine the number of construction trucks up and down Stonehaven, let alone the continuous added traffic that will come when other direct routes to Yorba Linda Blvd will back up and the choice is made to use Stonehaven.

Please consider stopping this project

Scott Wallace

LETTER: WALLACE**Scott Wallace**

(November 21, 2014)

RESPONSE WALLACE-1

The Draft EIR addressed traffic impacts, including impacts during both construction and operation of the Project, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, construction and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access. Also, the comment's statement of opposition to the Project because of added traffic is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

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From: Brian Wilkerson [<mailto:wilkernsn@pacbell.net>]

Sent: Tuesday, January 07, 2014 8:37 PM

To: Tippetts, Ron

Subject:

Dear Supervisor Spitzer,

I've lived in Yorba Linda for over 25 years, and I recently retired from the Orange County Sheriff's Department. I believe all my neighbors and I oppose the proposed housing development that would go in our neighborhood (Cielo Vista and Esperanza Hills). The reasons are simple, increased traffic in our neighborhood and additional fire hazard. I ask that if you haven't, please look at the area that is proposed for this new development and the proposed ingress and egress for all the additional traffic. It will cause a bottle neck effect, affecting the quality of life for all of us that live here. Also, the fire in 2008 showed us first hand how vulnerable we are to fire storms, and how fire resources were stretched to the breaking point. My street went hours before we saw a fire truck, when it did arrive the fire had already passed taking many houses with it. Additionally, water pressure was not effective to fight the fire.

I realize that you and the other Supervisors must make decisions based on all the information available to you, including input from the developers and the residents. I hope you will give the residents that must live with this decision, proper consideration.

thank you,

Brian Wilkerson

4605 Alder Ave

Yorba Linda Ca, 92886

LETTER: WILKERSON

Brian Wilkerson

4605 Alder Avenue
Yorba Linda, CA 92886
(January 7, 2014)

RESPONSE WILKERSON-1

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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**Cielo Vista Project – Proposed Single-Family Residential Development
Community Open House
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippets, Project Planner, by **January 7, 2014**.

Mail: P.O. Box 4048
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3rd Floor
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: Ron.Tippets@ocpw.ocgov.com

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics

Air Quality

Biological Resources

Cultural Resources

Greenhouse Gas/Climate Change

Geology and Soils

Hazards/Hazardous Materials

Hydrology/Water Quality

Land Use/Planning

Noise

Population and Housing

Public Services

Recreation

Traffic/Transportation

Utilities

Alternatives

*Copy
go to all
down hill from
here!
If this
happens
again*

Didn't have enough Fire & Police when the fires came through! Holding more homes is a disaster waiting to happen!

Via Del Arroyo Signal will not Help! Fires & more Traffic, 2 ways in is not enough

Put a road in The Back hills, Put more Schools & Fire Dept.

[illegible]

Name: _____ Email: _____
Address: _____

**OC Public Works
OC Planning Services
300 North Flower Street
P. O. Box 4048
Santa Ana, CA 92702-4048**

ATTN: Mr. Ron Tippetts, Project Planner

LETTER: UNKNOWN**Name Unknown**

No Date

RESPONSE UNKNOWN-1

The Draft EIR addressed public service impacts, including police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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2.C COMMUNITY MEETING COMMENTS AND RESPONSES

CIELO VISTA OPEN HOUSE
Monday, December 16, 2013

Reported by: Arcy M. Dropulic, CSR No. 13394

1 COMMUNITY MEMBER: We all have the same
2 questions. We all have the same complaints. We all have
3 the same concerns. And I think when you sequester us to
4 the different tables, it colludes the ability to have it
5 documented and recorded. So I think if you just take a
6 quick vote, just say let's not go to these stations and
7 let's ask the questions where everyone can hear, and let's
8 answer.

9 I asked a very simple question of who actually
10 owns that land. I could not get an answer. They would
11 not tell me who owns that land. Well, we think the
12 Travis Company. I said, well, who are you guys? Well,
13 we're Sage. I said, do you guys own the land? Well,
14 that's a really hard question. I can't really answer
15 that.

16 So I think we all -- we all have the same
17 questions and we have all been misled, very, very
18 blatantly misled. We've been told by our city council
19 that they will fight for us a year and a half ago. And
20 then all of a sudden, here we are.

21 And, you know, when they tell us, we stand behind
22 you, period. Well, we all learned what that means, and I
23 think we all deserve to be dealt with honestly. And I
24 think everyone who is in this room could answer these
25 questions from why didn't you guys go through

1 Yorba Linda to how did we get to this place.

2 COMMUNITY MEMBER: And is Mr. Spitzer here
3 tonight? And how will he hear from us if he doesn't have
4 enough interest to come to any of these meetings?

5 COMMUNITY MEMBER: I think what the lady is
6 saying is, let's have it as an open forum. Let's not go
7 to the tables. That's a divided and conquer. That's an
8 old Roman, you know, tactic.

9 Number 2, I think what we've got here is we got
10 one of the developers, the small portion that's speaking
11 tonight. This whole issue I think tonight is really more
12 to talk about the EIR, the SEQUA. And this developer is
13 really the small potatoes compared to Esperanza Hills.
14 Gosh only knows if friends in Texaco can be developed.

15 So you're not coming to us collectively, as
16 you've just used that word. You're coming to us singular
17 to where then we got to go to the Esperanza Hills. And
18 collectively is what is going to impact because we're the
19 ones -- you don't live in Yorba Linda. You don't know
20 what the hell it was getting the hell out when that fire
21 took place. We're not talking what ifs. We're talking
22 what if it happens again.

23 COMMUNITY MEMBER: When it happens again.

24 COMMUNITY MEMBER: It will happen.

25 COMMUNITY MEMBER: It will happen. It will

1 happen again.

2 COMMUNITY MEMBER: So let's get to the meat and
3 potatoes. Let's get right to the traffic issue. Let's
4 get right to the EIR. Let's get to the SEQUA and how it's
5 going to impact us. That's what I think Mr. Spitzer would
6 want to hear and what everybody here is all about.

7 COMMUNITY MEMBER: Was it one way in and one way
8 out?

9 COMMUNITY MEMBER: Is Yorba Linda a master plan
10 community, yes or no?

11 COMMUNITY MEMBER: Like, say, Irvine? Does it
12 compare? How can you compare the fire in Irvine there to
13 the fire here?

14 COMMUNITY MEMBER: If Yorba Linda planned its
15 borders and they're sitting there looking at agricultural
16 land which has been in that format for decades, all a
17 sudden now after everything's been built around its
18 borders, we're supposed to allow a developer to take an
19 agricultural piece of land, which is one of the lowest in
20 the value, leapfrog it to the highest in value, which is
21 residential, and because we didn't realize this could
22 happen and we have streets already in place that are not
23 arterial streets, we're to take the consequences? You
24 tell me as a planner that I'm full of it on that issue.

25 COMMUNITY MEMBER: Show me one in the county of

1 Orange that you've done just like this, please.

2 COMMUNITY MEMBER: Who are the decision-makers?

3 COMMUNITY MEMBER: Any planners here tonight?

4 Are there any county planners here tonight?

5 COMMUNITY MEMBER: So the city has no say

6 whatsoever in this development?

7 COMMUNITY MEMBER: And if the city had expressed

8 their desire not to go forward with it, would we still be

9 sitting here today?

10 COMMUNITY MEMBER: If the city -- if the mayor

11 and the city council and whoever -- those powers that be

12 had expressed a desire not to have this project go

13 forward, would we still be sitting here today?

14 COMMUNITY MEMBER: And are you allowed to tell us

15 what the city has expressed as in yes, go forward, or no,

16 go forward?

17 COMMUNITY MEMBER: You're not going to tell us?

18 Is that what you're saying?

19 COMMUNITY MEMBER: Okay. We can go around in

20 circles. We have a limited amount of time. Let me ask

21 you. Who owns the property?

22 And two, does it need to be rezoned in order for

23 those houses to be built?

24 Who owns the property right now? That shouldn't

25 be a hard question. Someone in this room knows who owns

1 that property right now. I would like to know owns that
2 property.

3 COMMUNITY MEMBER: I don't think anyone, sir,
4 with all due respect, is going to walk through that room
5 when a simple answer -- question could not get answered on
6 who owns that property and does it need to be rezoned. I
7 don't think that's a very -- who filed the application?
8 And can someone who does not own the property file the
9 application?

10 COMMUNITY MEMBER: Can I go in and file an option
11 to develop a piece of property, that property that I do
12 not own? Can I do that, yes or no?

13 COMMUNITY MEMBER: And who would that legal owner
14 of that property be, sir? I don't think that's a really
15 hard question. And you wonder why we feel so misled.
16 You're the head of the Planning Commission or Department
17 of Orange and you're here to represent and to have a
18 meeting about this property, and no one in your department
19 knows who owns that piece of property?

20 COMMUNITY MEMBER: They know. They don't want to
21 say.

22 COMMUNITY MEMBER: And my question, why would you
23 not want to say? There is a reason why you don't want to
24 tell us, and I'd like that to be expressed.

25 Well, we'll all sit here and we'll all be very

1 quiet while you get that information, sir.

2 COMMUNITY MEMBER: Planning question. Why aren't
3 both of these projects, Esperanza Hills and this one,
4 being looked at in total instead of piecemeal? You can't
5 adequately address the impact to the neighborhoods without
6 looking at these together instead of piecemeal. You just
7 can't do it.

8 COMMUNITY MEMBER: Well, the point really comes
9 down to when you look at the e-mail address for the
10 county, the e-mail goes to you for Cielo Vista; right?
11 But it goes to a different individual at Esperanza Hills;
12 correct?

13 COMMUNITY MEMBER: Why isn't it collectively one
14 person with one EIR?

15 COMMUNITY MEMBER: Okay. Does that mean that we
16 can sit there and allow one and squash the other? Is that
17 what you're saying as a potential, just a potential?

18 COMMUNITY MEMBER: Why were they split up? At
19 one time did not the county say, you two developers are
20 supposed to come in with one voice, yes or no? Yes or no?
21 It's simple "yes" or "no" question.

22 COMMUNITY MEMBER: Why did the county at one
23 time -- and until you correct me, I'm going to assume that
24 at one time county said one voice. Why did you then
25 segregate if at one point they said one voice?

1 COMMUNITY MEMBER: You're not giving an image of
2 trust.

3 I'm not picking on you, but I'm talking about --
4 reverse the tables. You're not you. You're the people
5 that live in Yorba Linda that went through hell getting
6 out of dodge.

7 And now we have this coming into us in two
8 different avenues. And we know for a fact it was in the
9 press that at one time, in fact, I think even Mr. Spitzer
10 said, it's got to be one voice and it came from him. And
11 then all of a sudden here we got the divide and conquer.

12 Do you feel if the tables were reversed that
13 gives a warm trust feeling?

14 COMMUNITY MEMBER: Well, what's the best way for
15 us to fight it? I mean, you work for us, basically. We
16 he pay your checks. You're not the developer. Give us
17 some insight on how to stop this. What are your views on
18 that? I mean, you've been here since June, did you say?
19 I've been here for 14 years.

20 COMMUNITY MEMBER: Are the decision-makers
21 elected officials?

22 COMMUNITY MEMBER: Do you know why I know that
23 your process is a failure already? 'Cause we had a thing
24 called an NOP that's already come through town. There are
25 tons of our comments. They're in the appendix of the EIR;

1 okay? It's like none of those exist. We all said
2 ingress, egress, traffic, fire, danger, the roads can't
3 support any more vehicles; okay?

4 Now we're talking about adding another 200, at a
5 minimum, vehicles with this project and tons more with the
6 Esperanza Hills project. The streets that can support
7 zero more vehicles in the event of an evacuation; okay?
8 The whole proposal failed there.

9 So we can talk about the EIR and what color the
10 houses are going to be, but you're not doing anything to
11 widen the infrastructure leading to two of those
12 developers. You're going to be working off the same
13 streets that we have, the same limited two-lane streets.

14 And those streets, my wife was on one of them and
15 she almost burned to death in her vehicle because the
16 traffic, it was gridlock; okay? When it hits
17 Yorba Linda Boulevard, there ain't nowhere to go. And she
18 sat in her vehicle next to a burning house and was really
19 tossing the idea that, I'm going to have to abandon my car
20 and get the hell out because the car's going to go.

21 So when we talk about adding another 200 cars, at
22 a minimum, from this development to streets that can't
23 support the cars that we already have getting out of
24 dodge, it fails. So everything else beyond that is a moot
25 point, in my book. I don't need to go to a station about

1 what color the houses are going to be or, you know, if
2 they're going to have three bedrooms or four bedrooms or
3 this or that or park space or open spaces. All that is
4 nice, but we're talking about one way in and one way out
5 of a development that people aren't going to be getting
6 out of; okay?

7 Because I'm not -- I'm not going to be yielding
8 for some joker coming out of that development to endanger
9 my friends and my family and my neighbors who are also
10 trying to get out. So as far as I'm concerned, the people
11 that buy in there do so at their own risk. And I ain't
12 going to be stopping my car and letting them out while my
13 friends, 20 cars behind me, burn up in their vehicle.

14 I don't think you understand, sir, the magnitude
15 of this fire that we had here in 2008 and the
16 neighborhoods that it affected; okay? There wasn't time
17 to decide what to take out of your house. It was just get
18 in the car and go.

19 So to me, this development fails on that one main
20 point. We're talking life and death here. We're not
21 talking about, you know, somebody just losing property in
22 the fire, whatever. We're talking life and death issues
23 here. That's why everybody in this room is so passionate
24 and heated like I am right now about this.

25 So, you know, for the county and the developer to

1 come trotting into town and put this out to us and have
2 experts in the room who can answer our questions, we don't
3 need experts. Firsthand experience trumps the experts
4 every time, and we were all there and we all lived this.
5 And we all know a sixth grader can figure out that the
6 math ain't going to work. That 200 -- that adding
7 200 vehicles to the cue of vehicles already trying to get
8 out is going to cause fatalities; okay?

9 I -- I was a police officer. I'm retired from --
10 from that work now, but, you know, I had to look at
11 evacuations and things like that before and this just
12 ain't going to work. And you can have -- you can have
13 experts work it six ways from Sunday, but it's obvious to
14 everyone in this room who was there that it isn't going to
15 work.

16 And I wrote a response to both the NOPs for both
17 projects, and I read the EIR and it's like it never
18 happened. These comments that people made about the fire
19 issue, it's like, oh, it can be mitigated. We'll just put
20 a signal in at Via del Lago and Yorba Linda and that will
21 take care of the problem. That ain't going to take care
22 of the problem. It isn't going to take care of the
23 problem with thousands of people already on that
24 evacuation route trying to get out.

25 So to me, it comes down to that one point. And

1 then you add in -- we don't know yet where that other
2 development is going to exit. They're having all types of
3 problems about right of way, getting out of Aspen, getting
4 out on San Antonio. And the last thing I saw in their
5 proposal, in their EIR was, oh, we'll just drop everybody
6 down to Stonehaven along with these other 120 homes.

7 So now we're looking at 460 homes dumping out
8 onto Stonehaven where there isn't room for one more
9 vehicle in the event of an evacuation. So that's what it
10 boils down to. And going to the tables here and
11 circulating and seeing all these other issues, it's a moot
12 point to me because the whole thing fails on that one
13 issue.

14 COMMUNITY MEMBER: I used the process and so did
15 dozens of other people. And then you look at the EIR and
16 it says traffic is a mitigatible [sic] issue and it's not.
17 Unless you're widening streets, it ain't mitigatible,
18 period.

19 COMMUNITY MEMBER: Let me ask you a question
20 regarding your process.

21 How many e-mails do you need to see before you
22 realize, we might have a problem, Houston? You tell me.
23 Would a hundred hit you? Would 200 hit you? I mean, we
24 can all get our neighbors to do so. You tell us when you
25 finally sit there and see the light bulb go on.

1 COMMUNITY MEMBER: The one thing we haven't heard
2 once in the last year and a half as I attended this forum
3 is, we exhausted all other options to build arterial roads
4 to bring these people in and out of those developments
5 without stranding them in the existing roads.

6 COMMUNITY MEMBER: No one says, okay. We can
7 understand people want to develop their property. Anybody
8 in this room can understand that. I think the bitch is,
9 the concern is we can't absorb any existing roads we have
10 today without risking ourselves as well as these new
11 folks, who may be in this room, the ones who are going to
12 buy those homes might be listening to this.

13 I don't think anyone's ever done an exhaustive
14 study. We've never seen it in any of the documents that
15 said, here's a potential set of roads we can build to
16 accommodate 500 more homes and perhaps more developments
17 after that. Right now it's just, let's just hook onto the
18 existing little roads that exist and couldn't handle it
19 before. And the sheriff can get a one-way road out.
20 That's no answer.

21 COMMUNITY MEMBER: I think that's everybody's
22 concern here. People aren't complaining about your
23 developing. It's what you're going to do to the
24 thoroughfares and the safety of the people here already
25 and those who will be added to it. No one has ever

1 addressed that adequately.

2 COMMUNITY MEMBER: And, sir, when we were all
3 watching some of us, our own homes burn, our neighbors'
4 houses burn -- in fact, the house that the entrance to the
5 street is burned to the ground. And as you can see, they
6 left their vehicle. I mean, it looks like they left, as
7 we all did, with just the shirt on our backs and a dog and
8 cat in the car and praying that we would come home to
9 something. And coming back up that street and seeing our
10 houses burned to the ground and going down the hill hoping
11 to get out only to be met, as we went down Stonehaven,
12 only to be met with absolute gridlock. And it was
13 literally like hell. The smoke, the flames, the absolute
14 panic and chaos.

15 And, Mr. Spitzer, if you have -- I hope if you
16 take the time to listen, if you would look at the aerial
17 footage of what happened and all the people trying to get
18 out. And with all due respect to the sheriff, and I'm
19 sure he's doing a great job and has a new plan in place,
20 I'm sure some other plan was in place at that time, but
21 people couldn't get out. People -- it was absolute chaos.

22 And the only reason our house is standing is
23 because we had some neighbors stay and fight it, as
24 firemen would go up and down the street and just let
25 houses burn because they were so overwhelmed --- -

1 COMMUNITY MEMBER: You know, talk about something
2 simple. The reverse 911 call came four hours after the
3 homes were burnt.

4 COMMUNITY MEMBER: Complete failure.

5 COMMUNITY MEMBER: After the homes were burnt.

6 COMMUNITY MEMBER: After the homes were burnt,
7 the first 911 call came to our home.

8 COMMUNITY MEMBER: We never saw them in our
9 neighborhood.

10 COMMUNITY MEMBER: If we can't execute something
11 that simple, who's to believe that your strategy to dump
12 4,000 more cars in our community and get them out safely
13 is going to make any sense?

14 COMMUNITY MEMBER: We also had a water pressure
15 issue, and the whole situation is -- first of all, I
16 understand your process, but we're not going away; okay?
17 This development was imposed upon us, forced upon us by a
18 square peg in a round hole after the fact.

19 This isn't in the Yorba Linda sphere of influence
20 the way you're making it sound because you're just going
21 to sit there and take the process. We'll address, we'll
22 send you an e-mail, and it sounds like a rubber stamp
23 situation; okay.

24 The whole thing is, this is a bad idea. Pure and
25 simple. If it's a great idea and the developers are

1 really straightforward, have them build a road outgoing
2 east. Problem solved.

3 COMMUNITY MEMBER: Esperanza. Esperanza Road.

4 COMMUNITY MEMBER: I think we're missing
5 criteria. What is their criteria? Go? No go? What is
6 it that the county wants to see? I mean, is it just the
7 influx of money from the taxes? I can see where that
8 would be a good thing.

9 COMMUNITY MEMBER: I get your process. But the
10 criteria, when you're planning like, let's say,
11 San Antonio Road, just -- just for instance, how many --
12 how many cars is that road designed for today? I called
13 the City of Yorba Linda. I talked to Planning. They
14 don't know.

15 I said, how does Yorba Linda Boulevard differ
16 from San Antonio Road volume-wise? Why isn't it called,
17 you know, boulevard? Why is it called road? I couldn't
18 get an answer from the City of Yorba Linda. Maybe you can
19 enlighten us.

20 COMMUNITY MEMBER: Let me ask you a question.

21 Does your process -- you love that word; okay?

22 Does your process take into the complex fire
23 issue? Where is it in the EIR, written in that? I didn't
24 see it.

25 COMMUNITY MEMBER: But, sir, you know, you have

1 all these numbers and all these statistics. We are
2 talking about the same roads that we all, in real life,
3 experienced. Because you say these numbers does not make
4 it true. Just because you say it or said that traffic
5 won't be a problem does not make it true. We know that it
6 is a problem. We lived through it. We tried to go down
7 those streets. We all tried to go onto Yorba Linda
8 Boulevard.

9 So you may have a formula, but that does not make
10 it right. Just because, you know, a bunch of people get
11 in a room and calculate a formula does not make it any
12 more accessible than it was before. And that was even
13 before all the other homes up off Casino Ridge and
14 everything else were inhabited. It's even much worse now
15 than it was on November 15, 2008.

16 So now, all of a sudden now it's supposed to be
17 okay. I think it's a very common sense question and
18 nobody responds how -- we hear all these other things.
19 But if it didn't work in real life on November 15th in
20 2008, it's not going to work again.

21 And -- and there's other causes for evacuations.
22 What if there was a terrible earthquake? I mean, it's
23 not just --

24 COMMUNITY MEMBER: A railroad accident?

25 COMMUNITY MEMBER: There's so many things. And

1 if it didn't work then, why would it work now?

2 COMMUNITY MEMBER: Forget the report. It
3 couldn't support it then. Why could it support it now?

4 If you look at the topography, there's only one
5 street that it's going out to. I mean, this is not rocket
6 science, sir.

7 There is a hole in the document. All that's
8 related to fire. If there's a fire coming down, barreling
9 down on us again, which even the fire authority says it's
10 not a matter of if, it's a matter of when, when that
11 happens again, how are these homes going to make it better
12 for us? How is that?

13 COMMUNITY MEMBER: Well, they'll be burning
14 first.

15 COMMUNITY MEMBER: That is a good point.

16 COMMUNITY MEMBER: 'Cause they drove a line up
17 San Antonio and said, a hundred homes. We're not fighting
18 them. Let 'em go. I live right there.

19 COMMUNITY MEMBER: And I think we all owe it to
20 the potential homeowners to let them know that. But, you
21 know, all this will go around in circles. And they're
22 saying, well, the fire mitigation, blah, blah, blah, blah,
23 blah. That just doesn't make sense. Forget the report.

24 Just how could that possibly make sense when
25 you've got 3500 square foot homes that probably have at

1 least two to three cars, maybe a couple teenagers who have
2 cars. So we're talking about maybe just on one little
3 track, maybe 4 or 500 more cars trying to get down a
4 street that couldn't handle it before. How does that make
5 sense to you?

6 COMMUNITY MEMBER: You can't simple ignore what
7 happened on November 15, 2008, sir. You can't ignore
8 that.

9 COMMUNITY MEMBER: I'll comment that nobody has
10 addressed yet still on the traffic. Here you got a young
11 community. Two cars possibly in every house. It matures.
12 Now you got three kids. You got five cars and a pickup
13 and an SUV to boot. We have that in our neighborhood
14 right now. And needless to say, we got six motorcycles
15 also parked in the garage. See you later.

16 (Recess taken)

17 COMMUNITY MEMBER: Is that trust information, who
18 owns that trust available?

19 COMMUNITY MEMBER: Why is this project being
20 processed through the county and not through the City of
21 Yorba Linda?

22 COMMUNITY MEMBER: Mr. Sandzimier, I'm sorry to
23 interrupt you for one second. This is all news we've all
24 heard before. Every one of us knows this story. What I'd
25 like to do right now is take a survey of how many

1 concerned citizens in a very busy Christmas time frame are
2 here to object to this property and this development.
3 Please raise your hands, ladies and gentlemen.

4 (Hands raised)

5 COMMUNITY MEMBER: These are concerned citizens
6 right here. We've heard all this before.

7 COMMUNITY MEMBER: We've heard it for years.

8 COMMUNITY MEMBER: And I'm sorry -- and I'm sorry
9 to interrupt. I know it's just your job to be here, but
10 we're all here in a time we should be spending with our
11 families right now. And frankly, there's a lot of holes
12 in this -- in this proposition -- in -- in this
13 development.

14 Ingress, egress, above all else, more than
15 anything else. San Antonio, Via del Agua, two-lane roads
16 to get in and out. It's horrific. It spells disaster.
17 Not only for the people that are buying the homes in this
18 project, but for the people who actually live in these
19 homes.

20 So one more time. Round of applause. Raise your
21 hands, please.

22 (Hands raised)

23 COMMUNITY MEMBER: Thank you. A lot of concerned
24 citizens here. We know that the gentlemen from
25 Esperanza Hills are here from their project. We want them

1 to see we have even more people that would have been here
2 had this not been at Christmastime. We're united in our
3 front, and we won't stop.

4 COMMUNITY MEMBER: And to that end, what is going
5 to be said about the number one issue here, which is
6 public safety? I live on San Antonio and barely got out
7 during the fires with my life. As the fire crossed San
8 Antonio, cars backed up because they couldn't get onto
9 Yorba Linda.

10 What is being done to address that issue? Which
11 above all else, I think, separates this from normal
12 additional housing is public safety. Who's is going to --
13 what is being done to address that? I don't want to see
14 people die.

15 COMMUNITY MEMBER: Many of us are very concerned
16 because this is just a small project, apparently. There's
17 another project coming down with far many, many more
18 homes, and I don't see how you can possibly address the
19 small project without involving a discussion of the larger
20 project; otherwise (applause) having a meeting here with
21 just this one small project, why does the county not come
22 here with the entire project so that we can see what's in
23 the future what the county is proposing for rather than
24 doing it piecemeal?

25 That's what I feel is happening right now, that

1 it's a piecemeal approach where basically once we think we
2 need to settle, it's just a few homes is okay. Then it
3 becomes even more difficult when the county comes back and
4 says, well, we want to do a few more homes and a few more
5 homes. That's the concern, I think, many of us have.

6 COMMUNITY MEMBER: You have to do a study impact
7 on the whole project, not just this line over here.

8 COMMUNITY MEMBER: Rick, why don't you give us
9 Spitzer's e-mail address right now to everybody? Is it
10 online?

11 COMMUNITY MEMBER: I know this is being
12 videotaped, and you've addressed it earlier that
13 Mr. Spitzer and all the other board of supervisors are
14 going to view it since they didn't have enough interest in
15 being here tonight, but how -- will this videotape be
16 public so we can see it, post it on YouTube, get it out on
17 social media so it can be shown to -- or is it just going
18 to be just for your eyes only, which seems to have been a
19 lot of things in the last two years?

20 I'm asking about the videotape. I would like
21 everyone to raise their hand who would like that video --

22 COMMUNITY MEMBER: I'd like that video.

23 COMMUNITY MEMBER: -- so we can post it. Because
24 you know what? That's what we were -- that's what we were
25 led to believe, that this was to be viewed just like the

1 city council meetings are taped and viewed. We all
2 expressed our opinions, and we did not want to all go to
3 your little tables because we wanted our voices heard.

4 You're taping it. Let -- let us show our
5 neighbors who are busy working this holiday season, and
6 it's five days -- a week from Christmas, not everybody can
7 be here, but this video should be public and we should be
8 available to circulate it.

9 COMMUNITY MEMBER: Amen, sister.

10 COMMUNITY MEMBER: Can I have your word that that
11 will be available?

12 COMMUNITY MEMBER: Could you point out
13 Spitzer's staff here to hear our input? Where is
14 Spitzer's staff? If they're not here, why aren't they
15 here? We're here to give them input, not filtered through
16 the developer, not filtered through the Planning staff.
17 We'd like to talk to --

18 COMMUNITY MEMBER: Sir, I think we got the wrong
19 information. I got a postcard buried in Christmas cards
20 that said that this was a developer meeting. I didn't
21 know it was going to be an OC Planning meeting.

22 It didn't indicate that. It said, "Cielo Vista."
23 I understand that, but it should have been presented as a
24 Planning meeting.

25 And unfortunately, this is at the worst time

1 possible, the very worst time possible for many of us.
2 I'm leaving in the morning really early to go on a flight
3 to Washington. And to get here tonight is just really
4 tough. You've got people already on Christmas vacation
5 and winter break, or whatever you want to call it, all
6 people that are tied up with whatever. This is a really
7 bad plan to dump it on us shortly around Thanksgiving and
8 say, hey, it's all due back on the draft EIR by
9 December 23rd. That's not okay.

10 And then gee, wow. An extension to January 7th.
11 And then we get hit with EH and so in February you've got
12 a due date. This whole thing should have been done by the
13 county together. There's no excuse for having Cielo Vista
14 and EH separated with separate plans. I agree with the
15 previous people.

16 (Applause)

17 COMMUNITY MEMBER: City of Yorba Linda is in the
18 county of Orange County; right?

19 So you have an obligation to represent our issues
20 and concerns as a county employee; correct?

21 Do you think that that's the perception that we
22 have at this point from the Planning Department that seems
23 to be helping drive this thing to fruition, or are the
24 issues and concerns that we ask and need from you, as our
25 employee, are actually being carried forward? I don't

1 perceive that. My perception is you work for the
2 developer and you're helping the developer.

3 (Applause)

4 COMMUNITY MEMBER: Okay. So I'll give you my two
5 cents on what's deficient here. And I'll preface this.
6 I've lived here for 20 years. I'm not anti-development.
7 I'm not a tree hugger. I'm not a hill hugger, but I am a
8 safety person and a quality-of-life person. And it's
9 amazing to me that this project's safety has been
10 whitewashed -- whitewashed by the county.

11 There is no way that anybody that lived through
12 those last fires that was here when there was no firemen
13 at my door, when there was no one that came to check on
14 me, when there was no one directing traffic on
15 Yorba Linda Boulevard, which was clogged, when none of
16 that happened, and now we're talking about a whitewash
17 when someone says they're going to put in an emergency
18 road, an unmaintained emergency road with a chained gate
19 on it that in the middle a 70-mile-an-hour windstorm and a
20 firestorm in the middle of the night maybe and my
21 grandmother is trying to make her way down that road, that
22 I'm supposed to believe that automatically some magic
23 person is going to show up and unlock that gate and let
24 them out.

25 So the only safe thing you can have is an open

1 road that is a well-used and well-maintained road,
2 and -- and there are none of those roads on this map. You
3 can't evacuate 500 more homes when you couldn't get out
4 the existing homes. We're going to put 500 more homes on
5 the same infrastructure? That's a complete whitewash for
6 OCFA or anyone else to say, oh, this is safe. This is
7 okay.

8 And I know that some day you'll be retired and
9 these developers will be gone and the guys in the
10 city council will be gone and Todd Spitzer will be in
11 Washington and someone is going to die on that hill, and
12 they're all going to say, well, gee, sorry to hear about
13 that and act like they can whitewash that. But they won't
14 be able to 'cause they'll have signed their names to it.

15 So I think it's incumbent on you guys to come to
16 this developer and say, go ahead and make your
17 development. Let's see your plans, but I want to see the
18 new ingress and egress points in this road. And yeah,
19 it's going to cost you some money, but you know what?
20 We're all over 21 and you made the decision to buy this
21 property. You want to develop it, you build the roads to
22 support it.

23 COMMUNITY MEMBER: I want you to comment on what
24 this gentleman here said. I have yet to hear you say
25 anything about stopping this development if you were truly

1 on the side of the taxpayer who pays your salary. I
2 haven't heard you say anything about, tell the developers
3 to basically leave. We don't want it. But I haven't
4 heard that from you yet. Why is that?

5 COMMUNITY MEMBER: These are my comments and I'm
6 making them to the developer because I was not aware you
7 were going to be the one in charge of it. So bear with
8 me. My comment are as follows. These are to the
9 developers and these are my comments because I thought
10 they were the one that was presenting the meeting here.

11 First, your proposal that is presented in the
12 draft EIR lacks consideration to our neighborhood context.
13 Our dwelling units per acre are highly understated in your
14 documents. It is your net dwelling units per acre that
15 will be a visible life upon our neighborhood. We will see
16 -- what we will see is what we will get. We will not
17 visually see 1.33 gross dwelling units per acre, but we'll
18 see 2.4 and upwards dwelling units per acre as a result of
19 the clustering of the homes you propose to build.

20 Our neighborhood is not a cluster concept. Leave
21 that concept to Vista del Verde, please. We are not that.

22 Second, the property you are attempting to
23 develop has environmental constraints upon it. The
24 county's own general plan states, quote, for potential
25 slope and seismic hazard, constrained development. And

1 while both conditions settle and preclude development,
2 they may increase the cost of construction.

3 Your true mitigation measure is to request a zone
4 modification to 1-B in order to pack an acreage that is
5 conducive to building thereby attempting to increase or
6 maintain profit and avoid any increase cost of
7 construction associated with the land subject to the
8 environmental constraints you face.

9 We should not be burdened by your investment in
10 largely unsuitable land. Are you going to be the entity
11 to build the homes, or are you merely gaining entitlement,
12 selling the land off to some unknown entity and leaving
13 town?

14 What design rights for density will an eventual
15 builder be bound by? Will we be faced with the up-to-18
16 dwelling units per acre that you assert in your EIR that
17 could be built with the 1-G designation when it's all said
18 and done? Those are my comments.

19 (Applause)

20 COMMUNITY MEMBER: Can we have a conversation
21 directly with the developer, or just you? We're talking
22 to you. The developer is here. Can we have the
23 development team in the front? 'Cause they're at the
24 back.

25 COMMUNITY MEMBER: Give them the mic.

1 COMMUNITY MEMBER: We'd like to hear from them.

2 (Applause)

3 COMMUNITY MEMBER: Frankly, they're the ones who
4 are affecting our lives, not you.

5 COMMUNITY MEMBER: Why is it if this is a
6 development meeting yet the facade is you're representing
7 them as a county employee up here trying to control the
8 meeting, maintain the order, collection of the
9 information, yet we're under the perception we're supposed
10 to be talking with the developer here. So it's kind of
11 like a buffer. Like you're running --

12 COMMUNITY MEMBER: Like you're their sock puppet
13 or something like that.

14 COMMUNITY MEMBER: I would urge those of us here,
15 we are not the majority of our homeowners, that those of
16 here not fill these in and turn them in tonight. Take
17 your time. The draft EIR is available, unfortunately, at
18 very few places, but the Yorba Linda Public Library --
19 you're going to have to help me out, those of you are can
20 recall -- but the Planning Office, City Hall, and they are
21 available online.

22 COMMUNITY MEMBER: You can download them.

23 COMMUNITY MEMBER: And it's far bigger than these
24 little couple of lines per copy and it doesn't really
25 address what your concerns and ours are. Traffic is huge.

1 Egress, ingress, huge. Earthquake issues, huge. The
2 whole thing, to say as the kids do, this sucks. Thanks
3 very much.

4 COMMUNITY MEMBER: One is that the signal at
5 Via del Agua and Yorba Linda Boulevard will not cure this
6 problem. It will not fix it.

7 COMMUNITY MEMBER: And conversely, the traffic
8 gentleman here that I spoke to, when I asked him about
9 traffic flow studies, he said he didn't take any
10 consideration in his traffic flow study the evacuation
11 plan and everybody leaving at one time at all. He just
12 said it. I was standing here. So that's a huge concern
13 on video for all of the residents.

14 COMMUNITY MEMBER: Emergency, earthquake, fire,
15 you name it. I mean, natural disasters, flood. Prado Dam
16 collapsing. You name it. You've got to get out.

17 COMMUNITY MEMBER: So my issue has been a concern
18 about you representing the developer in this thing. Could
19 we ask the county, since it appears that at least
20 perception-wise is that the developer clearly have an
21 advocate, or at least my perception is that there's an
22 advocacy within the county, can we get a county advocate
23 to carry our flag and be an employee that works for us?
24 We're county -- county citizens. We'd like to have
25 somebody carrying our flag.

1 How can we get somebody within the
2 Planning Department to be that person? I know you have to
3 sit on both sides of it, but I'm saying, you know what?
4 It really appears that we have a lot of protective
5 behavior over what is -- what's going on with this to
6 support the developer.

7 Can we have an advocate within the -- within the
8 Planning Commission or the Planning Department that
9 carries our flag and carries our concerns?

10 Can you take that back and say, this -- this
11 area, the citizens of Orange County who happen to be
12 impacted by this area up here in Yorba Linda would like to
13 have an advocate that is dedicated from the
14 Planning Commission or the Planning Department?

15 COMMUNITY MEMBER: I read the traffic portion of
16 that DIR and it was extremely long and extremely dull
17 because there was so much repetition in it and redundancy
18 and the numbers that they took in the study, whenever that
19 was done, just seemed very, very general. And they took
20 broad guidelines and applied it to our neighborhood,
21 which, from I read, wasn't appropriate at all. It wasn't
22 specific to our neighborhoods and our streets and our
23 situations. And with the potential fire emergency that
24 sort of thing, just in my mind, is the wrong conclusion.

25 They're just saying, well, you can take X number

1 of cars for this kind of road. Yeah. They can line them
2 all up, but they're not going to be able to move them
3 anywhere. So that's pretty specific.

4 COMMUNITY MEMBER: Correct me if I'm wrong, but
5 my perception so far of this process having gone through
6 the NOP, now we're dealing with the EIR, is that we have
7 our comments that we make and the developer has paid boat
8 loads of money for so-called experts and others to come in
9 and give their expert opinions on the matter.

10 And like I said earlier, firsthand experience, in
11 my book, trumps experts opinions every time. We lived it.
12 We were there. My fear is in the final analysis of this
13 thing is that the county and the developer are both going
14 to trot out these experts who say, oh, our conclusion is
15 that these streets will handle this added traffic based on
16 this, you know, exercise in numbers that we've done and,
17 you know, like I said, theories and so forth.

18 But really, a sixth grader can look at this and
19 just -- just know that the numbers aren't there. It just
20 isn't going to support it. And like -- like the gentleman
21 said earlier about a whitewash, I think a whitewash is
22 going to turn into a railroad, and we're going to be
23 railroaded right on to the bitter end the way the
24 developer is going with this.

25 COMMUNITY MEMBER: Yes. Would you ask the

1 developer if they plan to build a school? There's 37 kids
2 in the classes here. Traffic backs up to Yorba Ranch Road
3 in the morning. When I get to the parking lot, it takes
4 me 15 minutes just to get around the parking lot. Adding
5 more kids to that --

6 Traffic coming down from Via del Agua, it's
7 difficult to get out. Even if you put a light in, a lot
8 of times it's backed up to Yorba Ranch Road. And then
9 even at the pickup line, you're blocking streets.
10 Via del Esquela is blocked in the pickup lines because
11 there's so many people there. Adding more cars to that,
12 that's a safety issue right there.

13 COMMUNITY MEMBER: Just one quick question. Does
14 the county -- I know like the guy was saying they're
15 trying piecemeal one development here, one development.
16 Won't the county take a look at the whole development as a
17 whole? I mean, I talked to the traffic gentleman back
18 here, and he said that right now at peak hours there was
19 maybe 40 cars -- I can't remember -- during the peak time,
20 and that's fine.

21 But when you build 500 homes behind it, you're
22 going to have over a thousand cars during that peak hour.
23 But if they look at this small tract here, it's only a
24 small portion. You know, maybe there's a hundred homes
25 and now they're only going to have maybe 200 or 300 more

1 cars. It just escalates. That's why I think the county
2 should look at it as a whole rather than just one tract
3 and one tract and one tract.

4 COMMUNITY MEMBER: Where will that be reflected,
5 your analysis of both developments?

6 COMMUNITY MEMBER: I've got a question about
7 traffic. I was just talking to the guy that developed the
8 traffic land. He said they have not analyzed the history
9 of accidents at Agua and Yorba Linda Boulevard. They had
10 somebody clicking as cars went by with a clicker, not
11 using those counter machines, just using a clicker. He
12 said he didn't analyze the accidents, both the frequency
13 and severity of the accidents.

14 In Agua are about 54 homes, going up Stonehaven
15 about another 50. You're talking about doubling the
16 traffic through the Agua-Yorba Linda Boulevard
17 intersection. Why was a traffic study not done including
18 a history of accidents along those roads? I don't
19 understand.

20 COMMUNITY MEMBER: And along with the traffic,
21 you're talking about intersections at Stonehaven and
22 Yorba Linda and San Antonio and Yorba Linda, but what
23 about the big intersection, Yorba Linda Boulevard and
24 Imperial and Weir Canyon and La Palma, Weir Canyon and
25 Santa Ana Canyon?

1 Have you ever tried to get through those areas
2 between 5:00 and 6:00 at night? And you're talking about
3 throwing 500-plus more homes that will impact it also, go
4 through the major arteries? 4,000 more cars?

5 COMMUNITY MEMBER: It can't handle it. It would
6 be like Temecula.

7 COMMUNITY MEMBER: So are they looking at that in
8 the traffic studies, the major arteries, or just the
9 little capillaries?

10 COMMUNITY MEMBER: We heard all about the
11 developers and all the analysts that they have hired to do
12 whatever they've done. What have you, the county, done to
13 help us know that you've represented us to do the studies
14 too that would let us know all the facts about it?
15 Whether that's true or not, have you hired anybody? I
16 mean, we're paying taxes, high taxes in this county. You
17 haven't said one thing about what your department or
18 anybody in the county has done to analyze whether this is
19 even feasible or even possible.

20 COMMUNITY MEMBER: So you're saying, if I
21 understand you correctly, you're standing behind these
22 documents? You're agreeing with what's been prepared to
23 this point? You're saying you're ready to go with forward
24 with it if everybody supports it?

25 COMMUNITY MEMBER: I'm back to the traffic again.

1 I guess I'm really kind of stuck on the whole thing
2 because seems like this property is landlocked by all
3 intents -- for all intents and purposes.

4 And to me, I want to know whose responsibility is
5 it to build the roads in and out? Because you're using
6 the City of Yorba Linda, the existing roads that have been
7 there for like decades; right?

8 So how they expect that -- that -- that they're
9 going to get people in and out of these properties by
10 using existing roads? Is it the City of Yorba Linda's job
11 to widen the road? 'Cause I know they're not going to pay
12 for it.

13 Is the county going to pay for it? Is the
14 developer going to pay for it? Who's going to pay to
15 widen the roads? 'Cause I can safely tell you right now
16 just from a usability standpoint, analysis aside, you
17 know, this lady said it best back here, she said, you know
18 what? Experts said the Titanic wouldn't sink either. And
19 we all know the end of that story.

20 So experts and people who live here on a daily
21 basis who understand the ins and the outs of these roads,
22 I think we're the experts; okay?

23 (Applause)

24 COMMUNITY MEMBER: So I can safely tell you right
25 now somebody will have to do something about the roads.

1 And if it's the county, fine. If it's the developer,
2 fine. But if it's the City of Yorba Linda and our city
3 council and they approve widening the road, fine. But I
4 can tell you right now given the current infrastructure,
5 it won't work. So that's my comment.

6 COMMUNITY MEMBER: Good evening. I'm
7 Ken Peterson. I live above the Casino Ridge area. It's
8 Mt. San Antonio HOA. I just want to let everybody know
9 that it's already been approved for 11 additional lots in
10 Mt. San Antonio. So our subdivision is increasing by
11 11 lots, whenever it's going to be.

12 So whatever the impact report is putting together
13 as far as the cumulative impact, that should be considered
14 as well because it's a project. It's been there for
15 years. It's been sort of simmering, if you will. But it
16 will go forward. And one additional note, traffic is
17 going to be coming down that road.

18 COMMUNITY MEMBER: How many homes are there
19 already?

20 COMMUNITY MEMBER: There's 63 right now.

21 COMMUNITY MEMBER: And originally they were
22 supposed to build how many homes?

23 COMMUNITY MEMBER: I'm not sure.

24 COMMUNITY MEMBER: Yeah.

25 COMMUNITY MEMBER: But in any event, there's

1 definitely 11 more coming down through that area. In
2 looking at the project from what I can see, it certainly
3 doesn't look like Yorba Linda. I'm not seeing equestrian
4 trails. I'm not seeing parks. It just seems like what
5 you have is a cluster community, as mentioned earlier,
6 coming into the area having a very negative impact in all
7 ways as opposed to really bringing something to the
8 community that would be rather helpful.

9 (Applause)

10 COMMUNITY MEMBER: My question, we sort danced
11 around it, but the city of Yorba Linda is impacted. The
12 City of Yorba Linda provides services, ultimately, the
13 streets.

14 So what rights does the City of Yorba Linda have
15 vis-à-vis this development's approval if the County of
16 Orange decides to move forward? Because I understand that
17 it's currently unincorporated, but eventually it's going
18 to get annexed into the city and eventually it's going to
19 be the city's burden.

20 So are there not permits for discretionary
21 approvals that the City of Yorba Linda would have to grant
22 before this can move forward?

23 COMMUNITY MEMBER: Or will you do it by imminent
24 domain?

25 COMMUNITY MEMBER: That's why the developer went

1 to the county.

2 COMMUNITY MEMBER: Understood. That's why I'm
3 asking the question.

4 COMMUNITY MEMBER: If the City of Yorba Linda
5 chooses not to accept the connectivity from this annex,
6 from this area that you're allowing to develop as the
7 county representatives, what happens? What happens if we
8 say, you know what? We don't want this thing. You want
9 to build that property, build it, but don't connect it to
10 our city. Don't -- or would that go by imminent domain?

11 COMMUNITY MEMBER: Well, my -- my last comment
12 would be in my limited understanding, the county is
13 opposed to island developments and these, Cielo Vista and
14 Esperanza Hills, and potentially the other developments
15 that Ken Peterson mentioned and there's some others, those
16 are totally dependent upon annexation. And if you are not
17 considering these as one unit, I think we have problems.
18 I think that you have to consider the entire hillside
19 project as one thing or it just simply won't work.

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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date

subscribe my name:



Am M. Droplis

Dated: December 29, 2013

Certificate Number: 13394

(DECEMBER 16, 2013)

RESPONSE TRANSCRIPT-1

The project site is owned by the Virginia Richards Trust (11.1 acres) and the Travis Ranch Trusts (72.85 acres).

RESPONSE TRANSCRIPT-2

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

The Project is located in unincorporated Orange County. Therefore, the County is the lead agency for purposes of CEQA because it is the public agency which has the principal responsibility for carrying out or approving [the] project.” County Board of Supervisors Resolution No. 99-301 (External Restructuring for County of Orange) states that “the County is the local agency with ultimate responsibility for review and approval of development projects in unincorporated territory whether or not they are located in city spheres of influence.” The Project Applicant may seek annexation to the City in the future, but annexation is not proposed at this time.

RESPONSE TRANSCRIPT-3

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE TRANSCRIPT-4

Please refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-5

According to the City’s website, Yorba Linda started as an agricultural community adjacent to two packing houses along the Pacific Electric Railroad line station. The Main Street area expanded with commercial buildings and houses supporting agricultural uses through the 1950’s with significant growth occurring during the 1960’s as that area transitioned to a residential community. As such, the City core was not master planned, but master planning of subdivisions did occur as residential communities were built as designed through the latter part of the last century to the present. The Project is a master planned residential community.

RESPONSE TRANSCRIPT-6

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-7

The City General Plan sphere of influence designation for this area which may be annexed to the City in the future is Low Density residential (discussed starting on page 4.9-3). Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. Thus, the City's planning efforts do not identify the project site for agricultural uses.

The County General Plan designation for the project area is Suburban Residential and Open Space (discussed in Draft EIR starting on page 4.9-1 of Section 4.9, *Land Use and Planning*). The County's zoning designation for the site is A1 General Agriculture and A1(O) – General Agriculture with Oil Production Overlay. The A1 zone was established to provide for agriculture, outdoor recreational uses, and those low-intensity uses that have a predominately open space character; it is also intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future (i.e., residential uses such as those proposed by the Project). Accordingly, although the Project's proposed low-density single-family residences would represent a more intensive urbanized use on certain portions of the site relative to existing zoning, the A1 designation allows for such a zone change. As discussed in further on page 4.9-13, based on the analysis contained in the Draft EIR, with approval of the requested discretionary actions (i.e., zone change), the Project would not result in conflicts with the County's Zoning Code (Chapter 7-9 of the Codified Ordinances of the County of Orange) such that significant physical impacts on the environment would occur. Therefore, impacts regarding consistency with the County's Zoning Code would be less than significant. Furthermore, given the fact that no agricultural uses occur on the project site, as well as no Williamson Act Contract being applicable to the project site, no loss of existing agricultural uses would occur as a result of the proposed zone change. Development of the proposed project would be an extension of existing single family residential neighborhoods to the west and south along Stonehaven and Via del Agua, respectively. Therefore, the project is not "leapfrogging" any lesser intense land use.

RESPONSE TRANSCRIPT-8

Application requests in furtherance of development will be considered for approval by the County's Subdivision Committee, Planning Commission, and Board of Supervisors (decision-makers) at public hearings during the decision-making process. The public will be provided notice of such hearings and afforded the opportunity to provide input on the Project at the hearings. The Planning Commission will consider certification (approval) of the Final Environmental Impact Report (FEIR) and approval of a general plan amendment, zone change, and area plan for the Project (together comprising applicant initiated requests in furtherance of development) and make its recommendations to the Board of Supervisors which will be the decision-making authority.

RESPONSE TRANSCRIPT-9

Planning Director at the time, Richard Sandzimier, and Planning Managers Polin Modanlou and Bea Bea Jimenez attended the meeting.

RESPONSE TRANSCRIPT-10

The County of Orange is the lead agency as the project site is within the County's jurisdiction. However, the City is a responsible agency for purposes of the Cielo Vista Project. A "Responsible Agency" is a public agency other than the Lead Agency which has discretionary approval power over the Project. (CEQA Guidelines § 15381.) As indicated on page 2-38, in Section 2.0, *Project Description*, of the Draft EIR the Project may require encroachment and/or grading permits from the City in connection with roads and utilities. The reference to a potential pre-annexation agreement with the City on page 2-38 is a typographical error and has been corrected in the Final EIR.

RESPONSE TRANSCRIPT-11

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE TRANSCRIPT-12

Please refer to Response Transcript-1.

RESPONSE TRANSCRIPT-13

The County General Plan Land Use Element designates the project site as "1B" Suburban Residential which allows for a density range of between 0.5 to 18 dwelling units per acre, and "5" Open Space, consistent with the open space character of the area. The corresponding Zoning Code designation is "A1(O)" General Agricultural with an Oil Production Overlay which allows for agriculture, outdoor recreational and low-intensity uses and oil drilling and production. The A1 zoning district is also an interim zone which may be designated for more intense uses to correspond with that allowed by the "1B," Suburban Residential Land Use Element designation. A total of 6.4 acres of the project site is proposed for redesignation from "5" to "1B." Approximately 36 acres will remain within the "5" designation as open space. The Planning Area 1 portion of the project site is proposed to be rezoned to "R-1" Single Family Residence, and "R-1 (O)" Single Family Residence with an Oil Production Overlay for a 1.8 acre portion in the event that applications are filed with the County to consolidate the existing on site oil wells. Planning Area 2 is proposed to be rezoned to "R-1." The minimum residential lot size will be 7500 square feet which corresponds to the minimum lot size allowed by the City's "RU" Residential urban zone.

RESPONSE TRANSCRIPT-14

Please refer to Response Transcript-1.

RESPONSE TRANSCRIPT-15

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the

Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE TRANSCRIPT-16

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE TRANSCRIPT-17

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

Nevertheless, please refer to Response Transcript-8.

Public comments on the Project presented at the community meeting and in writing during the Draft EIR public comment period, as well as to the decision-makers who will consider the project at noticed public hearings, together comprise an effective way to raise public concerns regarding the Project which will be considered by the decision-makers who have the ultimate authority to decide the disposition of the Project.

RESPONSE TRANSCRIPT-18

Please refer to Response Transcript-8. Members of the Board of Supervisors are elected while members of the Planning Commission are appointed by individual Board members for their Supervisorial District. Appointees are required to live in that District. Members of the Subdivision Committee are management level staff with technical expertise in evaluating subdivision maps such as in the areas of grading and drainage.

RESPONSE TRANSCRIPT-19

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

Nevertheless, the Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-20

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Also, please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

RESPONSE TRANSCRIPT-21

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE TRANSCRIPT-22

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-23

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-24

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

RESPONSE TRANSCRIPT-25

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

RESPONSE TRANSCRIPT-26

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE TRANSCRIPT-27

The commenter questions the naming convention of various roads and road-types, and their maximum volume; however, without specific reference to the analysis in the Draft EIR. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-28

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts.

RESPONSE TRANSCRIPT-29

Please refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-30

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-31

Please refer to Topical Response 3 regarding emergency access.

Also, the Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

RESPONSE TRANSCRIPT-32

Please refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-33

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-34

Please refer to Response Transcript-2.

RESPONSE TRANSCRIPT-35

Please refer to Topical Response 3 regarding emergency access. Also, the opposition to the Project raised by the meeting attendees is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE TRANSCRIPT-36

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

Also, the Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

Also, please refer to Section 4.12 of the Draft EIR, *Public Services*, which analyzes impacts related to services such as fire protection and emergency medical services.

RESPONSE TRANSCRIPT-37

Please refer to Topical Response 1 regarding the separation of Esperanza Hills and Cielo Vista during the CEQA environmental review process, with Esperanza Hills being properly analyzed as a related project for purposes of Cielo Vista's cumulative impacts analysis. Please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

RESPONSE TRANSCRIPT-38

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-39

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-40

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted. To the extent this commenter expresses his or her concern regarding the adequacy of the public review and comment period for the Draft EIR, as described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period.

Subsequent to the December 16, 2013 meeting at which this comment was provided, a "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. A "Second Revised" Notice of Availability was issued on January 2, 2014, extending the public review and comment period on the Draft EIR for an additional 15 days, ending on January 22, 2014. CEQA Guidelines § 15015(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances.

RESPONSE TRANSCRIPT-41

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

RESPONSE TRANSCRIPT-42

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

Nevertheless, the Planning Director is a County employee with the responsibility for planning, organizing and directing physical development and conservation of land resources in the unincorporated areas of the County and to coordinate planning for the unincorporated areas with cities and adjacent counties. It was within this capacity that the County Planning Director attended the community meeting. The information

received by planning staff at this meeting will be summarized to the decision makers who will evaluate and consider them to decide the disposition of the proposed Project.

RESPONSE TRANSCRIPT-43

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-44

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE TRANSCRIPT-45

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-46

The County acknowledges that the commenter is directing a series of comments to the developer and not just to County staff.

RESPONSE TRANSCRIPT-47

To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre.

The County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation of Low Density Residential at up to 1.0 dwelling units per acre states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids

development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

RESPONSE TRANSCRIPT-48

Section 4.5, *Geology and Soils*, of the Draft EIR discusses the geologic constraints affecting the project site which include the potential for ground shaking and rupture from an earthquake along the Whittier Fault line and the potential for ground failure by earthquake caused liquefaction and soil settlement. The project site is also subject to landslides and expansive soils. The commenter does not assert that the analysis contained in the Draft EIR is inappropriate or invalid.

Mitigation Measure 4.5-1 on pages 4.5-17 and 4.5-18 requires the preparation of a design-level geotechnical report. If areas of development are proposed near or within suspected landslide areas, the design-level geotechnical report is to include a stability analysis to determine what, if any, stabilization measures are necessary. Similarly, assessment of the stability of cut and fill and natural slopes during design, including where cut slopes expose into-slope bedding conditions, would be required to conform to state and local agency requirements and design level recommendations. In general, cut slopes that expose landslide or out-of-slope or natural bedding conditions would be subject to design-level recommendations. Where existing and/or proposed slopes do not potentially adhere to established slope safety factors, the slopes would either need to be setback further from residential pads or mitigation methods implemented to improve the stability of the slopes to prevent failure. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, would typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements as well as the locations, depths, widths, and lengths of the buttresses/shear keys would be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

Additionally, the Project's design-level geotechnical report will include further mapping of the Whittier fault trace so that a sufficient safe distance is provided for residences. Also, additional boring and testing would determine slope stability as well as the presence of expansive soils. The project site would be remediated pursuant to the County Grading Code and foundation and structures would be designed to meet Building Code requirements to ensure the safety of the physical site and structures for future residents.

The Project proposes clustering to allow for the preservation of 36 acre of open space. However, even with the limited clustering being proposed, a project density of 1.3 dwelling units per gross acre is very near the minimum density of 0.5 to 18 dwelling units per acre provided by the "1B" General Plan Land Use Element designation. Should the Project be approved, the proposed Project density cannot be increased without subsequent applications and approval by County decision-makers.

RESPONSE TRANSCRIPT-49

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-50

The Project proposes a density of 1.3 dwelling units per gross acre which is very near the minimum density range of 0.5 to 18 dwelling units per acre provided by the "1B" General Plan Land Use Element designation. Future development of the project site would be limited by any and all entitlements approved for the Project, including, but not limited to, any Area Plan.

RESPONSE TRANSCRIPT-51

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-52

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-53

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

In addition, geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

RESPONSE TRANSCRIPT-54

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

In addition, geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

RESPONSE TRANSCRIPT-55

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

RESPONSE TRANSCRIPT-56

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-57

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. No schools are proposed by the Project. With regards to school fees, pursuant to Senate Bill (SB) 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD is considered full mitigation for Project impacts as declared by the Legislature, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analysis. Further, as discussed in Section 4.14, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of the first occupancy permits for the Project (MM4.14-2 revised per Response City2-249). The addition of a traffic signal would alleviate the exiting deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level.

RESPONSE TRANSCRIPT-58

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

RESPONSE TRANSCRIPT-59

Regarding accidents at the intersection of Via Del Agua and Yorba Linda Boulevard due to cars running the signal, speeding or otherwise; enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur at this intersection. (see CEQA Guidelines § 15064(d)(3)) (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1061 [foreseeing the unforeseeable is not required, nor is predicting the unpredictable].)

The commenter also suggests that a traffic study including a history of accidents through the intersection of Via Del Agua and Yorba Linda Boulevard should be completed. The Draft EIR takes into account the history or frequency of traffic accidents. As indicated on page 4.14-14, the signal warrant criteria for existing conditions are based upon several factors, including volume of vehicular and pedestrian traffic, frequency of accidents, and location of school areas. To assess the traffic impacts associated with the Project, traffic conditions for the “With Project” and “Without Project” scenarios were compared under the Existing (2012), Opening Year 2015, and Horizon Year 2035 scenarios, to obtain the change in service levels caused by the Project. For the 11 study intersections, these changes were compared to the thresholds of significance to determine whether significant impacts would occur (see page 4.14-17 of the Draft EIR). In order to reduce the potentially significant traffic impacts at the intersection of Via del Agua and Yorba Linda Boulevard, Mitigation Measure 4.14-2 requires the installation of a traffic signal at the intersection of Via del Agua and Yorba Linda Boulevard (see. 4.14-30 of the Draft EIR).

RESPONSE TRANSCRIPT-60

The Draft EIR addressed traffic impacts, including impacts along arterials, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The traffic study did analyze impacts to major arterials in the project vicinity including the major intersections listed on Table 4.14-8 on page 4.14-10 of the Draft EIR. Per the County of Orange Congestion Management Plan (CMP) guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Neither of these thresholds was met for the intersections at Yorba Linda Boulevard at Imperial, Weir Canyon and La Palma, or Weir Canyon and Santa Ana Canyon. The commenter does not provide any evidence to support a conclusion that the project will result in significant impacts at these intersections. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) An EIR should focus on significant environmental impacts of a project and omit detailed discussion of insignificant impacts.(CEQA Guidelines, § 15143.) Effects dismissed as clearly insignificant and unlikely to occur need not be discussed further in the EIR. (CEQA Guidelines, § 15143.) Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

RESPONSE TRANSCRIPT-61

Before release of the Draft EIR, it was independently reviewed and revised by County staff, County Counsel, and an outside peer review consultant, consistent with CEQA standards where an EIR is prepared by outside consultants (see CEQA Guidelines section 15084(d)). The same team will review the Final EIR for accuracy and completeness. The Final EIR consists of the Draft EIR, responses to all comments, and document corrections.

RESPONSE TRANSCRIPT-62

The commenter asserts that there would be traffic impacts but does not provide any evidentiary support or specifically challenge the analysis in the Draft EIR. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein,

traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

RESPONSE TRANSCRIPT-63

The list of related projects identified in the Draft EIR was prepared based on a review of applications and County records, in addition to consultation with staff at the City of Yorba Linda and County of Orange. Neither the City nor the County identified the 11-unit project referenced in this comment as a past, present, or probable future project during preparation of the Traffic Study (August 2012 original draft). That traffic study was utilized as the basis for the list of related projects identified in the Draft EIR and was generated when the CEQA environmental review process commenced with the release of the Notice of Preparation on July 5, 2012. Under CEQA Guideline Section 15130, only past, present, and probable future projects producing related or cumulative impacts need to be considered for purposes of assessing cumulative impacts using the list of related projects approach. Also, this comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE TRANSCRIPT-64

As indicated on page 2-38, in Section 2.0, *Project Description*, of the Draft EIR, the Project may require encroachment and/or grading permits from the City in connection with roads and utilities. The Project is being processed through the County as the property is located in the City's unincorporated sphere of influence where the County has land use jurisdiction. Should there be interest on the part of the Project Applicant to pursue annexation of the property in the future whereby the City would assume some component(s) of the land use jurisdiction process; Draft EIR page 2-38 references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City after annexation. The agreement would be a negotiated framework document between the Project Applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to compliance with CEQA either through an addendum or supplement to this Draft EIR or in a separate compliance document prepared for the annexation as a project.

RESPONSE TRANSCRIPT-65

The project site is privately owned and the Project applicant has the right to develop the property. While the Project applicant is requesting discretionary approvals and permits from the City and County, the site has been planned for residential uses by both the City and the County in their respective General Plans. The commenter is referred to Section 4.9, *Land Use and Planning*, in the Draft EIR, for a discussion of land use impacts. As discussed therein, land use and planning impacts would be less than significant. Also, eminent domain refers to the power of the government to take private property for public use. Whether the site is annexed into the City or not, there would not be a need for eminent domain to be implemented by the City or County.

As discussed on page 4.12-16 of Section 4.12, *Public Services*, of the Draft EIR, the Project residents and visitors would utilize and, to some extent, impact the maintenance of public facilities, including roads, as well as other public services, such as street sweeping. The Project would result in a nominal increase to the populations serviced by the City of Yorba Linda and/or County of Orange in the type or frequency of uses of area governmental services and roadways.¹ As such, development of the Project would not significantly increase the use of government services beyond current levels. Further, payment of development fees by the Project applicant and taxes by future Project residents would be utilized by affected government services to offset the incremental increase in service demands created by the Project.

Further, with respect to roadway design, project design feature (pdf) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

RESPONSE TRANSCRIPT-66

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

¹ According to the US Census Bureau, the population estimate for the City of Yorba Linda was approximately 67,000 people. The population for Orange County in 2012 was approximately 3,090,000 persons. Thus, the Project's population of 358 residents would represent approximately 0.5% of the City's population, or 0.01% of the County's population. Data obtained from the US Census Bureau website: <http://quickfacts.census.gov>, accessed October 17, 2013.

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3.0 CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

INTRODUCTION

This section includes two subsections. As discussed in Chapters 1 and 2 of this Final EIR, Alternative 5 (Modified Planning Area 1 Only Alternative) is being added to this Final EIR in response to public comments raised during the Draft EIR public comment period, including those pertaining to density under the Yorba Linda General Plan, and the County's June 2, 2015 approval of the Esperanza Hills Project. Subsection 1 presents a detailed description of Alternative 5 as well as an environmental analysis regarding the potential impacts that would result from the implementation of Alternative 5. Subsection 2 provides corrections and/or additions to the Draft EIR as a result of comments received on the document.

1. ALTERNATIVE 5: MODIFIED PLANNING AREA 1 ONLY ALTERNATIVE

a. Description of Alternative 5

As shown on **Figure 3-1, *Alternative 5 Land Use Plan***, the Modified Planning Area 1 Only Alternative (Alternative 5) would not include development of Planning Area 2. **Figure 3-2, *Alternative 5 Site Plan***, illustrates the site plan for Alternative 5. Alternative 5 would develop Planning Area 1 with 83 single-family residential lots and associated improvements. Alternative 5 would have a gross density of 1.0 dwelling units per acre and would occupy the same 41.3 acres of the project site associated with Planning Area 1, with 42.7 acres of the site preserved as permanent open space. Like the Project, access to Planning Area 1 under Alternative 5 would be from Via del Agua to the south of the project site. Alternative 5's site access and internal street network (which would be privately owned and maintained) would be the same as with Planning Area 1 under the proposed Project. The reduction in the number of lots in Planning Area 1 compared to the Project would occur because of wider residential lots. The overall extent of grading, landscaping, lighting, utilities, and other project design features associated with Alternative 5 would be less than the grading, landscaping, lighting, utilities, and other project design features associated with the Project given that, unlike the Project, Alternative 5 does not propose any development on Planning Area 2. As with the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned in connection with Alternative 5. Also as with the Project, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative. Thus, all oil-related activities associated with Alternative 5 would be same as the Project.

Overall, compared to the proposed Project, due to the elimination of Planning Area 2 and reduced density in Planning Area 1, Alternative 5 would include 29 fewer units, would reduce the area of development by 6.4 acres, and would increase permanent open space by 6.4 acres. Alternative 5 would provide for a gross density of 1.0 units to the acre, which is consistent with the density requirements under the Yorba Linda General Plan, compared to 1.3 units to the acre under the Project. This Alternative would also be consistent with the existing General Plan for the County of Orange, which designates Planning Area 2 as Open Space.

The land use plan for this Alternative also reflects a potential access corridor contemplated by the Esperanza Hills Specific Plan, which is considered to be a related project for purposes of the Alternative 5 cumulative

impact analysis. This potential access corridor would run east to west across the Cielo Vista site just north of Planning Area 1 under one of two configurations. First, Alternative 3 - Access Option 2B, as described and depicted in the certified Esperanza Hills Final EIR, would cross the Cielo Vista site and continue west through City open space connecting with San Antonio Road approximately 1,850 feet south of Aspen way. Figure 3-1 illustrates the approximate location of the access corridor through the Cielo Vista site under Option 2B. Under Option 2B, the access corridor through the Cielo site would serve as the primary access to the Esperanza Hills site, with a separate ingress/egress road for secondary and emergency purposes that would exit south from the Esperanza Hills project site to Stonehaven Drive.

The other potential access corridor configuration is referred to Modified Option 2 and was included in the entitlements approved for the Esperanza Hills Specific Plan by the Orange County Board of Supervisors on June 2, 2015. Under this access configuration, a potential access corridor from the Esperanza Hills site would connect to Aspen Way, which connects into San Antonio Road. Figure 3-1 illustrates the approximate location of the access corridor through the Cielo Vista site under Modified Option 2. Under Modified Option 2 and similar to Option 2B, the access corridor through the Cielo site would serve as the primary access to the Esperanza Hills site, with a separate ingress/egress road for secondary and emergency purposes that would exit south from the Esperanza Hills project site to Stonehaven Drive.

Although the potential access corridor associated with the Esperanza Hills Project (Option 2B and Modified Option 2) is not proposed as a component of the Cielo Vista Project or as an alternative to the Cielo Vista Project, the potential cumulative impacts of this corridor across the Cielo Vista project site are discussed herein. The impact analysis of the potential access corridor provided below for each issue evaluated in Chapter 4.0 of the Cielo Vista Draft EIR considers the analysis of Alternative 3 - Access Option 2B and Option 2, as necessary, provided in the Esperanza Hills Final EIR. Option 2 in the Esperanza Hills Final EIR provides primary access for Esperanza Hills via Aspen Way and a separate ingress/egress exit for emergency purposes only, exiting south from Esperanza Hills to Stonehaven Drive. Thus, impacts under Option 2 Modified are for the most part largely similar to Option 2.

In addition, the cumulative impacts under the Option 2B or Option 2 Modified configurations are similar in many of the impact categories. As stated in the Esperanza Hills Final EIR, site disturbance and grading would be largely similar for all access options. Thus, for each of the impact analyses provided under the “Esperanza Hills Potential Access Corridor” subheadings below, the analysis of impacts relating to the potential access corridor applies to both potential access configurations unless specifically stated otherwise or referenced to one of the access configuration scenarios.

(1) Environmental Impact Categories

(a) Aesthetics

Under Alternative 5, there would be 12 fewer residences in Planning Area 1 compared to the Project. Thus, with a decreased density in Planning Area 1, there would be proportionately less visual impacts in Planning Area 1 under this Alternative compared to the Project. Planning Area 2 would not be developed under this Alternative and as such, no visual quality/character or scenic view impacts would occur in the northern portion of the project site. Because no visual impacts would occur in Planning Area 2 and proportionately less visual impacts would occur in Planning Area 1 under this Alternative, the visual impact under this Alternative is concluded to be proportionately less than that of the Project. Since no recognized scenic resources occur on the site, no impacts regarding scenic resources would occur under this Alternative and



LEGEND

-----	PLANNING AREA BOUNDARY	
	RESIDENTIAL LOTS & PUBLIC STREETS	37.9 Ac.
	WATER QUALITY FEATURE	1.0 Ac.
	DEBRIS BASIN	0.6 Ac.
	OIL PRODUCTION (RESIDENTIAL DEVELOPMENT AREA)	1.8 Ac.
	SUB-TOTAL	41.3 Ac.
	OPEN SPACE	42.7 Ac.
	TOTAL	84.0 Ac.

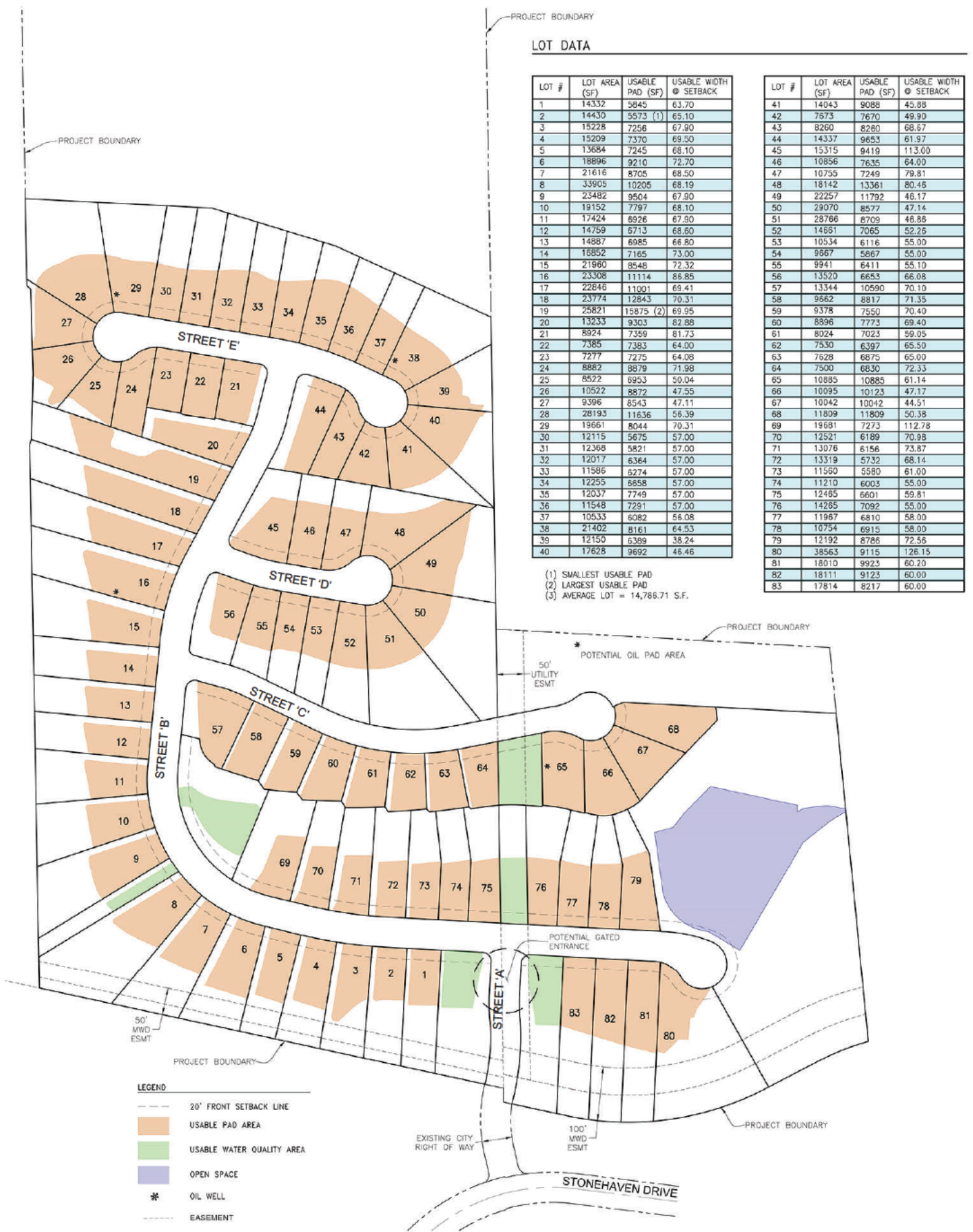
(Approximate location of access roadway associated with Esperanza Hills Project Modified Option 2)

POTENTIAL ACCESS CORRIDOR

(Approximate location of access roadway associated with Esperanza Hills Project Alternative 3 Option 2B Access Alternative.)

Dorinda Road

Stonehaven Drive



the Project. With Planning Area 2 not being developed under this Alternative and fewer residences being developed in Planning Area 1, less light and glare impacts would occur under this Alternative compared to the Project. Overall, because Planning Area 2 will not be developed and will instead remain as open space along with a reduced density in Planning Area 1, aesthetics impacts would be less under this Alternative compared to the Project's already less than significant impacts.

Esperanza Hills Potential Access Corridor. Given the Cielo Vista site's topography, the access corridor would not be visible from areas south of the Cielo Vista project site. Views of the corridor would be limited to several residential properties and neighborhood streets west of the project site and to areas north of the site in Casino Ridge. The corridor is anticipated to include evergreen trees along the northern side of the road to shield the roadway from views from neighboring uses to the west and north.¹ An informal mix of evergreen and deciduous streetscape trees is also anticipated to be planted along both sides of the corridor. The planting plan would avoid uniform spacing to minimize visual contrast with the surrounding natural open space. Any lighting along the corridor would have light fixtures that are directed downward to prevent spillover into surrounding areas. With the landscape plantings and shielded and directed lighting, the potential access corridor would result in less than significant aesthetic impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the aesthetic impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative aesthetic impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative aesthetics impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(b) Air Quality

Although this Alternative would not include development within Planning Area 2, the same grading envelope would occur within Planning Area 1 under this Alternative and the Project. With the same grading envelope and street system proposed for Planning Area 1, the same maximum daily construction emissions would occur during the grading phase of Planning Area 1 under this Alternative and the Project. However, as this Alternative would not include development of Planning Area 2, and would yield fewer residences in Planning Area 1, the duration of construction related air emissions would be less than that of the Project and the overall amount of construction emissions would be proportionately less than the Project.

With 29 fewer residences than the Project, the number of vehicular trips would decrease by approximately 26% compared to the Project. Mobile (vehicular) source emissions comprise the majority of a development project's criteria air pollutant emissions inventory and overall operational emissions. Because development of this Alternative would include fewer dwelling units than the Project, the Project's less than significant operation-related air quality impacts would be proportionately less under this Alternative. Operational emissions under this Alternative would not exceed the regional pollutant thresholds established by the SCAQMD during summer or winter conditions similar to the Project. Overall, due the decreased daily operational emissions, the extent of exposure of pollutant emissions on the public, including sensitive receptors, would be proportionately less under this Alternative. As with the Project, this Alternative would

¹ *Exhibit 6-20, Conceptual Entry Road, Option 2B, in Esperanza Hills Draft EIR (November 2013) illustrates the potential access corridor under Option 2B. A similar landscape and planting plan is assumed for the access corridor under Modified Option 2.*

be consistent with the SCAQMD's AQMP. Further, as single-family uses under both this Alternative and the Project would not result in adverse odor impacts, odor impacts would be generally similar (i.e., less than significant impact) under both this Alternative and Project.

Esperanza Hills Potential Access Corridor. As stated in the Esperanza Hills Final EIR, site disturbance and grading would be largely similar for all access options. With respect to construction-related emissions associated with the potential access corridor, the Esperanza Hills Final EIR indicated that construction-related emissions would be less than significant through compliance with applicable South Coast Air Quality Management District (SCAQMD) rules and regulations, along with implementation of the mitigation measures prescribed therein. The extent of construction-related air quality impacts are assessed based on maximum daily emissions. The maximum daily emissions associated with the Esperanza Hills Project would not change based on the access configuration, since the largest and most intensive construction work would occur as part of the larger project east and north of the access points. For operational emissions, both the Cielo Vista Draft EIR and Esperanza Hills Final EIR (under all access options) conclude that their respective projects would have less than significant operational air quality impacts. The Esperanza Hills Final EIR concluded that operational emissions would not significantly impact nearby residential sensitive receptors. Accordingly, the re-distribution of traffic with the potential access corridor does not change the less than significant impact conclusions relative to air quality impacts on sensitive receptors in the local project vicinity, including those residential receptors closest to the Esperanza Hills potential access corridor. Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant air quality impacts. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the air quality impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative air quality impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative air quality impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(c) Biological Resources

Under this Alternative, Planning Area 2 would remain vacant and undeveloped, and no ground disturbing activities would occur in this area. Vegetation communities existing within Planning Area 2 would remain. Since no sensitive plant species occur on the site, no impacts to sensitive plant species would occur.

As discussed in Draft EIR Section 4.3, *Biological Resources*, impacts to sensitive natural communities would be less than significant given their diminished functions and values as habitat and the relative abundance of these vegetation communities throughout the region, much of which is protected in government preserves. Under this Alternative, impacts to sensitive natural communities in Planning Area 1 would include the following: blue elderberry woodland (0.89 acres); blue elderberry woodland/laurel sumac chaparral/mixed coastal sage scrub (2.57 acres); encelia scrub (2.31 acres); and southern willow scrub (0.05 acres). Overall, a total of approximately 5.83 acres of sensitive natural communities would be impacted under this Alternative. In comparison, the Project would impact a total of approximately 14.56 acres of sensitive natural communities (refer to Table 4.3-3 for acreages of natural communities impacts by the Project). Thus, approximately 8.73 acres of sensitive natural communities would be avoided under this Alternative when compared to the Project.

Alternative 5 would avoid the Project's direct impacts to sensitive natural communities and jurisdictional features/wetlands within Planning Area 2. Jurisdictional features/wetlands in Planning Area 2 include those within Drainages A and A1-3, as described in Section 4.3. In total, these drainages include approximately 0.27 acre of USACE jurisdictional features and 0.98 acre of CDFW jurisdictional features. The Project would impact approximately 1.6 acres of least Bell's vireo habitat, including 0.6 acre in Planning Area 1 and approximately 1-acre associated with Planning Area 2. The impacted habitat in Planning Area 2 would be avoided in this Alternative. All regulatory requirements and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts in Planning Area 1 to a less than significant level. Further, by not developing Planning Area 2, the extent of potential impacts on migratory species would be proportionately less under this Alternative when compared to the Project. Overall, the Project's less than significant impacts (after mitigation) on biological resources would be proportionately decreased under this Alternative.

Esperanza Hills Potential Access Corridor. Since no sensitive plant species occur on the site, no impacts to sensitive plant species would occur. The only sensitive wildlife species known to occur on the project site is least bell's vireo, with such habitat occurring in the potential access corridor. The potential access corridor would result in direct impacts to sensitive natural communities such as southern willow scrub and blue elderberry woodland, as well as jurisdictional "waters of the U.S." The Esperanza Hills Final EIR includes mitigation measures to reduce potentially significant impacts to least bell's vireo, sensitive natural communities and jurisdictional features to a less than significant level. These mitigation measures would be implemented by the Esperanza Hills Project to ensure potentially significant impacts to biological resources in the potential access corridor are reduced to a less than significant level. Nesting birds protected under the Migratory Bird Treaty Act could occur within the potential access corridor. However, the Esperanza Hills Final EIR includes mitigation to ensure that potentially significant impacts to nesting birds are avoided. Finally, the habitat associated with the Cielo Vista project study area provides live-in habitat for wildlife and may support some movement on a local scale; however, it does not function as a regional wildlife movement corridor since it does not connect two or more habitat patches due to the surrounding development. Therefore, this habitat does not function to facilitate regional wildlife movement due to the extensive urbanization that has occurred on north, south, and west sides of the project study area. Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant biological resources impacts. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the biological resources impacts associated with related projects.

Further, with the elimination of Planning Area 2 under Alternative 5, the Project's already less than significant combined cumulative biological resources impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative biological resources impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(d) Cultural Resources

As there are no historic resources on the Cielo Vista project site, neither Alternative 5 nor the Project would result in impacts on historical resources. Although the Project would alter a greater quantity of land than this Alternative, both would require archaeological and paleontological monitoring (per the prescribed mitigation measures) by qualified experts to ensure that potentially significant impacts on unknown resources are reduced to a less than significant level. Also, impacts on previously unknown human remains,

under the Project and this Alternative, would be treated in the same manner consistent with applicable regulatory requirements and the prescribed mitigation measure. Nevertheless, development of Planning Areas 1 and 2 together would result in greater land disturbance and potential for impacts to unknown archaeological and paleontological resources, as well as human remains. Therefore, impacts to archaeological and paleontological resources, as well as human remains, would be less under this Alternative when compared to the Project.

Esperanza Hills Potential Access Corridor. The Esperanza Hills Final EIR did not identify any cultural resources within its project boundaries. Nonetheless, development of the access corridor could result in impacts to previously unknown archaeological (including human remains) and paleontological resources. However, the Esperanza Hills Final EIR includes mitigation measures that would reduce potentially significant impacts to previously unknown archaeological and paleontological resources to a less than significant level. Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant cultural resources impacts. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the cultural resources impacts associated with related projects.

Further, with the elimination of Planning Area 2 under Alternative 5, the Project's already less than significant combined cumulative cultural resources impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative cultural resources impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(e) Geology and Soils

As Planning Area 2 would not be developed under this Alternative, the amount of grading and raw earthwork would be reduced by approximately 100,000 cubic yards when compared to the Project. The number of residential units would be 29 fewer under this Alternative compared to the Project. Also, the number of people potentially exposed to seismic or geologic hazards would be less under this Alternative compared to the Project. All regulatory requirements and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts, including potential seismic impacts related to the Whittier fault, to a less than significant level. Overall, due to the decreased number of people exposed to seismic and geologic hazards and Alternative 5's smaller development footprint, impacts would be less under this Alternative than under the Project. With regards to hazards pertaining to soil erosion, the potential for soil erosion, loss of topsoil and expansive soil impacts would all be less under this Alternative than the Project as this Alternative would not develop Planning Area 2.

Esperanza Hills Potential Access Corridor. The Esperanza Hills access corridor would cross the Whittier fault zone. The corridor would be constructed in accordance with the applicable standards of the California Building Code (CBC), which contains seismic design criteria, and relevant applicable City of Yorba Linda and/or County ordinances and policies for construction in seismic hazard zones. In addition, the corridor construction project would comply with and implement the Esperanza Hills' project-specific geotechnical recommendations and mitigation measures identified in its Final EIR. While there would be some level of seismic risk and/or other related geologic hazards, compliance with the Esperanza Hills' project-specific geotechnical evaluation and compliance with relevant seismic design criteria and regulations would ensure that such risks are reduced to the extent feasible, and as such geologic impacts due to seismic hazards are considered less than significant. Additionally, implementation of a project-specific Storm Water Pollution

Prevention Plan (SWPPP) and best management practices (BMPs), required for the Esperanza Hills Project, would reduce potentially significant soil erosion or loss of topsoil impacts to a less than significant level. Overall, the potential access corridor would result in less than significant geology and soils impacts. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the geology and soils impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative geology and soils impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative geology and soils impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(f) Greenhouse Gas Emissions

As discussed in the Air Quality analysis above, the overall construction extent and schedule of this Alternative would be shorter than that of the Project. Thus, GHGs generated during construction-related activities would be proportionately lower than the Project. Operationally, with 29 fewer residences than the Project, the number of vehicular trips and residences would decrease by approximately 26% compared to the Project. Accordingly, GHG emissions and associated global climate change impacts from mobile (vehicular) sources and residential uses (i.e., fossil fuels burned for heat, the use of certain products that contain GHG) would be proportionately reduced under this Alternative.

The Project would result in 2,283 tons of Total CO₂e per year (only 36 tons of the total are related to construction emissions – see Table 4.6-4 in section 4.6, *Greenhouse Gas Emissions*). With 29 fewer residences, total annual CO₂e for Alternative 5 would be below the SCAQMD's 3,000 MTCO₂e per year threshold for determining a significant impact pursuant to SCAQMD's recommended Tier 3 screening threshold for all land use types. As such, and like the Project, Alternative 5's GHG impacts would be less than significant, with impacts being proportionately less under Alternative 5 due to the reduction in residential units compared to the Project.

Also like the Project, this Alternative would be consistent with Title 24 requirements and consistent with the State's overarching goals to reach 1990 GHG levels by 2020 per AB 32. Thus, Alternative 5's impacts regarding consistency with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases would be less than significant, and similar to the Project.

Esperanza Hills Potential Access Corridor. As stated in the Esperanza Hills Final EIR, site disturbance and grading would be largely similar for all access options. The overall amount of greenhouse gas emissions associated with development of the potential access corridor would be substantially similar to the other access options evaluated in the Esperanza Hills Final EIR. The Esperanza Hills Project and hence Option 2B and Modified Option 2 would exceed the SCAQMD's GHG threshold of significance. Thus, the Esperanza Hills Final EIR concluded that all access options would result in significant and unavoidable GHG impacts, as would Modified Option 2. Overall, with implementation of the applicable mitigation measures, the potential access corridor in and of itself would result in less than significant GHG impacts given it would represent only a small portion of the overall extent of grading as part of the Esperanza Hills Project. However, the less

than significant impacts (after mitigation) of the access corridor would not change the significant and unavoidable cumulative GHG impacts associated with related projects.

However, as discussed in the Draft EIR, other air quality districts within the state have established that projects which are consistent with project-level GHG thresholds would not be “cumulatively considerable”.² As both the Project and Alternative 5 (with a smaller development footprint and fewer units) would be below the SCAQMD project-level and AB 32 significance thresholds, the Project’s already less than significant combined cumulative GHG impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5’s incremental contribution to a cumulative GHG impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(g) Hazards and Hazardous Materials

Alternative 5 and the Project both include development of residential uses that would not involve the routine transport, use, or disposal of significant amounts of hazardous materials, although Alternative 5 includes fewer residential units than the Project. Any risk associated with ordinary household or general commercial cleaners, solvents, painting supplies, pesticides for landscaping and pool maintenance, etc. would be reduced to a less than significant level through compliance with applicable regulatory requirements for both the Project and Alternative 5. During construction activities, to the extent required for remediation, any contaminated soils or materials removed from the site would occur in a similar manner as under the Project. As such, similar less than significant impacts regarding the routine transport, use, or disposal of hazardous materials would occur for both this Alternative and the Project.

As with the Project, existing on-site oil wells and facilities would be abandoned or re-abandoned in connection with Alternative 5. Also as with the Project, a 1.8-acre oil drilling pad would be developed for future development as a separate project should the oil operators choose to relocate to this area of the project site under this Alternative. Thus, all oil-related activities would be same as the Project.

Both Alternative 5 and the Project would be required to mitigate the potentially significant impacts associated with past and current oil operations on the project site, as well as methane hazards. Implementation of the prescribed mitigation would ensure that construction workers and future residents under the Project and this Alternative are not exposed to hazardous materials during accident conditions. As such, impacts in this regard would be similar under this Alternative and the Project.

Since Planning Area 2 would be preserved as open space, no fuel modification would be provided in the northern portion of the project site. Under both this Alternative and the Project, there would be available capacity to accommodate the projected traffic volumes, in addition to emergency vehicles. Neither this Alternative nor the Project would conflict with an adopted emergency response/evacuation plan. However, despite the proportionate decrease in traffic, due to the fact that this alternative would provide less protection from wildfires to the adjacent residential uses to the west of the site as compared to the Project, it is concluded that while Alternative 5’s impacts regarding emergency response/evacuation would be less than significant, they would be incrementally greater under this Alternative than under the Project.

² Bay Area Air Quality Management District Proposed Air Quality CEQA Thresholds of Significance. May 3, 2010.

Finally, with respect to evacuation, Linscott, Law & Greenspan, Engineers (LLG) prepared a Fire Evacuation Analysis for the Esperanza Hills project addressing the theoretical duration that it would take to evacuate that development and the existing and proposed residential developments in the vicinity of that development, including the proposed 112-unit Project and 11 approved but unbuilt homes in Casino Ridge, under the proposed Esperanza Hills' Option 2, Option 2A, and Option 2B scenarios. Based on an effective roadway capacity of 1,200 vehicles per hour per lane (vphpl) on Via del Agua, San Antonio Road, Dorinda Road, and Stonehaven Drive, all of the approximately 1,272 homes in the study area (including Cielo Vista) could optimally evacuate to Yorba Linda Boulevard within 75 minutes. However, assuming that all residents depart their homes within the first 30 minutes, full evacuation of the study area may practically take up to 2.5 hours via San Antonio Road and up to 60 minutes via Stonehaven Drive. Approximately 85% of the Cielo Vista trips would utilize Via Del Agua and Stonehaven to evacuate to Yorba Linda Boulevard. Evacuation of Via Del Agua and Stonehaven, standing alone, would take 30 minutes under optimum conditions, and may practically take 60 minutes. While this report, which is discussed in detail in Topical Response TR-3, did not separately consider the possibility of Alternative 5's 29-unit density reduction, its conclusions can conservatively be applied to Alternative 5, which would result in fewer evacuation trips than the Project and therefore incrementally increase the speed of evacuation.

Esperanza Hills Potential Access Corridor. The construction of the potential access corridor would be subject to similar regulatory requirements and site-specific development standards and mitigation measures as prescribed in the Cielo Vista Draft EIR to ensure that potentially significant impacts regarding methane hazards and hazardous materials, including existing on-site contaminated soils, are reduced to a less than significant level. Thus, similar to the Project, construction of the potential access corridor would result in less than significant hazardous materials impacts after implementation of the site specific mitigation measures and compliance with applicable regulatory requirements. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the hazardous materials impacts associated with related projects.

Further, with the elimination of Planning Area 2 under Alternative 5, the Project's already less than significant combined cumulative hazardous materials impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative hazardous materials impact (including both Esperanza Hills access options) would not be cumulatively considerable.

As concluded in the Esperanza Hills Final EIR, similar to the Cielo Vista Draft EIR, with implementation of the prescribed mitigation measures and the PDFs, wildland fire impacts would be less than significant. Under existing conditions, no fuel modification exists on the Esperanza Hills project site. Accordingly, with that Project's fuel modification features, the risk of wildland fires would be reduced when compared to existing conditions. The potential access corridor under Option 2B is identified in the Final EIR as being superior to Options 1 and 2 of the Esperanza Hills Project with respect to community evacuation in the event of a fire. As the Modified Option 2 would also provide primary access through the Cielo Vista site and secondary access to Stonehaven similar to Option 2B, it is concluded that Modified Option 2B would also be superior to Options 1 and 2 of the Esperanza Hills Project with respect to community evacuation in the event of a fire. The corridor would not conflict with an adopted emergency response plan. If implemented, the access corridor would become part of the Esperanza Hills Community Evacuation Plan that can be incorporated into the Yorba Lina Community Evacuation Plan when it is drafted. Overall, the potential access corridor in and of itself would result in less than significant emergency response/evacuation impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the emergency response/evacuation impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative emergency response/evacuation impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative emergency response/evacuation impact (including both Esperanza Hills access options) would not be cumulatively considerable.

With regards to fuel modification and wildland fire impacts, Esperanza Hills under Option 2B and Modified Option 2 would provide fuel modification east of the Cielo Vista site as part of that Project similar to its other access options. Thus, existing residences to the west of Cielo Vista's Planning Area 2 would be provided new fuel modification as part of the Esperanza Hills Project Option 2B and Modified Option 2, albeit at a farther distance when compared to the Cielo Vista Project. Overall, the potential access corridor in and of itself would result in less than significant wildland fire impacts. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the wildland fire impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative wildland fire impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative wildland fire impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(h) Hydrology and Water Quality

Under Alternative 5, the total amount of impervious surface area would be reduced when compared to the Project since Planning Area 2 would not be developed and fewer residences would be included in Planning Area 1 compared to the Project. With 29 fewer residences under this Alternative, there would be less potential for subsequent pollutant discharge compared to the Project. Improvements and BMPs, similar to those described for the Project, would be required to address stormwater runoff or for water quality treatment for this Alternative. Because this Alternative would result in fewer residences, it would result in a corresponding lower potential for subsequent pollutant discharge and water quality impacts would be proportionately less.

Both this Alternative and the Project would be designed to maintain existing drainage patterns and post-development runoff volumes would not significantly exceed the pre-development condition. A similar drainage system would be provided in Planning Area 1 for both the Project and this Alternative as presented in Section 4.8 of the Draft EIR, with revisions incorporated into Chapter 3.0 of this Final EIR. Post development runoff volume under both this Alternative and the Project would be consistent with that allowed by applicable regulatory requirements such that on- or off-site significant drainage and hydrology impacts do not occur. In addition, consistent with applicable regulatory requirements, construction of either this Alternative or the Project would not substantially increase stormwater flow rates or result in substantial erosion. As such, similar impacts regarding drainage and runoff patterns would occur under this Alternative and the Project. Similar to the Project, this Alternative would not result in a noticeable change in groundwater infiltration rates. Therefore, the Project and this Alternative would have similar less than significant impacts with respect to groundwater supplies or groundwater recharge.

Esperanza Hills Potential Access Corridor. The Esperanza Hills Final EIR indicates that construction of that Project, including the potential access corridor, would implement numerous PDFs and be subject to

conditions of approval (COA), including a SWPPP, to ensure compliance with applicable water quality standards during construction. Standard erosion controls would be implemented to ensure impacts with respect to erosion are less than significant. The BMPs identified in the Final Esperanza Hills Water Quality Management Plan (WQMP) would remove and/or prevent pollutants from substantially degrading the water quality of runoff from the access corridor, thereby, minimizing the potential for operational water quality impacts. Similar to the Project, per applicable regulatory requirements, the Esperanza Hills Project would be required to ensure that it does not increase flows or alter the drainage pattern such that substantial erosion or flooding would not occur on- and off-site. As part of the site-specific hydrology analysis for the Esperanza Hills Project, runoff quantities would also need to be within the capacity of the storm drain system serving that site and if not, appropriate infrastructure upgrades would need to be provided by that Project. As the Esperanza Hills Project would be required to comply with the same hydrology-related regulatory requirements as the Cielo Vista Project, the impact on downstream drainage facilities, flooding and erosion would be less than significant. Overall, the potential access corridor would result in less than significant hydrology and water quality impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the hydrology and water quality impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative hydrology and water quality impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative geology and soils impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(i) Land Use and Planning

Unlike the Project, Alternative 5 would not require an Amendment of the County's General Plan to change the land use designation in Planning Area 2 from Open Space to Suburban Residential land use because Planning Area 2 would be retained as open space. For the same reason, a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District would not be necessary under this Alternative. Without Planning Area 2, this Alternative would include a total of 42.7 acres of open space, which would be 6.4 acres of additional open space compared to the Project.

The City of Yorba Linda identifies the project site for Low Density residential uses with a range of 0 - 1.0 dwelling units per acre. The Project's proposed density would be at 1.33 dwelling units per acre, while the Modified Planning Area 1 Only Alternative would have a density of 1.0 dwelling units per acre. Although the Project would have a density that is compatible with surrounding neighborhoods, the density proposed by the Alternative would be within that specified by the City's Low Density land use designation. Similar to the Project, implementation of this Alternative would be consistent with the City and County land use plans or policies, zoning, and land use designations of the site and with relevant land use goals and policies. For that reason, and because no land use changes or discretionary approvals associated with Planning Area 2 would be needed under this Alternative, land use impacts are concluded to be less than the Project.

Esperanza Hills Potential Access Corridor. The Esperanza Hills Final EIR concludes that land use impacts for that Project under any of its access options would be less than significant. The corridor would be implemented as part of the Esperanza Hills Specific Plan such that it would be in conformance with the County of Orange and City of Yorba Linda General Plan and zoning regulations. No land use related

mitigation measures would be required specifically for the access corridor. Overall, the potential access corridor would result in less than significant land use impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the land use impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative land use impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative land use impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(j) Noise

While the grading envelope of Planning Area 1 under this Alternative and the Project would be the same, given that Alternative 5 would not develop Planning Area 2 and would result in fewer homes on Planning Area 1, the Project's less than significant short-term noise impacts would be proportionately less under this Alternative. Similarly, the elimination of Planning Area 2 and the reduction in density in Planning Area 1 mean that operational stationary source and mobile source noise impacts would be proportionately less under this Alternative. Short- and long-term vibration impacts from Planning Area 2 are not anticipated to be perceivable by the surrounding community under the Project, while vibration impacts from Planning Area 1 would be also be largely and for the most part unperceivable by the surrounding community. Thus, similar less than significant vibration impacts are anticipated under this Alternative and the Project.

Esperanza Hills Potential Access Corridor. Construction-related noise level impacts associated with the potential access corridor would be within the maximum levels analyzed in the Cielo Vista Draft EIR given the more distant proximity of residential uses to the access corridor compared to those located nearest to Planning Area 1, along with an anticipated similar mix and maximum daily use of construction equipment. Since construction noise impacts associated with construction activities in Planning Area 1 would be less than significant, construction noise impacts associated with the access corridor would also be less than significant. The Esperanza Hills Final EIR concludes that mobile source noise levels associated with the construction of the Esperanza Hills Project as part of its various access options would not exceed acceptable noise standards on surrounding sensitive residential uses, including future Cielo Vista residences in Planning Area 1.

The Cielo Vista Draft EIR cumulative long-term mobile source noise impact analysis in Section 4.10 provides a cumulative mobile-source impact analysis which accounts for traffic noise associated with both the Cielo Vista and Esperanza Hills Projects. The analysis accounts for Esperanza Hills traffic via Stonehaven Drive (Option 1 in the Esperanza Hills Final EIR), as well as traffic through the Cielo Vista site to Aspen Way ("Access Alternative via Aspen Way" or Option 2). While the latter scenario represents a slightly different access route than Option 2B, the traffic distribution pattern to the surrounding local roadway network would be very similar, with traffic ultimately being distributed to San Antonio and Yorba Linda Boulevard similar to Option 2B. However, it is noted that under Option 2B, the San Antonio roadway access option would be the primary entrance, with the Stonehaven access being the secondary entrance. Accordingly, some traffic would be distributed to the secondary entrance. Modified Option 2 would be similar to Option 2B in that Esperanza Hills' primary access traffic would be distributed to San Antonio Road and Yorba Linda Boulevard, with secondary access traffic being distributed to Stonehaven Drive.

Under Alternative 5, no Cielo Vista traffic would be distributed to Aspen Way or San Antonio Road. All Cielo Vista traffic would be distributed to Via Del Agua and Stonehaven Drive. Thus, the mobile source noise impacts along Via Del Agua and Stonehaven Drive, as well as the surrounding local roadway network, would be within the scope of cumulative impacts evaluated for Option 1, which were concluded to be less than significant impact.

Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant noise impacts. The less than significant impacts (after mitigation) of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the noise impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative noise impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative noise impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(k) Population and Housing

This Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project (approximately 358 residents for the Project).³ The population growth associated with the Project and this Alternative would be within the SCAG population estimates and growth anticipated by the County of Orange General Plan Housing Element. Housing provided under the Project and this Alternative would be made available to meet the Orange County area's Regional Housing Needs Assessment demand. Therefore, this Alternative would result in less than significant population and housing impacts, with impacts being similar under this Alternative and the Project.

Esperanza Hills Potential Access Corridor. Development of the access corridor would not displace any existing housing. The access corridor in and of itself would not result in direct population growth. The same number of dwelling units would be developed under the Esperanza Hills Project with or without the corridor. As concluded in the Esperanza Hills Final EIR, population and housing impacts would be less than significant as development of the Esperanza Hills site was anticipated in the City of Yorba Linda and County General Plans.

Considering the same number of units would be developed as part of the Esperanza Hills Project with the corridor, the potential access corridor would result in less than significant population and housing impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the population and housing impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative population and housing impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative

³ Based on 3.2 persons per dwelling unit.

population and housing impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(l) Public Services

This Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project (approximately 358 residents for the Project).⁴ Accordingly, the demand for public services generated at the project site would be decreased by approximately 26% when compared with the Project due to the decrease of population, including the Project's impact on police, fire, schools, and libraries. However, all regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased demand for public services to serve the lower number of residences, this Alternative would result in a reduction of the Project's already less than significant public services impacts.

Esperanza Hills Potential Access Corridor. Development of the access corridor in and of itself would not increase the demand for public services. With the same number of dwelling units being developed under the Esperanza Hills Project with or without the corridor, the demand for public services would remain the same. It is acknowledged that per the Esperanza Hills Final EIR, the potential access corridor would provide a benefit to police and fire personnel with easier access compared to the Esperanza Hills Option 1, and potentially reduced response time.

Considering the same number of units would be developed as part of the Esperanza Hills Project with the corridor, the potential access corridor would result in less than significant public services impacts. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the public services impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant (after mitigation) combined cumulative public services impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative public services impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(m) Recreation

This Alternative and the Project would both accommodate future trail alignments through and adjacent to the project site. This Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project (approximately 358 residents for the Project). The decrease in population under this Alternative would proportionately decrease the demand for parks and recreational facilities compared to the Project. This Alternative would create a demand for 1.06 acres of parkland, as compared to 1.43 acres of parkland under the Project. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. Overall, due to the decreased demand for parks and

⁴ Based on 3.2 persons per dwelling unit.

recreational facilities, this Alternative would result in a reduction of the Project's already less than significant recreation impacts.

Esperanza Hills Potential Access Corridor. Development of the access corridor in and of itself would not increase the demand for recreational services or facilities. With the same number of dwelling units being developed under the Esperanza Hills Project with or without the corridor, the demand for recreation services and facilities would remain the same. Per the Esperanza Hills Final EIR, the potential access corridor is anticipated to include a 15-foot wide multi-use trail and allow for connections to the Casino Ridge trails system and Chino Hills State Park Old Edison Trail.

Considering the same number of units would be developed as part of the Esperanza Hills Project with the corridor, the potential access corridor would result in less than significant recreation impacts. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the recreation impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant (after mitigation) combined cumulative recreation impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative recreation impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(n) Transportation/Traffic

This Alternative would result in a proportionate decrease in vehicular trips compared to the Project as it would result in 29 fewer residences and approximately 93 fewer residents than the Project. With 29 fewer residences than the Project, the number of daily vehicular trips would be 794 representing a decrease of approximately 278 trips or approximately 26% fewer trips compared to the Project (the Project results in approximately 1,072 daily trips). During the A.M. and P.M. peak hours, the Project would result in 84 and 113 trips, respectively. Under this Alternative, trips during the A.M. and P.M. hours would be 62 and 84, respectively. This Alternative, like the Project, would implement mitigation that would fund improvements (i.e., traffic signal) to the Via Del Agua and Yorba Linda Boulevard intersection such that the service level is made acceptable to LOS A. Based on the minor decrease in the number of additional trips during the peak hours generated under this Alternative, the LOS for other study area intersections is anticipated to be similar to those under the Project. Overall, this Alternative would result in a proportionate decrease of the Project's already less than significant traffic impacts on the local and regional traffic network.

Neither this Alternative nor the Project would significantly impact CMP facilities because the number of daily trips would be well below the threshold of 2,400 trips to require further CMP analysis; CMP impacts would be less than significant and similar under this Alternative and the Project. No design hazards or conflicts with alternative transportation facilities would occur in association with Planning Area 2 under the Project as analyzed in Section 4.14 of the Draft EIR. Accordingly, with the circulation network being the same in Planning Area 1 for the Project and Alternative 5, neither this Alternative nor the Project would result in substantial hazards associated with design features, or conflict with plans, policies, or regulations related to alternative transportation. Similar less than significant impacts would occur under this Alternative and the Project in these regards. Also, like the Project, this Alternative would provide adequate emergency access consistent with County and OCFA standards. As with the Project, there would be available capacity to

accommodate the projected traffic volumes, in addition to emergency vehicles, under this Alternative. Thus, emergency access impacts under this Alternative would be less than significant and similar to those under the Project.

Esperanza Hills Potential Access Corridor. With regards to construction related traffic and pedestrian safety, per Mitigation Measure 4.14-1, the Cielo Vista Project would be required to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan would be required to consider related project construction traffic, particularly the Esperanza Hills Project. Any construction-related traffic impacts associated with the potential access corridor would be adequately addressed in the Construction Staging and Traffic Management Plan. The Esperanza Hills Project would require implementation of a similar Plan to appropriately manage construction related traffic and pedestrian safety. Thus, construction-related traffic impacts associated with the corridor would be less than significant.

The Esperanza Hills Final EIR evaluated traffic impacts associated with the Esperanza Hills access Option 2B, including traffic generated by the Cielo Vista Project. Generally, traffic impacts under Option 2B would be similar to Modified Option 2, since Esperanza Hill's primary access traffic would be distributed to San Antonio (via Aspen Way) and secondary access traffic would be distributed to Stonehaven under both access configurations. As discussed therein, a significant traffic impact would occur at the intersection of Yorba Linda Boulevard and Via Del Agua. However, the mitigation prescribed therein includes installation of a new traffic signal at the impacted intersection. The Cielo Vista Draft EIR prescribes this same mitigation measure for traffic impacts at this intersection. The Esperanza Hills and Cielo Vista Projects would each pay their fair share costs of the traffic signal installation. With the installation of the traffic signal, potentially significant cumulative operational traffic impacts would therefore be reduced to a less than significant level.

The Cielo Vista Draft EIR cumulative traffic impact analysis in Section 4.14 provides a cumulative traffic impact analysis which accounts for traffic associated with both the Cielo Vista and Esperanza Hills Projects. The analysis accounts for Esperanza Hills traffic via Stonehaven Drive (Option 1 in the Esperanza Hills Final EIR), as well as traffic through the Cielo Vista site to Aspen Way ("Access Alternative via Aspen Way" or Option 2). While the latter scenario represents a slightly different access route than Option 2B, the traffic distribution pattern to the surrounding local roadway network would be very similar, with traffic ultimately being distributed to San Antonio and Yorba Linda Boulevard similar to Option 2B. However, it is noted that under Option 2B, the San Antonio roadway access option would be the primary entrance, with the Stonehaven access being the secondary entrance. Accordingly, some traffic would be distributed to the secondary entrance.

Under Alternative 5, no Cielo Vista traffic would be distributed to Aspen Way or San Antonio Road. All Cielo Vista traffic would be distributed to Via Del Agua and Stonehaven Drive. Thus, the traffic impacts along Via Del Agua and Stonehaven Drive, as well as the surrounding local roadway network, would be within the scope of cumulative impacts evaluated for Option 1, which were concluded to be less than significant impact after implementation of the prescribed mitigation measures.

Overall, with implementation of the applicable mitigation measures, the potential access corridor would result in less than significant traffic impacts. The less than significant impacts (after mitigation) of the access

corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the traffic impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative traffic impacts (after mitigation) would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative traffic impact (including both Esperanza Hills access options) would not be cumulatively considerable.

With regard to hazardous design features and conflicts with alternative transportation facilities and programs, the Esperanza Hills Project including the potential access corridor, similar to the Project, would be subject to appropriate City and/or County review to ensure that no hazardous design features proposed by that Project and no conflicts occur with alternative transportation facilities and programs. The Cielo Vista Project does not have any design features that would be interconnected with the potential access corridor such that a hazardous design-related traffic impact could occur. Thus, the potential access corridor would result in less than significant hazardous design-related or alternative transportation facilities impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the hazardous design-related or alternative transportation facilities impacts associated with related projects.

Further, with the elimination of Planning Area 2 under Alternative 5, the Project's already less than significant combined cumulative hazardous design-related or alternative transportation facilities impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative hazardous design-related or alternative transportation facilities impact (including both Esperanza Hills access options) would not be cumulatively considerable.

Also, as discussed under subsection (g) *Hazards and Hazardous Materials*, above, Option 2B and Modified Option 2 would be superior to Options 1 and 2 of the Esperanza Hills Project with respect to community evacuation in the event of a fire. If implemented, the access corridor would become part of the Esperanza Hills Community Evacuation Plan that can be incorporated into the Yorba Lina Community Evacuation Plan when it is drafted. Thus, the potential access corridor in and of itself would result in less than significant emergency access impacts. The less than significant impacts of the access corridor do not change the less than significant cumulative impact findings in the Draft EIR in regards to the emergency access impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant combined cumulative emergency access impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative emergency access impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(o) Utilities and Service Systems

This Alternative would result in 29 fewer residences and approximately 93 fewer residents than the Project (approximately 358 residents for the Project). As such, this Alternative would result in less demand for water; and decreased wastewater and solid waste generation by approximately 26%. All regulatory requirements, required development fees, and additional mitigation measures identified for the Project would still be applicable under this Alternative in order to reduce impacts to a less than significant level. The

decrease in dwelling units under this Alternative compared to the Project would represent a negligible decrease in water demand compared to the overall service area of the YLWD. In addition, any change to the water storage requirements as prescribed by Yorba Linda Water District's (YLWD) Northeast Area Planning Study due to the Alternative's reduced number of dwelling units or development footprint would be determined by YLWD Staff, with the Project Applicant paying a fair-share cost for any such improvements per Mitigation Measure 4.15-1 (similar to the Project). Accordingly, water supply impacts would be less than significant, similar to the Project. Overall, due to the decreased demand for water, wastewater and solid waste public utilities and services systems, these services and utilities related impacts would be proportionately less under this Alternative when compared to the Project's already less than significant impacts. In addition, without Planning Area 2, the extent of new stormwater facilities would be reduced under this Alternative when compared to the Project. As such, the extent of the Project's less than significant impacts associated with stormwater facilities would be proportionately lower under this Alternative. This Alternative and the Project would both comply with applicable solid waste regulations to a similar extent. As such, impacts in this regard under this Alternative would be similar to the Project.

Esperanza Hills Potential Access Corridor. Development of the access corridor in and of itself would not increase the demand on public utilities and service systems. With the same number of dwelling units being developed under the Esperanza Hills Project with or without the corridor, the demand on utilities and service systems would not substantially change. Water would be provided to the Cielo Vista and Esperanza Hills projects by the Yorba Linda Water District via off- and -on site water system improvements, as necessary. The District would also connect with on-site sewer systems to provide local sewer service. Existing Southern California Gas lines would remain in place and be avoided by construction activities. The potential access corridor would not interfere with the ability of utility lines to provide service to the Cielo Vista or Esperanza Hills Projects.

Considering the same number of units would be developed as part of the Esperanza Hills Project with the corridor, the potential access corridor would result in less than significant utilities and service systems impacts. The less than significant impacts of the access corridor do not change the less than significant (after mitigation) cumulative impact findings in the Draft EIR in regards to the utilities and service systems impacts associated with related projects.

Further, with the elimination of Planning Area 2 and reduced density in Planning Area 1 under Alternative 5, the Project's already less than significant (after mitigation) combined cumulative utilities and service systems impacts would be proportionately less under Alternative 5. Thus, Alternative 5's incremental contribution to a cumulative utilities and service systems impact (including both Esperanza Hills access options) would not be cumulatively considerable.

(2) Impact Summary

A comparative summary of the environmental impacts associated with the Modified Planning Area 1 Only Alternative with the environmental impacts anticipated under the Project is provided in Table 3-1 at the end of this EIR subsection.

(3) Relationship of the Alternative to Project Objectives

Section 15124(b) of the CEQA *Guidelines* states that the Project Description shall contain “a statement of the objectives sought by the proposed project.” As set forth by the CEQA *Guidelines*, the list of objectives that the County and project applicant seeks to achieve for the Project is provided below.

1. Implement a land plan at a density compatible with adjacent single family residential neighborhoods and provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities.
2. Provide for 36 acres of contiguous open space which can be offered for dedication to a public agency or to be maintained as private open space.
3. Ensure that the provision of contiguous open space accommodates jurisdictional planning for local parks to the extent appropriate for the topography, as well as trail connections.
4. Provide a single family residential project with a sufficient number of units allowing for necessary infrastructure and open space in separate but related planning areas so that the property cannot be further subdivided.
5. Create two planning areas that are responsive to the site’s topography and that are consistent with adjacent single family neighborhoods.
6. Create an aesthetically pleasing and distinctive residential neighborhood identity through design concepts to be developed by an experienced merchant builder(s).
7. Implement a circulation system providing pedestrian connectivity within each Project neighborhood and the existing residential neighborhoods surrounding the project site.
8. Concentrate development of new residential uses within defined areas and provide buffering of open space areas from new development.
9. Implement a land plan that optimizes view potential for the community’s residents.
10. Implement a development plan for a cohesive neighborhood environment through the following design goals.
 - a. Encouragement of walking by providing landscaped sidewalks creating an inviting street scene for pedestrians.
 - b. Create a project perimeter open space setting for the residents through dedicated or private open space.
11. Develop a project consistent with County and other agency planning and regulatory standards.

The ability of the Modified Planning Area 1 Only Alternative to meet the stated objectives of the Project is summarized in Table 3-2 at the end of this EIR section. The following provides a description of the Modified Planning Area 1 Only Alternative’s ability to meet the Project’s objectives.

- Objective #1 – Although Planning Area 1 would have a slightly reduced density (1.0 du/acre) compared to the Project (1.3 du/acre) and Planning Area 2 would not be developed, this Alternative would be visually compatible with surrounding land uses and consistent from a land use perspective similar to the Project. This Alternative, similar to the Project, would provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities. Overall, this Alternative would fully meet this objective similar to the Project.
- Objective #2 – As this Alternative would not include development of Planning Area 2, an additional 6.4 acres of open space could be dedicated to a public agency or maintained as private open space when compared to the Project. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #3 – Neither this Alternative nor the Project would conflict with jurisdictional planning efforts for local parks and trails. This Alternative and the Project would both accommodate planned City of Yorba Linda trails through the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #4 – Both this Alternative and the Project would require infrastructure improvements to support the proposed residential uses. While this Alternative would include more open space than the Project, both the Project and this Alternative would dedicate the open space area(s) for permanent open space to a public agency or an appropriate land conservation/trust organization to ensure the property is not further subdivided. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #5 – Both this Alternative and the Project would be responsive to the site's topography in a similar manner as the extent of grading in Planning Area 1 would not be substantially different. This Alternative would include only one planning area, as compared to two planning areas proposed by the Project. Regardless, despite Planning Area 1 having a slightly reduced density (1.0 du/acre) compared to the Project (1.3 du/acre) and Planning Area 2 not being developed, this Alternative would be visually compatible with surrounding land uses and consistent from a land use perspective similar to the Project. This Alternative would fully meet the intent of this objective similar to the Project.
- Objective #6 – Both this Alternative and the Project would be constructed by an experienced merchant builder(s) in a manner to meet or exceed both County and City of Yorba Linda design standards, resulting in a well-designed neighborhood. While Planning Area 1 would be developed at a slightly reduced density under this Alternative compared to the Project, this Alternative would be visually compatible and consistent with the adjacent single-family residential neighborhoods similar to the Project. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #7 – Both this Alternative and the Project would implement a circulation system providing pedestrian connectivity within each neighborhood and the existing residential neighborhoods surrounding the project site. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #8 – Both this Alternative and the Project would concentrate development of new residential uses within a defined area and provide buffering of natural open space areas from new development. Thus, this Alternative would fully meet this objective similar to the Project.
- Objective #9 – Both this Alternative and the Project would implement a land plan that optimizes view potential for its community residents. The site circulation plan for this Alternative in Planning Area 1

would be the same as the Project, with Planning Area 1 under this Alternative being developed at a reduced density. Similar views would be available for this Alternative and the Project within Planning Area 1. Thus, this Alternative would fully meet this objective similar to the Project.

- **Objective #10** – Both this Alternative and the Project would have similar landscaped sidewalks, and a similar perimeter open space setting that would provide for a cohesive neighborhood environment. Thus, this Alternative would fully meet this objective similar to the Project.
- **Objective #11** – Both this Alternative and the Project would be consistent with County and other agency planning and regulatory standards. Thus, this Alternative would fully meet this objective similar to the Project.

(4) Environmentally Superior Alternative

Section 15126.6(e)(2) of the *CEQA Guidelines* indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The *CEQA Guidelines* also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives. With respect to identifying an environmentally superior alternative among those analyzed in this EIR, the range of feasible alternatives to be considered includes Alternative 1, the No Project/No Development Alternative; Alternative 2, the Planning Area 1 Only Alternative; Alternative 3, the Large Lot/Reduced Grading Alternative; Alternative 4, the Contested Easement Alternative; and Alternative 5, the Modified Planning Area 1 Only Alternative.

Table 3-1, *Comparison of Impacts Associated with the Alternatives and Impacts of the Project*, provides a summary comparison of the impacts associated with each of the proposed alternatives with the impacts of the Project. The ability of the Alternatives to meet the stated objectives of the Project is summarized in **Table 3-2**, *Project Alternatives' Ability to Meet Project Objectives*.

Based on the evaluation of impacts presented in the Alternatives analysis above and the findings regarding each Alternative's ability to meet the Project's stated objectives summarized in Table 3-2, Alternative 5, the Modified Planning Area 1 Only Alternative, is determined to be the environmentally superior alternative. While the No Project Alternative would result in "no impacts" for the vast majority of all environmental issues areas, it would fail to meet any of the Project Objectives. As summarized in Table 3-1, of Alternatives 2 through 5, the Modified Planning Area 1 Only Alternative (Alternative 5) would result in the most reduced (or less) impacts when compared to the Project. This is primarily due to its proportionate decrease in units and development footprint associated with the elimination of Planning Area 2 compared to the Project. Alternative 5 would result in reduced (or less) impacts in 13 of the 15 issue areas evaluated in the Draft EIR. The next closest alternative in reducing impacts, Alternative 3, would reduce impacts in 8 of the 15 issue areas evaluated in the Draft EIR. Also, the Modified Planning Area 1 Only Alternative would fully meet the Project Objectives similar to the Project.

Table 3-1

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
A. Aesthetics						
Visual Character	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Greater (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Scenic Views	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Greater (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Scenic Resources	No Impact	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)
Light and Glare	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
B. Air Quality						
AQMP Consistency	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Construction Emissions	Less Significant Than With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Operational Emissions	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Exposure to substantial pollutant concentrations	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Odors	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
C. Biological Resources						
Sensitive Species	Less Significant Than With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Greater (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)

Table 3-1 (Continued)

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
Riparian Habitat/Natural Communities	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Greater (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Wetlands	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Greater (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Migratory Species	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Greater (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
D. Cultural Resources						
Historic Resources	No Impact	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)	Similar (No Impact)
Archaeological Resources	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Paleontological Resources	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Human Remains	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
E. Geology and Soils						
Earthquakes/Slope Stability	Less Than Significant With Mitigation	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Soil Erosion	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)

Table 3-1 (Continued)

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
Expansive Soils	Less Than Significant With Mitigation	Less (No Impact)	Less (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
<i>F. Greenhouse Gas Emissions</i>						
GHG Emissions	Less Than Significant	Less (No Impact)	Greater (Significant and Unavoidable)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Plan Consistency	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<i>G. Hazards and Hazardous Materials</i>						
Hazardous Materials - Use, Disposal, Transport	Less Than Significant	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Hazardous Materials - Accident Conditions	Less Than Significant With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)
Hazardous Materials - Site Locations	Less Than Significant With Mitigation	Less (No Impact)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)
Emergency Response/Evacuation Plan	Less Than Significant	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Greater (Less Than Significant)
Wildland Fires	Less Than Significant With Mitigation (Beneficial Impact)	Greater (No Beneficial Impact)	Greater - Less Than Significant With Mitigation (Reduced Beneficial Impact)	Greater - Less Than Significant With Mitigation (Reduced Beneficial Impact)	Similar (Less Than Significant With Mitigation)	Greater - Less Than Significant With Mitigation (Reduced Beneficial Impact)

Table 3-1 (Continued)

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
<i>H. Hydrology and Water Quality</i>						
Water Quality	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Drainage Patterns and Runoff Volumes	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Groundwater Supplies	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<i>I. Land Use and Planning</i>						
Plan Consistency	Less Significant Than	Less (No Impact)	Greater (Significant and Unavoidable)	Greater (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
<i>J. Noise</i>						
Construction Noise	Less Significant Than	Less (No Impact)	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Operational Noise	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Vibration	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<i>K. Population and Housing</i>						
Population Growth	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
<i>L. Public Services</i>						
Fire	Less Significant Than With Mitigation	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)

Table 3-1 (Continued)

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
Police	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant With Mitigation)
Schools	Less Significant Than With Mitigation	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Libraries	Less Significant Than	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant With Mitigation)
M. Recreation						
Parks and Recreational Facilities	Less Significant Than With Mitigation	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
N. Traffic/Transportation						
Traffic	Less Significant Than With Mitigation	Greater (No Beneficial Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Congestion Management Plan (CMP)	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Design Hazards	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Emergency Access	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Alternative Transportation	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)

Table 3-1 (Continued)

**Comparison of Impacts Associated with the Alternatives
and Impacts of the Project**

	Project Impact	Alternative 1 No Project/ No Development	Alternative 2 Planning Area 1 Only Alternative	Alternative 3 Large Lot /Reduced Grading Alternative	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
<i>O. Utilities and Service Systems</i>						
Wastewater Treatment	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Wastewater Capacity	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Water Supply	Less Significant Than With Mitigation	Less (No Impact)	Greater (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)	Similar (Less Than Significant With Mitigation)	Less (Less Than Significant With Mitigation)
Stormwater Facilities	Less Significant Than	Less (No Impact)	Less (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Landfills	Less Significant Than	Less (No Impact)	Greater (Less Than Significant)	Less (Less Than Significant)	Similar (Less Than Significant)	Less (Less Than Significant)
Solid Waste Regulations	Less Significant Than	Less (No Impact)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)	Similar (Less Than Significant)
Source: PCR Services Corporation, 2015.						

Table 3-2

Alternatives' Ability to Meet Project Objectives

Project Objective	Ability to Meet Project Goal/Objective					
	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Planning Area 1 Only	Alternative 3 Large Lot /Reduced Grading	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
1. Implement a land plan at a density compatible with adjacent single family residential neighborhoods and provide a balance of residential and open space land uses adequately served by public facilities, infrastructure, and utilities.	Fully Meets Objective	Does Not Meet Objective	Partially Meets Objective	Partially Meets Objective	Fully Meets Objective	Fully Meets Objective
2. Provide for 36 acres of natural and contiguous open space which can be offered for dedication to a public agency or to be maintained as private open space.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective
3. Ensure that the provision of contiguous open space accommodates jurisdictional planning for local parks to the extent appropriate for the topography, as well as trail connections.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
4. Provide a single family residential project with sufficient number of units allowing for necessary infrastructure and open space in separate but related planning areas so that the property cannot be further subdivided.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Partially Meets Objective	Fully Meets Objective	Fully Meets Objective

Table 3-2 (Continued)

Alternatives' Ability to Meet Project Objectives

Project Objective	Ability to Meet Project Goal/Objective					
	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Planning Area 1 Only	Alternative 3 Large Lot /Reduced Grading	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
5. Create two planning areas that are responsive to the site's topography and that are consistent with adjacent single family neighborhoods.	Fully Meets Objective	Does Not Meet Objective	Partially Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
6. Creation of an aesthetically pleasing and distinctive residential neighborhood identity through design concepts to be developed by an experienced merchant builder(s).	Fully Meets Objective	Does Not Meet Objective	Partially Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
7. Implement a circulation system providing pedestrian connectivity within each Project neighborhood and the existing residential neighborhoods surrounding the project site.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
8. Concentrate development of new residential uses within a defined area and provide buffering of open space areas from new development.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective
9. Implement a land plan that optimizes view potential for the community's residents.	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective

Table 3-2 (Continued)

Alternatives' Ability to Meet Project Objectives

Project Objective	Ability to Meet Project Goal/Objective					
	Proposed Project	Alternative 1 No Project/No Development	Alternative 2 Planning Area 1 Only	Alternative 3 Large Lot /Reduced Grading	Alternative 4 Contested Easement Alternative	Alternative 5 Modified Planning Area 1 Only Alternative
<p>10. Implement a development plan for a cohesive neighborhood environment through the following design goals.</p> <p>a. Encouragement of walking by providing landscaped sidewalks creating an inviting street scene for pedestrians.</p> <p>b. Create a project perimeter open space setting for the residents through dedicated or private open space.</p>	Fully Meets Objective	Does Not Meet Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
11. Develop a project consistent with County and other agency planning and regulatory standards.	Fully Meets Objective	Does Not Meet Objective	Partially Meets Objective	Fully Meets Objective	Fully Meets Objective	Fully Meets Objective
Source: PCR Services Corporation, 2015.						

2. OTHER CORRECTIONS AND ADDITIONS

This subsection provides changes and additions to the Draft EIR that have been made to clarify, correct, or add to the information provided in that document as a result of comments received on the document. These changes and additions are based on comments received on the Draft EIR during the public review period and/or new information that has become available since publication of the Draft EIR. Deletions are shown with ~~striketrough~~ and additions are shown with a double underline. Changes to the Draft EIR are indicated below under the respective EIR section heading. These changes do not add significant new information to the Draft EIR, nor do they result in new or more severe significant environmental impacts from the Project.

These corrections and/or additions to the Draft EIR do not include the changes with regard to adding Alternative 5, as discussed in Chapter 5.0 of the Draft EIR, including a discussion of the Environmentally Superior Alternative.

EXECUTIVE SUMMARY

1. Page ES-1. Modify 2nd paragraph with the following changes:

The 84-acre project site is located within an unincorporated area of the County of Orange, but is also located within the Sphere of Influence of the City of Yorba Linda. Regional access to the project site is provided via State Route (SR) 91 (91 Freeway) located approximately two miles southwest of the site. The nearest arterial to the project site is Yorba Linda Boulevard, which is located approximately 0.25 miles to the south of the site. From Yorba Linda Boulevard, the site is accessed by Via del Agua and by San Antonio Road through Aspen Way. The Casino Ridge residential community abuts the project site on the north, and established residential neighborhoods abut the project site on the south and west. An undeveloped parcel commonly referred to as the Esperanza Hills property abuts the project site on the east. The project site and the adjacent undeveloped parcel to the east are within an area commonly referred to as the Murdock Properties. The majority of the 84-acre project site is vacant, with the exception of several operational and abandoned oil wells and various dirt roads and trails which traverse the site.

2. Page ES-1 AND ES-2. Modify 4th paragraph beginning on page ES-1 and 1st full paragraph on ES-2 with the following changes:

The Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential "1B", which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 43 acres of the project site as Open Space (5). The ~~entire~~ project site is mostly zoned A1(O) – General Agricultural with Oil Production Overlay, with a small area along the southernmost boundary zoned A1 – General Agriculture, per the Orange County Zoning Map. The project site is also within the City of Yorba Linda Sphere of Influence (SOI). The City of Yorba Linda Land Use Map identifies the project to be within Area Plan C – Murdock Property. The Murdock property land use designation, inclusive of the project site, is Low Density residential with a range of 0-1.0 dwelling unit per acre. Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. No specific development standards are identified with the Unincorporated zoning designation.

Implementation of the Project would require approval of a General Plan Amendment by the County of Orange Board of Supervisors for 6.4 acres comprising Planning Area 2 to change the General Plan Land Use Designation for this portion of the site from Open Space (5) to Suburban Residential (1B). The Project would also require approval of a zone change by the County of Orange Board of Supervisors for Planning Area 1 from A1 and A1(O) (General Agricultural with Oil Production Overlay) to R-1 (Single Family Residence District) and R-1(O) (Single Family Residence District with Oil Production Overlay) and a zone change for Planning Area 2 from A1(O) to R-1, permitting development of single-family detached residential dwellings on minimum 7,500 square foot lots.

3. Page ES-1. Modify 2nd paragraph with the following changes:

The 84-acre project site is located within an unincorporated area of the County of Orange, but is also located within the Sphere of Influence of the City of Yorba Linda. Regional access to the project site is provided via State Route (SR) 91 (91 Freeway) located approximately two miles southwest of the site. The nearest arterial to the project site is Yorba Linda Boulevard, which is located approximately 0.25 miles to the south of the site. From Yorba Linda Boulevard, the site is accessed by Via del Agua and by San Antonio Road through Aspen Way. The Casino Ridge residential community abuts the project site on the north, and established residential neighborhoods abut the project site on the south and west. An undeveloped

4. Page ES-2. Add the following sub-section below sub-section “c. Project Access”:

d. Project Design Features

Project Design Features (PDFs) are specific design elements proposed by the Applicant that have been incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Because PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, PDFs would be included in the Mitigation Monitoring and Reporting Program (MMRP) to ensure their implementation as a part of the Project. As with mitigation measures, if the Project is modified through the public hearing process in a manner that would require modification(s) to the PDFs, the Applicant may be permitted to modify the PDFs before they are included in the MMRP proposed for adoption. The Project would include the following PDFs related to: Aesthetics, Hazards and Hazardous Material, Hydrology and Water Quality, Traffic/Transportation, and Utilities and Service Systems.

Aesthetics

Site Design

PDF 1-1: The Project would provide up to 112 detached, single-family residences up to two-stories in height within two clustered planning areas (Planning Areas 1 and 2) to maximize the potential for open space and retain the primary east-west canyon within the central portion of the site. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

PDF 1-2: A primary community entry would be established at the intersection of “A” Street and Via del Agua (see Figure 2-12, *Primary Entry at Via Del Agua*, in Section 2.0, *Project*

Description, of this EIR). The entries to the project site would include a blend of hardscape and planting elements, in addition to low-level entry lighting. No entry gates would be installed. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

Building Design/Materials

PDF 1-3: Non-reflective and/or anti-glare building materials would be used. The selected color palette for each architectural style should share a “common sense” approach to the use of materials and colors indigenous to the region and compatibility with existing surrounding residential land use. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

Open Space/Landscape Plan

PDF 1-4: The Project would provide approximately 36 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space would be owned and maintained by the Project HOA. (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

PDF 1-5: As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

PDF 1-6: As shown in the *Streetscapes Plan* (see Figure 2-13), the planting plan for streets shall include shrubs, grasses, and stands of native and non-native trees. Uniformed spacing of trees shall be avoided. (This PDF to be verified prior to issuance of a grading permit by the Manager, OC Development Services.)

PDF 1-7: Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements. (This PDF to be verified in a landscape plan prior to issuance of a grading permit by the Manager, OC Development Services.)

PDF 1-8: Plantings would be installed around the 1.8-acre parcel located in Planning Area 1 that may be designated for continued oil operations to screen most, if not all, of the oil-related facilities within this area. (This PDF to be verified prior to issuance of a grading permit for the oil-related facilities by the Manager, OC Development Services.)

Lighting

PDF 1-9: All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. All lights would be designed and located so that all direct light rays are confined to the property. No lighting would be cast directly outward into open space areas. Specimen trees may be up-lit into the canopy to avoid creating dark sides of the trees in instances where such lighting could be directed onto the tree canopy to avoid light spillage above and beyond the tree. (Mitigation Measure 4.1-1 would ensure compliance with the code requirements.)

HOAs

PDF 1-10: One or more HOAs may be established for the maintenance of private common area improvements within residential Planning Areas of the project site. Private improvements to be maintained by either the HOA or private property owners may include, but are not limited to:

- Parkway landscaping within the rights of ways of all local streets.
- Slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities.
- Community and neighborhood entries and signage, and common open space areas within residential Planning Areas.
- Community perimeter walls and fencing.
- Landscape areas of lots, common area wall surfaces, and slopes internal to the Project along residential local streets.
- Common area landscaping and lighting.

(This PDF to be verified prior to issuance of a certificate of use and occupancy by the Manager, OC Development Services.)

Hazards and Hazardous Materials

Oil Production Operations

PDF 7-1: Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.

PDF 7-2: No new residences (habitable structures) would be developed within 150 feet of any surface operational oil well; or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services. The buffer(s) would be clearly dimensioned on all applicable plans prior to issuance of building permits to the satisfaction of the Manager, OC Development Services.

PDF 7-3: No new residences (habitable structures) would be developed within ten feet of abandoned wells. The 10-foot buffer would be clearly dimensioned on all applicable

plans prior to issuance of permits to the satisfaction of the Manager, OC Development Services.

PDF 7-4: All new wells drilled in the 1.8-acre "oil drilling pad" parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements.

PDF 7-5: The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety. (This PDF to be verified prior to issuance of permits for the oil operations by the Manager, OC Development Services.)

PDF 7-6: Access to the oil drilling pad shall be provided within existing oil field service roads. No new roadways for servicing existing or proposed oil wells would be constructed through open space areas. (This PDF to be verified prior to issuance of permits for the oil operations by the Manager, OC Development Services.)

PDF 7-7: The Applicant/developer would provide written notification to all future homeowners regarding the previous use of the site as an oilfield and the extent of continued oil production activities in the area. (Evidence of this PDF to be verified prior to issuance of certificate of use and occupancy by the Manager, OC Development Services.)

PDF 7-8: At the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be remediated pursuant to all applicable requirements, if necessary.

Fire Protection

PDF 7-9: Prior to issuance of a building permit, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA. (This PDF to be verified prior to issuance of building permits for habitable structures by the Manager, OC Development Services.)

PDF 7-10: The Project would incorporate fire-resistant construction for all structures adjoining open space areas including the use of fire-resistant building materials. Such materials would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

PDF 7-11: All structures would be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers. Such features would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.

PDF 7-12: The project shall include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines.

PDF 7-13: The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that

appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC Development Services.)

PDF 7-14: Per OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius). (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

Hydrology and Water Quality

PDF 8-1: The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.

PDF 8-2: Riprap aprons or other types of energy dissipators would be located at all points of concentrated discharge where flow velocity exceeds five feet per second (ft/s) to mitigate the outlet velocity so as to minimize the potential for downstream erosion. These points of discharge would not be limited to storm drain outlets but would also include brow ditches and other forms of storm water conveyance. Riprap aprons would be designed and sized in conformance with regional sizing criteria found in the "County of Orange Local Drainage Manual", dated August 2005. Other designs and sizing criteria can be found in the FHWA's "Hydraulic Engineering Circular Number 14, Third Edition" – HEC 14, including a "Riprap Basin" that could be used. Prior to the issuance of any grading or building permit, the riprap aprons would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-3: Sediment basins would be located upstream of all proposed storm water conveyance systems within the project site. Prior to the issuance of any grading or building permit, the sediment basins would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-4: To be determined in consultation with County of Orange Public Works, if determined appropriate, the receiving storm drain within the project site (the headwall intercepts proposed at the end of "B" and "F" Streets) would be downsized by a 6-inch reduction in capacity to reduce the peak flow to existing conditions by throttling down flow, effectively detaining peak flows by the use of a hydraulic reduction. The ponding caused by such hydraulic reduction in capacity would be maintained on the project site, ensuring that no offsite property is impacted by attenuating the peak flow. If this pdf is necessary, prior to the issuance of any grading or building permit, the storm drain sizing would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.

PDF 8-5: All developed pad elevations would be constructed at a minimum of 3-foot (or greater) above the anticipated peak water surface elevation to ensure that no residential structure

would be flooded within the project site. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Development Services.)

Noise

PDF 10-1: Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

Traffic/Transportation

PDF 14-1: All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange. (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

PDF 14-2: Landscape plans would take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature. The landscape plans would be approved by the Manager, OC Development Services prior to issuance of building permits.

PDF 14-3: The stopping sight distance at Via del Agua and the proposed Street A would meet or exceed the County's Standard Plan No. 1117 requirements for stopping sight distance. (This PDF to be verified prior to recordation of a subdivision map by the Manager, OC Development Services.)

Utilities and Service Systems

PDF 15-1: Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use. (This PDF would be verified prior to issuance of certificates of use and occupancy for a unit as approved by the Manager, OC Development Services.)

PDF 15-2: Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements. (This PDF to be verified through the Landscape Plan review prior to issuance of a building permit by the Manager, OC Development Services.) (Also, see PDF 1-7 in Section 4.1, *Aesthetics*, of this EIR.)

PDF 15-3: Community landscape areas would be designed on a "hydrozone" basis to group plants according to their water and sun requirements. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements. (This PDF to be verified through the Landscape Plan review prior to issuance of a building permit by the Manager, OC Development Services.) (Also, see PDF 1-7 in Section 4.1, *Aesthetics*, of this EIR.)

PDF 15-4: Irrigation for both public and private landscape areas would be designed to be water-efficient and comply with Section 7-9-133.5, *Landscape Water Use Standards*, of the Orange County Code of Ordinances. All irrigation systems would have automatic controllers designed to properly water plant materials given the site's soil conditions, and irrigation systems for all public landscapes would have automatic rain shut-off devices.

Drip irrigation would be encouraged. Spray systems would have low volume, measured as gallons per minute (GPM), matched-precipitation heads. Prior to approval of the tentative map, the Project Applicant would obtain approval from the Manager, Permit Services of a preliminary landscape plan including the above listed conservation features and compliance with the County's County of Orange Landscape Code (Ord. No. 09-010).

5. Page ES-5. Modify the 2nd bullet point under "Recreation" with the following changes:

- Impacts on existing and planned equestrian ~~facilities~~ trails (refer to Section, 4.13, *Recreation*, of this Draft EIR); and

6. Page ES-7. Modify the last sentence of the 1st paragraph with the following changes:

The public agency, in this case the County of Orange, will evaluative the status and effect of the mitigation and indicate either that mitigation requirements are being met or that mitigation measures require modification to achieved the identified level of mitigation.

7. Page ES-9. Modify the 1st sentence of the last paragraph with the following changes:

Section 15126.6(e)(2) of the *CEQA Guidelines* indicates that an analysis of alternatives, including the "No Project' Alternative," to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

8. Page ES-10 to ES-40. Modify Table ES-1 to include applicable PDFs and revised mitigation measures as included in this Final EIR Chapter. 1st sentence of the last paragraph with the following changes:

Table ES-1 shown on proceeding pages.

Table ES-1

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<i>Aesthetics</i>			
<u>SCENIC VISTA/VISUAL CHARACTER AND VISUAL QUALITY</u> – Project implementation would alter the views of and across the project site with the development of the proposed residential uses. However, no significant scenic views from surrounding areas would be substantially diminished or obstructed by the Project. Further, the Project would be visually consistent and compatible with the single-family residential uses to the north, west and south of the project site. As such, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. Impacts would be less than significant in these regards.	Less Than Significant Impact	No mitigation measures are necessary. <u>The following PDFs would ensure impacts in this regard are less than significant: PDF 1-1 to 1-8, and PDF 1-10.</u>	Less Than Significant Impact
<u>SCENIC RESOURCES</u> - Project implementation would not substantially damage scenic resources or other locally recognized desirable aesthetic natural features within a scenic highway and no impact would occur in this regard.	No Impact	No mitigation measures are necessary.	No Impact
<u>LIGHT AND GLARE</u> - Implementation of the Project would result in new lighting similar to that of the adjacent single-family residential neighborhoods. The Project would not create new sources of substantial light or glare which would adversely affect day or nighttime views in the area. Thus, light and glare impacts would be less than significant. To ensure that all Project lighting is implemented in a manner consistent with County Code requirements, Mitigation Measure 4.1-1 has been prescribed for the Project and will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project.	Less Than Significant Impact	Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property <u>project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to in a manner meeting the approval of the Manager, Permit Services (County of Orange).</u> Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		submitted to the Manager, OC Inspection for review and approval. <u>The following PDFs would also ensure impacts in this regard are less than significant: PDF 1-3 and 1-2.</u>	
Air Quality			
<u>CONSISTENCY WITH AIR QUALITY PLAN</u> - With implementation of prescribed mitigation measures, the Project would not violate any air quality standard, substantially contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region in non-attainment. Therefore, the Project would not conflict with or obstruct implementation of the South Coast Air Quality Management District's Air Quality Management Plan.	Potentially Significant Impact	Refer to Mitigation Measures 4.2-1 and 4.2-2 below. No additional mitigation measures are necessary.	Less Than Significant Impact
<u>COMPLIANCE WITH EMISSION STANDARDS</u> - With implementation of prescribed mitigation measures, the Project would not violate any air quality standard, substantially contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. As such, potentially significant impacts would be reduced to a less than significant level in these regards.	Potentially Significant Impact	<p>Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 all disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid morning, afternoon, and after work is done for the day. and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> ▪ <u>Apply water and/or nontoxic chemical soil</u> 	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p><u>stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.</u></p> <ul style="list-style-type: none"> ▪ <u>Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.</u> ▪ <u>Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.</u> ▪ <u>Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.</u> <p><u>The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:</u></p> <p><u>(A) For facilities with an on-site anemometer:</u></p> <p><u>(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p><u>(B) For facilities without an on-site anemometer:</u></p> <p><u>(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or</u></p> <p><u>(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.</u></p> <ul style="list-style-type: none"> ▪ <u>All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.</u> ▪ <u>Sweep streets at the end of the day, or more frequently as needed to control track out.</u> ▪ <u>To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment</u> 	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p><u>before leaving the site.</u></p> <ul style="list-style-type: none"> ▪ <u>Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.</u> ▪ <u>Plant ground cover in planned areas as quickly as possible after grading.</u> ▪ <u>All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.</u> <p>Mitigation Measure 4.2-2 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 traffic speeds on unpaved roads and project site areas shall be reduced to 15 miles per hour or less.</p>	
<u>SENSITIVE RECEPTORS EXPOSURE TO POLLUTANTS</u> - Implementation of the Project would not expose sensitive receptors in the vicinity of the project area to substantial pollutant concentrations with implementation of the prescribed mitigation measures. A less than significant impact would occur in this regard.	Potentially Significant Impact	Refer to Mitigation Measures 4.2-1 and 4.2-2 below. No additional mitigation measures are necessary.	Less Than Significant Impact
<u>ODORS</u> - The Project does not contain land uses typically associated with emitting objectionable odors. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with Project construction and operation would be less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<i>Biological Resources</i>			
<u>CANDIDATE, SENSITIVE, AND SPECIAL STATUS SPECIES</u> - Implementation of the Project could result in a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species, threatened or endangered in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service. Compliance with applicable regulatory requirements and implementation of the prescribed mitigation measure would reduce potentially significant impacts to a less than significant level.	Potentially Significant Impact	Mitigation Measure 4.3-1 Prior to impacts in least Bell's vireo occupied habitat (i.e., southern willow scrub and mule fat scrub), the Project Applicant/developer shall obtain regulatory permits by way of an authorization pursuant to FESA and CESA. On- and/or off-site replacement and/or enhancement of least Bell's vireo habitat shall be provided by the Project Applicant at a ratio no less than 2:1, in coordination with the regulatory permitting processes of the USFWS and CDFW. Off-site replacement may include, but is not limited to, the purchase of mitigation credits in an agency-approved off-site mitigation bank supporting least Bell's vireo. A Mitigation Plan approved by the USFWS and/or CDFW, as appropriate, shall be provided to the Manager, OC <u>Planning Development Services</u> prior to issuance of a grading permit.	Less Than Significant Impact
<u>RIPARIAN HABITAT AND SENSITIVE NATURAL COMMUNITIES</u> - Impacts on sensitive natural communities are considered less than significant given their diminished functions and values as habitat and the relative abundance of these vegetation communities throughout the region, much of which is protected in government preserves. Therefore, mitigation measures for impacts to sensitive communities in and of themselves are not warranted.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>WETLANDS</u> - Implementation of the Project could result in substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. However, compliance with applicable regulatory requirements and implementation of the prescribed	Potentially Significant Impact	Mitigation Measure 4.3-2 Prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
mitigation measure would reduce potentially significant impacts in these regards to a less than significant level.		<p>regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC <u>Planning Development Services</u> Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies:</p> <ol style="list-style-type: none"> 1. On- and/or off-site replacement of USACE/RWQCB jurisdictional "waters of the U.S." / "waters of the State" at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank. 2. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank. 	
<u>WILDLIFE MOVEMENT</u> - Implementation of the Project would potentially interfere with the regional movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measure would reduce potentially significant impacts in these regards to a less than significant level.	Less Than Significant Impact	<p>Mitigation Measure 4.3-3 Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC <u>Planning Development Services</u> that the following requirements have been Included in the Project construction plan:</p> <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to 	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>nesting birds.</p> <p>2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.</p> <p><u>3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<i>Cultural Resources</i>			
<u>HISTORICAL RESOURCES</u> - No historic resources are located on the project site. As such, there is no potential for the Project to cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. No impact would occur in this regard.	No Impact	No mitigation measures are necessary.	No Impact
<u>ARCHAEOLOGICAL RESOURCES</u> - Implementation of the Project would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines. However, there is potential for the Project to impact previously undiscovered archaeological resources during construction activities associated with the Project. This potentially significant impact would be reduced to a less than significant level with implementation of the prescribed mitigation measures.	Potentially Significant Impact	<p>Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Planning <u>Development Services</u>, that the Applicant has retained a qualified archaeological monitor to conduct spot check <u>daily</u> observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) <u>until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources</u>. The spot check observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.</p> <p>Mitigation Measure 4.4-2 In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work</p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources <u>to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place.</u> All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.</p> <p>Mitigation Measure 4.4-3 The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant to the County, the South Central Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>uneared, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historical Resources.</p> <p>Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find <u>by the construction contractor</u>. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.</p>	
<p><u>PALEONTOLOGICAL RESOURCES/UNIQUE GEOLOGIC FEATURE</u>- Implementation of the Project would not directly or indirectly destroy a known unique paleontological resource or site or unique geologic feature. However, there is potential for the Project to impact previously undiscovered paleontological resources at depth during construction excavations associated with the Project. This potentially significant impact would be reduced to a less than significant level with implementation of the prescribed mitigation measures.</p>	Potentially Significant Impact	<p>Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist <u>certified by the County of Orange, Development Services Department (County Property Permits)</u> who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified</p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.</p> <p>Mitigation Measure 4.4-6 If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the John D. Cooper Archaeological and</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>Paleontological Curation Center at the California State University, Fullerton. Accompanying notes, maps, and photographs shall also be filed at the repository.</p> <p>Mitigation Measure 4.4-7 The Paleontologist and/or paleontological monitor shall conduct sampling and screening of the underlying sediments at the project site for the presence or absence of microfossils. The monitor shall collect various samples (consisting of approximately 200 pounds of sediment) from the spoils piles, sidewalls, or bottoms of an exposed excavation pit across the project site and use wet- or dry-screening techniques off-site for the recovery of microfossils. If the sample yields an appropriate concentration of microfossils, a bulk sediment sample may be warranted.</p> <p>Mitigation Measure 4.4-8 Prior to the release of the grading bond, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant for approval by the Manager, OC <u>Planning Development Services</u>. In addition, the report shall be submitted to the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.</p>	
<u>HUMAN REMAINS</u> - Implementation of the Project would not disturb any known human remains, including those	Potentially Significant	Mitigation Measure 4.4-9 If human remains are encountered unexpectedly during implementation	Less Than

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<p>interred outside of formal cemeteries. However, there is potential for the Project to impact previously undiscovered human remains at depth during construction excavations associated with the Project. This potentially significant impact would be reduced to a less than significant level with implementation of the prescribed mitigation measure.</p>	Impact	<p>of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the</p>	Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>descendants all reasonable options regarding the descendants' preferences for treatment.</p> <p>Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.</p>	
<i>Geology and Soils</i>			
<p><u>SEISMIC AND GEOLOGIC STABILITY HAZARDS</u> - Implementation of the Project could expose people or structures to fault rupture, strong seismic ground shaking, strong seismic-related ground failure, liquefaction, landslides and other ground failure hazards. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measure would reduce potentially significant impacts in these regards to a less than significant level.</p>	<p>Potentially Significant Impact</p>	<p>Mitigation Measure 4.5-1 Prior to the issuance of <u>precise</u> grading permits unless noted as otherwise below <u>or otherwise agreed to by County's engineering geologist</u>, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist and geotechnical engineer to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's registered geotechnical engineer or third party registered engineer <u>engineering geologist</u> for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of <u>precise</u> grading</p>	<p>Less Than Significant Impact</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p>permit issuance, and <u>shall provide the following:</u></p> <p>a) <u>Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.</u></p> <p>b) <u>Conduct additional fault trenching as necessary</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p>and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re <u>Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.</u></p> <p>b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the <u>development slopes</u> shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.</p> <p>e)d) Conduct representative sampling and laboratory expansion-testing of the onsite soils to identify the locations of on-site expansive <u>or compressible</u> soils. Where <u>unsuitable expansive</u> soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove <u>and/or mitigate</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> Project Design Features (PDFs)	Level of Significance After Mitigation
		<p>unsuitable expansive soils that could create geotechnical stability hazards to the Project.</p> <p>d)e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.</p> <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered geotechnical engineer <u>engineering geologist</u> shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.</p>	
<u>SOIL EROSION OR THE LOSS OF TOPSOIL</u> - Implementation of the Project could result in substantial soil erosion or the loss of topsoil. Compliance with applicable regulatory requirements would ensure impacts in these regards are less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>EXPANSIVE SOILS</u> - Implementation of the Project could expose people or property to substantial risks associated with expansive soils. Implementation of the prescribed mitigation measure would reduce potentially significant impacts in this regard to a less than significant level.	Potentially Significant Impact	Refer to Mitigation Measure 4.5-1. No additional mitigation measures are necessary.	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<i>Greenhouse Gas Emissions</i>			
<u>GENERATION OF GHGs</u> - Based on the applicable threshold of significance utilized by the County of Orange, Project implementation would not generate greenhouse gas emissions, either directly or indirectly, such that a significant impact on the environment would occur. A less than significant impact would occur in this regard.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>CONSISTENCY WITH APPLICABLE GHG PLANS</u> - The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. As such, a less than significant impact would occur in this regard.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<i>Hazards and Hazardous Materials</i>			
<u>HAZARDOUS MATERIALS</u> - Implementation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This impact is considered less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>RISK OF UPSET</u> - Implementation of the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level.	Potentially Significant Impact	Mitigation Measure 4.7-1 Prior to the issuance of grading permits, the Project Applicant/developer shall submit the Soil Management Plan (SMP) prepared by a California-licensed professional geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review, approval and implementation by the Project Proponent. The SMP shall include the protocol for the handling and/or disposal of impacted soils, as well as subsurface structures (i.e., underground storage tanks), that could potentially be encountered during construction activities. The SMP shall include protocols for: screening of soil	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>exhibiting impacts, handling of volatile organic compounds (VOC) contaminated soils; stockpile management; vapor suppression and dust control, surface water protection, soil stockpile sampling; sampling frequency; and exporting of contaminated soils.</p> <p>Mitigation Measure 4.7-2 During ground disturbing construction activities, should VOC contaminated soils be encountered as a result of the screening methods prescribed by the Soils Management Plan (refer to Mitigation Measure 4.7-1), ground disturbing construction activities shall be immediately halted. Ground disturbing activities shall not resume until a VOC mitigation plan in accordance with South Coast SCAQMD Rule 1166 has been reviewed and approved by the SCAQMD Executive Officer. The VOC mitigation plan shall set forth requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil consistent with SCAQMD Rule 1166.</p> <p>Mitigation Measure 4.7-3 Prior to the issuance of grading permits, a qualified environmental consultant shall prepare and submit a site-specific health and safety plan (HASP) to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review and approval. The HASP shall be implemented in conjunction with the Soils Management Plan (refer to Mitigation Measure 4.7-1) when handling soil with suspected or confirmed chemical of concern (COC) impacts. At a minimum, the HASP shall identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>for controlling/minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The general contractor shall be responsible for non-COC-related health and safety concerns associated with the excavation (e.g., excavation stability, stockpile placement, heavy equipment operation).</p> <p>Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a “Construction Site Review” of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, <u>as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.</u></p> <p>Mitigation Measure 4.7-5 The Project Applicant shall retain a qualified environmental consultant to profile the unidentified substance in the unlabeled 55-gallon drum and facilitate its disposal in accordance with regulatory guidelines, including DOGGR, RWQCB, OCFA, OCHCA and/or any other agency with jurisdiction over such disposal measures. If soil staining occurs around and/or beneath the container and the contents of the drum</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface soils have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-1.</p> <p>Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. <u>The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03.</u> Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.</p> <p><u>The following PDFs would also ensure impacts in this regard are less than significant: PDF 7-1 to 7-8.</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<u>EXISTING ON-SITE HAZARDS</u> - Although the Project would be located on a site that could include hazardous materials as a result of past and current on-site oil production activities, implementation of the applicable PDFs, the prescribed mitigation measures and compliance with applicable regulatory requirements would ensure that no significant hazard occur to the public or the environment.		Refer to Mitigation Measures 4.7-1 to 4.7-6. No additional mitigation measures are necessary. <u>The following PDFs would also ensure impacts in this regard are less than significant: PDF 7-1 to 7-8.</u>	
<u>EMERGENCY RESPONSE PLAN</u> - Implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact is considered less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>WILDLAND FIRES</u> - Implementation of the Project could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. However, compliance with applicable regulatory requirements and implementation of the project design features and prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level.	Potentially Significant Impact	Mitigation Measure 4.7-7 Areas within Planning Area 1 (including, but not limited to areas located adjacent to lots 40, 41, 49, 50, 85, 86, and 87) not capable of providing a typical 170-foot fuel modification zone, shall increase the irrigated zone(s) to 100 feet and shall provide six-foot high block walls/radiant heat walls constructed of block/tempered glass over block at the bottom of the fuel modification zone. The block walls/radiant heat walls shall be placed where the fuels below the structure are not of continuous nature and not in alignment with the slope and Santa Ana winds and/or the predominant winds. The block walls/radiant heat walls shall be perpendicular to the wind, but parallel with the slope. In most cases, the block walls/radiant heat walls shall be located at the property line/base of the irrigated zone and down slope from the native vegetation. Increased irrigated zones and block walls/radiant heat walls design and location shall be subject to the review	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>and approval of the OCFA, prior to issuance of certificates of use and occupancy.</p> <p>Mitigation Measure 4.7-8 Structures with deficient fuel modification lots 39-42, 49-52, 69, 70, and 85-88 shall be protected with NFPA 13-D Automatic Fire Sprinklers including the attics and small spaces. Lots 96-112 shall be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet. Such features shall be indicated on construction drawings prior to issuance of a building permit.</p> <p>Mitigation Measure 4.7-9 Fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user. These easements are recorded as part of the mapping process. Prior to recordation of the CC&R's, OCFA must approve language allowing OCFA access to HOA owned property for the purpose of inspecting the fuel modification, plant palette, and added improvements to ensure maintenance of the fire safe zones. In addition, CC&R's shall provide landscaping and maintenance guidelines to ensure that each residential lot is fire-safe and list allowable improvements such as patio structure, play equipment construction, and fencing materials. The CC&R's shall be recorded prior to issuance of certificate of use and occupancy.</p> <p>Mitigation Measure 4.7-10 For the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant, under the supervision of the Fire Chief,</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>and prior to issuance of building permits shall have completed the Project roadways in accordance with applicable OCFA and/or County design standards in the area prior to building permit issuance.</p> <p>Mitigation Measure 4.7-11 Prior to issuance of building permits, a service letter from the water agency serving the project area shall be submitted and approved by the OCFA water liaison describing the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident.</p> <p><u>The following PDFs would also ensure impacts in this regard are less than significant: PDF 7-9 to 7-14.</u></p>	
<i>Hydrology and Water Quality</i>			
<u>WATER QUALITY</u> - Construction and operation of the Project would comply with all applicable regulatory requirements regarding water quality. Compliance with applicable regulatory requirements and implementation of the project design features, including Best Management Practices (BMPs) as part of the Project's Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), would ensure that construction and operational water quality impacts are less than significant.	Less Than Significant Impact	<p>No mitigation measures are necessary.</p> <p><u>The following PDFs would ensure impacts in this regard are less than significant: PDF 8-1 to 8-3.</u></p>	Less Than Significant Impact
<u>DRAINAGE PATTERNS AND STORMWATER DRAINAGE SYSTEM</u> - The Project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements such that the post-project site would not result in significant hydrology impacts	Less Than Significant Impact	<p>No mitigation measures are necessary.</p> <p><u>The following PDFs would ensure impacts in this regard are less than significant: PDF 8-3 to 8-5.</u></p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
downstream such that flooding or erosion would occur on- or off-site. Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Compliance with applicable regulatory requirements and implementation of the project design features would ensure impacts regarding changes in drainage patterns and stormwater flows are less than significant.			
<u>GROUNDWATER SUPPLIES</u> - The Project would be served by a municipal water supply. The additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates. Furthermore, there would be no noticeable change in any aquifer volume or a lowering of the local groundwater table due to a change in groundwater recharge rates as a result of Project implementation. Thus, the Project would have a less than significant impact with respect to groundwater supplies or groundwater recharge.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>Land Use and Planning</u>			
<u>CONSISTENCY WITH APPLICABLE LAND USE PLAN, POLICY, OR REGULATION/COMPATIBILITY WITH SURROUNDING USES</u> - Implementation of the Project, with approval of the requested discretionary actions, would be consistent with the applicable goals, objectives and policies within the County's General Plan and Zoning Code. Further, the analysis conducted in this EIR has concluded that with implementation of the prescribed mitigation measures, the Project would not result in significant and unavoidable physical impacts on the environment. As such, less than significant impacts would occur regarding the potential for physical impacts due to inconsistencies with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project, including conflicts with the	Less Than Significant Impact	No <u>land use</u> mitigation measures are necessary. <u>However, it acknowledged that all of the PDFs and mitigation measures identified in the EIR would ensure that less than significant physical impacts occur on the environment.</u>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
existing zoning for agricultural use.			
Noise			
<p><u>NOISE GENERATION</u> - Implementation of the Project could result in temporary increases in ambient noise levels and expose people to temporary, intermittent, and moderate to high-level noise levels. However, as the Project would comply with the County of Orange Noise Ordinance, construction noise impacts would be less than significant. Nonetheless, mitigation measures have been prescribed to minimize construction noise at the nearby noise sensitive residential land uses. The Project's residential would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. However, operation of oil well facilities could result in potentially significant noise generation. Thus, mitigation has been prescribed to ensure that noise from oil well operations would result in less than significant impacts to Project residents. With implementation of the prescribed mitigation measure, long-term operational noise impacts would be less than significant.</p>	Potentially Significant Impact	<p>Mitigation Measure 4.10-1 During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.</p> <p>Mitigation Measure 4.10-2 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.</p> <p>Mitigation Measure 4.10-3 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be</p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p>minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC <u>Planning Development</u> Services prior to the issuance of any grading permits.</p> <p><u>Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure) -</u> <u>Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.</u></p> <p><u>Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure) -</u> <u>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.</u></p> <p><u>Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure) -</u> <u>Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p><u>the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.</u></p> <p>Mitigation Measure 4.10-4 The Project Applicant shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure that operation of the on-site oil well facilities are within County's exterior noise limits at the property line of the nearest proposed residential lot. Noise measures may include, but are not limited to, screening of oil facilities, motor dampening, and/or nighttime shutdown so as to meet the County's noise requirements. Screening, if necessary, could include landscaping and/or sound wall. The acoustics analysis of the oil well facilities shall be reviewed and approved by the Manager, OC <u>Planning Development Services</u>, or his designee prior to issuance of building permits for the oil well facilities.</p> <p><u>PDF 10-1 would also ensure impacts in this regard are less than significant.</u></p>	
<p><u>GROUNDBORNE VIBRATION AND NOISE</u> - Implementation of the Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant in this regard.</p>	<p>Less Than Significant Impact</p>	<p>No mitigation measures are necessary.</p>	<p>Less Than Significant Impact</p>

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<i>Population and Housing</i>			
<u>POPULATION GROWTH</u> - Implementation of the Project would not induce substantial population growth in an area, either directly or indirectly. This impact is considered less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<i>Public Services</i>			
<u>PROVISION OF PUBLIC SERVICES</u> - Implementation of the Project could result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire, police, schools, or other public service facilities. However, compliance with applicable regulatory requirements and implementation of the project design features and prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level.	Potentially Significant Impact	<p><u>Fire Protection Services</u></p> <p>Refer to Mitigation Measures 4.7-1 through 4.7-11; and Mitigation Measure 4.15-1. The following mitigation measures are also prescribed.</p> <p>Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the project-site <u>Project, to the satisfaction of OCFA.</u></p> <p>Mitigation Measure 4.12-2 All new traffic signals on public access ways and all electric operating gates installed for the Project shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.</p> <p><u>Police Protection Services</u></p> <p><u>Mitigation Measure 4.12-2B</u> <u>Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services</u></p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures and Project Design Features (PDFs)	Level of Significance After Mitigation
		<p><u>Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.</u></p> <p><u>The following PDFs would also ensure impacts in this regard are less than significant: PDF 7-1 to 7-14.</u></p> <p><u>School Facilities</u></p> <p>Mitigation Measure 4.12-3 Prior to issuance of building permits and pursuant to Section 65995 of the CGC, the Project Applicant shall pay the required SB 50 (Section 65995 of the CGC) mitigation fees to the PYLUSD as full mitigation for potential Project impacts to schools.</p> <p><u>School Safety - Short-Term Construction Impacts</u></p> <p>Please refer to Mitigation Measure 4.14-1. The following mitigation measures are also prescribed.</p> <p>Mitigation Measure 4.12-4 During construction, <u>the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation</u></p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>measure to be verified by the Manager, OC <u>Planning Development Services</u> in quarterly compliance certification reports submitted by project contractor.</p> <p>Mitigation Measure 4.12-5 In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, <u>Fairmont Elementary School</u> and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times. This mitigation measure to be verified by the Manager, OC <u>Planning Development Services</u> in quarterly compliance certification reports submitted by project contractor.</p> <p>Mitigation Measure 4.12-6 During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, <u>Fairmont Elementary School</u> and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety. This mitigation measure to be verified by the Manager, OC <u>Planning Development Services</u> in quarterly compliance certification reports submitted by project contractor.</p> <p>Mitigation Measure 4.12-7 During construction, temporary traffic control, signage, and/or flaggers shall be present on Via Del Agua and Aspen Way to direct vehicular traffic and pedestrians around the construction site in order to ensure school traffic and pedestrian safety. This mitigation measure to</p>	

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.</p> <p><u>Libraries</u></p> <p>Mitigation Measure 4.12-8 Prior to the issuance of building permits, the Project Applicant/developer shall comply with the development fee program for OCPL as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Linda Library system, to be determined in consultation with City of Yorba Linda and County of Orange Planning Staff.</p> <p><u>Mitigation Measure 4.12-8(b)</u> Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.</p>	
Recreation			
<p><u>PARK AND RECREATION FACILITIES</u> - Implementation of the Project would incrementally increase the use of existing parks and other recreational facilities in the project vicinity. Potentially significant impacts to parks and recreation facilities created by the demand of the Project would be reduced to a less than significant level with implementation</p>	Potentially Significant Impact	<p>Mitigation Measure 4.13-1 Prior to issuance of certificates of occupancy, the Project Applicant shall pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. The fees shall be paid to the OC Parks.</p>	Less Than Significant Impact.

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
of the prescribed mitigation measures.		<p>Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site.</p> <p>Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda <u>Parks and Recreation</u> Department of Recreation and Community Services Department and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City <u>or the County</u> either in fee or by an access and maintenance easement.</p>	
<i>Transportation/Traffic</i>			
<p><u>CIRCULATION SYSTEM</u> - Implementation of the Project would contribute traffic to the roadway network during construction and operational activities which could result in potentially significant traffic impacts. Potentially significant construction and operation traffic impacts would be reduced to a less than significant level with implementation of the prescribed mitigation measures.</p>	Potentially Significant Impact	<p><u>Construction Impacts</u></p> <p>Refer to Mitigation Measures 4.12-4 to 4.12-7. The following mitigation measure is also prescribed.</p> <p>Mitigation Measures 4.14-1 Prior to the start of construction, the Project Applicant, in coordination with the County of Orange, shall devise a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan shall identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of construction activities associated with the</p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
		<p>Project. The Plan shall also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan shall be subject to final approval by the County of Orange Public Works Department.</p> <p><u>Operational Impacts</u></p> <p>Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of building the first <u>occupancy</u> permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.</p>	
<u>CONGESTION MANAGEMENT</u> - Implementation of the Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. This impact would less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>TRAFFIC HAZARDS</u> - Implementation of the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). This impact would less than significant.	Less Than Significant Impact	<p>No mitigation measures are necessary.</p> <p><u>The following PDFs would ensure impacts in this regard are less than significant: PDF 14-1 to 14-3.</u></p>	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
<u>EMERGENCY ACCESS</u> - Implementation of the Project would not result in inadequate emergency access. This impact would be less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>ALTERNATIVE MODES OF TRANSPORTATION</u> - Implementation of the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. This impact would be less than significant.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<i>Utilities and Service Systems</i>			
<u>WASTEWATER TREATMENT REQUIREMENTS</u> - Implementation of the Project would not exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board. Thus, a less than significant impact would occur in this regard.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>WASTEWATER TREATMENT CAPACITY</u> - The Project's wastewater demand would be met by the Yorba Linda Water District and the Orange County Sanitation District wastewater system and treatment facilities. Thus, a less than significant impact would occur in this regard.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact
<u>WASTEWATER AND WATER INFRASTRUCTURE/ WATER SUPPLY</u> - Implementation of the Project would not require the construction of new wastewater treatment facilities or expansion of existing off-site facilities, but could <u>would</u> require new off-site water infrastructure facilities. Implementation of the prescribed mitigation measures would reduce the Project's potentially significant impacts regarding the availability of supporting water infrastructure to a less than significant level. Further, the Project would have sufficient water supplies available to	Potentially Significant Impact	Refer to Mitigation Measure 4.7-11. The following mitigation measure is also prescribed. Mitigation Measure 4.15-1 To address the Project's need for water storage, the Project Applicant shall pay a fair-share cost to the YLWD for infrastructure improvements identified in the Northeast Area Planning Study that are required to support the Cielo Vista Project. The payment shall reflect a proportional fair-share of the costs	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
serve the Project from existing entitlements and resources. Thus, impacts regarding water supply would be less than significant.		attributable to the Cielo Vista Project toward improvements YLWD has proposed that include construction of facilities which directly benefit and are needed for capacity and conveyance at the project site as determined by District Staff. No grading permits shall be issued for the Project until these improvements are implemented by YLWD and are operational to the satisfaction of the OCFA, unless otherwise determined acceptable by the YLWD and OCFA. <u>The following PDFs would ensure impacts in this regard are less than significant: PDF 15-1 to 15-4.</u>	
<u>STORMWATER FACILITIES</u> - Implementation of the Project could require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. However, compliance with applicable regulatory requirements and implementation of the prescribed mitigation measures would reduce potentially significant impacts in these regards to a less than significant level.	Potentially Significant Impact	As discussed in Section 4.8, <i>Hydrology and Water Quality</i> , the Project would include new on-site stormwater drainage facilities that would be constructed in accordance with applicable regulatory requirements. Further, no new off-site storm drain facilities would be required as part of the Project. Environmental impacts associated with development of the Project, including on-site drainage facilities have been evaluated throughout this document. As concluded in this document, all potentially significant impacts associated with development of the Project, including on-site stormwater drainage facilities, would be less than significant after implementation of the prescribed mitigation measures. Therefore, impacts would be less than significant in this regard.	Less Than Significant Impact
<u>SOLID WASTE DISPOSAL</u> - The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. Thus, a less than significant impact would occur regarding	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact

Table ES-1 (Continued)

Summary of Project Impacts and Mitigation Measures

Issue	Project Impact	Mitigation Measures <u>and</u> <u>Project Design Features (PDFs)</u>	Level of Significance After Mitigation
landfill capacity.			
<u>COMPLIANCE WITH SOLID WASTE REQUIREMENTS</u> - The Project would comply with applicable federal, state, and local statutes and regulations related to solid waste. Thus, a less than significant impact would occur in this regard.	Less Than Significant Impact	No mitigation measures are necessary.	Less Than Significant Impact

CHAPTER 2.0, PROJECT DESCRIPTION

1. Page 2-2. Modify 2nd paragraph with the following changes:

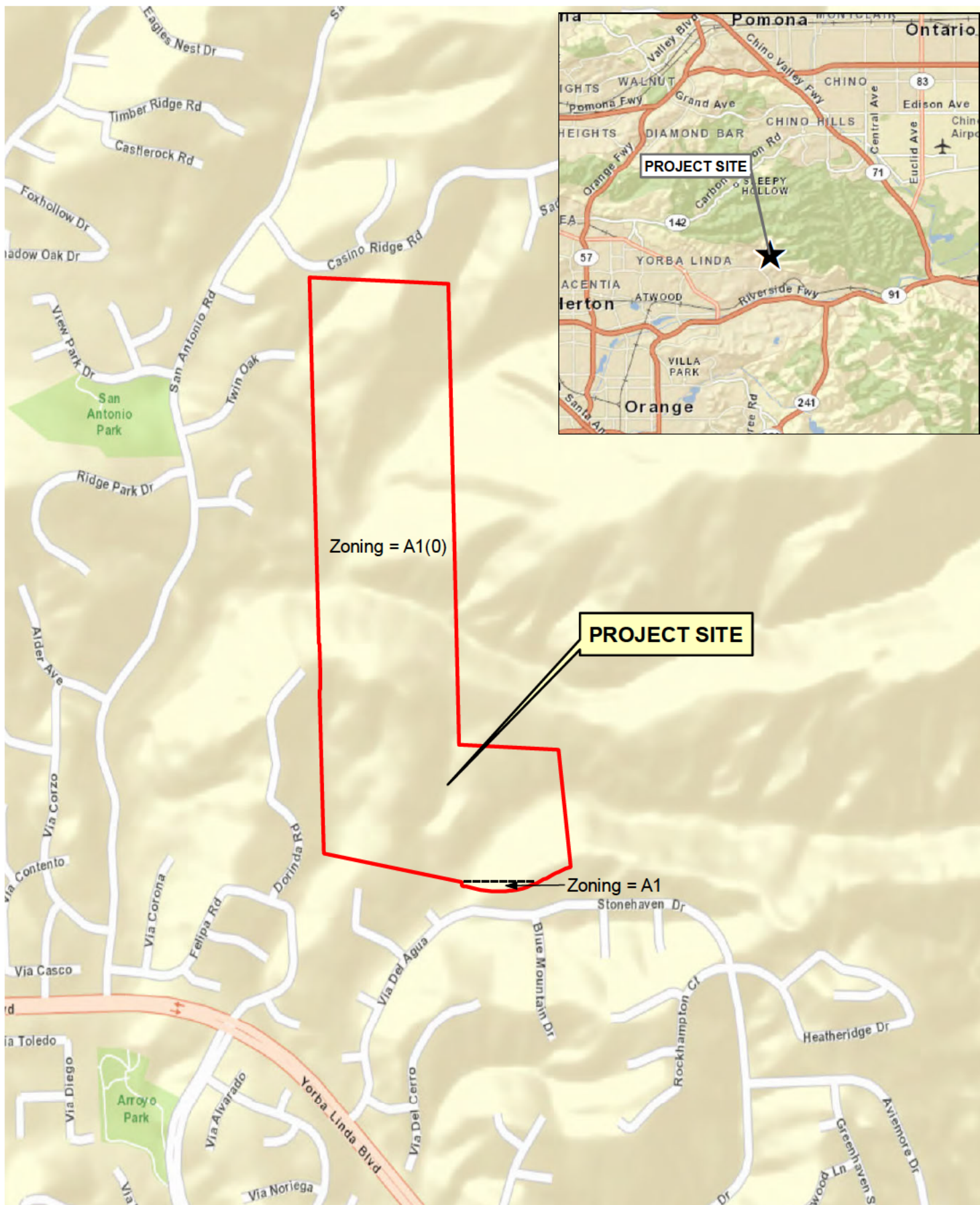
~~A branch of the~~ The Whittier Fault Rupture Hazard Zone traverses the project site in an east-west direction. The fault zone is ~~located within~~ traverses through a portion of the open space area of the Project, as well as through some residential lots within Planning Areas 1 and 2 (refer to Figure 4.5-1 in Section 4.5, *Geology and Soils*). The Whittier Fault trace traverses only through a portion of the Project's open space and some residential lots within Planning Area 1. In addition, a potential ancient landslide exists along the primarily north-west facing slope located within the northerly portion of the project site. As discussed below, this geologic feature lies within the Project's open space area and would not be affected by proposed development.

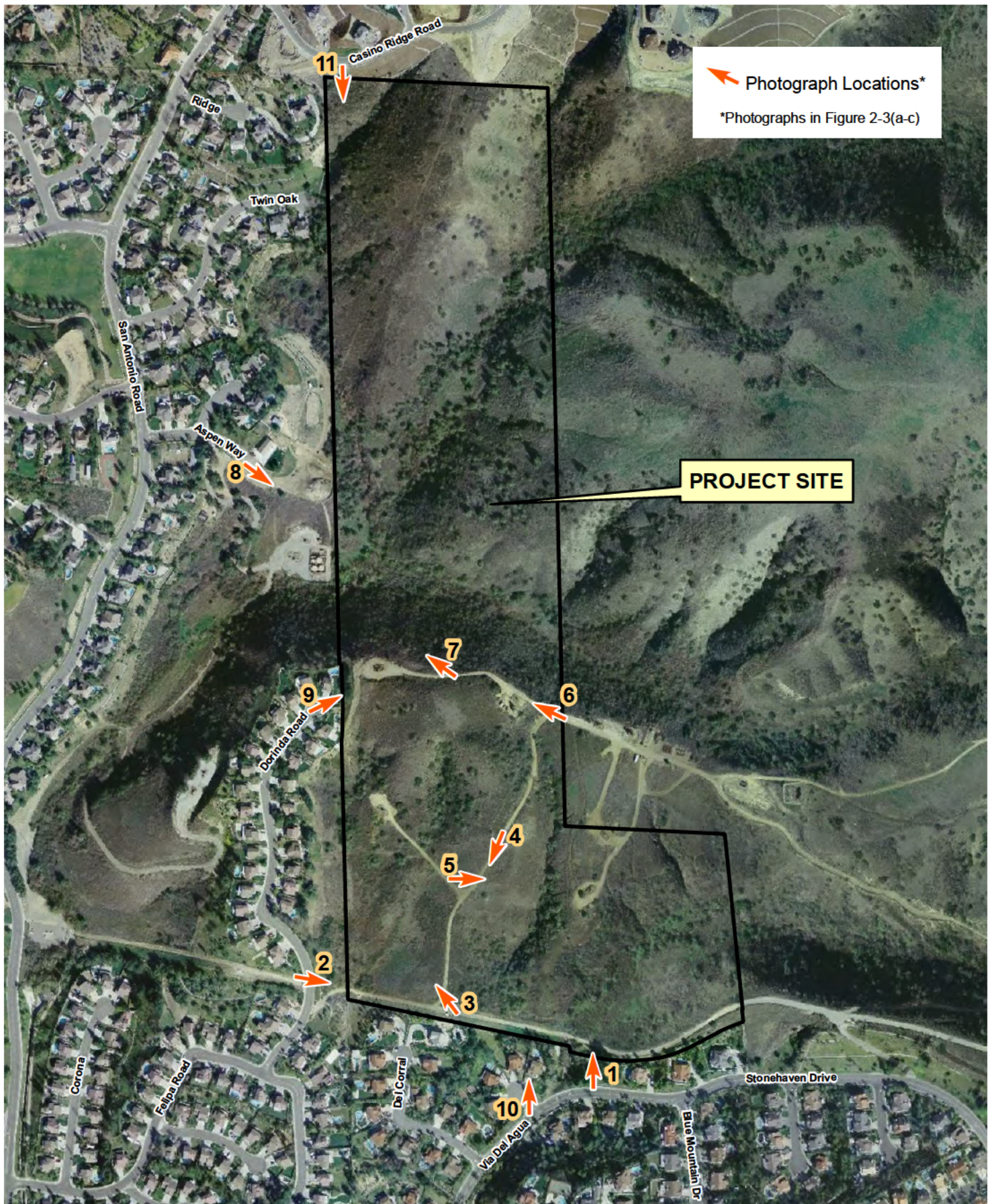
2. Page 2-2. Modify the last paragraph with the following changes:

The Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential "1B", which permits development of residential land uses at a density of 0.5-18 dwelling units per acre, and approximately 43 acres of the project site as Open Space (5). The ~~entire~~ project site is mostly zoned A1(O) – General Agricultural with Oil Production Overlay, with a small area along the southernmost boundary zoned A1 – General Agriculture (see Figure 2-1), per the Orange County Zoning Map. The project site is also within the City of Yorba Linda Sphere of Influence (SOI). The City of Yorba Linda General Plan indicates that the SOI is representative of the long-term, probable future physical boundaries and service area of the City. The Project Applicant ~~intends to~~ may seek annexation to the City in the future through an annexation agreement to be negotiated with the City prior to issuance of building permits.

3. Page 2-3 and 2-4. Modify Figures 2-1 and 2-2 to illustrate correctly illustrate southern project site boundary. Figure 2-1 also shows the on-site zoning designations.

The revised Figures 2-1 and 2-3 are shown on the following pages. Figure 2-1 has been revised to illustrate the on-site County zoning designations. The southern boundary in both figures has been revised to include APN 351-852-05, a 50-foot wide parcel spanning the easterly portion of the southern project site boundary. This parcel was inadvertently omitted from the Draft EIR's exhibits, but was accounted for in the Project impact analysis throughout the EIR. The building footprints and lots proposed by the Project would remain as presented in the Draft EIR. This parcel would be subject to applicable fuel modification requirements. No significant revisions to the EIR text/analysis due to the graphical error are necessary. Because the boundary revision does not affect the analysis, mitigation measures or impact conclusions presented in the Draft EIR, further revisions to the figures in the Draft EIR would not provide meaningful data or insight regarding the significance of the impacts evaluated in the Draft EIR. Accordingly, further revisions to the figures in the Draft EIR are not necessary.





4. Page 2-10. Modify 2nd paragraph with the following changes:

Implementation of the Project would require approval of a General Plan Amendment by the County of Orange Board of Supervisors for 6.4 acres comprising Planning Area 2 to change the General Plan Land Use designation for this portion of the site from Open Space (5) to Suburban Residential (1B). The Project would also require approval of a zone change by the County of Orange Board of Supervisors for Planning Area 1 from A1 and A1(O) to R-1 and R-1(O) and a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots.

5. Page 2-13. Modify last paragraph with the following changes:

Street "A" would serve as the access roadway to Planning Area 1 and extend approximately 150 feet north from a connection at Via del Agua to the southerly boundary of the site. Within the project site, Street "A" would extend north to intersect with Street "B." Street "B" forms the backbone local street for Planning Area 1 extending east to west and north to south. Streets "A" and "B" are planned with a total right of way of 56 feet and include a 40-foot wide travel area and a 4-foot sidewalk separated from the street by a 4-foot wide landscaped parkway between the curb and sidewalk on both sides of the street. Street "A" will not allow parking and will be signed "No Stopping at Any Time." Street "B" would provide for parking on both sides of the street. The design for Streets "A" and "B" is illustrated in Figure 2-7.

6. Page 2-17. Modify Figure 2-8. The reference to OCEMA has been changed to OCPWD.

See figure on page below.

7. Page 2-22. Modify 2nd paragraph with the following changes:

Potable Water. The project site is within the service area of the Yorba Linda Water District (YLWD). Points of connection for water utilities that would serve the Project exist in Aspen Way and Via Del Agua. On-site water facilities planned for the Project include a system of ~~8-inch-diameter~~ mains within local streets connecting to existing ~~8-inch-diameter~~ mains located within Via Del Agua and Aspen Way. Section 4.15, *Utilities and Service Systems*, of this EIR includes a detailed discussion of the Project's proposed water facilities plan. As discussed therein, the YLWD recently completed the Northeast Area Planning Study which identified water infrastructure improvements/upgrades to occur in the project area vicinity, some of which would support the Project. The improvements, which are expected to include water tanks (or water reservoirs), new or expanded water lines, pumping facilities and upgrades to booster stations, would be designed and constructed by ~~YLWD~~ the developer. Although the improvements would occur within the YLWD Northeast Planning Area, and could include improvements such as water tanks on or proximate to the Cielo Vista project site, the specific locations, designs, and extent of the improvements are not known. Once the facilities are further planned and designed, YLWD would evaluate the potential for the construction or operation of these facilities to result in significant impacts.

8. **Page 2-23. Modify the paragraph titled "Off-Site Improvements" with the following changes:**

Off-Site Improvements. The Project would include minor improvements, such as paving and landscaping, within the right-of-way in Via Del Agua and Aspen Roads near the Project entrances to provide access to the project site.

9. **Pages 2-27. Modify Table 2-2, *Cielo Vista Conceptual Plant Palette*, with the following changes:**

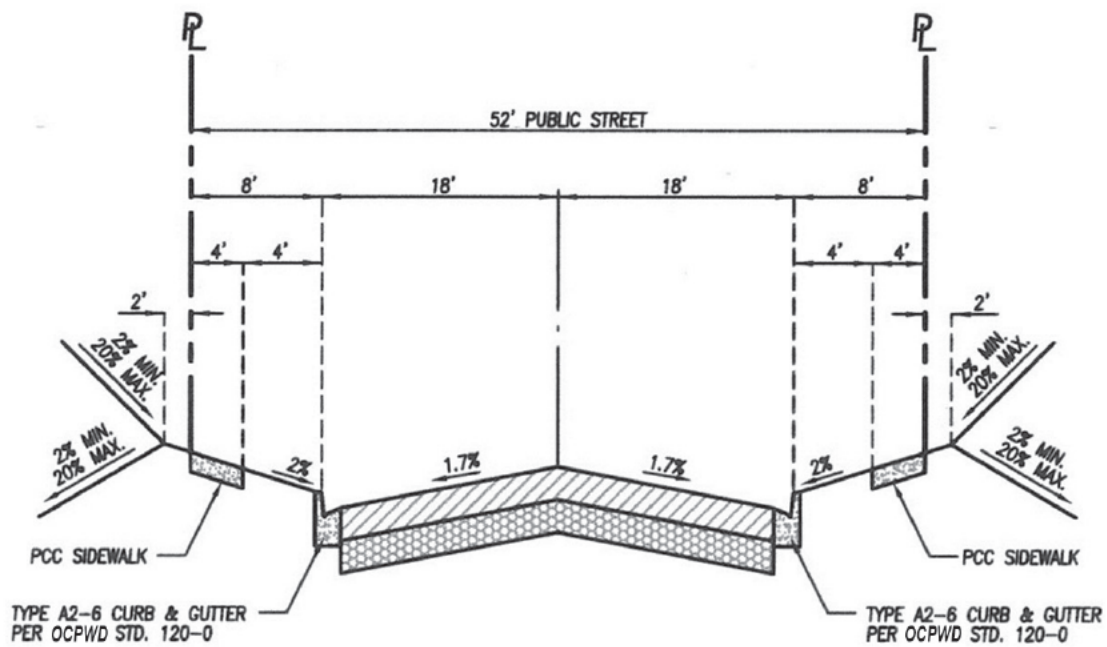
Table 2-2

Cielo Vista Conceptual Plant Palette

Scientific Species Name	Common Name
Trees	
Agonis Flexuosa	Peppermint Tree
Arbutus 'Marina'	Arbutus
Callistemon viminalis	Weeping bottlebrush
Geijera parviflora	Australian Willow
Lagerstroemia indica (mildew resistant hybrids)	Crape Myrtle
Loshostemon <u>Lophostemon confertus</u>	Brisbane Box
Melaecca <u>Melaleuca</u> spp.	Melaleuca
Olea europaea 'Wilsonii'	Fruitless Olive
Quercus ilex	Holly Oak
Pinus spp.	Pine
Rhus Lancea <u>lancea</u>	African Sumac
Schinus Molle	California Pepper Tree

10. **Page 2-32. Modify PDF 1-5 with the following changes:**

PDF 1-5: As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning Development Services.)



Streets 'D', 'E' & 'F' - 52' Public Street

LOCAL (<500 ADT) PER OCPWD STD. 1107
NOT TO SCALE

Sections of Local Streets D, E and F

Cielo Vista Project

Source: Cielo Vista Area Plan, Sage Community Group, Inc., 2011.

FIGURE

2-8

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11. Page 2-35. Modify PDF 7-13 with the following changes:

PDF 7-13: The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC Planning Development Services.)

12. Page 2-37. Modify subsection 7. Construction Schedule, with the following changes:**7. CONSTRUCTION SCHEDULE**

It is anticipated that construction of the Project could commence ~~as early as early 2014~~ in late 2015 and would last approximately 2.5 to 3 years. Assuming this construction time frame for site work, the earliest the first units would be ready for initial occupancy would be in ~~2015~~ 2017. The occupancy date is subject to change based on the construction start date and future market conditions. For purposes of this EIR analysis, it is assumed that construction of the Project would occur in one phase and that the Project would be fully occupied in ~~2015~~ 2018.

13. Page 2-37. Modify the following bullet point to the list of approvals under the County of Orange.

- Zone Change by the County of Orange Board of Supervisors for Planning Area 1 from A1 and A1(O) to R-1 and R-1(O) and a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots.

14. Page 2-37. Add the following bullet point to the list of approvals under the County of Orange.

- Certification of the Environmental Impact Report (EIR).

15. Page 2-38. Modify the list of approvals under the Yorba Linda Water District with the following changes:Yorba Linda Water District (YLWD)

- Connection to the YLWD potable water supply.
- Connection to sewer (wastewater) systems.

CHAPTER 3.0, BASIS FOR CUMULATIVE ANALYSIS

1. Page 3-5. Modify Figure 3-1. Related Project No. 1 has been identified as the Esperanza Hills Project.

Please see figure on page below.

SECTION 4.1, AESTHETICS

1. Page 4.1-1. Modify the subsection “(2) Local” with the following changes:

(2) Local

(a) County of Orange ~~General Plan~~

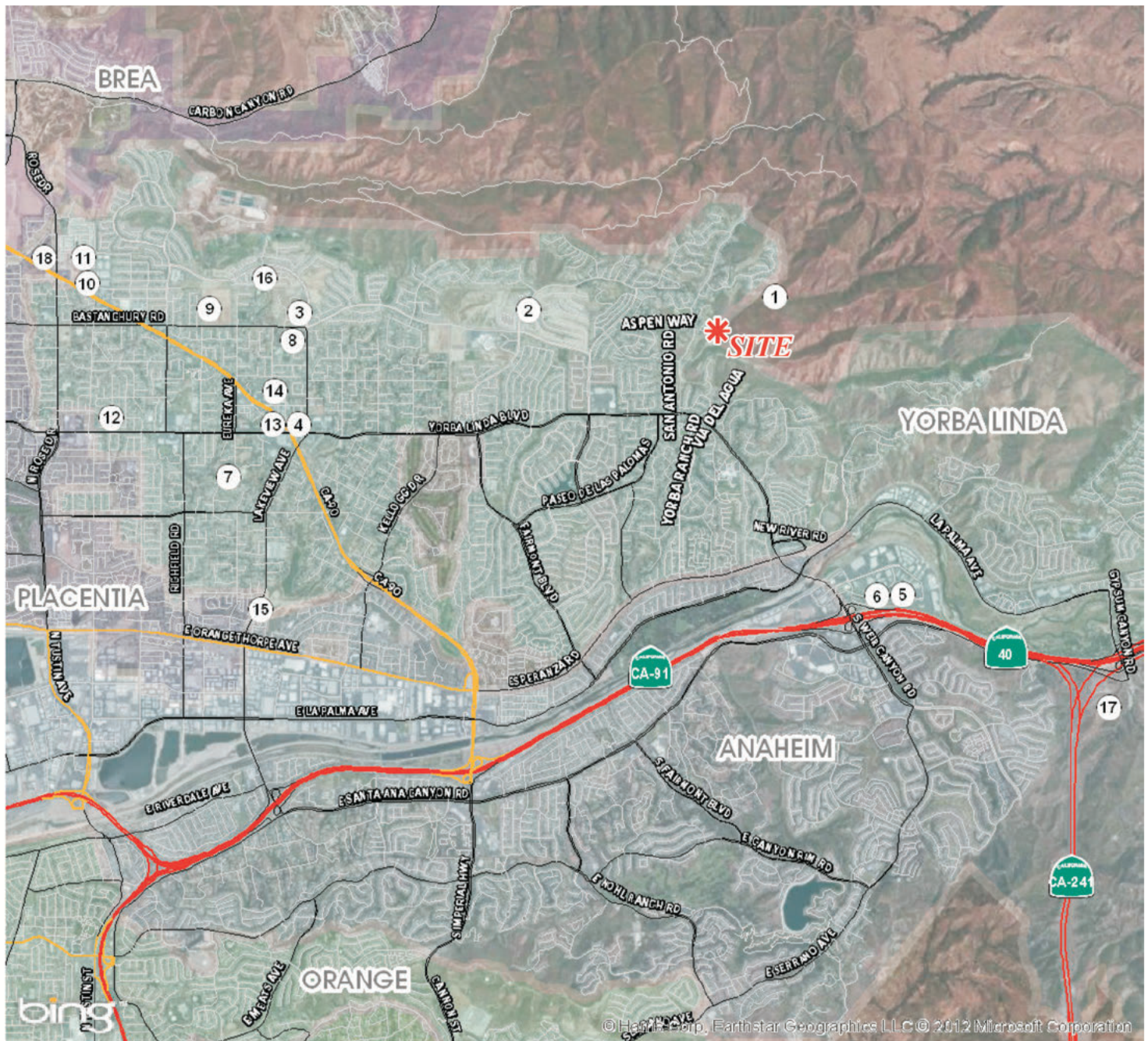
County of Orange General Plan

The Scenic Highways Plan of the General Plan identifies the County’s scenic highway routes and provides policy guidelines to incorporate safety, utility, economy, and aesthetics into the planning, design and construction of scenic highways. The scenic highway designation is intended to minimize the visual impact on the highway from land development upon the significant scenic resources along the route. The nearest Scenic Viewshed Highway to the project site is the 91 Freeway. Due to intervening topography and development, the project site is not visible from the 91 Freeway or any other County scenic highway. As such, the County’s Scenic Highway policy guidelines would not be applicable to the Project.

The Land Use and Resources Elements of the General Plan also include various policies to protect natural resources within the County and to ensure new development projects are visually compatible with adjacent areas. The Project’s consistency with these policies is discussed in the impact analysis below.

County of Orange Zoning Code

The Codified Ordinances of the County of Orange Section 7-9-55.8(f) provides requirements for exterior lighting. As stated therein, “All lights shall be designed and located so that direct light rays shall be confined to the premises.”



LEGEND:

- | | |
|---------------------------------|-----------------------------------|
| 1 Esperanza Hills | 10 Prospect (Greenhouse) |
| 2 North Yorba Linda Estates | 11 Wabash & Rose |
| 3 Hover/Bastanchury Holding Co. | 12 Yorba Linda/Prospect |
| 4 Yorba Linda Town Center | 13 Postal Annex SE Lemon & Eureka |
| 5 Oakcrest Terrace | 14 4622 Plumosa |
| 6 Canal Annex-Savi Ranch | 15 Lakeview & Mariposa |
| 7 Nixon Archive Site | 16 Palisades at Vista del Verde |
| 8 SWC Bastanchury/Lakeview | 17 Mountain Park |
| 9 Friends Christian High School | 18 La Floresta |

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2. Page 4.1-7. Modify PDF 1-5 with the following changes:

PDF 1-5: As shown in the *Conceptual Landscape Plan* (Figure 2-11 and Table 2-2), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning Development Services.)

3. Page 4.1-9. Modify the 3rd paragraph with the following changes:

Although construction activities would result in large graded areas devoid of vegetation that would be exposed to views from the surrounding residential areas, short-term construction impacts would be less than significant because of their temporary ~~and commonplace nature in its~~ and interruption to surrounding views to and across the site and the visual character of the project site.

4. Pages 4.1-27. Modify Mitigation Measure 4.1-1 with the following changes:

Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the ~~property~~ project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to in a manner meeting the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

5. Pages 4.1-35. Modify the list of "References" with the following changes:

County of Orange. County of Orange General Plan. Chapter III. Land Use Element. Chapter IV. Transportation Element. Chapter VI. Resources Element. March 22, 2011.

County of Orange. County of Orange General Plan. Scenic Highway Plan. Chapter IV. Transportation Element. April 2005.

County of Orange Municipal Code. <http://library.municode.com>. Various Sections as updated through March 2014.

City of Yorba Linda General Plan. Chapter II Land Element. Chapter IV. Recreation and Resources Element. Adopted 1993.

City of Yorba Linda Municipal Code. Various Sections. <http://library.municode.com>. Updated through January 2014.

SECTION 4.2, AIR QUALITY

1. **Page 4.2-2. Modify Table 4.2-1. Table 4.2-1 updated with the latest version of the CARB Ambient Air Quality Standards table (June 4, 2013).**

Please see table on page below.

2. **Page 4.2-9. Modify the “Wind Patterns and Project Location” discussion with the following changes:**

(3) Wind Patterns and Project Location

The distinctive climate of the project area and the Basin is determined by its terrain and geographical location. The Basin is located in a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter.

Wind patterns across the south coastal region are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

As shown in **Figure 4.2-1, Wind Rose for La Habra Station**, wind patterns at the nearest monitoring station are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

Please see figure on page below.

Table 4.2-1

Ambient Air Quality Standards

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM ₁₀) ⁸	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		—		
Fine Particulate Matter (PM _{2.5}) ⁸	24 Hour	—	—	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³	15 µg/m ³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—	—	
Nitrogen Dioxide (NO ₂) ⁹	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide (SO ₂) ¹⁰	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹⁰	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) ¹⁰	—	
Lead ^{11,12}	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m ³ (for certain areas) ¹²	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m ³		
Visibility Reducing Particles ¹³	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride ¹¹	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography			

See footnotes on next page ...

See footnotes on next page ...

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (6/4/13)

Table 4.2-1 (cont.)

Ambient Air Quality Standards

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
9. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
10. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
11. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
12. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
13. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

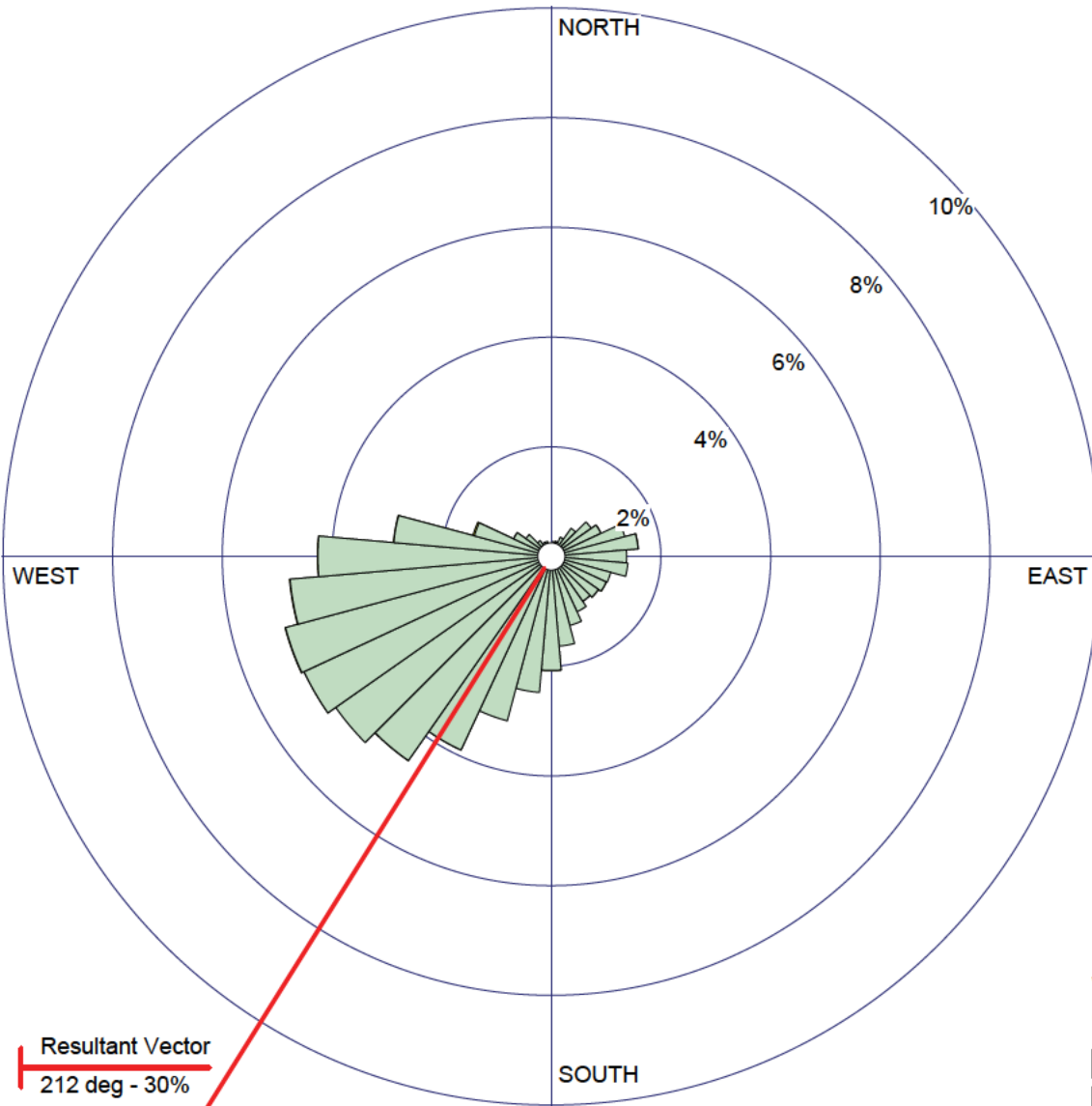
For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (6/4/13)

WIND ROSE PLOT:

SCAQMD La Habra
Wind Rose

DISPLAY:

Wind Speed
Direction (blowing from)


COMMENTS:

DATA PERIOD:

Start Date: 1/2/2008 - 00:00
End Date: 12/31/2012 - 23:00

COMPANY NAME:

MODELER:

CALM WINDS:

34.51%

TOTAL COUNT:

43391 hrs.

AVG. WIND SPEED:

2.33 Knots

DATE:

8/19/2014

PROJECT NO.:

WRPLOT View - Lakes Environmental Software

Wind Rose for La Habra Station

Cielo Vista Project

Source: South Coast Air Quality Management District, 2014.

FIGURE

4.2-1

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3. **Page 4.2-13. Modify last paragraph with the following changes:**

The most recent three (3) years of data available is shown on **Table 4.2-3, Project Area Air Quality Monitoring Summary ~~2008-2010~~ 2009-2011 Air Monitoring Data^a**. Table 4.2-3 also identifies the number of days standards were exceeded for the study area, which was chosen to be representative of the local air quality at the project site. Additionally, data for SO₂ has been omitted from this analysis as attainment is regularly met in the Basin and few monitoring stations measure SO₂ concentrations.

4. **Page 4.2-15. Revise Table 4.2-3 with the following changes:**

Revised table shown on page below.

5. **Page 4.2-16. Modify 2nd full paragraph with the following changes:**

The duration of activities was estimated based on the Project's expected opening year and specific construction activities were modeled utilizing CalEEMod model defaults for the number and type of equipment that would be used were utilized, as appropriate. Also, as stated above, ~~OFFROAD2001~~ OFFROAD 2011 was utilized to accurately depict "site preparation" and grading activities.

6. **Page 4.2-18. Modify second to last paragraph with the following changes:**

Vehicles. Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the project site. The Project related operational air quality impact centers primarily on the vehicle trips generated by the project. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., February 22, 2013) were utilized in this analysis (included as Appendix ~~K~~ L in this EIR).

7. **Page 4.2-24. Modify the 1st paragraph with the following changes:**

As discussed above, the appropriate SRA for the LST is the Riverside area (SRA 23). LSTs apply to CO, NO₂, PM₁₀, and PM_{2.5}. It is noted that with regards to asbestos, the types of rocks known to contain asbestos include serpentine and ultramafic rock. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human hazard when airborne. The project is located in Orange County, which is not among the counties listed as containing serpentine and ultramafic rock.^{5b} Therefore, the impact from naturally occurring asbestos (NOA) during Project construction would be minimal to none. The nearest existing sensitive receptor to the development boundaries are located immediately adjacent to the project site. As such, the LSTs for receptors at 25 meters are utilized in this analysis. **Table 4.2-7, Localized Significance Summary Construction (Without Mitigation)**, identifies the unmitigated localized impacts at the nearest receptor location in the vicinity of the project site. It should be noted that the impacts without mitigation do not take credit for reductions achieved through best management practices (BMPs) and standard regulatory requirements (SCAQMD's Rule 403). As outlined above in the description of Project Features, there must be compliance with SCAQMD's Rule 403. As shown in Table 4.2-7, without mitigation, emissions during construction activity would exceed the SCAQMD's localized significance thresholds

Table 4.2-3

Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a

Pollutant	Standard	Year		
		2009	2010	2011
Ozone (O ₃)				
Maximum 1 Hour Concentration (ppm)	—	0.115	0.118	0.095
Maximum 8 Hour Concentration (ppm)	—	0.082	0.096	0.074
Number of Days Exceeding State 1 Hour Standard	>0.09 ppm	4	2	1
Number of Days Exceeding State 8 Hour Standard	>0.07 ppm	9	4	3
Number of Days Exceeding Federal 1 Hour Standard	>0.12 ppm	0	0	0
Number of Days Exceeding Federal 8 Hour Standard	>0.075 ppm	3	1	0
Number of Days Exceeding Health Advisory	≥0.15 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 1 Hour Concentration (ppm)	—	4	3	—
Maximum 8 Hour Concentration (ppm)	—	2.3	1.8	2.1
Number of Days Exceeding State 1 Hour Standard	>20 ppm	0	0	0
Number of Days Exceeding Federal / State 8 Hour Standard	>9.0 ppm	0	0	0
Number of Days Exceeding Federal 1 Hour Standard	>35 ppm	0	0	0
Nitrogen Dioxide (NO ₂)				
Maximum 1 Hour Concentration (ppm)	—	0.10	0.0825	0.0698
Annual Arithmetic Mean Concentration (ppm)	—	0.0206	0.0201	0.0177
Number of Days Exceeding State 1 Hour Standard	>0.18 ppm	0	0	0
Inhalable Particulates (PM ₁₀) ^b				
Maximum 24 Hour Concentration (µg/m ³)	—	63	43	53
Annual Arithmetic Mean (µg/m ³)	—	30.9	22.4	24.8
Number of Samples Exceeding State Standard	>50 µg/m ³	1	0	2
Number of Samples Exceeding Federal Standard	>150 µg/m ³	0	0	0
Fine Particulates (PM _{2.5}) ^b				
Maximum 24 Hour Concentration (µg/m ³)	—	64.6	31.7	39.2
Annual Arithmetic Mean (µg/m ³)	—	11.8	10.2	11
Number of Samples Exceeding Federal 24 Hour Standard	>35 µg/m ³	4	40	2

^a—North Orange County (SRA 16) monitoring station data used unless otherwise noted.^b—Central Orange County (SRA 17) monitoring station data.Source: South Coast AQMD (www.aqmd.gov)

Table 4.2-3**Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a**

<u>Pollutant</u>	<u>Standard</u>	<u>Year</u>		
		<u>2010</u>	<u>2011</u>	<u>2012</u>
<u>Ozone (O₃)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.118</u>	<u>0.095</u>	<u>0.100</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.096</u>	<u>0.074</u>	<u>0.078</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.09 ppm</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>Number of Days Exceeding State 8-Hour Standard</u>	<u>> 0.07 ppm</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 0.12 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 8-Hour Standard</u>	<u>> 0.075 ppm</u>	<u>1</u>	<u>0</u>	<u>2</u>
<u>Number of Days Exceeding Health Advisory</u>	<u>≥ 0.15 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Carbon Monoxide (CO)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>3</u>	<u>--</u>	<u>--</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	<u>---</u>	<u>1.8</u>	<u>2.1</u>	<u>2.4</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 20 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal / State 8-Hour Standard</u>	<u>> 9.0 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 35 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Nitrogen Dioxide (NO₂)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	<u>---</u>	<u>0.0825</u>	<u>0.0698</u>	<u>0.0675</u>
<u>Annual Arithmetic Mean Concentration (ppm)</u>	<u>---</u>	<u>0.0201</u>	<u>0.0177</u>	<u>0.0180</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.18 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Inhalable Particulates (PM₁₀)^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	<u>---</u>	<u>43</u>	<u>53</u>	<u>48</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	<u>---</u>	<u>22.4</u>	<u>24.8</u>	<u>22.4</u>
<u>Number of Samples Exceeding State Standard</u>	<u>> 50 µg/m³</u>	<u>0</u>	<u>2</u>	<u>0</u>
<u>Number of Samples Exceeding Federal Standard</u>	<u>> 150 µg/m³</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Fine Particulates (PM_{2.5})^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	<u>---</u>	<u>31.7</u>	<u>39.2</u>	<u>50.1</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	<u>---</u>	<u>10.2</u>	<u>11</u>	<u>10.81</u>
<u>Number of Samples Exceeding Federal 24-Hour Standard</u>	<u>> 35 µg/m³</u>	<u>40</u>	<u>2</u>	<u>4</u>

^a North Orange County (SRA 16) monitoring station data used unless otherwise noted.^b Central Orange County (SRA 17) monitoring station data.Source: South Coast AQMD (www.aqmd.gov)

7. Page 4.2-24. Modify the 1st paragraph with the following changes: (Continued)

for emissions of PM_{2.5}. Because the PM_{2.5} emissions exceed the LST for that pollutant, a potentially significant impact would occur. Mitigation Measures 4.2.-1 and 4.2-2 are prescribed to reduce PM_{2.5} emissions impacts to a less than significant level.

^{5b} California Office of Planning and Research Memorandum Re: Addressing Naturally Occurring Asbestos in CEQA Documents. August 1, 2007.

8. Page 4.2-25. Revise Mitigation Measure 4.2-1 with the following changes:

Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 ~~all~~ disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid morning, afternoon, and after work is done for the day. and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

- (i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

- (i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or
- (ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from

the origin of such emissions, and there is visible evidence of wind driven fugitive dust.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day, or more frequently as needed to control track out.
- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- Plant ground cover in planned areas as quickly as possible after grading.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

SECTION 4.3, BIOLOGICAL RESOURCES

1. Page 4.3-6. Modify 1st paragraph with the following changes:

The Chino Hills State Park is located to the north and east of the project study area and occupies 12,452 acres. The Chino Hills State Park is a broad swath of open space that provides the same variety of habitat and wildlife found on the project study area but in less disturbed conditions due to ~~the effect of the 2008 Freeway Complex fire that affected the property and the protected nature of the park.~~ The 2008 Freeway Complex Fire burned across the entire Cielo Vista site and 95% of the Park.

2. Page 4.3-20. Modify the 4th sentence in the 1st paragraph with the following changes. This correction is also applicable to the last sentence in the 1st full paragraph on page 22 of the Biological Resources Assessment (BRA); and the 3rd paragraph on page 1, the last sentence of the 1st paragraph on page 20, and the 1st sentence of the last paragraph on page 26 of the Investigation of Jurisdictional Waters and Wetlands (aka Jurisdictional Delineation) included in Appendix C of the Draft EIR.⁸

There is approximately ~~6,836~~ 6,979 linear feet of streambed and ~~0.87~~ 0.88 acres of USACE/RWQCB jurisdiction ("waters of the U.S.") and ~~2.07~~ 2.16 acres of CDFW jurisdiction.

⁸ *The nominal increase in linear feet and acreage of the jurisdictional features is due to the extension of Drainage B near the southern project site boundary as shown in the revised Figure 4.3-4. This nominal increase is a minor technical clarification to the Draft EIR analysis. This increase does not represent a substantial increase in the severity of impacts evaluated in the Draft EIR, does not result in new significant impact, and does not change the mitigation measures prescribed in the Draft EIR. According, this does not constitute "significant new information" added to the EIR.*

3. **Page 4.3-20. Modify Table 4.3-2 with the following changes. This correction also applies to Table 2 on page 25 of the BRA and Table 3 on page 20 of the Jurisdictional Delineation included in Appendix C of the Draft EIR.**

Table 4.3-2

Jurisdictional Features

Drainage Name	Length (feet)	USACE Jurisdiction (acres) ^{a,b}	CDFW Jurisdiction (acres) ^{a,b}	Flow Classification
Drainage A	1,827	0.31 (0.14)	0.89 (0.14)	Intermittent
Drainage A1	640	0.00 (0.15)	0.18 (0.15)	Perennial
Drainage A1.1	444	0.01	0.03	Ephemeral
Drainage A2	469	0.04	0.10	Ephemeral
Drainage A3	978	0.07	0.18	Ephemeral
Drainage B ^c	923 <u>1,066</u>	0.11 <u>0.12</u>	0.29 <u>0.38</u>	Ephemeral
Drainage B1	1,160	0.03	0.08	Ephemeral
Drainage B2	395	0.01	0.03	Ephemeral
Total	6,836 <u>6,979</u>	0.58 <u>0.59</u> (0.29)	1.78 <u>1.87</u> (0.29)	
Grand Total	6,836 <u>6,979</u>	0.87 <u>0.88</u>	2.07 <u>2.16</u>	

^a Jurisdictional acreages often overlap and are therefore not additive (e.g., USACE acreages are included in the total CDFW jurisdictional acreages).

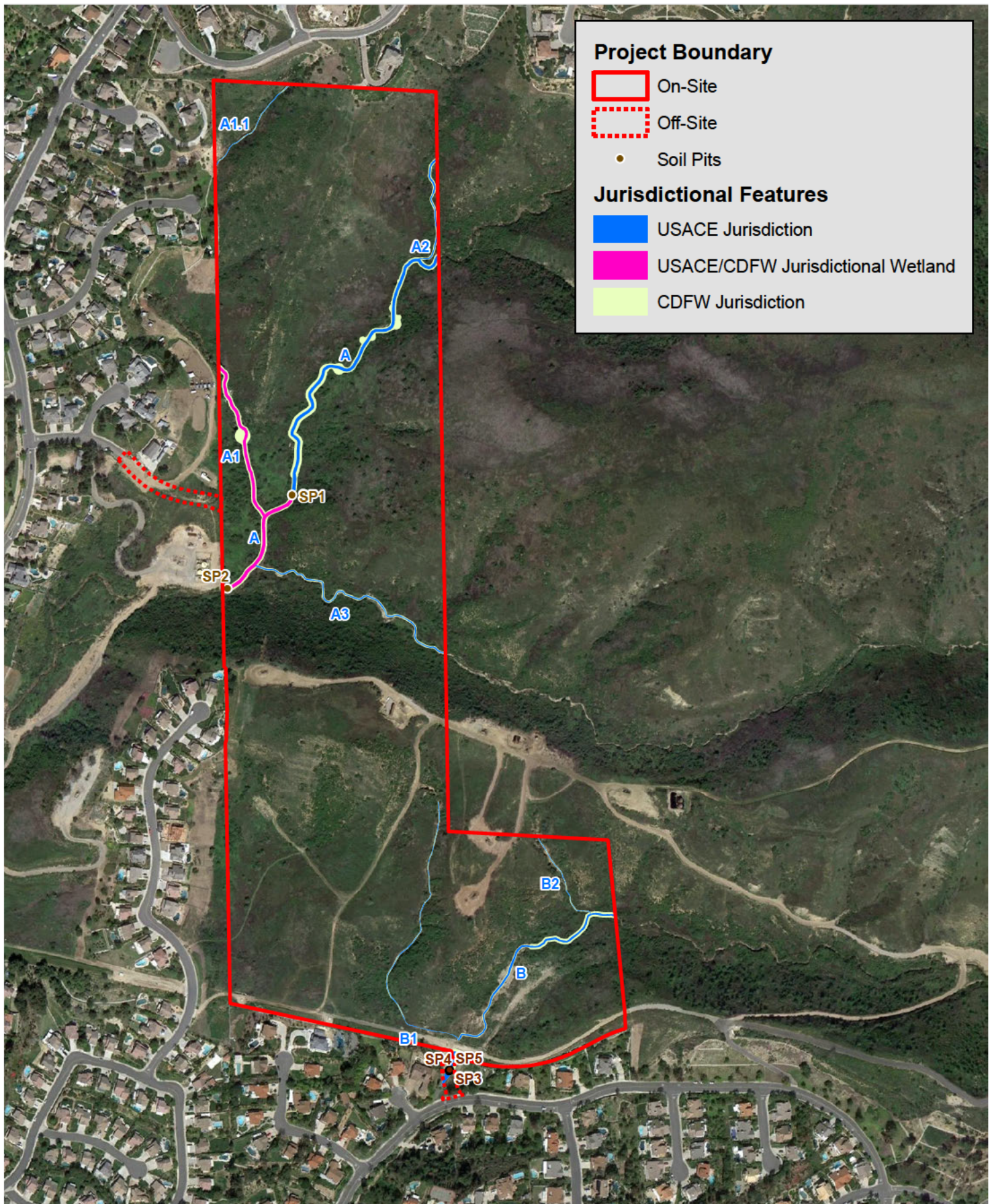
^b Acreages in parentheses indicate wetlands.

^c Additional acreages are based on a delineation performed by Ezekiel Cooley on 10-07-15 to address projection issues with the project boundary.

Source: PCR Services Corporation, 2013, 2015.

4. **Page 4.3-22. Revise Figure 4.3-4 to correctly illustrate Drainage B near southern project site boundary. This correction also applies to Figure 7 on page 24 of the BRA and Figure 5 on page 21 of the Jurisdictional Delineation included in Appendix C of the Draft EIR.**

See revised Figure 4.3-4 on following page.



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5. **Page 4.3-23. Modify the 2nd sentence of the 1st full paragraph with the following changes. This correction is also applicable to the 2nd sentence in the 3rd full paragraph on page 22 of the BRA included in Appendix C of the Draft EIR.**

The drainage feature enters the site along the eastern project boundary approximately 350 feet north of the southeast corner of the property and extends for approximately ~~923~~ 1,066 linear feet in a southwest trending orientation.

6. **Page 4.3-31. Modify the third sentence of the second paragraph with the following changes:**

This statute imposes the obligation on federal agencies to ensure that their actions (such as issuing federal CWA permits for this Project) are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its designated critical habitat. This obligation is enforced through the procedural requirement that agencies, such as the USACE, initiate consultation with USFWS on any actions that may affect a threatened or endangered species. During the FESA Section 7 consultation ~~anticipated that will be required~~ for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species-specific Biological Assessment), prepare its opinion with respect to whether the Project is likely to jeopardize the continued existence of the species (i.e., the USFWS would issue a Biological Opinion), and recommend mitigation/conservation measures where appropriate. The mitigation ~~is anticipated to~~ would be similar to Mitigation Measure 4.3-1, prescribed below. Implementation of Mitigation Measure 4.3-1 would reduce the Project's potentially significant impacts on the least Bell's vireo to a less than significant level. With the potential loss of 1.64 acres of least Bell's vireo habitat as a result of Project implementation, this mitigation measure requires habitat replacement or enhancement at up to twice the acreage lost in order to support the survival of this endangered species under the federal and state endangered species acts.

7. **Page 4.3-36. Modify the 1st paragraph under Impact Statement 4.3-3 with the following changes. This correction is also applicable to the 1st full paragraph on page 49 and the 1st sentence of the 4th full paragraph on page 59 of the BRA included in Appendix C of the Draft EIR.**

The Project would result in impacts to ~~0.42~~ 0.43 acre of USACE/RWQCB "waters of the U.S.", ~~1.38~~ 1.47 acres of CDFW jurisdictional streambed and associated riparian habitat, and 0.24 acre of USACE/RWQCB and CDFW jurisdictional wetland areas (refer to **Table 4.3-4, Impacts on Jurisdictional Features**, and **Figure 4.3-8, Impacts on Jurisdictional Features**). Impacts to jurisdictional waters are considered potentially significant.

8. **Page 4.3-36. Modify the last sentence on page 4.3-36 with the following changes. This correction is also applicable to the 1st full paragraph on page 49 of the BRA included in Appendix C of the Draft EIR**

With implementation of this mitigation measure, the loss of ~~0.66~~ 0.67 acres of jurisdictional streambed and associated riparian habitat under federal law and ~~1.62~~ 1.71 acres of jurisdictional streambed and associated riparian habitat under state law would be replaced off-site at up to twice the acreage lost as a result of Project grading and construction.

9. **Page 4.3-38. Revise Figure 4.3-8 to correctly illustrate Drainage B near southern project site boundary:**

See revised Figure 4.3-8 on page 3-107.

10. **Page 4.3-39. Modify Table 4.3-4 with the following changes. This correction also applies to Table 4 on page 49 of the BRA included in Appendix C of the Draft EIR**

Table 4.3-4

Impacts on Jurisdictional Features

Drainage Name	Length (feet)	USACE Jurisdiction (acres) ^{a,b}	CDFW Jurisdiction (acres) ^{a,b}	Flow Classification
Drainage A	1,409	0.25 (0.10)	0.74 (0.10)	Intermittent
Drainage A1	640	0.00(0.14)	0.18 (0.14)	Perennial
Drainage A1.1	0	0.00	0.00	Ephemeral
Drainage A2	0	0.00	0.00	Ephemeral
Drainage A3	316	0.02	0.06	Ephemeral
Drainage B ^c	923 <u>1,066</u>	0.11 <u>0.12</u>	0.29 <u>0.38</u>	Ephemeral
Drainage B1	1,160	0.03	0.08	Ephemeral
Drainage B2	395	0.01	0.03	Ephemeral
Total	4,842 <u>4,985</u>	0.42 <u>0.43</u> (0.24)	1.38 <u>1.47</u> (0.24)	
Grand Total	4,842 <u>4,985</u>	0.66 <u>0.67</u>	1.62 <u>1.71</u>	

^a Jurisdictional acreages often overlap and are therefore not additive (e.g., USACE acreages are included in the total CDFW jurisdictional acreages).

^b Acreages in parentheses indicate wetlands.

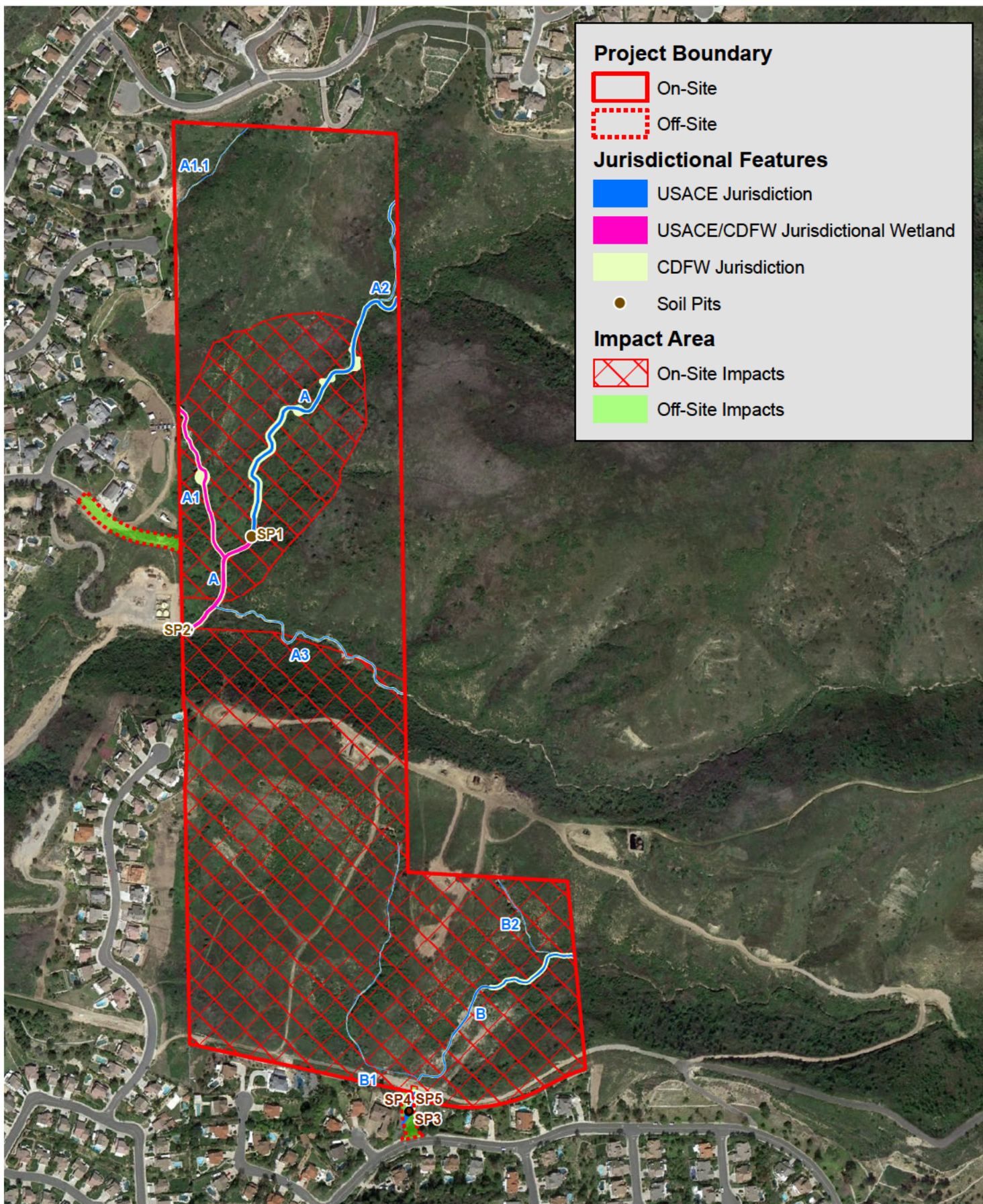
^c Additional acreages are based on a delineation performed by Ezekiel Cooley on 10-07-15 to address projection issues with the project boundary.

Source: PCR Services Corporation, 2013, 2015.

11. **Page 4.3-40. Modify Mitigation Measure 4.3-3 with the following changes:**

Mitigation Measure 4.3-3 Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Planning Development Services that the following requirements have been included in the Project construction plan:

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined



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appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.

3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding 60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.

12. Page 4.3-43. Modify the third paragraph with the following changes:

Eighteen related projects have been identified within the cumulative impacts study area and are listed in Section 3.0 of this EIR. Seventeen of the 18 related projects are proposed within currently developed suburban areas. ~~Related Project No. 1~~ The Esperanza Hills Project is the only related project that would result in development along the wildland urban interface and is proposed to be located immediately to the east of the Cielo Vista Project. Combined, the Cielo Vista Project and ~~Related Project No. 1~~ Esperanza Hills Project comprise the total cumulative impacts as discussed below.

SECTION 4.4, CULTURAL RESOURCES

1. Page 4.4-11. Modify Mitigation Measure 4.4-1 with the following changes:

Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC ~~Planning~~ Development Services, that the Applicant has retained a qualified archaeological monitor to conduct ~~spot-check~~ daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The ~~spot-check~~ observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

2. Page 4.4-11. Modify Mitigation Measure 4.4-2 with the following changes:

Mitigation Measure 4.4-2 In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to

develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.

3. Page 4.4-12. Modify Mitigation Measure 4.4-4 with the following changes:

Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

4. Page 4.4-13. Modify Mitigation Measure 4.4-5 with the following changes:

Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

SECTION 4.5, GEOLOGY AND SOILS

1. Page 4.5-7. Modify Figure 4.5-1. Figure shows approximate Whittier Fault location.

Please see figure on page 3-113.

2. Pages 4.5-17. Modify Mitigation Measure 4.5-1 with the following changes:

Mitigation Measure 4.5-1 Prior to the issuance of precise grading permits unless noted as otherwise below or as otherwise agreed to by County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist ~~and geotechnical engineer~~ to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's ~~registered geotechnical engineer or third party registered engineer~~ engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) ~~Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure~~

2. Pages 4.5-17. Modify Mitigation Measure 4.5-1 with the following changes: (Continued)

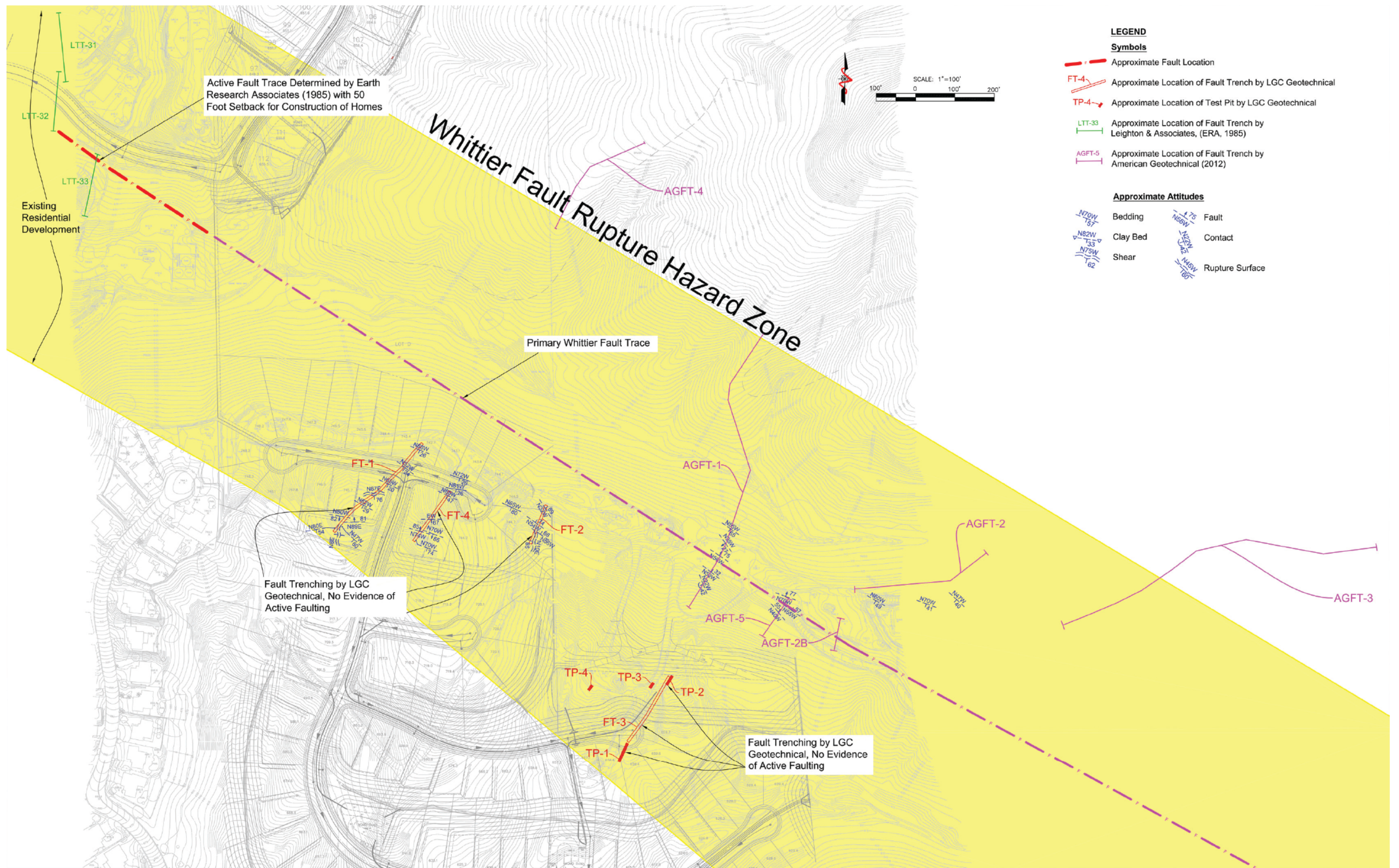
shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.

- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone

would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.

- b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development slopes shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.
- e)d) Conduct representative sampling and laboratory ~~expansion~~-testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable ~~expansive~~ soils that could create geotechnical stability hazards to the Project.
- d)e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered ~~geotechnical engineer~~ engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.



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SECTION 4.6, GREENHOUSE GAS EMISSIONS

1. Page 4.6-22. Modify fourth paragraph with the following changes:

Mobile Source Emissions. GHG emissions would also result from mobile sources associated with the Project. These mobile source emissions will result from the typical daily operation of motor vehicles by visitors, employees, and customers. Project mobile source emissions are dependent on both overall daily vehicle trip generation. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., ~~July 2012~~ February 22, 2013) were utilized in this analysis. This report is included as Appendix ~~K~~ L in this Draft EIR.

2. Page 4.6-26. Add the following text below the 1st paragraph in the discussion of “Consistency with Applicable GHG Plans”:

Further, as discussed previously, SB 375 was enacted to reduce GHG emissions by requiring MPOs to develop an SCS as part of their RTP. As a result, SCAG has included an SCS element to their RTP which encompasses the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Riverside. Each SCS must outline the strategies being undertaken in order to reduce GHG emissions from automobiles and light trucks in the region. SB 375 also allows for subregional council of governments to develop a subregional SCS. The Orange County Council of Governments (OCCOG) has developed a subregional SCS specific to Orange County. The subregional SCS is a collective regional effort to link transportation and land uses, and includes a variety of progressive measures undertaken by Orange County jurisdictions, agencies, and groups that lead to changes in the use of automobiles and light duty trucks, resulting in reductions in GHGs. These strategies and actions are Orange County’s contribution to the region’s efforts to achieve both 2020 and 2035 GHG thresholds established by CARB.³³ Thus, the subregional SCS is a planning level document which includes measures intended to be implemented on a countywide scale, not measures specifically applicable to individual projects.

The OCCOG subregional SCS contains goals (VMT reduction) identical to the regional SCAG SCS. However, goals of the SCS are not project specific. As stated in the OCCOG subregional SCS, “no subregional GHG emissions reduction targets were set by CARB or SCAG. GHG emission reduction targets are only calculated at the regional level.” Therefore, the SCS does not target specific projects, but reductions will be achieved on a regional level.

In order to achieve VMT and GHG reduction goals, the SCS contains several strategies and VMT reduction measures which are regional in nature. Such measures include transportation system efficiency improvements and transit oriented development. As these VMT reduction measures are more regional in nature, the Project would not be able to implement such measures. Therefore, the Project would not conflict with goals of the SCS.

Footnotes:

³³ See Orange County Sustainable Communities Strategy, Executive Summary.

SECTION 4.7, HAZARDS AND HAZARDOUS MATERIALS

1. Page 4.7-10. Add the following to the end of the Regulatory Framework sub-section:

(j) South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) regulates emissions associated with the excavation and remediation of certain contaminated materials through SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. The rule sets standards for the handling of VOC-contaminated soil at or from an excavation or grading site.

2. Page 4.7-11. Modify second paragraph with the following changes:

(1) Hazardous Materials/Records Review

The Phase I and II ESA and the Site Assessment Report assessed the presence or likely presence of historical, existing, or threatened releases of any hazardous substances or petroleum products into structures, soil, and/or groundwater beneath the project site, to the extent practical. These are referred to as recognized environmental conditions (RECs), as defined under the American Society of Testing and Materials (ASTM) ~~E1528-05~~ E1527-00.

3. Page 4.7-17. Modify the 2nd and 3rd sentences in the 3rd paragraph with the following changes:

Based on the size and scope of the Project and the potential for hazards and hazardous materials impacts, the thresholds below are ~~including~~ included for evaluation in this EIR. ~~Please refer~~ Refer to Section 6.0, *Mandatory Findings of Significance*, for a discussion other issues associated with evaluation of hazards and hazardous materials where the characteristics of the Project made it clear that effects would not be significant and further evaluation in this section was not warranted.

4. Page 4.7-19. Modify the 1st sentence following the list of PDFs with the following changes:

~~Please refer~~ Refer to Impact Statement 4.7-5 below for further details of the PDFs related to the Project's proposed fire protection features.

5. Page 4.7-19. Modify PDF 7-13 with the following changes:

PDF 7-13: The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established. (This PDF to be verified prior to issuance of building permits by the Manager, OC ~~Planning~~ Development Services.)

6. Page 4.7-24. Modify Mitigation Measure 4.7-4 with the following changes:

Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a “Construction Site Review” of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. ~~The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.~~

7. Page 4.7-24. Modify Mitigation Measure 4.7-6 with the following changes:

Mitigation Measure 4.7-6 Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA’s Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

8. Page 4.7-33. Modify 3rd paragraph with the following changes:

Fire behavior relative to topography and structures within the project site is an important factor in development of the fire protection system for the Project. The largest flame length impacting the fuel modification zone would be less than 25 feet. While modeling within the Fire Behavior Report indicates that flame lengths of just under 50 feet are possible under perfect conditions, this is unlikely due to predominant winds that drive wildland fires as well as the arrangement of slopes and fuel relative to the structures. The predominant fuels within the project site are grasses, grass/scrub mixtures, and chaparral. The only locations which have areas of moderate to heavy fuels are on the northern slopes of the steeper canyon. Some of these areas would be adjacent to the project site, but none are below or immediately aligned with the wind and topography as to create a condition where slope, wind, and fuel are in full alignment. All of the fuels within the project area’s fuel modification zones as shown on Figure 4.7-2(a-b) would be removed and replaced with plants from the approved palette. Flanking fire of six to eight feet maximum is expected at the property line of the lots within the development or at the base of the fuel modification zones or block walls/radiant heat walls. By compliance with the applicable regulatory requirements cited above and implementation of the prescribed mitigation measures, in all areas, the minimum requirement of providing a 2:1 safety ratio (2 flame heights/lengths in distance from the fuel modification zone) for a “safety zone” needed for protecting the structures would be achieved and in most...

SECTION 4.8, HYDROLOGY AND WATER QUALITY

The revisions included below to Chapter 4.8, *Hydrology and Water Quality*, of the Draft EIR are consistent with the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (WQMP) (both included in Appendix D of this Final EIR). The reports have been updated based on public comments on the Draft EIR and per consultation with County of Orange Public Works Staff. The revised hydrology analysis meets the County's requirements in regards to modeling the required storm events per the Orange County Hydrology Manual and current County Technical Guidance Document requirements. The revisions made per the updated reports do not consist of "significant new information" added to the Draft EIR. As such, recirculation of the Draft EIR is not required by CEQA Guidelines Section 15088.5.

Per the analysis within the revised reports, the Project's hydrology and water quality impacts remain "less than significant" as concluded in the Draft EIR. As shown in the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan, the Project's post development runoff volume would not significantly exceed the pre-development condition and the proposed drainage facilities would allow downstream drainage courses to be consistent with existing conditions. Also, compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure that operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff. Thus, the Project's "less than significant" hydrology and water quality impacts would not be substantially increased, no new significant environmental impact would occur, and no new mitigation measures are proposed.

1. Page 4.8-1. Modify the 1st sentence in the last paragraph with the following changes:

- ~~CEQA Drainage Study for Cielo Vista (herein referred to as the "Drainage Study"), prepared by Tory R. Walker Engineering, Inc., August 9, 2013;~~
- ~~Hydrology Study (Onsite) for Cielo Vista Subdivision, prepared by Charles Hartman & Associates, March 28, 2013;~~
- ~~Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA (herein referred to as the "Technical Drainage Memorandum"), prepared by Tory R. Walker Engineering, Inc. April 9, 2013; and~~
- ~~County of Orange/Santa Ana Region Priority Project Conceptual WQMP: Cielo Vista Tentative Tract 17341, prepared by Charles Hartman & Associates July 10, 2013.~~
- Conceptual Drainage Study - Cielo Vista Tract 17341 (the "Drainage Study"), prepared by Fuscoe Engineering Inc. October 2015; and
- Conceptual Water Quality Management Plan – Cielo Vista (the "WQMP"), prepared by Fuscoe Engineering Inc. October 2015.

All report documents listed above are included in Appendix ~~H~~D of this ~~Final~~EIR.

2. Page 4.8-7. Modify the 2nd full sentence in the 1st paragraph with the following changes:

Thus, the Project must implement on-site or regional hydromodification controls such that post development runoff volume for the two year frequency storm does not exceed that of the pre-development condition by more than five percent, and time of concentration of post development runoff for the two year storm event is not less than that for the pre-development condition by more than five percent, or as otherwise allowed per County requirements.

3. Page 4.8-9 and 4.8-10. Modify the 3rd to 5th paragraphs on page 4.8-9 and Tables 4.8-1 and 4.8-2 on page 10 with the following changes:

There are no known onsite drainage facilities that discharge storm flows onto the project site or convey storm flows through the project site. All storm flows are currently conveyed through the site via natural v-shaped surface drainages. Natural runoff from the undeveloped site area flows in a westerly direction towards two three receiving storm drain systems located at Stonehaven Drive to the south (referred to as the “Southern Boundary”) and San Antonio Road to the west of the project site (referred to as the “Western Boundary”). These are the two points of outlet within the project site. downstream of the project site at the following locations:

1. An 8-foot wide by 7-foot high Reinforced Concrete Box (RCB), located at Stonehaven Drive to the south (also referred to as the “Southern Boundary”).
2. A 36-inch Reinforced Concrete Pipe (RCP), located just east of Dorinda Road, north of Felipa Road (also referred to as the “Southwest Outlet”).
3. Esperanza Channel, located between San Antonio Road and Via Corona to the west of the project site (also referred to as the “Western Boundary”).

The North Site drains to the Western Boundary, while the South Site drains to the Southern Boundary and Dorinda Road/Southwest Outlet.

The project site is downstream of four significant offsite natural tributary areas (Creeks A, B, C, and D) that drain via overland flow through natural flow paths, which are ultimately intercepted by the aforementioned drainage systems.³ The four tributary areas (Creeks A, B, C, and D) that pass through the project site are illustrated in **Figure 4.8-1, Hydrology Map.**

Runoff from the North Site, inclusive of three large offsite ~~tributaries~~ tributary areas (Creeks B, C and D⁴), converge onsite prior to discharging at the ~~wWestern project bBoundary.~~ These combined flows (identified as Creek F) continue to drain via overland flow where they are intercepted by the drainage Esperanza eChannel located adjacent to San Antonio Road at the Western Boundary.⁵

Footnotes

- ³ The drainage (or “creek”) names (i.e., A, B, C, D) in this section are based on the Conceptual WQMP and Drainage Study prepared for the Project. The drainage names differ from those described in Section 4.3, Biological Resources, which are based on a separate report:

Investigation of Jurisdictional Waters and Wetlands, Cielo Vista Project Site, Orange County, California, prepared by PCR in July 2012.

- ⁴ With respect to Creek D, a major tributary runoff from the northwest emanates from the existing residential Tract 9813 and is conveyed towards the Cielo Vista project site via an 84-inch RCP which then joins Creek D.
- ⁵ Creek F is identified for purposes of delineating the watercourse below the confluence of Creeks B, C and D and for the Drainage Study and Conceptual WQMP. The watercourse was thoroughly and appropriately analyzed with respect to other potential impacts, including Biological Resources, throughout the Final EIR.

~~With regards to Runoff from the South Site, Wire Springs Canyon (Creek A), inclusive of Creek A and a large offsite natural tributary area located partially on-site and to the west of the project site (Creek E), drains to the receiving sSouthern portion Boundary and Southwest Outlet facilities, respectively. of the project site, discharging to the receiving box culvert (8 feet by 7 feet) storm drain located within Stonehaven Drive.~~

~~Both tThe Stonehaven Drive (8'x7' RCB), Tract 9813 and San Antonio Dorinda Road (36" RCP) facilities are owned and maintained by the OCFCD City of Yorba, whereas the inlet at Esperanza Channel is owned and maintained by OCFCD. and Each facility outlets to the Santa Ana River, approximately two miles south of the project site. These downstream storm drain facilities currently have adequate capacity to accommodate existing storm flows. Table 4.8-1, Existing Conditions (North Site): 25-Year and 100-Year Peak Flows³ —Western Boundary and Table 4.8-2, Existing Conditions (South Site): 2 Year and 100 Year Peak Flows —Southern Boundary, summarizes the 25- and 100-year peak flows under existing conditions at from the upstream storm drain (Tract 9813) and at each boundary downstream receiving storm drain locations. Figure 4.8-1 illustrates the locations of the western and southern project site boundaries.~~

Footnotes

- ³ ~~CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., March 27, 2013.~~

Table 4.8-1**Existing Conditions (North Site): 2-Year and 100-Year Peak Flows — Western Boundary**

Discharge Location	Drainage Area (Ac)	2-Year Peak Flow (cfs)	100-Year Peak Flow (cfs)
Creek B	224	131.0	459.2
Creek C	717	327.9	1,235.3
Creek D	473	275.6	968.1
Total:			
Confluence of Creeks B, C, & D	1,414^a	647.0^b	2,425.9^b

Ac = acres; cfs = cubic feet per second.

^a In order to provide the peak flow at the confluence of Creeks B, C, and D at the Western Boundary, a single design storm was created for use in all three creeks by using correction factors based on the total area of the Creeks B, C, and D.

^b Peak flow for the confluence of Creeks B, C, & D is not equal to the sum of the individual peak flows for each creek as the peak flow in the hydrograph of Creek C occurs five minutes after the peak flows in Creeks B and D. Consequently, the peak discharge at the confluence is approximately 90 cfs and 200 cfs lower than the total sum of the partial peak flows for the 2-year peak flow and 100-year peak flow, respectively.

Source: CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., August 9, 2013; and Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA, prepared by Tory R. Walker Engineering, Inc. April 9, 2013.

Table 4.8-1**Existing Conditions: 25-Year and 100-Year Peak Flows**

Description	Type	Size	Ownership	25-Year Flowrate (cfs)	100-Year Flowrate (cfs)
<u>Upstream</u>					
<u>Tract 9813</u>	<u>Circular Pipe</u>	<u>84"</u>	<u>City of Yorba Linda</u>	<u>1,160^a</u>	<u>1,580^a</u>
<u>Downstream</u>					
<u>Esperanza Channel</u>	<u>Open Channel</u>	<u>13'x11'</u>	<u>OCFCD</u>	<u>2,593.6</u>	<u>3,470.2</u>
<u>Storm Drain at Dorinda Rd.</u>	<u>Circular Pipe</u>	<u>36" RCP</u>	<u>City of Yorba Linda</u>	<u>39.4</u>	<u>52.3</u>
<u>RCB at Stonehaven Drive</u>	<u>RCB</u>	<u>8'x7'</u>	<u>City of Yorba Linda</u>	<u>890.4</u>	<u>1,195.5</u>

^a Flow rates are based upon the Preliminary Drainage Report for the Esperanza Hills Project, dated June 20, 2013.

cfs = cubic feet per second

Source: Conceptual Drainage Study - Cielo Vista Tract 17341, prepared by Fuscoe Engineering Inc. October 2015.

Table 4.8-2

Existing Conditions (South Site): 2-Year and 100-Year Peak Flows—Southern Boundary

Discharge Location	Drainage Area (Ac)	2-Year Peak Flow (cfs)	100-Year Peak Flow (cfs)
Creek A	674 ^a	296.6 ¹	1,125.3

Ac = acres; cfs = cubic feet per second.

^a—A separate design storm was created for Creek A as no confluence analysis was required for this creek at the Southern Boundary.

Source: CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., August 9, 2013; and Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA, prepared by Tory R. Walker Engineering, Inc. April 9, 2013.

4. Page 4.8-13. Modify the 1st sentence in the 5th paragraph with the following changes:

The ~~Lower~~ Santa Ana River Reach 2 is on the 2012 303(d) list of impaired waters for indicated bacteria impairment (pathogens). ~~(fecal coliform bacteria).~~

5. Page 4.8-14. Modify the 1st paragraph with the following changes:

a. Methodology

The evaluation of hydrology and water quality impacts considers applicable regulatory requirements that would apply to the Project during construction and operation. The assessment of impacts follows guidelines set forth in the Orange County Hydrology Manual and the Orange County Local Drainage Manual – January 1996. The Orange County Hydrology Manual uses a return period of 25-year and 100-year storm event to describe drainage characteristics and design capacity. The 100-year storm event is analyzed to model the off-site tributary flows and hydraulic conveyance through the project site. The 25-year storm is analyzed for the proposed condition street capacities and hydraulic conveyance of the onsite storm drain facilities. The analysis below compares the existing conditions to the proposed conditions with and without the Project’s proposed storm drain facilities, where necessary. Per the County of Orange drainage criteria, the Unit Hydrograph method [per Section B.4 of the Orange County Hydrology Manual (OCHM)] was utilized in the Drainage Study and Technical Drainage Memorandum to analyze 2- and 100-year peak flow rates from the project site in existing and proposed developed conditions to the two points of outlet from the project site.^{7,8} The results of these studies comparisons are included within the analysis to determine the Project’s consistency with the current Orange County hydromodification drainage requirements. Civil Design’s Rational Hydrology Program and Unit Hydrograph Analysis was used to determine all runoff tributary to Planning Area 1. For Planning Area 2 upstream tributary runoff was sourced from the approved “Preliminary Drainage Reports for Esperanza Hills Property, Option 2” prepared by KWC Engineers, dated May 2013.

Also, in accordance with County requirements, a Conceptual WQMP was prepared for the Project which provides the basis for determining the Project’s consistency with current applicable hydrology and water quality regulatory requirements. Further, the WQMP identifies project design features (i.e., BMPs) to minimize pollutants from site runoff, as well as drainage facilities, which demonstrate the Project’s ability to minimize potential impacts related to hydrology and water quality. In addition, the WQMP evaluates the 2-year (24-hour) storm event to determine if the Project would be

susceptible to hydromodification impacts, which would be considered a “hydrologic condition of concern” per the Countywide Model WQMP Technical Guidance Document (TGD) (May 2011). Considering the Project characteristics and the existing conditions, hydrology and water quality impacts are evaluated in response to the Thresholds of Significance identified below, and a mitigation measure was prescribed, where applicable. All report documents referenced above are included in Appendix ~~HD~~ of this Final EIR.

Footnotes

~~7 — A hydrograph is a graph of the water level or rate of flow of a body of water as a function of time, showing the seasonal change.~~

~~8 — The unit hydrograph method is used for watersheds larger than 640 acres to estimate peak discharges and volumes of stormwater runoff. This method produces a graph of discharge vs. time for the entire length of a storm.~~

6. Page 4.8-17. Modify the 2nd sentence in the 1st paragraph with the following changes:

The WQMP included in Appendix ~~HD~~ of this Final EIR is a conceptual plan intended to provide necessary information adequate for CEQA purposes.

7. Pages 4.8-17 and 4.818. Modify the list of Infiltration, Biotreatment, Hydromodification and Treatment Control BMPs with the following changes. Page 4.8-17 also references Figure 4.8-2, *Project Drainage-BMP Plan*. Figure 4.8-2 is shown page 4.8-19 of the Draft EIR. Figure 4.8-2 has been updated to show the Project’s current proposed BMPs. See Figure 4.8-2 (a-b) on the following pages.

Infiltration BMPs

BMP-~~INF1~~ Infiltration Basins – The North Site would include an infiltration basin to retain flows and provide water quality treatment. The basin would have a storage capacity of 0.42 acre feet or approximately 18,300 ft³.

~~BMP I2 — Filterra Unit~~ Water quality treatment of runoff on the South Site would include 33 filterra units (or approved equivalent stormwater filters) with planter boxes 4 feet by 8 feet within the street right of way of the subdivision entrance. (This BMP is also listed under Biotreatment BMPs as BMP BT3.)

Biotreatment BMPs

~~BMP BT1 — Dry Extended Detention Basins~~ Dry extended detention basins would be utilized to detain stormwater runoff and remove suspended solids/sediment.

~~BMP BT2 — Contech Stormfilters~~ Water quality treatment of runoff in the South Site would include the use Contech Storm Filters (or approved equivalent).

~~BMP-BT3 Filtterra Unit Water quality treatment of runoff in the South Site would include 33 filtterra units (or approved equivalent stormwater filters) with planter boxes 4 feet by 8 feet within the street right of way of the subdivision entrance.~~

BMP-BIO1 Bioretention with Underdrains - Planning Area 1 would incorporate four designated basins (A, B, C and D) which include bioretention with underdrains for on-site water quality treatment. Bioretention with underdrains are plant-based biotreatment systems that typically consist of a ponding area, mulch layer, planting soils and plants.

BMP-BIO7 Proprietary Vegetated Biotreatment Systems - The Project would implement a series of proprietary biotreatment systems in Planning Area 1 for water quality treatment to treat all pollutants of concern within the site access to a medium to high level of effectiveness. The systems would include the Modular Wetlands Systems developed by Bio Clean Environmental Services, Inc.

Hydromodification BMPs

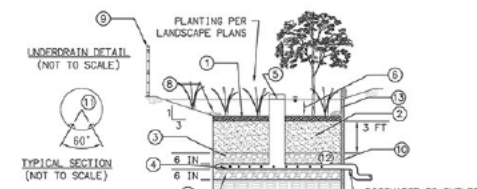
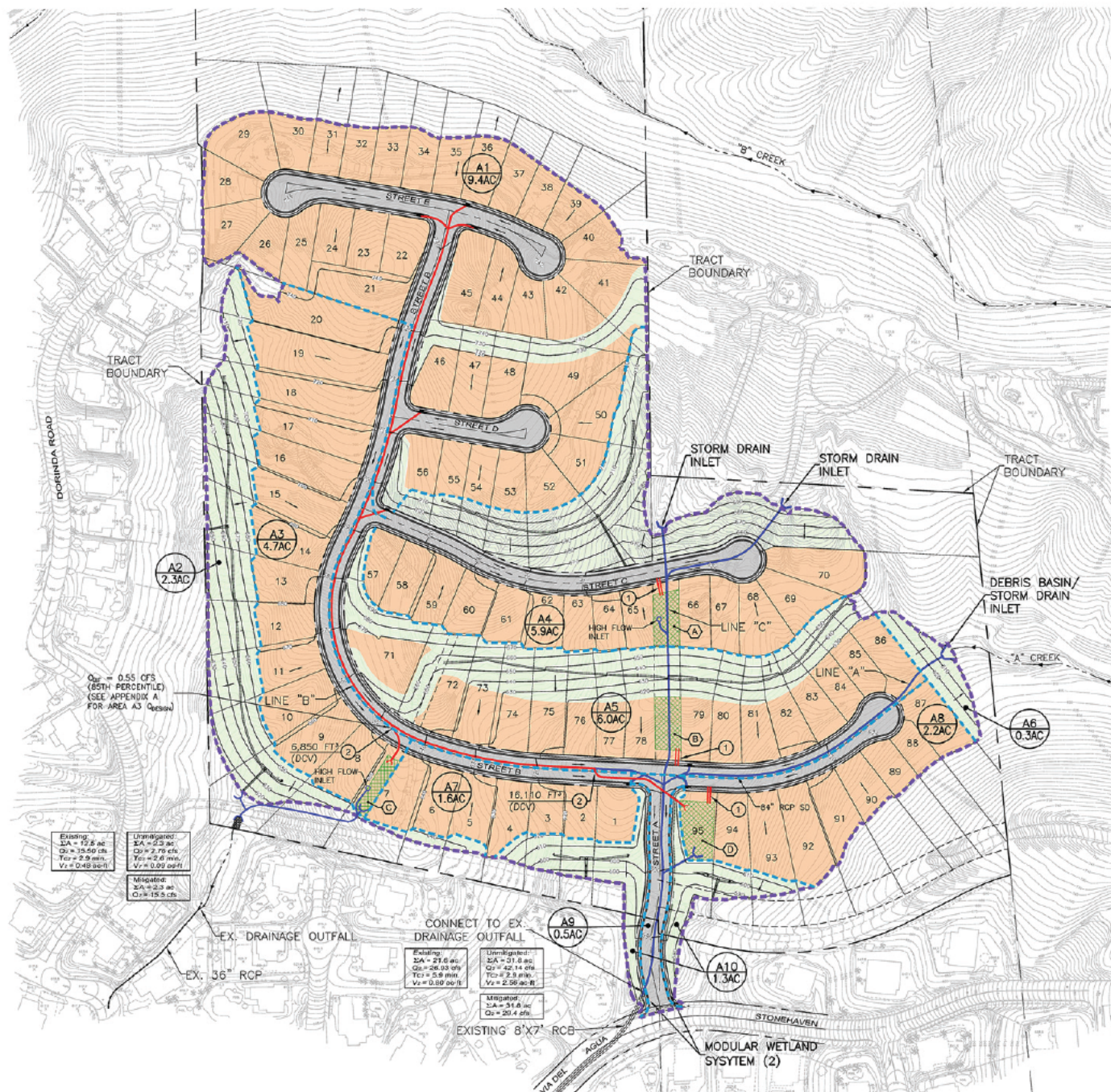
~~BMP-HM1 Above Ground Detention Basins The Project would provide onsite detention to ensure that the post development runoff volume for the two year, 24 hour peak flows do not exceed that of the pre development condition by more than five percent, and the time of concentration of post development runoff for the two year storm event is not less than that for the pre development condition by more than five percent. Details of the proposed detention system would be provided in the final, design level WQMP. The basins would be inspected/maintained at a minimum before October 1st every year and after all major storm events.~~

As described above, BMP-INF1 would provide an infiltration Basin in the North Site (Planning Area 2) to retain flows and provide water quality treatment. The proposed infiltration basin would address both LID and hydromodification performance criteria. The basin would have a total storage of approximately 0.42 acre-ft of which the lower portions would be utilized for bio-filtration and hydromodification with the higher portions provided for detention. For Planning Area 1, BMP-HM1 is proposed to address peak hour runoff conditions.

BMP-HM1 Split Flow/Bifurcation Structure - In Planning Area 1, a split-flow/bifurcation structure would be installed along storm drain Line "B" in "B" Street to bifurcate storm flows to both the 36" RCP at Dorinda Road and the 8'x7' RCB at Stonehaven Drive.

Treatment Control BMPs

~~BMP-TC1 Contech Storm Filter Stormwater would be treated by the actions of a series of cartridges. Under normal conditions all stormwater leaving the Contech Storm Filter (or approved equivalent stormwater filters) would be fully treated. During heavy storm events, excess runoff would be conveyed through the structure untreated through a bypass.~~



- NOTES
- 1" 3" MULCH LAYER SHALL BE ADDED (1-2" ADDED ANNUALLY OR AS NEEDED).
 - 2'-3" ENGINEERED SOIL DEPTH (3' DEPTH IS PREFERRED). SEE MEDIA STORAGE NOTES.
 - UNDERDRAIN SHALL BE SURROUNDED BY 6" OF WASHED AGGREGATE.
 - 6" PVC WITH A 0.5% MINIMUM SLOPE. SEE ALSO NOTE 11 AND 12.
 - OVERFLOW RISER SHALL BE SIZED TO CONVEY LARGE STORM EVENTS PER OC HYDROLOGY MANUAL.
 - PONDING DEPTH SHOULD NOT EXCEED 18".
 - 12" WIDE MINIMUM CURB OPENING.
 - ENERGY DISSIPATOR SHALL BE SIZED BY ENGINEER.

BIORETENTION WITH UNDERDRAIN SECTION

BMP SUMMARY TABLE (SOUTH SIDE)

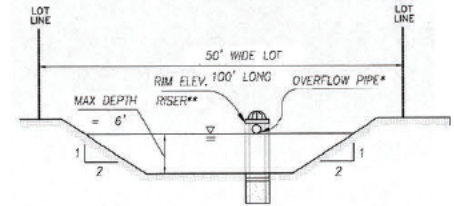
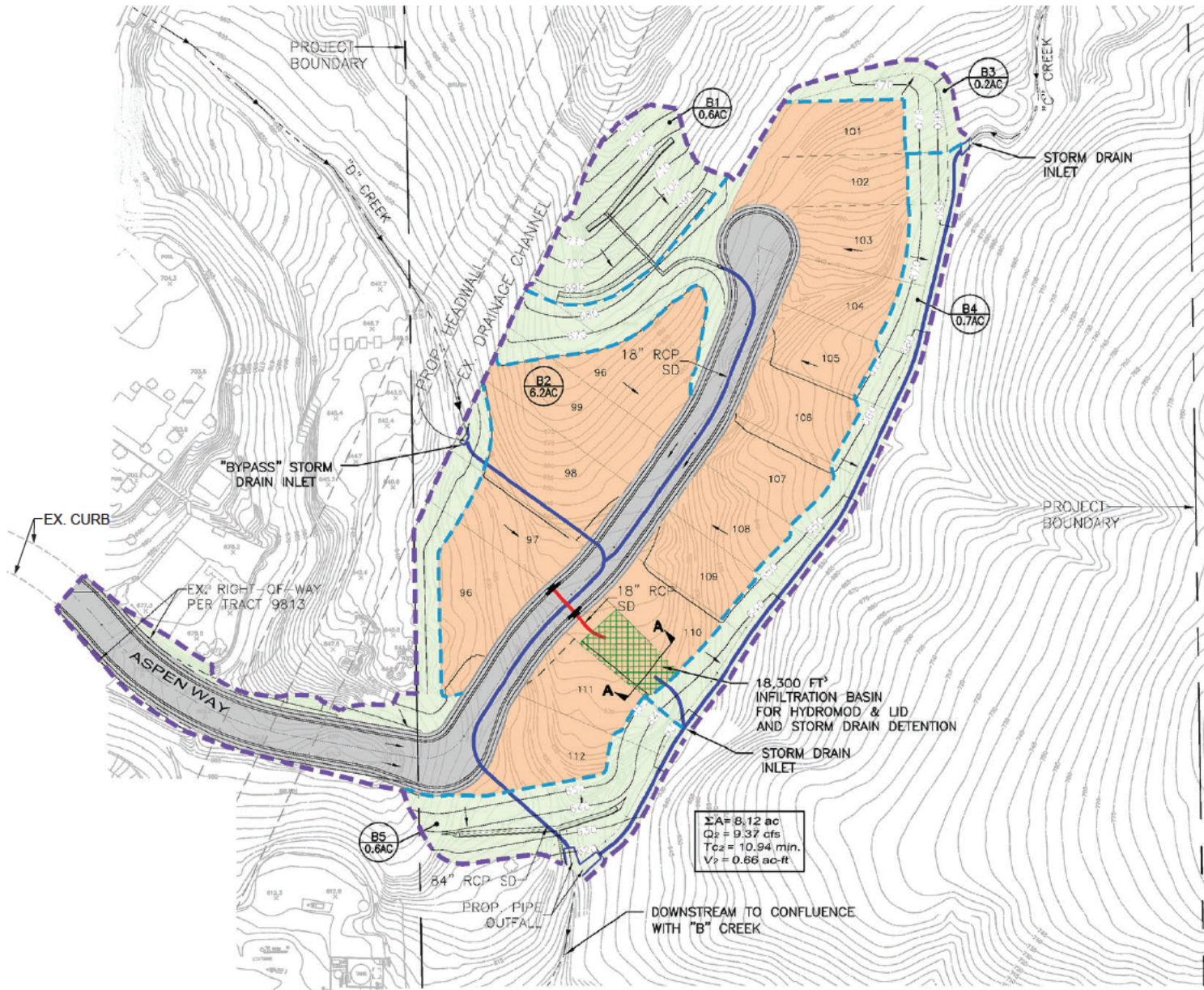
SUBAREA	AREA (ACRES)	DCV (FT ³)	BMP PROPOSED
A1	9.4	13,740	BIORETENTION-BASIN D
A2	2.3		N/A-OFFSITE SLOPE
A3	4.7	6,850	BIORETENTION-BASIN C
A4	5.9	7,420	BIORETENTION-BASIN A
A5	6.0	9,760	BIORETENTION-BASIN B
A6	0.3		N/A-OFFSITE SLOPE
A7	1.6	2,370	BIORETENTION-BASIN D
A8	2.2	3,220	BIORETENTION-BASIN D
A9	0.5	1,870	MODULAR WETLANDS
A10	1.3		N/A-OFFSITE SLOPE

LEGEND

- STREETS
- INDIVIDUAL LOT LANDSCAPE/HARDSCAPE
- H.O.A. MAINTAINED LANDSCAPING
- BIORETENTION WITH UNDERDRAIN
- OVERALL DRAINAGE BOUNDARY
- SUB AREA DRAINAGE AREA PER BMP CALCULATIONS
- DRAINAGE FLOWLINE
- DIRECTION OF FLOW
- PROPOSED CATCH BASIN
- UNTREATED STORMWATER
- TREATED / CLEAN STORMWATER
- BIORETENTION BASIN I.D.
- SUB AREAS WITH ACRES

NOTES

- 1 Untreated runoff directed via parkway culvert to basin for bioretention. (Areas A4, A5, A8)
- 2 Bifurcate untreated runoff for bioretention. Equivalent DCV diversion flow indicated on plan. (Areas A1, A3, A7)



SECTION A-A RETENTION BASIN

* THE OVER-FLOW PIPE/RISER WILL CONNECT TO PERIMETER STORM SYSTEM AND WILL BE DESIGNED AND SIZED SUCH THAT IT IS ONLY ACTIVATED IN THE EVENT THE PERMEABLE BOTTOM OF THE RETENTION BASIN IS UNABLE TO ADEQUATELY DRAWDOWN WITHIN 48-HOURS.

* THE LOW-FLOW PIPE WILL CONNECT TO THE PERIMETER STORM SYSTEM AND WILL BE DESIGNED AND SIZED SUCH THAT.

BMP SUMMARY TABLE (NORTH SITE)

SUBAREA	AREA (ACRES)	DCV (FT³)	BMP PROPOSED
B1	0.6	340	LANDSCAPED/GRADED SLOPE
B2	6.2	9,110	INFILTRATION BASIN
B3	0.2	130	OFFSITE SLOPE
B4	0.7	450	OFFSITE SLOPE
B5	0.6	350	OFFSITE SLOPE

- LEGEND**
- STREETS
 - INDIVIDUAL LOT LANDSCAPE/HARDSCAPE
 - H.O.A. MAINTAINED LANDSCAPING
 - INFILTRATION BASIN
 - OVERALL DRAINAGE BOUNDARY
 - SUB AREA DRAINAGE AREA PER BMP CALCULATIONS
 - DIRECTION OF FLOW
 - DRAINAGE FLOWLINE
 - PROPOSED CATCH BASIN
 - UNTREATED STORMWATER
 - TREATED / CLEAN STORMWATER
 - A1
9.4AC SUB AREAS WITH ACREAGE

~~The filters would be cleaned out as necessary during inspection. Cartridges would be replaced every year, after any chemical spill, or as required by inspection to ensure proper function and drainage. The filters would be inspected at a minimum before October 1st every year and after all major storm events.~~

~~BMP TC2 Filtterra Stormwater would be treated by entering the catch basin and flowing through several unique strata as treatment. The treated stormwater would be collected with a pipe several feet below the entrance flowline. These Filtterra units (or approved equivalent stormwater units) would be installed with an impermeable liner to limit potential percolation and/or seepage into soil layers below.~~

~~BMP TC3 Detention Basin A detention basin would be constructed in the North Site to provide a volume of 10,980 cubic feet in an area 90 feet by 50 feet. The basin would have maximum 3:1 side slopes, would be vegetated, would have an open unlined bottom, and would have storm drains at both ends to accommodate inflows and outflows.~~

8. Page 4.8-21. Add the following BMP to the list of Non-Structural BMPs following BMP-N11:

BMP-N12 Employee Training – All employees of the HOA and any contractors will require training to ensure that employees are aware of maintenance activities that may result in pollutants reaching the storm drain. Training will include, but not be limited to, spill cleanup procedures, proper waste disposal, housekeeping practices, etc.

9. Pages 4.8-21 and 4.8-22. Modify the list of Structural Source Control BMPs and Hydrology Features with the following changes:

Structural Source Control BMPs

BMP-S1 Storm Drain Stenciling –Provide storm drain stenciling and signage. The phrase “NO DUMPING! DRAINS TO OCEAN”, or an equally effective phrase, would be stenciled on all major storm drain inlets within the project site to alert the public to the destination of pollutants discharged into storm water. Stencils would be inspected for legibility on an annual basis and re-stenciled as necessary.

~~BMP S3 Trash and Waste Design and construct trash and waste storage areas to reduce pollution introduction.~~

BMP-S4 Irrigation Systems – Use efficient irrigation systems and landscape design, water conservation, smart controllers and source control.

- BMP-S5 Slopes and Channels – Protect slopes and channels and provide energy dissipation. The Project would also incorporate requirements applicable to individual priority project categories (from SARWQCB NPDES Permit).
- BMP-S12 Hillside Landscaping – There are a number of existing and proposed slopes on the project site. Where practical, established native vegetation would be protected in place on existing slopes. Native, drought-tolerant landscape species would be considered where practical for use on proposed slopes. Individual property owners and the Cielo Vista HOA staff would regularly inspect slopes for visible soil erosion. Bare areas would be revegetated and stabilized until a root system is firmly established. All slopes would be vegetated and stabilized to prevent erosion, in accordance with “Efficient Irrigation and Landscape Design” source control BMP to prevent erosion.

The following PDFs have been identified for the Project pertaining to erosion and sediment control:

- PDF 8 2: ~~Riprap aprons or other types of energy dissipaters would be located at all points of concentrated discharge where flow velocity exceeds five feet per second (ft/s) to mitigate the outlet velocity so as to minimize the potential for downstream erosion. These points of discharge would not be limited to storm drain outlets but would also include brow ditches and other forms of storm water conveyance. Riprap aprons would be designed and sized in conformance with regional sizing criteria found in the “County of Orange Local Drainage Manual”, dated August 2005. Other designs and sizing criteria can be found in the FHWA’s “Hydraulic Engineering Circular Number 14, Third Edition” HEC 14, including a “Riprap Basin” that could be used. Prior to the issuance of any grading or building permit, the riprap aprons would be identified in the Project’s Final Drainage Study to be reviewed and approved by the Manager, Permit Services.~~
- PDF 8 3: ~~Sediment basins would be located upstream of all proposed storm water conveyance systems within the project site. Prior to the issuance of any grading or building permit, the sediment basins would be identified in the Project’s Final Drainage Study to be reviewed and approved by the Manager, Permit Services.~~

(3) Hydrology Features

The following PDFs have been identified for the Project to prevent the occurrence and/or minimize the significance of potential drainage and flooding impacts:

- PDF 8 4: ~~To be determined in consultation with County of Orange Public Works, if determined appropriate, the receiving storm drain within the project site (the headwall intercepts proposed at the end of “B” and “F” Streets) would be downsized by a 6 inch reduction in capacity to reduce the peak flow to existing conditions by throttling down flow, effectively detaining peak flows by the use of a hydraulic reduction. The ponding caused by such hydraulic reduction in capacity would be maintained on the project site, ensuring that no offsite~~

~~property is impacted by attenuating the peak flow.⁹ If this pdf is necessary, prior to the issuance of any grading or building permit, the storm drain sizing would be identified in the Project's Final Drainage Study to be reviewed and approved by the Manager, Permit Services.~~

PDF 8-2: Debris Basin - The Project would include a debris basin at the most easterly cul-de-sac in Planning Area 1 for a drainage tributary (Creek A) of approximately 636 acres, which enters the project site at this location.

PDF 8-53: All developed pad habitable building floor elevations would be constructed at a minimum of 3 feet 1-foot (or greater) above the anticipated peak 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site. (This PDF to be verified prior to issuance of a building permit by the Manager, OC Planning.)

Footnotes

⁹ ~~Appendix 4 of the Drainage Study includes illustrations of potential on-site detention basin locations.~~

10. Page 4.8-24. Modify the 3rd and 4th paragraphs with the following changes:

As detailed in the WQMP and in the discussion of Project Design Features above, the Project would include an on-site stormwater infiltration basin in Planning Area 2 that would function to contain and treat stormwater pollutants prior to leaving the site. The infiltration basin on the North Site would retain and percolate all collected stormwater.

~~Contaminants and sedimentation would be removed from stormwater runoff by bioretention and as such, no pollutants would be carried off the site (refer to BMP I1, BMP BT1 and BMP TC3). Surface water runoff would be contained within infiltration basins (BMP I1) with detained solids to be retained in the basins after water has infiltrated into the soil (BMP BT1 and BMP TC3). Stormwater flows in the South Site would be treated in a Contech® Storm Filter (or approved equivalent) and Filterra Units (or approved equivalent stormwater unit) to remove contaminants and sediments prior to combining with offsite/untreated discharges (refer to BMP BT2, BMP BT3, BMP TC1 and BMP TC2). Before water leaves the project site, it would pass through a series of stormwater filters to remove sediments and contaminants (BMP BT2, BMP BT3, BMP TC1, and BMP TC2).~~

In Planning Area 1 (South Site), the Project would incorporate four designated basins (A, B, C and D) which include bioretention with underdrains for on-site water quality treatment (see BMP-BIO1). See Figure 4.8-2 for locations of the basins. Bioretention with underdrains are plant-based biotreatment systems that typically consist of a ponding area, mulch layer, planting soils and plants. As storm water passes down through the planting soil, pollutants are filtered, adsorbed, biodegraded and sequestered by the soil and plants. Underdrains collect the treated water and return it back into the storm drain system. Bioretention has a medium treatment performance rating for treating bacteria, which is the Project's primary pollutant of concern. Since the main drive access for Planning Area 1 (off of Stonehaven Drive) lies downstream from the proposed bioretention facilities,

the Project would implement a series of proprietary biotreatment systems for water quality treatment to treat all pollutants of concern within the site access to a medium to high level of effectiveness (see BMP-BIO7). The systems would include the Modular Wetlands Systems developed by Bio Clean Environmental Services, Inc. Modular Wetlands by Modular Wetlands Systems, Inc. are proprietary biotreatment systems that utilize multi-stage treatment processes including screening media filtration, settling, and biofiltration. In accordance with the County's Model WQMP TGD, the Modular Wetland Biotreatment and bioretention/biotreatment BMPs would both be sized to treat runoff from the Design Capture Storm (85th percentile, 24-hour). Locations of the bioretention basins and biotreatment systems, as well as the tributary drainage areas, are shown on Figure 4.8-2. Also, as discussed under Impact Statement 4.8-2 below, the Project would a split flow/bifurcation structure in Planning Area 1 (BMP-HM1) to ensure that no significant downstream hydromodification impacts or "hydrologic condition of concern" occur during Project implementation.

In addition, as detailed in the WQMP, the BMPs employed under the Project would also include a host of measures to prevent pollutants from entering stormwater flows in the first place. These include the non-structural and structural source control BMPs listed in the Project Design Features section above (BMPs N1, N2, N3, N4, N11, N12, N14, N15, S1, ~~S3~~, S4, and S5). ~~The PDFs include installation of riprap aprons to minimize the potential for downstream erosion (PDF 8-2), as well as sediment basins to be located upstream of all proposed storm water conveyance systems within the project site (PDF 8-3).~~ The Project requires preparation of a SWPPP and both a conceptual and design level WQMP as per PDF 8-1 to prevent contamination of surface waters during project construction and operation.

11. Pages 4.8-25 to 4.8-28. Modify the impact discussion under Impact Statement 4.8-2 (Drainage Patterns and Stormwater Drainage System) with the following changes:

As detailed in the Drainage Study for the Project, runoff from the developed areas of the project site would be collected in a drainage system within planned local streets and routed through onsite water quality BMPs prior to draining to the existing discharge locations. All developed runoff would be treated in full compliance with regional storm water quality regulations prior to mixing with natural, offsite flows. As discussed in the methodology section above, ~~peak flow determinations were obtained from the Unit Hydrograph Method for Catchment Runoff Hydrographs~~ the assessment of impacts follows guidelines set forth in the Orange County Hydrology Manual and the Orange County Local Drainage Manual – January 1996. Please refer to the Drainage Study in Appendix ~~HD~~ HD of this Final EIR for further details on the this hydrology impact assessment. ~~Unit Hydrograph Method for Catchment Runoff Hydrographs.~~ The drainage system proposed for the Project to accommodate post-development surface flows is described below.

Offsite runoff tributary to the North Site would be intercepted by two proposed storm drain systems. Runoff from the northern tributary area would be intercepted by a proposed headwall located to the north of Aspen Way. The flows would then be conveyed through the project site, draining to the natural existing flow path located within the project site. Flows generated by the natural tributary area to the northeast of the project site would be intercepted by a proposed headwall located at the northern end of the proposed "F" Street. These flows would then be conveyed via storm drain in a southerly direction, converging with flows from the Aspen Way tributary flows. Ultimately, flows

from the North Site would drain downstream approximately one-half mile in a southwesterly direction before entering the County of Orange's Esperanza Channel drainage facility at San Antonio Road.

In the South Site, runoff generated by the Wire Springs Canyon tributary (Creek A) would be intercepted via a proposed headwall located at the eastern end of the proposed "B" Street within the South Site (PDF 8-2). Debris basins capture the sediment, gravel, boulders, and vegetative debris that are washed out of the canyons during storms. The debris basin captures materials and allows the water to flow into the downstream storm drain system, thereby protecting the downstream drainage system. The remaining areas of the project site where offsite storm flows must be intercepted in order to convey peak storm flows safely through the project site do not require debris basins based upon the Army Corps of Engineers LA District Debris methods and requirements (due to the relative small natural tributary areas). These flows from Creek A would be conveyed in a westerly direction via storm drain, ultimately discharging to the existing 8-foot x 7-foot box culvert located within Stonehaven Drive to the south of the project site.⁴⁴ One adjacent localized creek, Creek E also traverses the southwesterly portion of Planning Area 1 and would be filled to create the development area. This would result in roughly 2.2 acres of the proposed developed portions of Planning Area 1, which would drain to the westerly property line, to be conveyed southerly and directed offsite towards the existing 36" RCP at Dorinda Road. To maintain drainage patterns similar to predeveloped conditions, BMP-HM1 requires a split-flow/bifurcation structure to be installed along storm drain Line "B" in "B" Street to bifurcate storm flows to both the 36" RCP at Dorinda Road and the 8'x7' RCB at Stonehaven Drive (see Figure 4.8-2).

As discussed in Chapter 4.3, *Biological Resources*, of the Draft EIR, a jurisdictional delineation of all existing ephemeral and artificially supported perennial flow features was conducted to assess the extent of "waters of the U.S., waters of the State" and/or wetlands under the jurisdiction of the United States Army Corps of Engineers (Corps)/Regional Water Quality Control Board (RWQCB), and/or streambed and associated riparian habitat under the jurisdiction of the California Department of Fish and Wildlife (CDFW). Detailed methodology and results of the jurisdictional delineation are included in *Investigation of Jurisdictional Waters and Wetlands* report prepared for the Project (refer to Appendix C of the Draft EIR). The Creek E flow features within Planning Area 1 do not possess the necessary indicators to be under the jurisdiction on any of the above referenced agencies. Indicators include such things as the "ordinary high water mark," limits of wetlands based on USACE guidelines and publications, and presence of a defined bed and bank and/or streambed associated riparian vegetation.

~~Table 4.8 3, *Developed Conditions (North Site): 2 Year and 100 Year Peak Flows — Western Boundary*, and Table 4.8 4, *Developed Conditions (South Site): 2 Year and 100 Year Peak Flows — Southern Boundary*~~ **Table 4.8-2, *Developed Conditions: 25-Year and 100-Year Peak Flows***, summarize the developed conditions peak flows at the western and southern boundaries drainage facilities of serving the project site, respectively. Figure 4.8-1 illustrates the locations of the western and southern project site boundaries, the locations of which would be same under existing and post-project conditions.

Footnotes

⁴⁴ ~~The drainage (or "creek") names (i.e., A, B, C, D) in this section are based on the Preliminary WQMP and Drainage Study prepared for the Project. The drainage names differ from those~~

described in Section 4.3, Biological Resources, which are based on a separate report: Investigation of Jurisdictional Waters and Wetlands, Cielo Vista Project Site, Orange County, California, prepared by PCR in July 2012.

Table 4.8-3

Developed Conditions (North Site): 2-Year and 100-Year Peak Flows — Western Boundary

Discharge Location	Drainage Area (Ac)	2-Year Peak Flow (cfs)	Increase Over Existing Conditions (cfs)	100-Year Peak Flow (cfs)	Increase Over Existing Conditions (cfs)
Creek B	224	131.1	0.1	459.4	0.20
Creek C	717	328.0	0.0	1,235.3	0.01
Creek D	473	275.6	0.0	968.1	0.00
Total: Confluence of Creeks B, C, & D	1,414^a	647.2^b	0.1	2,426.1^b	0.21

Ac = acres; cfs = cubic feet per second.

^a In order to provide the peak flow at the confluence of Creeks B, C, and D at the Western Boundary, a single design storm was created for use in all three creeks by using correction factors based on the total area of the Creeks B, C, and D.

^b Peak flow for the confluence of Creeks B, C, & D is not equal to the sum of the individual peak flows for each creek as the peak flow in the hydrograph of Creek C occurs five minutes after the peak flows in Creeks B and D. Consequently, the peak discharge at the confluence is approximately 90 cfs and 200 cfs lower than the total sum of the partial peak flows for the 2-year peak flow and 100-year peak flow, respectively.

Source: CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., August 9, 2013; and Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA, prepared by Tory R. Walker Engineering, Inc. April 9, 2013.

Table 4.8-2

Developed Conditions: 25-Year and 100-Year Peak Flows

	Stonehaven Outlet – 8' x 7' RCB (Planning Area 1)		Dorinda Road Outlet – 36" RCP (Planning Area 1)		West Outlet at Property Line – Creek F (Planning Area 2)	
	Q100 (cfs)	Q25 (cfs)	Q100 (cfs)	Q25 (cfs)	Q100 (cfs)	Q25 (cfs)
Predevelopment	1,195.5	890.4	52.3	39.4	3,406.1	2,546.2
Postdevelopment (w/PDFs)	1,195.5	890.4	36.1	30.1	3,406.1	2,546.2
Change	0	0	-16.2	-9.3	0	0
Detention Basin (PDF 8-2)	N/A	N/A	N/A	N/A	7.4	5.6

Source: Conceptual Drainage Study - Cielo Vista Tract 17341, prepared by Fuscoe Engineering Inc. October 2015.

As shown in Table 4.8-2, the post-developed condition for Planning Area 1 with implementation of the Project Design Features listed above would result in a the same amount of peak 100- and 25-year storm flows at the 8'x7' RCB at Stonehaven Drive, with a reduction in 100-and 25-Year flows occurring at the 36" RCP at Dorinda Road. By utilizing a bifurcation design to balance storm discharges, detention is not required in Planning Area 1. Per As-Built plans, the existing capacity of the 8'x7' RCB in Stonehaven Drive is 1,200 cfs and the existing capacity of the 36" RCP at Dorinda Road is 46.87 cfs. Therefore, the post-development flows would not exceed the capacities at each of the facilities serving Planning Area 1. Regarding Planning Area 2, Table 4.8-3 shows that post-developed condition would result in a the same amount of peak 100- and 25-year storm flows at the west outlet at the property line of Creek F.

In addition to the 100-year and 25-year storm analysis conducted in the Drainage Study, the WQMP provides a detailed evaluation of the 2-year (24-hour) storm event to determine if the Project would be susceptible to hydromodification impacts, which would be considered a "hydrologic condition of concern" per the Countywide Model WQMP TGD. An HCOC could occur when post development runoff volume for the 2-year, 24-hour frequency storm exceeds the pre-development condition by more than five percent, or the time of concentration (Tc) of post development runoff for the 2-year, 24-hour storm event exceeds the time of concentration of the pre-development condition for the 2-year, 24-hour storm event by more than five percent. Based on the TGD, Planning Area 1 (South Site) and Planning Area 2 (North Site) include areas identified as "potential areas of erosion, habitat, & physical structure susceptibility." Below is a summary of the WQMP modeling results. Please refer to the WQMP in Appendix D of the Final EIR for detailed modeling results and calculations of the 2-year, 24-hour frequency storm analysis.

As summarized from the WQMP, without the proposed split flow/bifurcation structure (BMP-HM1), for portions tributary to the 8'x7' RCB at Stonehaven Drive the 2-year Tc decreases by 51%, the peak runoff increases by 56%, and the volume increases by 219% as compared to the existing conditions. Due to the existing soil constraints, infiltration of the increase in volume is not feasible, and reuse demands are not sufficient to draw down the volume within 48 hours. The 2011 Model WQMP (Section 7.II-2.4.2.2) and the 4th Term MS4 Permit, identifies the following criteria:

"Where the Project WQMP documents that excess runoff volume from the two-year runoff event cannot feasibly be retained and where in-stream controls cannot be used to otherwise mitigate HCOCs, the project shall implement on-site or regional hydromodification controls to:

- Retain the excess volume from the two-year runoff event to the MEP
- Implement on-site or regional hydromodification controls such that the post-development runoff two-year peak flow rate is no greater than 110 percent of the predevelopment runoff two-year peak flow rate."

The WQMP model results indicate that flows tributary to the 8'x7' Stonehaven RCB would be reduced by the proposed split-flow structure (BMP-HM1), thus allowing for only a 9% increase in a 2-year 24-

hour storm condition. Thus, by implementing BM-HM1, peak runoff conditions for 2-year 24-hour storm events at the 8'x7' Stonehaven RCB for Planning Area 1 would be no greater than 110 percent of predevelopment condition, which meets the County's requirements. Regarding the southwest outlet (36" RCP at Dorinda Road), when implementing the bifurcation split-flow structure per BMP-HM1, the TC would be reduced by 10% compared to predevelopment conditions and there would be no change (0%) to peak runoff conditions. Therefore, by implementing the Project's proposed drainage features, no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Area 1 based on applicable County standards.

With regards to Planning Area 2, the WQMP model results indicate that without the proposed infiltration basin (BMP-INF1), the 2-year Tc would decrease by 40.4%, the peak runoff would increase by 57%, and the volume increases by 174% (or 0.42 ac-ft) as compared to the existing conditions. However, with implementation of the proposed infiltration basin in Planning Area 2, the TC would still decrease by 40.4%, but the peak runoff would not change (0%). Also, the additional volume (0.42 acre-feet) would be captured within the infiltration basin. Routing the 2-year 24 hour storm event through the infiltration basin would reduce peak volumetric flow to comply with the hydromodification requirements and allowable discharge provisions. Therefore, by implementing an infiltration basin (BMP-INF1), no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Area 2 based on applicable County standards.

Based on the above, the proposed drainage facilities described in the Drainage Study and WQMP would provide for adequate flood control protection per the current County of Orange Hydrology Manual and the County of Orange Local Drainage Manual requirements.

~~As shown in Tables 4.8 3 and 4.8 4, the development of the project site would have has a negligible effect on the peak flows of all four creeks. The largest peak flow increase is 0.5 cfs and 0.7 cfs in Creek A for 2 Year peak flow and 100 year peak flow, respectively. These largest flow increases represent approximately 0.2% and 0.06% of the 2 year and 100 year peak flows (cfs), respectively. Such increases would not be visible or otherwise perceptible to the casual observer or residents in surrounding areas. The minimal increase in peak flow is attributable to two factors: (1) the area being developed is relatively small when compared to the size of each catchment and (2) the infiltration capacity of each catchment has already been greatly exceeded during the peak of the storm which makes the addition of impervious area somewhat irrelevant. Thus, while there would be slight increase in total runoff volume compared to existing conditions, the Project's impact on the maximum peak flows of the hydrographs for all creeks would be minimal.¹²~~

Footnotes

¹² ~~CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., August 9, 2013.~~

~~According to the hydraulic analysis as part of the Drainage Study, the existing 8 foot x 7 foot box culvert within Stonehaven Drive has sufficient capacity to convey the marginal 0.7 cfs increase in the developed condition peak flow with no risk of downstream flooding at the Southern Boundary. As~~

Table 4.8-4

Developed Conditions (South Site): 2-Year and 100-Year Peak Flows—Southern Boundary

Discharge Location	Drainage Area (Ac)	2-Year Peak Flow (cfs)	Increase Over Existing Conditions (cfs)	100- Year Peak Flow (cfs)	Increase Over Existing Conditions (cfs)
Creek A	674 ^a	297.1	0.5	1,126.0	0.69

Ac = acres; cfs = cubic feet per second.

^a—A separate design storm was created for Creek A as no confluence analysis was required for this creek at the Southern Boundary.

Source: CEQA Drainage Study for Cielo Vista, prepared by Tory R. Walker Engineering, Inc., August 9, 2013; and Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA, prepared by Tory R. Walker Engineering, Inc. April 9, 2013.

the velocity of the water in the box culvert is approximately 22.5 feet per second (ft/s), standard engineering practices and design would ensure that the appropriate entrance conditions are designed to ensure that such inlet control conditions are properly conveyed inside the culvert. Similarly, the increase of 0.7 cfs at the Western Boundary of the project site is an insignificant increase in peak flow. Overall, off site hydrology/drainage impacts would be less than significant.

Despite the negligible increase in flows at the southern and western site boundaries, the Drainage Study indicates that to minimize peak flows at the Western and Southern Boundaries, the receiving storm drain within the project site (the headwall intercepts proposed at the end of “B” and “F” Streets) could be downsized by a 6-inch reduction in capacity. This has been included as PDF 8-4. The small reduction in storm flow conveyance would reduce the peak flow by throttling down flow, effectively detaining peak flows by the use of a hydraulic reduction. The ponding caused by such hydraulic reduction in capacity would be maintained on the project site in detention basins, ensuring that no offsite property is impacted by attenuating the peak flow (BMP HM1 and PDF 8-4)). Appendix 4 of the Drainage Study includes illustrations of potential on-site detention basin locations. In addition, all developed pad elevations would be constructed at a minimum of 3 foot (or greater) above the anticipated peak water surface elevation to ensure that no residential structure would be flooded within the project site (PDF 8-5).

Furthermore, Wwith respect to erosion under operational conditions, PDFs and BMPs required under the SWPPP, WQMP, and ESCP, would be implemented to ensure that the Project does not significantly increase erosion from the site. In addition to these measures, on-site soils would be stabilized with either established existing native vegetation, structures/paving materials, or landscaping, which would minimize the potential for substantial on-site erosion to occur. On hillsides, established native vegetation would be retained where practical, and native vegetation would be seeded on manufactured hillsides. Moreover, in accordance with BMP-S12, on-site hillsides would be regularly inspected for visible soil erosion, and bare areas would be revegetated and stabilized until a root system is firmly established. Further, a HOA would be formed to own and maintain the open space lands proposed, as well as any infrastructure that would not be accepted by the public agencies or appropriate land conservation/trust organization. ~~While off site would only~~

~~nominally increase as described above, the Project would include riprap aprons or other types of energy dissipaters located at all points of concentrated discharge where flow velocity exceeds five ft/s to mitigate the outlet velocity so as to minimize the potential for downstream erosion (PDF 8-2). Points of discharge would not be limited to storm drain outlets but would also include brow ditches and other forms of storm water conveyance. Riprap aprons typically reduce velocities to below five ft/s or less, which are considered to be non-erosive. Riprap aprons spread the flow, helping to transition to the natural drainageway or to sheet flow where no natural drainageway exists. Riprap aprons would be designed and sized in conformance with regional sizing criteria found in the "County of Orange Local Drainage Manual", dated August 2005. Please refer to the analysis included under Impact Statement 4.8-1 for a further discussion of operational water quality impacts. In addition, as discussed under Impact Statement 4.8-1, construction activities associated with the Project would result in less than significant water quality impacts, including erosion-related impacts.~~

Given that the Project would be designed to maintain existing drainage patterns and post development runoff volume would not significantly exceed the pre-development condition, the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. In addition, all habitable building floor elevations would be constructed at a minimum of 1-foot (or greater) above the 100-year water surface elevation to ensure that no residential structure would be flooded within the project site (PDF 8-3). Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage.⁴³

Overall, based on the above, with implementation of the applicable PDFs compliance with applicable regulatory requirements, impacts regarding changes in drainage patterns and stormwater flows would be less than significant.

Footnotes

⁴³ ~~County of Orange/Santa Ana Region Priority Project Water Quality Management Plan: Cielo Vista Tentative Tract 17341, prepared by Charles Hartman & Associates in August 2012.~~

12. Page 4.8-29. Modify the 4th paragraph with the following changes:

With respect to the South Site, soils investigations do not recommend the percolation of stormwater captured in the stormwater detention basins. Thus, the stormwater drainage system would include a split flow/bifurcation structure (BMP-HM1) to bifurcate storm flows to both the 36" RCP at Dorinda Road and the 8'x7' RCB at Stonehaven Drive to ensure the capacities of downstream facilities are not exceeded and significant hydrology impacts do not occur. ~~be designed to retain project related sheet flows until their flow rates mimic the pre development conditions for a two year 24 hour storm. These flows would outlet to the 8 ft x 7 ft concrete box located in Stonehaven Drive.~~ Therefore, although the Project would increase the surface area of impervious surfaces on the South Site, because stormwater flows do not substantially infiltrate to underlying soils under existing conditions, the additional impervious surfaces on the South Site would not result in a substantial change in groundwater infiltration rates. Furthermore, there would be no noticeable change in any aquifer volume or a lowering of the local groundwater table due to a change in groundwater recharge rates as a result of Project implementation.

13. **Page 4.8-32. Modify the “Policy Consistency” analysis regarding Policy 3.2 with the following changes:**

<p>Policy 3.2 Maintain natural drainage courses and keep them free of obstructions.</p>	<p>Potentially Consistent. Stormwater flows would be directed to detention basins <u>pass through drainage facilities</u> in Planning Areas 1 and 2, which would control flows on the project site and also allow <u>downstream drainage courses to be consistent with existing conditions.</u> debris and sedimentation to collect within the basins instead of flowing downstream along the drainage courses. One major drainage course in the 36 acre open space area would be retained in its natural state, with unaltered flows.</p>
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14. **Page 4.8-32. Modify the “Policy Consistency” analysis regarding Policy 11.1 with the following changes:**

<p>Policy 11.1 Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies.</p>	<p>Potentially Consistent. Within Planning Area 2, Creek C is planned for minor realignment to the east and would follow the base of a slope, part of the development of the residential lots. Otherwise drainage patterns would be maintained with onsite flows still collecting at the confluence of Creeks B, C and D before exiting the project site to the west. For Planning Area 1, stormwater flows would be discharged into an existing concrete box <u>8’x7’ RCB</u> located in Stonehaven Drive <u>and 36” RCP at Dorinda Road.</u> Within the open space area, the natural on site drainage would not be altered and would maintain existing flow patterns.</p>
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15. **Page 4.8-32. Modify the “Policy Consistency” analysis regarding Policy 11.2 with the following changes:**

<p>Policy 11.2 Minimize changes in hydrology and pollutant loading; require incorporation of controls, including structural and non-structural BMPs, to mitigate the projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quantity of stormwater directed to impermeable surfaces and the MS4s (storm drain system); and maximize the percentage of permeable surfaces to allow more percolation of stormwater into the ground.</p>	<p>Potentially Consistent. After development, the project site would retain substantial permeable areas on individual lots, with the exception of street and driveway surfaces. Street flows and drainage in Planning Area 2 would be collected in a single detention basin where the water would percolate into the soil or evaporate. Within Planning Area 1, stormwater flows would be discharged into an existing concrete box <u>8’x7’ RCB</u> located in Stonehaven Drive <u>and 36” RCP at Dorinda Road.</u></p>
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16. Page 4.9-33. Modify the 1st sentence under Impact Statement 4.8-4 (Cumulative Impacts) with the following changes:

As indicated in the analysis above, consistent with applicable regulatory requirements, the Project would implement an on-site ~~detention~~ drainage system that provides for adequate flood control protection per the current County of Orange Hydrology Manual and the County of Orange Local Drainage Manual requirements. Given that the Project would be designed to maintain existing drainage patterns and post development runoff volume would not significantly exceed the pre-development condition, the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. ~~to ensure that post development runoff volume for the two year frequency storm does not exceed that of the pre-development condition by more than five percent, and the time of concentration for the post development runoff for the two year storm event is not less than that for the pre development condition by more than five percent.~~

17. Pages 4.8-33 and 4.8-34. Modify the list of references with the following changes:

~~Charles Hartman & Associates. Conceptual County of Orange/Santa Ana Region Priority Project Water Quality Management Plan: Cielo Vista Tentative Tract 17341. July 10, 2013.~~

~~Charles Hartman & Associates. Hydrology Study (Onsite) for Cielo Vista Subdivision. March 28, 2013.~~

Fuscoe Engineering Inc., Conceptual Drainage Study - Cielo Vista Tract 17341 (the "Drainage Study"). October 2015.

Fuscoe Engineering Inc., Conceptual Water Quality Management Plan – Cielo Vista (the "WQMP"). October 2015.

LGC Geotechnical, Inc. Geotechnical Feasibility Study Proposed Development of Tentative Tract Map No. 17341, County of Orange, California. August 2, 2012.

~~Tory R. Walker Engineering, Inc. CEQA Drainage Study for Cielo Vista. August 9, 2013.~~

~~Tory R. Walker Engineering, Inc. Technical Memorandum Summary of Unit Hydrograph Analysis for Hydromodification Compliance of Cielo Vista, Yorba Linda, CA. April 9, 2013.~~

U.S. Environmental Protection Agency (U.S. EPA). Establishment of Numeric Criteria for Priority Pollutants for the State of California; California Toxics Rule. EPA-823-F-97-008. 1997.

SECTION 4.9, LAND USE AND PLANNING

1. **Page 4.9-2. Modify the 2nd sentence under the “Safety Element” subheading with the following changes:**

The Element focuses on fire, flood, and geologic hazards; other hazards ~~are~~ that are locally relevant to safety issues are also discussed.

2. **Page 4.9-3. Modify the 1st sentence under the “Growth Management Element” subheading with the following changes:**

The Growth Management Element mandates that growth and development of the County be based on its ability to provide an adequate circulation system; adequate sheriff, fire, paramedic, and library services and other necessary facilities all while ensuring that natural resources and the natural environment is are protected.

3. **Page 4.9-3. Modify the 5th paragraph with the following changes:**

The project site is zoned as A1 and A1(O) - General Agriculture with Oil Production Overlay per the Orange County Zoning Map. The purpose and permitted uses in these zones are discussed below.

4. **Page 4.9-4. Modify the 2nd sentence in the 2nd full paragraph with the following changes:**

The City’s General Plan consists of the following elements: Land Use, Circulation, Recreation and ~~Resources~~, Noise, Safety, Growth Management and Housing.

5. **Page 4.9-5. Modify the 1st paragraph with the following changes:**

As indicated above, the Orange County General Plan designates approximately 41 acres of the project site as Suburban Residential “1B” and approximately 43 acres of the project site as Open Space (5). The ~~entire~~ project site is mostly zoned A1(O) – General Agriculture with Oil Production Overlay, with a small area along the southernmost boundary zoned A1 – General Agriculture, per the Orange County Zoning Map.

6. **Page 4.9-6. Modify the following bullet point to the list of approvals under the County of Orange.**

- Zone Change by the County of Orange Board of Supervisors for Planning Area 1 from A1 and A1(O) to R-1 and R-1(O) and a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District, permitting development of single family detached residential dwellings on minimum 7,500 square foot lots.

7. **Page 4.9-6. Add the following bullet point to the list of approvals under the County of Orange.**

- Certification of the Environmental Impact Report (EIR).

8. **Page 4.9-7. Modify the list of approvals under the Yorba Linda Water District with the following changes:**

Yorba Linda Water District (YLWD)

- Connection to the YLWD potable water supply.
- Connection to sewer (wastewater) systems.

9. **Page 4.9-8. Modify the 1st sentence in the last paragraph with the following changes:**

While the Project applicant is requesting a General Plan ~~a~~Amendment, as discussed above, a request for a discretionary action to amend the General Plan does not in fact establish that the Project would be in conflict with the General Plan such that a substantial adverse impact to the environment would occur.

10. **Pages 4.9-12 and 4.9-13. Modify the discussion under subsection (2) Codified Ordinances of the County of Orange (Zoning Code) with the following changes:**

(2) Codified Ordinances of the County of Orange (Zoning Code)

The ~~entire~~ project site is mostly zoned A1(O) – General Agriculture with Oil Production Overlay, with a small area along the southernmost boundary zoned A1 – General Agriculture, per the Orange County Zoning Map. While the A1 (General Agriculture) zoning designation was established to provide for agriculture, outdoor recreational uses, and those low-intensity uses that have a predominately open space character; it is also intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. The Project's proposed single-family residential uses are not permitted under this zoning designation.

The Project would require approval of a zone change for Planning Area 1 from A1 and A1(O) to R-1, Single-Family Residence District and R-1(O) and a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District, (Oil Production) permitting development of single family detached residential dwellings on minimum 7,500 square foot lots and continued oil production on a portion of the property. The County General Plan designates approximately 41 acres of the project site as Suburban Residential (1B) and approximately 43 acres of the project site as Open Space (5). Per the Suburban Residential (1B) land use designation, the existing General Plan would allow the development of up to approximately 738 dwelling units on the project site. As indicated above, the A1 designation is in part intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future. Accordingly, although the proposed low-density single-family residences would represent a more intensive urbanized use on certain portions of the site relative to existing zoning, the A1 designation allows for such a zone change. Also, as the project site is currently within a (O) permitted oil production area, the zone change in Planning Area 1 from A1(O) to R-1(O) would not result in a conflict with the current zoning designation. It is also acknowledged that impacts associated with the current and future oil production activities have been analyzed throughout this EIR. In particular, Section 4.7, *Hazards and Hazardous Materials*, evaluates potential hazardous impacts regarding past and future oil production activities. As concluded therein, with implementation of the prescribed mitigation measures and compliance with applicable

regulatory requirements, less than significant hazardous materials impacts would occur. Furthermore, given the fact that no agricultural uses occur on the project site, as well as no Williamson Act Contract being applicable to the project site, no loss of existing agricultural uses would occur as a result of the proposed zone change.

11. Page 4.9-20. Modify the 6th full sentence with the following changes:

In the case of the Esperanza Hills Project, per the Notice of Preparation issued in December 2013, that project would requires a General Plan Land Use designation amendment from Open Space (5) to Suburban Residential (1B) to allow for 340 residential units on 468.9 acres.

12. Page 4.9-20. Modify the 9th full sentence with the following changes:

That project would be at a density of 0.73 dwelling units per acre and as such, would be consistent with the density allowed for that site in the County's General Plan Land Use Element and the greater ~~the~~ Murdock/Travis Property in the Land Use Element of the City of Yorba Linda General Plan.

SECTION 4.10, NOISE

1. Page 4.10-9. Add the following discussion to the end of the "Stationary Noise Sources" sub-section :

(b) Stationary Noise Sources

The project site and surrounding area primarily consists of residential uses with schools and parks uses located within the project vicinity. Noise levels in single-family residential areas such as those adjacent to the project site typically range from 45 to 55 dBA during daytime hours and are generally less than 50 dBA during nighttime hours.

As shown in in **Figure 4.10-2, Noise Measurement Locations**, long-term (24-hour) measurements were conducted at one location, identified as R1 to quantify the existing noise environment. Short-term (15-minute) measurements were recorded at two additional locations, identified as R2 and R3. The long-term ambient noise measurements at locations R1 were conducted from Wednesday, June 25, through Thursday, June 26, 2014. The short-term noise measurements at locations R2 and R3 were conducted on June 25, 2014 between the hours of 7:00 A.M. and 9:00 A.M. Descriptions of the noise measurement locations are provided below:

- Measurement Location R1: This measurement location is representative of the highest noise level(s) at the project site given its proximity to Dorinda Road (vehicular noise), as well as the nearby residential uses. The sound measuring device (sound level meter) was placed on the southwestern boundary of the project site along Dorinda Road.
- Measurement Location R2: This measurement location represents the noise environment of the nearest single-family residential uses along Dorinda Road. The sound level meter was placed at the end of Dorinda Road west of the project site.

- Measurement Location R3: This measurement location represents the noise environment of the nearby single-family residential uses along Aspen Way west of the project site. The sound level meter was placed at the end of Aspen Way nearby the single-family residential uses west of the project site.

The ambient noise measurements were conducted using a Larson-Davis 820 Precision Integrated Sound Level Meter (SLM). The Larson-Davis 820 SLM is a Type 1 standard instrument as defined in the American National Standard Institute (ANSI) S1.4. Measurement instruments were calibrated and operated according to manufacturer specifications. The microphone was placed at a height of 5 feet above the local grade.

The results of the ambient sound measurement data are summarized in **Table 4.10-4(b), Summary of Ambient Noise Measurements**. As shown therein, the long-term measured CNEL level at Locations R1 is 51 dBA in which the primary source of noise was traffic along Dorinda Road. The measured ambient noise levels do not exceed the daytime noise limit of 55 dBA Leq and the nighttime noise limit of 50 dBA Leq.

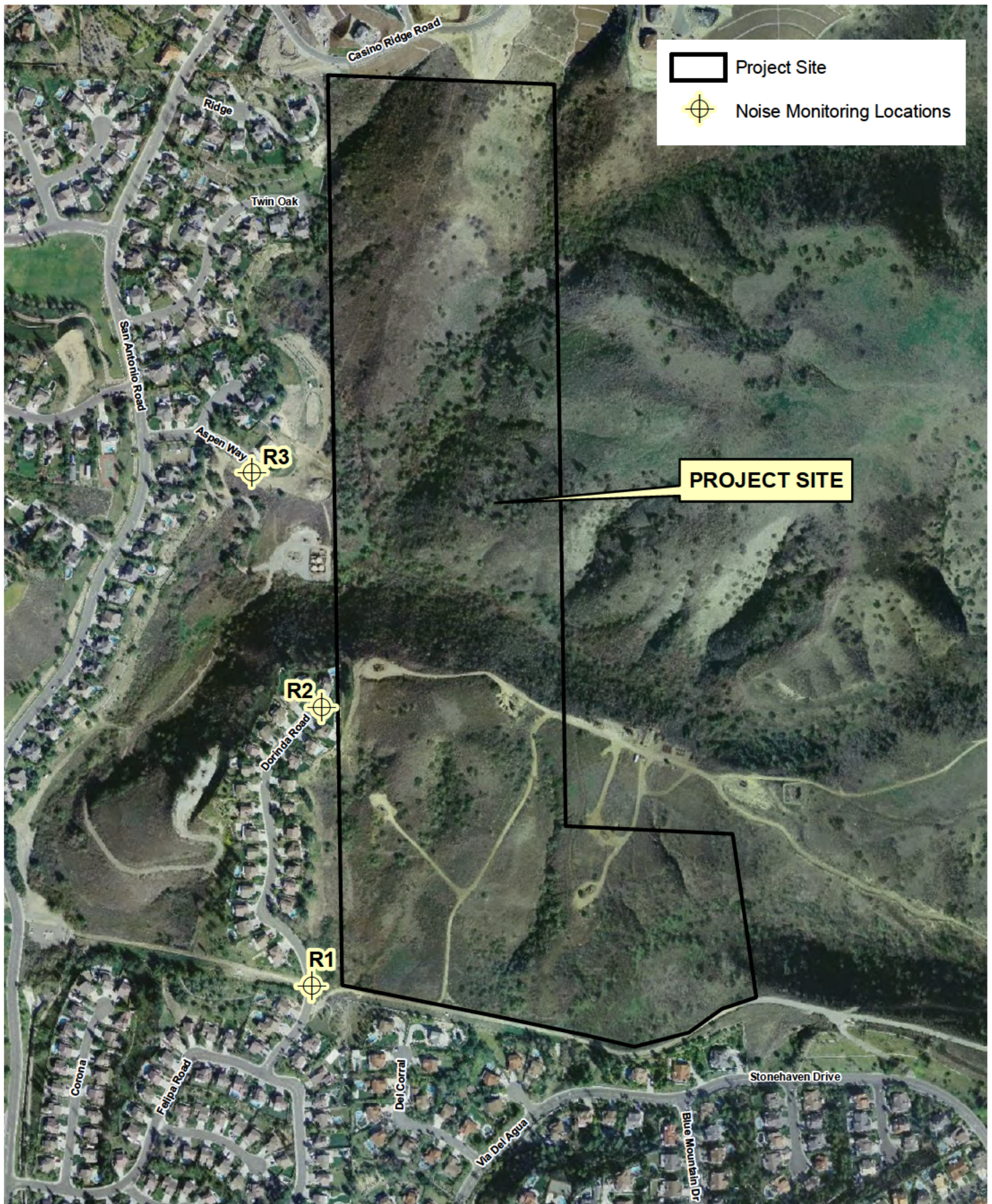
Table 4.10-4(b)

Summary of Ambient Noise Measurements

<u>Receptor Location</u>	<u>Measured Ambient Noise Levels^a (dBA)</u>		
	<u>Daytime</u>	<u>Nighttime</u>	<u>24-Hour Average,</u>
	<u>(7 A.M. to 10 P.M.)</u>	<u>(10 P.M. to 7 A.M.)</u>	
	<u>Hourly L_{eq}</u>	<u>Hourly L_{eq}</u>	<u>CNEL</u>
<u>R1 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 11:59 P.M.)</u> <u>through 6/26/14 Thursday (12:00 A.M. to 8 A.M.)</u>	<u>43 – 52</u>	<u>42 – 46</u>	<u>51</u>
<u>R2 –</u> <u>6/25/14 Wednesday (7:00 A.M. to 8:00 A.M.)</u>	<u>48</u>	<u>N/A</u>	<u>N/A</u>
<u>R3 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 9:00 A.M.)</u>	<u>41</u>	<u>N/A</u>	<u>N/A</u>

^a Detailed measured noise data, including hourly L_{eq} levels, are included in Appendix B of this Final EIR document.

Source: PCR Services Corporation, 2014.



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2. **Page 4.10-11. Revise sub-headings under subsection “a. Methodology” with the following changes :**

a. Methodology

(1) Construction Noise Impacts

Construction noise impacts were evaluated by estimating the noise levels generated by construction activity, calculating the construction-related noise level at nearby sensitive receptor property line locations, and comparing construction-related noise to the Project significance threshold to determine significance.

(2) Off-Site Traffic Noise Impacts

Traffic generated by the Project would influence the traffic noise levels in surrounding areas. To quantify the traffic noise impacts on the surrounding areas, the changes in traffic noise levels on 32 roadway segments surrounding the project site were estimated based on the change in the average daily traffic volumes. The traffic noise levels provided in this analysis are based on the traffic forecasts provided in the Noise Study.

3. **Page 4.10-17. Add the following mitigation measures to further reduce construction noise impacts:**

Mitigation Measures

Mitigation Measure 4.10-1 During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.

Mitigation Measure 4.10-2 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.

Mitigation Measure 4.10-3 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC ~~Planning~~ Development Services Services prior to the issuance of any grading permits.

In addition to the above prescribed mitigation measures, the following mitigation measures have been prescribed at the request of the City of Yorba Linda to further reduce construction noise impacts. In addition, PDF 10-1 would be implemented by the Project to further reduce construction noise impacts.

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Project Design Feature 10-1 Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

SECTION 4.11, POPULATION AND HOUSING

1. Page 4.11-1. Modify the 1st sentence in the last paragraph with the following changes:

A ~~Regional Housing Needs Assessment (RHNA)~~, most recently adopted and approved by the SCAG Regional Council on July 12, 2007, includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January 2006 through June 2014.¹

2. **Page 4.11-1. Modify sub-section (3), Regional Housing Needs Assessment (RHNA), with the following changes:**

(3) Regional Housing Needs Assessment (RHNA)

A Regional Housing Needs Assessment (RHNA), ~~most recently adopted and approved by the SCAG Regional Council on July 12, 2007,~~ includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January ~~2006~~ 2014 through ~~June 2014~~ October 2021.¹ The RHNA is used by local communities to address land use planning, prioritize local resource allocation, and decide how to address identified existing and future housing needs resulting from population, employment, and household growth. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of ~~7,978~~ 5,272 dwelling units, of which ~~1,777~~ 1,240 would be very low income, ~~1,445~~ 879 low income, ~~1,597~~ 979 moderate income, and ~~3,159~~ 2,174 above moderate income housing; refer to **Table 4.11-1, Regional Housing Growth Needs of Unincorporated County of Orange.**

Footnotes

- ¹ Southern California Association of Governments Website: http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf.
<http://www.scag.ca.gov/Documents/5thCyclePFinalRHNAplan.pdf>

Table 4.11-1

Regional Housing Growth Needs of Unincorporated County of Orange

Very Low Income Households	Low Income Households	Moderate Income Households	Above Moderate Income Households	Total Households
1,777 <u>1,240*</u>	1,445 <u>879</u>	1,597 <u>979</u>	3,159 <u>2,174</u>	7,978 <u>5,272</u>
22.3 <u>23.4%</u>	18.1 <u>17.1%</u>	20 <u>18.7%</u>	39.6 <u>40.8%</u>	100%

~~Half (889) of these very low units are assumed to be in the extremely low category (Source: SCAG 2007).~~

Source: ~~County of Orange Housing Element, 2011;~~ Southern California Association of Governments Website:
http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf.
<http://www.scag.ca.gov/Documents/5thCyclePFinalRHNAplan.pdf>

3. **Page 4.11-3. Modify sub-section (2), Housing, with the following changes:**

(2) Housing

The County of Orange ~~currently contained approximately 1,022,219~~ 1,062,966 housing units while the unincorporated County of Orange contained ~~38,496~~ 39,506 units in 2010. Current housing types in the County are depicted in **Table 4.11-3, Housing by Type** (~~2010~~ 2014).

Table 4.11-3

Housing by Type (~~2010~~ 2014)

Unit Type	Unincorporated County of Orange Total Units		County of Orange Total Units	
	Number	Percent	Number	Percent
Single-family detached	30,529 <u>30,577</u>	79.3 <u>77.4</u>	521,768 <u>538,866</u>	51.1 <u>50.7</u>
Single-family attached	2,188 <u>3,856</u>	5.7 <u>9.8</u>	130,118 <u>128,274</u>	12.7 <u>12.1</u>
Multi-family (2-4 units)	2,213 <u>862</u>	5.7 <u>2.2</u>	91,400 <u>92,462</u>	8.9 <u>8.7</u>
Multi-family (5+ units)	3,260 <u>3,578</u>	8.5 <u>9.1</u>	265,146 <u>269,824</u>	25.9 <u>25.4</u>
Mobile Homes	306 <u>633</u>	0.8 <u>1.6</u>	13,787 <u>33,534</u>	1.4 <u>3.1</u>
Total	38,496 <u>39,506</u>		1,022,219 <u>1,062,966</u>	

Note: According to the 2010 Census, a housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room occupied (or if vacant, intended for occupancy) as separate living quarters.

Source: California Department of Finance, ~~2011~~ 2014 E-5 Population and Housing Table.

Compared to Orange County as a whole, the unincorporated areas of the County have a higher percentage of single-family housing and a lower percentage of multi-family housing. Single-family homes comprise approximately ~~85~~ 87 percent of unincorporated County compared to ~~only~~ about ~~64~~ 63 percent of housing units in the entire County. There is a significantly greater percentage of multi-family homes in all of Orange County, over 34 percent, than in unincorporated areas, at approximately ~~14~~ 11.3 percent as per Table 4.11-3.²

² Environmental Science Associates (ESA), Saddle Crest Homes Draft Environmental Impact Report #661, April 2012.

4. Page 4.11-4. Modify last sentence of subheading “a. Methodology” with the following changes:

This section includes an analysis of the population and housing units generated by the Project and how the population and housing relates to the County. Information was obtained from the State of California Department of Finance, Census 2010, SCAG, and the County of Orange. Additionally, County regulations were reviewed for project applicability, including the County’s General Plan and Housing Element. Impacts on population were determined by calculating the population generated by the Project (based on the average household size for the unincorporated County of Orange and City of Yorba Linda (as they have the same household size) multiplied by the number of housing units proposed by the Project) and comparing to the population anticipated in the County.

5. Page 4.11-5. Modify the “Threshold Statement” with the following changes:

Threshold	Would the project induce substantial population growth in an area, either directly <u>(for example, by proposing new homes and businesses)</u> or indirectly <u>(for example, through extension of roads or other infrastructure)</u> ?
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6. **Page 4.11-5. Modify the 1st paragraph with the following changes:**

The Project includes the construction of 112 single-family detached residential dwellings that would generate a population of approximately 358 residents.³ Per Table ~~II-1~~ III-1, *Building Intensity/Population Density Standards*, in the Land Use Element of the County's General Plan, the Suburban Residential land use designation allows a maximum intensity/density characteristics and standards of 0.5 to 18 dwelling units (du) per acre, 2.59 persons per du, and Table II-1 further indicates that this land use category has populations that range from 1-47 persons per acre. There is a large variation in the number of persons per acre because the Suburban Residential designation includes a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements). As noted in the Land Use Element of the County's General Plan, the person per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. As the project site includes approximately 41 acres of Suburban Residential designated land, the Project, if applying the highest characteristic number of persons per acre (47 per acre as identified in the General Plan) could support a maximum population of approximately 1,927 persons.⁴ As stated above, Project implementation would result in approximately 358 new residents. Therefore, the direct population generated by the Project would be within the maximum population anticipated for the site within the County's General Plan.

³ 358 persons = 112 X 3.2. Based on the average household size of 3.2 persons/household for unincorporated areas of Orange County. It should be noted that the average household size for all of Orange County is 3.0 persons/household (U.S. Census Bureau, 2010). The average household size of 3.2 persons/household is also consistent with population estimates of the City of Yorba Linda, Initial Study for Oakcrest Terrace, prepared by Impact Sciences, March 2012.

⁴ 1,927 persons = 47 persons/acre X 41 acres. It is acknowledged that Table III-1 also cites "2.59 Persons per DU" as a population indicator of the Suburban Residential land use category. However, this population per household is based on 1990 Census data and is not representative of current household sizes expected for the Project based on 2012 data from the City of Yorba Linda (see footnote 3 above). If the current household size estimate (3.2 persons/household) were applied, to the lands designated as Suburban Residential the projected population range for such lands would increase from 1 to 47 persons per acre to approximately 1 to 57 persons per acre (3.2 persons/household x 18 units per acre).

Even if applying the number of persons per dwelling unit contained in the General Plan, the Project would still not exceed the maximum population anticipated for the site within the County's General Plan. For instance, the General Plan permits up to 18 units per acre, which would amount to a total of 738 units on the 41 acres designated as Suburban Residential (18 x 41 = 738). 738 units times 2.59 persons per unit would result in a maximum population of 1,911 persons (or 2,361 persons at 3.2 persons/household). The Project proposes 358 new residents, which is significantly below the maximum contemplated in the General Plan.

7. **Page 4.11-6. Modify the "Project Consistency" Analysis regarding Policy 3 of the Orange County General Plan in Table 4.11-5 with the following changes:**

Consistent. The Project would introduce up to 112 single-family homes in an area designated for suburban residential land uses, which would contribute to the ability of the County to meet demands for housing, particularly single-family homes.

The RHNA most recently adopted and approved by the SCAG ~~Regional Council on July 12, 2007~~ includes an assessment of regional housing needs for very low income, low income, moderate income, and above moderate income groups for the planning period from January 2006 2014

through ~~June 2014~~ October 2021. The RHNA establishes targets for meeting the housing needs of diverse income groups but is not regulating in the sense that it is an evaluating criteria for the types of housing proposed by individual development projects. According to the RHNA, the housing needs for unincorporated County of Orange includes a total of ~~7,978~~ 5,272 dwelling units, of which ~~1,777~~ 1,240 would be very low income, ~~1,445~~ 879 low income, ~~1,597~~ 979 moderate income, and ~~3,159~~ 2,174 above moderate income housing. The Project contributes to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of ~~4,756~~ 3,153 of the ~~7,978~~ 5,272 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined.

8. Page 4.11-7. Modify the "Project Consistency" Analysis regarding Goal 3 and Policy 3 of the Orange County General Plan in Table 4.11-5 with the following changes:

Potentially Consistent. The most recent RHNA for the City identifies a total housing need of ~~2,039~~ 669 units between ~~2008~~ 2014 and ~~2014~~ 2021. The Project contributes to meeting this need at either the moderate or above moderate income levels identified as between 81-120% of area median income and above 120% of area median income, respectively. A total of ~~1,208~~ 396 of the ~~2,039~~ 669 units are allocated to these categories. Because Project housing price points are yet to be defined, the income subcategory for the Project's residences is to be determined.

9. Page 4.11-8. Modify 2nd paragraph with the following changes:

Although the project site is not within the City of Yorba Linda, it may be annexed in to the City at some point in the future. The 16 related projects in the City of Yorba Linda and County of Orange (including the Esperanza Hills Project) would result in an increase of 2,015 residential units with an associated increase of 6,448 people.⁶ Thus, the Project and the related Projects would include up to 2,127 housing units. While this figure would exceed the City's RHNA allocation of ~~2,039~~ 669 units if the Project were annexed into the City, the current allocation does not include areas within the City sphere of influence. These Units are included in the RHNA allocation for the unincorporated County, including the Yorba Linda sphere of influence area. Housing needs associated with annexation would be served by the housing proposed under the Project. In regard to potential growth inducing impacts, as analyzed in Section 4.8, *Hydrology and Water Quality*, Section 4.12, *Public Services*, Section 4.13, *Recreation*, Section 4.14, *Traffic/Transportation*, and Section 4.15, *Utilities and Service Systems*, impacts on infrastructure and other services would all be less than significant at the Project and cumulative level with implementation of mitigation measures and PDF's, as discussed in those sections.

10. Page 4.11-9 and 4.11-10. Modify the references to the "California Department of Finance" and "Final Regional Housing Need Allocation Plan" with the following changes:

California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, ~~2011 and 2012~~ 2014. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-5/2011-20/view.php>. ~~2011 and 2012~~ 2014.

Final Regional Housing Need Allocation Plan – Planning Period (January 1, ~~2006~~ 2014 – ~~June 30, 2014~~ October 1, 2021) for Jurisdictions within the Six-County SCAG Region. ~~Approved by the SCAG Regional Council on July 12, 2007.~~

11. Page 4.11-13. Modify 1st paragraph with the following changes:

Compared to Orange County as a whole, the unincorporated areas of the County have a higher percentage of single-family housing and a lower percentage of multi-family housing. Single-family homes comprise approximately 85 percent of unincorporated County compared to only about 64 percent of housing units in the entire County. There is a significantly greater percentage of multi-family homes in all of Orange County, ~~over 34~~ approximately 35 percent, than in unincorporated areas, at approximately 14 percent.

SECTION 4.12, PUBLIC SERVICES

1. Page 4.12-5. Modify last paragraph with the following changes:

The OCFA goal for response (travel time) is to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call. The standard OCFA response to a medical emergency is with a paramedic engine or paramedic van, accompanied by an engine. If the medical emergency requires transportation to a hospital, a commercial (private) ambulance company would be utilized for this purpose. The response travel time to the project site is estimated at three minutes, which is within the response time goals of the OCFA. The primary access routes to the project site from the fire stations include Yorba Linda Boulevard, San Antonio Road, Aspen Way, and Via Del Agua. In 2011, the engine (E32) and medic van (M32) of Station 32 responded to 1,161 incidents and 1,486 incidents, respectively. The engine (E10) of Station 10 responded to 1,478 incidents. Thus, these stations each respond to approximately four service call per day on average. Historically, the vast majority of the service calls made by OCFA are for reasons other than fire response.

2. Page 4.12-10. Modify last sentence with the following changes:

The Project would introduce 112 single-family detached residential dwellings that would generate a new residential population of approximately 358 persons.¹² As mentioned above, the closest OCFA fire stations to the project site that would provide fire protection and emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. Station 32 and Station 10 are located approximately 0.3 miles and three miles from the project site, respectively. According to the OCFA, the response travel time to the project site is estimated at three minutes, which is well within the OCFA response time goal of seven minutes and 20 seconds. The servicing fire stations respond to approximately four calls per day on average, or approximately 1,460 calls annually.¹³ The Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires (see Project Features section above). As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. It is noted that the OCFA response travel time to this Project (3 minutes) from Station 32 is less than the ~~allocated 5 minute travel time maximum~~ OCFA

goal for response (travel time) to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call.

3. Page 4.12-13. Modify Mitigation Measures 4.12-1 and 4.12-3 with the following changes:

Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the ~~project site~~ Project, to the satisfaction of OCFA.

Mitigation Measure 4.12-2 All new traffic signals on public access ways ~~and all electric operating gates installed for the Project~~ shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

4. Page 4.12-13. Modify the last paragraph with the following changes:

(2) Police Protection and Law Enforcement Services

As discussed in the Existing Conditions above, the Project would be serviced by the OCSD out of the Yorba Linda Police Services Facility located at 20994 Yorba Linda Boulevard (located at Arroyo Park), which is approximately 0.25 miles from the project site. The Project would generate a population of approximately 358 residents. This incremental increase in population, compared to the City's population of approximately 67,000 people, would not create a need for expanding existing facilities or staff, construction of a new facility, or adversely impact types of services provided.⁶ With development of the project site, patrol routes in the area would be slightly modified to include the site, however, the ~~Department's~~ OCSD's current adequate response times would not be substantially changed such that response time objectives are compromised in any manner. Thus, impacts regarding police services would be less than significant. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees.

In the event that such a fee is not in place before issuance of grading permits and the Sheriff's Department determines that additional resources are needed to serve the project site, Mitigation Measure 4.12-2B ensures that sufficient facilities would be available for this purpose.

Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

5. Pages 4.12-15 and 4.12-16. Modify Mitigation Measures 4.12-4, 4.12-5, 4.12-6 with the following changes:

~~Please refer~~ Refer to Mitigation Measure 4.14-1. The following mitigation measures are also prescribed.

Mitigation Measure 4.12-4 During construction, the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-5 In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times. This mitigation measure to be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.

Mitigation Measure 4.12-6 During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety. This mitigation measure to be verified by the Manager, Planning Development Services in quarterly compliance certification reports submitted by project contractor.

6. **Page 4.12-16. Add the following mitigation measure under "Libraries":**

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

7. **Page 4.12-19. Modify the 1st sentence in the 2nd column regarding Goal 1 with the following changes:**

Consistent. As discussed in this EIR section, the incremental increase in population from the Project would not substantially impact police protection services, including the average number of daily calls the serving police officers respond to each year; particularly given the fact that the City of Yorba Linda recently signed a five-year agreement with the ~~Orange County Sheriff's Department~~ OCSD for police services, which is expected to decrease response times.

8. **Page 4.12-19. Modify the 1st sentence in the 2nd column regarding Objective 1.1 with the following changes:**

Consistent. ~~Please r~~Refer to the response above.

9. **Page 4.12-19. Modify the 2nd sentence in the 2nd column regarding Policy 1 with the following changes:**

Also, as discussed in Section 4.12, ~~Public Services~~ this EIR section, impacts to police services would be less than significant with implementation of the prescribed mitigation measures.

10. **Page 4.12-21. Modify the last sentence in the 2nd column regarding Policy 10.1 with the following changes:**

In addition, ~~please~~ see response to the Policy 5.4 above.

11. **Page 4.12-21. Modify the 1st sentence in the 2nd column regarding Goal 10.2 with the following changes:**

Potentially Consistent. ~~Please s~~See response to Policy 5.4.

12. **Page 4.12-22. Modify 2nd paragraph in Column 2 in Table 4.12-5 with the following changes:**

Both the City and unincorporated County areas are served by the OCSD for law enforcement services. ~~OCSD has indicated that a small population increase from the project would not affect maintenance of the staff ratio of 0.46 deputies per 1,000 population.~~ As discussed in this EIR section, impacts regarding police facilities and services would be less than significant. Further, pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that adequate Sheriff patrol services are provided through a fee program or Secured Police Protection Agreement for this Project (refer to Mitigation Measure 4.12-2(B)).

SECTION 4.13, RECREATION

1. **Page 4.13-1. Modify the 1st paragraph with the following changes:**

This section analyzes the potential impacts of the Project on recreational facilities and resources, including parks, trails, and bicycle facilities, in the County of Orange and in the ~~vicinity of the project site~~ City of Yorba Linda. The analysis provides a description of the existing recreational facilities and resources within the project area, relevant policies pertaining to recreation, and analyzes the potential impacts. Information in this section is based in part on the County of Orange General Plan (2005), the Orange County Parks Strategic Plan (2007), the County of Orange Code of Ordinances (Local Park Code), the Orange County Parks Website, the City of Yorba Linda General Plan (1993), the City of Yorba Linda Parks and Recreation Master Plan Update Report (memorandum dated March 21, 2013), and the City of Yorba Linda ~~Recreation and Community Services Department Website~~ website.

2. **Page 4.13-4. Modify 3rd sentence in the 1st paragraph with the following changes:**

When combined (mini, local, neighborhood, and regional), the City's recommended parkland standard ~~if is~~ 15 acres of parkland per 1,000 residents.

3. Page 4.13-6. Modify last paragraph with the following changes:

The City of Yorba Linda's *Riding, Hiking and Bikeway Trail Component Map*, (Figure 4.13-~~42~~) found within the City's General Plan, shows several planned trails within the project area. Trail 35a (San Antonio Park Trail) begins at Yorba Linda Boulevard near San Antonio Road. From that location the trail is proposed to extend northeast through an area of open space (part of Tract 9813) to the western edge of the project boundary.

4. Page 4.13-11. Modify "Threshold 2" with the following changes:

Threshold 2: Include recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (refer to Impact Statement 4.13-1).

5. Page 4.13-11. Modify the last sentence with the following changes:

There are no Project Design Features (PDFs) applicable to parks and recreation facilities.

6. Page 4.13-12. Modify the 1st sentence in the 1st paragraph with the following changes:

As discussed in the Existing Conditions section above, there are numerous neighborhood and community parks within City of Yorba Linda that would serve the project site, in addition to regional park facilities operated by OC Parks and Chino Hills State Park.

7. Page 4.13-12. Modify the 2nd to last sentence in the 1st paragraph with the following changes:

With regards to San Antonio Park, there was a Level 2 demand for added parking ~~expansion or improvements~~ to the park.

8. Page 4.13-12. Modify the 1st sentence to in the 2nd paragraph with the following changes:

Since the Project would contribute new residents that would utilize ~~park~~ neighborhood park and community facilities within the City of Yorba Linda, which as a City is approximately 167 acres deficient in meeting its recommended standard of a total of four acres per 1,000 residents for mini, neighborhood, and community parks, and more specifically, San Antonio Park is in need of improvements should funds become available, impacts on local and community parks facilities are considered to be a potentially significant impact.

9. Pages 4.13-16. Modify Mitigation Measure 4.13-2 with the following changes:

Mitigation Measure 4.13-2 Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's *Riding, Hiking and Bikeway Trail Component Map*. Once the trail alignments are defined by the City and/or

County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

SECTION 4.14, TRAFFIC/TRANSPORTATION

1. Page 4.14-30. Modify Mitigation Measure 4.14-2 with the following changes:

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of ~~building the~~ first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

CHAPTER 5.0, ALTERNATIVES

1. Page 5-10. Modify the 3rd to last sentence in the 2nd paragraph with the following changes:

Overall, due to the increased daily operational emissions, the extent of exposure of pollutant emissions on the public, including sensitive receptors, would be proportionately greater under this Alternative.

2. Page 5-14. Modify the 2nd to last sentence under subsection (f) Global Climate Change, with the following changes:

Thus, this Alternative would be inconsistent with the State's overarching goals to reach 1990 GHG levels by 2020 per AB 32.

3. Page 5-15. Modify the 2nd sentence in the last paragraph with the following changes:

However, a zone change from A1 and A1(O) to the R4 "Suburban Residential" District would be required to allow for a 3,500 square foot building site area. Also, a zone change for Planning Area 2 from A1(O) to R-1, Single Family Residence District would not be necessary under this Alternative.

4. Page 5-34. Modify the 2nd sentence in the 2nd paragraph with the following changes:

Also, a zone change for Planning Area 2 from A1 and A1(O) to R-1, Single Family Residence District would be necessary under this Alternative.

CHAPTER 6.0, OTHER MANDATORY CEQA CONSIDERATIONS

1. Page 6-7. Modify last paragraph with the following changes:

Mitigation Measure 4.13-1 requires the Project Applicant to pay applicable park in lieu fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. Payment of such fees would not result in secondary environmental impacts. Mitigation Measure 4.13-2 requires that the Project Applicant coordinate with the City of Yorba Linda Parks and Recreation Department ~~of Recreation and Community Services Department~~ and OC Parks to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. As the final site plan can accommodate such a trail(s), no secondary environmental impacts would occur.

2. Page 6-8. Modify the 1st paragraph with the following changes:

Mitigation Measure 4.14-1 requires the Project Applicant, in coordination with the County of Orange, to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. Per Mitigation Measure 4.14-2, a traffic signal is required to mitigate project impacts at the Via del Agua and Yorba Linda Boulevard intersection with the Project paying its fair share for the signal, installing the signal, or paying the full cost for installation, with the latter two alternatives subject to reimbursement. If installation of the traffic signal were completed as part of the Project, appropriate construction practices intended to minimize impacts would be implemented. For example, the implementation of best management practices with regard to erosion, the watering of construction sites, the use of properly operating equipment, and the use of noise reduction devices would minimize environmental impacts to below applicable thresholds. In addition, with regards to lighting impacts, appropriate shielding of the traffic lights would be installed, as necessary, per City Standards. Also, in recognition of the setbacks from the nearest residences to the Via Del Agua/Yorba Linda Blvd. intersection of at least 30 feet and the intervening landscaping (inclusive of mature trees) and fencing, lighting impacts to residential uses would be less than significant. Therefore, there would be no significant secondary impacts with implementation of these mitigation measures.

Draft EIR Appendix C

In addition to the corrections/additions that are listed above under Section 4.3, *Biological Resources*, in the Draft EIR, which correspond to corrections/additions in Appendix C, below are additional correction and additions to Appendix C of the Draft EIR.

Biological Resources Assessment

1. Page A-10. Modify the list of mammals referenced in Appendix A (Floral and Faunal Compendium) of the Biological Resources Assessment with the following changes:

MAMMALS

SCIENTIFIC NAME	COMMON NAME
Cervidae	Deer
<i>Odocoileus virginianus</i> <i>Odocoileus hemionus</i>	white-tailed deer mule deer

INVESTIGATION OF JURISDICTIONAL WATERS AND WETLANDS (July 25, 2012, Edited October 7, 2015)

1. Page 26. Modify first paragraph with the following changes:

On October 07, 2015 Ezekiel Cooley conducted a supplementary delineation on the off-site portion of Drainage B. Within the off-site portion of Drainage B approximately 100 linear feet has been converted to a riprap armored channel on or about 2009 based on review of available aerial imagery in Google Earth, and the downstream 40 feet consist of a cement lined head wall and apron. The cement lined portion appears to accept supplemental hydrology from adjacent landscaped slope runoff. This supplemental hydrology combined with ongoing maintenance activities in the channel appears to have created a small disturbed wetland situation. Based on the soils and hydrology assessment conducted in the field, approximately 16 linear feet of earthen streambed appear to meet the soils and hydrology criteria for wetlands as defined by the USACE. However, the area lacks vegetation indicators due to what is presumed to be ongoing maintenance that suppresses the establishment of vegetation in that drainage. Given that no vegetation could be positively identified and available aerial imagery did not exhibit the presence of vegetation in the channel, it was determined by PCR that this portion of Drainage B does not support wetlands. Moreover, the mapping of wetlands, had it been presumed present in this area, would be so small that it would not change the overall acreage of wetlands already quantified on the site. The locations of soil pits are depicted on Figure 5 and USACE data sheets are provided in Appendix B.

Drainage B contains approximately ~~0.11~~ 0.12 acre (0.11 acre on-site and 0.01 acre off-site) of ephemeral USACE/RWQCB "waters of the U.S." and ~~0.29~~ 0.38 acre (0.29 acre on-site and 0.09 acre off-site) of CDFG jurisdictional streambed and riparian vegetation.

Draft EIR Appendix L, Traffic Study

1. Page 8. Modify first paragraph with the following changes:

1.5 Summary of Project Impacts and Mitigation Measures

This section provides a summary of direct Project impacts and associated mitigation measures. Section 2.0 *Methodologies* provides information on the methodologies used in the analyses and Section 6.0 *Opening Year (2015) Traffic Analysis* includes the detailed analysis. Although the intersection of Via del Agua at Yorba Linda Boulevard is currently operating at unacceptable LOS (i.e., LOS “F”) during the ~~PMAM~~ peak hour under Existing (2012) traffic conditions, the addition of Project traffic (as measured by 50 or more peak hour trips) is anticipated to contribute to the deficiency at this intersection. Based on the stated significance threshold for intersections already operating at LOS “E” or LOS “F” under pre-project conditions, the impact is considered “significant”.

2. Page 21. Modify the 2nd sentence under subsection 3.2 with the following changes:

One required element ~~f~~ of the CMP is a process to evaluate the transportation and traffic impacts of large projects on the regional transportation system.

3. Page 35. Modify Figure 3-12 with the following changes:

Exhibit 3-12 has been corrected to maintain consistency with the intersection operational analysis provided in Table 3-1. The Exhibit has been revised to reflect acceptable peak hour operations during the PM peak hour. The revised Exhibit is shown below.

4. Page 65. Modify the 1st and 2nd paragraphs of subsection 5.4 with the following changes:

5.4 Project Mitigation Measures

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location’s peak hour delay and improve the associated LOS grade to LOS “D” or better. As shown on Table 3-1, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

Via del Agua / Yorba Linda Boulevard (#11) – Although the intersection is currently operating at unacceptable LOS (i.e., LOS “F”) during the AM peak hour under Existing (2012) traffic conditions, the addition of Project traffic (as measured by 50 or more peak hour trips) is anticipated to contribute to the deficiency at this intersection. Based on the stated significance threshold for intersections already operating at LOS “E” or LOS “F” under pre-project conditions, the impact is considered “significant”.

5. Page 78. Modify the 1st and 2nd paragraphs under subsection 6.5 with the following changes:

6.5 Project Mitigation Measures

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location’s peak hour delay and improve the associated LOS grade to LOS “D” or better. As shown on Table 6-2, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

Via del Agua / Yorba Linda Boulevard (#11) – Although the intersection is currently operating at unacceptable LOS (i.e., LOS “F”) during the PM peak hour under Existing (2012) traffic conditions, the addition of Project traffic (as measured by 50 or more peak hour trips) is anticipated to contribute to the deficiency at this intersection. Based on the stated significance threshold for intersections already operating at LOS “E” or LOS “F” under pre-project conditions, the impact is considered “significant”.

6. Page 80. Modify the last sentence 2nd paragraph with the following changes:

Exhibits 6-13 and 6-14 show the AM and PM peak hour intersection turning movement volumes for Opening Year (2015) with Project traffic conditions, with access alternative via Aspen Way.

EXHIBIT 3-12 EXISTING (2012) PEAK HOUR INTERSECTION LOS



LEGEND:

- ACCEPTABLE AM PEAK HOUR LOS
- DEFICIENT AM PEAK HOUR LOS
- ACCEPTABLE PM PEAK HOUR LOS
- DEFICIENT PM PEAK HOUR LOS



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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP), which is provided in **Table 4-1, *Mitigation Monitoring and Reporting***, has been prepared pursuant to Public Resources Code Section 21081.6, which requires adoption of a MMRP for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects. The County of Orange is the Lead Agency for the proposed Cielo Vista Project and therefore is responsible for administering and implementing the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during Project implementation prior to final approval of the Project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft and Final EIR (designated by the respective environmental issue within Chapter 4.0 of the EIR) are implemented thereby minimizing identified environmental effects. The MMRP also includes the proposed Project Design Features (PDFs) listed in Chapter 2.0, *Project Description*, and throughout Chapter 4.0 the Draft EIR. The PDFs are specific design elements proposed by the Applicant that have been incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Because PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, PDFs are included in this MMRP to ensure their implementation as a part of the Project. The Project would include PDFs related to: Aesthetics, Hazards and Hazardous Material, Hydrology and Water Quality, Traffic/Transportation, and Utilities and Service Systems.

The MMRP for the Project will be in place through all phases of the Project, including design (preconstruction), construction, and operation (both prior to and post-occupancy). The County of Orange (OC) Planning Department is responsible for administering the MMRP. OC Development Services will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems.

Each mitigation measure and PDF is categorized by impact area, with an accompanying identification of:

- The monitoring and reporting phase during which the mitigation measure/PDF should be monitored;
- The timing to which the mitigation measure/PDF must comply with; and
- The responsible monitoring personnel/agency.

Mitigation Monitoring and Reporting Program

<i>Aesthetics</i>						
<p>Mitigation Measure 4.1-1 - Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.</p>	<p>Design/Plan Check</p> <p>and</p> <p>Pre-Occupancy</p>	<p>Prior to issuance of building permit</p> <p>and</p> <p>Prior to final inspection</p>	<p>Manager, Permit Services (OC)</p> <p>and</p> <p>Manager, Inspection (OC)</p>			
<p>PDF 1-1 - The Project would provide up to 112 detached, single-family residences up to two-stories in height within two clustered planning areas (Planning Areas 1 and 2) to maximize</p>	<p>Design/Plan Check</p>	<p>Prior to issuance of building permit</p>	<p>Manager, OC Development Services</p>			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the potential for open space and retain the primary east-west canyon within the central portion of the site.						
PDF 1-2 - A primary community entry would be established at the intersection of "A" Street and Via del Agua (see Figure 2-12, Primary Entry at Via Del Agua, in Section 2.0, <i>Project Description</i> , of the Draft EIR). The entries to the project site would include a blend of hardscape and planting elements, in addition to low-level entry lighting. No entry gates would be installed.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 1-3 - Non-reflective and/or anti-glare building materials would be used. The selected color palette for each architectural style should share a "common sense" approach to the use of materials and colors indigenous to the region and compatibility with existing surrounding residential land use.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 1-4 - The Project would provide approximately 36 acres of undeveloped open space which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or,	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the open space would be owned and maintained by the Project HOA.						
PDF 1-5 - As shown in the Conceptual Landscape Plan (Figure 2-11 and Table 2-2 of the Draft EIR), landscaped areas or natural open space areas would be located adjacent to existing residential development to serve as natural buffers between existing residential neighborhoods and proposed homes. The plant palette would include native and appropriate non-native drought tolerant trees, groundcovers and shrubs that would be compatible with the existing native plant communities found within the site. The landscape design would emphasize the planting of long-lived plant species that are native to the region or well adapted to the climatic and soil conditions of the area. In addition, any invasive non-native species that appears on the California Invasive Plant Council (Cal-IPC) list of invasive species would be excluded from the landscape plan plant palette.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 1-6 - As shown in the Streetscapes Plan (see Figure 2-13 of the Draft EIR), the planting plan for	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
streets shall include shrubs, grasses, and stands of native and non-native trees. Uniformed spacing of trees shall be avoided.						
PDF 1-7 - Landscape treatment of all areas shall emphasize the planting of shade trees along streets to contrast with open space. Street trees and trees planted near walkways or street curbs shall be selected and installed to prevent damage to sidewalks, curbs, gutters and other improvements.	Design/Landscape Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
PDF 1-8 - Plantings would be installed around the 1.8-acre parcel located in Planning Area 1 that may be designated for continued oil operations to screen most, if not all, of the oil-related facilities within this area.	Design/ Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
PDF 1-9 - All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. All lights would be designed and located so that all direct light rays are confined to the property. No lighting would be cast	Design/Plan Check	Prior to issuance of building permit	Manager, Permit Services (OC)			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
directly outward into open space areas. Specimen trees may be up-lit into the canopy to avoid creating dark sides of the trees in instances where such lighting could be directed onto the tree canopy to avoid light spillage above and beyond the tree. (Mitigation Measure 4.1-1 would ensure compliance with the code requirements.)						
<p>PDF 1-10 - One or more HOAs may be established for the maintenance of private common area improvements within residential Planning Areas of the project site. Private improvements to be maintained by either the HOA or private property owners may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Parkway landscaping within the rights of ways of all local streets. ▪ Slopes within the boundary of a Planning Area, fuel modification zones, detention and water quality treatment basins and facilities. ▪ Community and neighborhood entries and signage, and 	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>common open space areas within residential Planning Areas.</p> <ul style="list-style-type: none"> Community perimeter walls and fencing. Landscape areas of lots, common area wall surfaces, and slopes internal to the Project along residential local streets. Common area landscaping and lighting. 						
Air Quality						
<p>Mitigation Measure 4.2-1 - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. 	<p>Pre-Construction</p> <p>and</p> <p>Construction (as necessary)</p>	<p>Prior to issuance of grading permit</p> <p>and</p> <p>Periodic site inspections (as necessary)</p>	Manager, Permit Services (OC)			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>Reapply as needed to minimize visible dust.</p> <ul style="list-style-type: none"> Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces. Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period. <p>The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:</p> <p>(A) For facilities with an on-site anemometer:</p> <p>(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a</p>						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or</p> <p>(B) For facilities without an on-site anemometer:</p> <p>(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or</p> <p>(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.</p> <ul style="list-style-type: none"> ▪ All trucks hauling dirt, sand, soil, or other loose materials are to be 						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.</p> <ul style="list-style-type: none"> ▪ Sweep streets at the end of the day, or more frequently as needed to control track out. ▪ To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site. ▪ Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads. ▪ Plant ground cover in planned areas as quickly as possible after 						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
grading. <ul style="list-style-type: none"> All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized. 						
Mitigation Measure 4.2-2 - Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 traffic speeds on unpaved roads and project site areas shall be reduced to 15 miles per hour or less.	Pre-Construction and Construction (as necessary)	Prior to issuance of grading permit and Periodic site inspections (as necessary)	Manager, Permit Services (OC)			
Biological Resources						
Mitigation Measure 4.3-1 - Prior to impacts in least Bell's vireo occupied habitat (i.e., southern willow scrub and mule fat scrub), the Project Applicant/developer shall obtain regulatory permits by way of an authorization pursuant to FESA and CESA. On- and/or off-site replacement and/or enhancement of least Bell's vireo habitat shall be provided by the Project Applicant at a ratio no less than 2:1, in coordination with the regulatory permitting	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
processes of the USFWS and CDFW. Off-site replacement may include, but is not limited to, the purchase of mitigation credits in an agency-approved off-site mitigation bank supporting least Bell's vireo. A Mitigation Plan approved by the USFWS and/or CDFW, as appropriate, shall be provided to the Manager, OC Development Services prior to issuance of a grading permit.						
Mitigation Measure 4.3-2 - Prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of same to the OC Development Services Manager. The following measures may be required by the Agencies, unless required otherwise by the Agencies: 1. On- and/or off-site replacement of USACE/RWQCB jurisdictional "waters	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>of the U.S." / "waters of the State" at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> <p>2. On- and/or off-site replacement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., pre-project contours and revegetate). Off-site replacement may include the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p>						
<p>Mitigation Measure 4.3-3 - Prior to issuance of a grading permit, the Project Applicant shall demonstrate to the satisfaction of the Manager, OC Development Services that the following requirements have been Included in the Project construction plan:</p> <p>1. Vegetation removal activities shall be scheduled outside the nesting</p>	<p>Pre-Construction</p> <p>and</p>	<p>Prior to issuance of grading permit</p> <p>and</p>	<p>Manager, OC Development Services</p>			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>2. Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the biological monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.</p> <p>3. A qualified biologist shall survey for active bird nests or mammal burrows in all Project site areas that could potentially be exposed to construction noise levels exceeding 60 dBA. Where active bird nests or mammal burrows are discovered, no construction activities shall occur that would result in noise levels exceeding</p>	Construction (as necessary)	Periodic site inspections (as necessary)				

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
60 dBA at the active nest or burrow location. Construction restriction areas shall be staked or fenced under the supervision of the qualified biologist prior to the commencement of construction activities during the breeding season dates listed above.						
Cultural Resources						
Mitigation Measure 4.4-1 - Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Development Services, that the Applicant has retained a qualified archaeological monitor to conduct daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources	Pre-Construction and Construction (as necessary)	Prior to issuance of grading permit and Periodic site inspections (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.						
Mitigation Measure 4.4-2 - In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the County to develop an appropriate treatment plan for the resources to reduce impacts to any significant resources to a less than significant level. Treatment measures to be considered first shall be avoidance or preservation in place. If preservation or avoidance of the resource is not appropriate, as determined by the archaeologist and the County, then	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the resource shall be removed from its location and appropriate data recovery conducted to adequately recover information from and about the archeological resource. All archaeological resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the South Central Coastal Information Center. The landowner, in consultation with the archaeologist and the County shall designate repositories in the event that archaeological material is recovered.						
Mitigation Measure 4.4-3 - The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant to the County, the South Central Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
respect to the California Register of Historical Resources.						
Mitigation Measure 4.4-4 - If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.	Construction (as necessary)	Upon discovery of potential archaeological resources (as necessary)	Manager, OC Development Services			
Mitigation Measure 4.4-5 - Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County	Pre-Construction and	Prior to issuance of grading permit and	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading	Construction (as necessary)	Periodic site inspections (as necessary)				

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.						
Mitigation Measure 4.4-6 - If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the John D. Cooper Archaeological and Paleontological Curation Center at the California State University, Fullerton. Accompanying notes, maps, and	Construction (as necessary)	Upon discovery of fossils (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
photographs shall also be filed at the repository.						
Mitigation Measure 4.4-7 - The Paleontologist and/or paleontological monitor shall conduct sampling and screening of the underlying sediments at the project site for the presence or absence of microfossils. The monitor shall collect various samples (consisting of approximately 200 pounds of sediment) from the spoils piles, sidewalls, or bottoms of an exposed excavation pit across the project site and use wet- or dry-screening techniques off-site for the recovery of microfossils. If the sample yields an appropriate concentration of microfossils, a bulk sediment sample may be warranted.	Construction	Periodic site inspections (as necessary)	Manager, OC Development Services			
Mitigation Measure 4.4-8 - Prior to the release of the grading bond, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant for approval by the	Pre-Construction	Prior to release of grading bond	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Manager, OC Development Services. In addition, the report shall be submitted to the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.						
Mitigation Measure 4.4-9 - If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation	Construction (as necessary)	Upon discovery of human remains (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants'						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>preferences for treatment.</p> <p>Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.</p>						
Geology and Soils						
<p>Mitigation Measure 4.5-1 - Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist to</p>	Design/Plan Check	Prior to issuance of precise grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee; County's registered engineering geologist			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:</p> <p>a) As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault</p>						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>traces are “active” (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project’s proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.</p> <p>b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the</p>						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.</p> <p>c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or</p>						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, as well as the locations, depths, widths, and lengths of the buttresses/shear keys, shall be determined via geotechnical						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
<p>investigation and analysis during the design phase of the Project and confirmed during site grading.</p> <p>d) Conduct representative sampling and laboratory testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable soils that could create geotechnical stability hazards to the Project.</p> <p>e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.</p> <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The</p>						

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
County's registered engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.						
Hazards and Hazardous Materials						
Mitigation Measure 4.7-1 - Prior to the issuance of grading permits, the Project Applicant/developer shall submit the Soil Management Plan (SMP) prepared by a California-licensed professional geologist to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review, approval and implementation by the Project Proponent. The SMP shall include the protocol for the handling and/or disposal of impacted soils, as well as subsurface structures (i.e., underground storage tanks), that could potentially be encountered during construction activities. The SMP shall include protocols for: screening of soil exhibiting impacts,	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
handling of volatile organic compounds (VOC) contaminated soils; stockpile management; vapor suppression and dust control, surface water protection, soil stockpile sampling; sampling frequency; and exporting of contaminated soils.						
Mitigation Measure 4.7-2 - During ground disturbing construction activities, should VOC contaminated soils be encountered as a result of the screening methods prescribed by the Soils Management Plan (refer to Mitigation Measure 4.7-1), ground disturbing construction activities shall be immediately halted. Ground disturbing activities shall not resume until a VOC mitigation plan in accordance with South Coast SCAQMD Rule 1166 has been reviewed and approved by the SCAQMD Executive Officer. The VOC mitigation plan shall set forth requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil consistent with SCAQMD Rule 1166.	Construction (as necessary)	Upon discovery of VOC contaminated soils (as necessary)	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.7-3 - Prior to the issuance of grading permits, a qualified environmental consultant shall prepare and submit a site-specific health and safety plan (HASP) to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee for review and approval. The HASP shall be implemented in conjunction with the Soils Management Plan (refer to Mitigation Measure 4.7-1) when handling soil with suspected or confirmed chemical of concern (COC) impacts. At a minimum, the HASP shall identify the potential COCs and/or other hazards of concern and establish guidelines and/or procedures for controlling/minimizing exposures to potential COCs/hazards, including the appropriate level(s) of personal protective equipment (PPE). The general contractor shall be responsible for non-COC-related health and safety concerns associated with the excavation (e.g., excavation stability, stockpile placement, heavy equipment operation).	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.7-4 - After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR.	Pre-Construction/ Construction	After decommissioning of the oil facilities on the project site	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
Mitigation Measure 4.7-5 - The Project Applicant shall retain a qualified environmental consultant to profile the unidentified substance in the unlabeled 55-gallon drum and facilitate its disposal in accordance with regulatory guidelines, including DOGGR, RWQCB, OCFA, OCHCA and/or any other agency with jurisdiction over such disposal measures. If soil staining occurs	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
around and/or beneath the container and the contents of the drum are determined to be hazardous, soil sampling shall be performed to determine if impacts to the near surface soils have occurred. If so, soil shall be removed in accordance with the measures included in the Project's SMP to be implemented pursuant to Mitigation Measure 4.7-1.						
Mitigation Measure 4.7-6 - Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the	Pre-Construction	Prior to issuance of grading permit and concurrent with decommissioning of the on-site oil facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.						
Mitigation Measure 4.7-7 - Areas within Planning Area 1 (including, but not limited to areas located adjacent to lots 40, 41, 49, 50, 85, 86, and 87) not capable of providing a typical 170-foot fuel modification zone, shall increase the irrigated zone(s) to 100 feet and shall provide six-foot high block walls/radiant heat walls constructed of block/tempered glass over block at the bottom of the fuel modification zone. The block walls/radiant heat walls shall be placed where the fuels below the structure are not of continuous nature and not in alignment with the slope and Santa Ana winds and/or the	Design/Plan Check	Prior to issuance of building permit and Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
predominant winds. The block walls/radiant heat walls shall be perpendicular to the wind, but parallel with the slope. In most cases, the block walls/radiant heat walls shall be located at the property line/base of the irrigated zone and down slope from the native vegetation. Increased irrigated zones and block walls/radiant heat walls design and location shall be subject to the review and approval of the OCFA, prior to issuance of certificates of use and occupancy.						
Mitigation Measure 4.7-8 - Structures with deficient fuel modification lots 39-42, 49-52, 69, 70, and 85-88 shall be protected with NFPA 13-D Automatic Fire Sprinklers including the attics and small spaces. Lots 96-112 shall be protected with NFPA 13-D Automatic Fire Sprinklers including attics and small spaces to mitigate for roadway access longer than 800-feet. Such features shall be indicated on construction drawings prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.7-9 - Fuel modification easements for maintaining the fuel modification areas must list the OCFA as an authorized user. These easements are recorded as part of the mapping process. Prior to recordation of the CC&R's, OCFA must approve language allowing OCFA access to HOA owned property for the purpose of inspecting the fuel modification, plant palette, and added improvements to ensure maintenance of the fire safe zones. In addition, CC&R's shall provide landscaping and maintenance guidelines to ensure that each residential lot is fire-safe and list allowable improvements such as patio structure, play equipment construction, and fencing materials. The CC&R's shall be recorded prior to issuance of certificate of use and occupancy.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
Mitigation Measure 4.7-10 - For the safety of construction personnel, neighboring homes, and firefighting safety in the wildland areas, the Project Applicant, under the supervision of the Fire Chief, and prior to issuance of building permits	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
shall have completed the Project roadways in accordance with applicable OCFA and/or County design standards in the area prior to building permit issuance.						
Mitigation Measure 4.7-11 - Prior to issuance of building permits, a service letter from the water agency serving the project area shall be submitted and approved by the OCFA water liaison describing the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident.	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-1 - Prior to grading for development, existing on-site oil wells and facilities, and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR). All other containers associated with oil production shall also be disposed in accordance with applicable regulatory requirements.	Pre-Construction	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 7-2 - No new residences (habitable structures) would be developed within 150 feet of any surface operational oil well; or within 50 feet of a subsurface pumping unit/well enclosed within a concrete vault, or as otherwise approved by the Director, OC Development Services. The buffer(s) would be clearly dimensioned on all applicable plans prior to issuance of building permits to the satisfaction of the Manager, OC Development Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-3 - No new residences (habitable structures) would be developed within ten feet of abandoned wells. The 10-foot buffer would be clearly dimensioned on all applicable plans prior to issuance of permits to the satisfaction of the Manager, OC Development Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-4 - All new wells drilled in the 1.8-acre "oil drilling pad" parcel located in Planning Area 1 for potential continued oil operations would be drilled per applicable DOGGR, OCFA and County of Orange requirements.	Post-Occupancy (as necessary)	Prior to operating permit for future oil-related facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 7-5 - The oil drilling pad would not be accessible to the public. Plantings, barriers, signage, and information would be provided where necessary to ensure public safety.	Post-Occupancy	Prior to operating permit for future oil-related facilities	Manager, OC Development Services			
PDF 7-6 - Access to the oil drilling pad shall be provided within existing oil field service roads. No new roadways for servicing existing or proposed oil wells would be constructed through open space areas.	Post-Occupancy	Prior to operating permit for future oil-related facilities	Manager, OC Development Services			
PDF 7-7 - The Applicant/developer would provide written notification to all future homeowners regarding the previous use of the site as an oilfield and the extent of continued oil production activities in the area.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
PDF 7-8 - At the time oil operations on the 1.8-acre parcel cease, any wells would be abandoned and contaminated soils would be remediated pursuant to all applicable requirements, if necessary.	Post-Occupancy	Prior to termination of future oil-related facilities	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 7-9 - Prior to issuance of a building permit, the Project would implement a fire protection plan that would comply with OCFA's standards for VHFHSZ/SFPA.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-10 - The Project would incorporate fire-resistant construction for all structures adjoining open space areas including the use of fire-resistant building materials. Such materials would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-11 - All structures would be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers. Such features would be clearly shown on construction drawings and reviewed and approved by the Manager, OC Development Services prior to issuance of a building permit.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 7-12 - The project shall include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-13 - The Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. In addition, long-term maintenance responsibilities would remove from all fuel modification zones any invasive non-native species that appear on the California Invasive Plant Council (Cal-IPC) list of invasive species to prevent these from becoming established.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 7-14 - Per OCFA requirements, fire hydrants would be spaced at 600 feet or less and minimum fire access requirements would be met or exceeded (28-foot minimum road width, 17-foot inside and 38-foot outside turning radius).	Design/Plan Check	Prior to recordation of subdivision map	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Hydrology and Water Quality						
PDF 8-1 - The Project would implement a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). The WQMP would include detailed sizing parameters for the basins and would provide guidelines for the proper maintenance of the water quality basins. The WQMP and SWPPP would identify the BMPs to be implemented by the Project that would reduce pollution levels in stormwater discharge in compliance with applicable water quality standards. These plans would be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map.	Design/Plan Check	Prior to recordation of subdivision map	Manager, OC Development Services			
PDF 8-2 - <u>Debris Basin</u> - The Project would include a debris basin at the most easterly cul-de-sac in Planning Area 1 for a drainage tributary (Creek A) of approximately 636 acres, which enters the project site at this location.	Design/Plan Check	Prior to issuance of grading or building permit	Manager, Permit Services (OC)			
PDF 8-3 - All habitable building floor elevations would be constructed at a minimum of 1-foot (or greater) above	Design/Plan Check	Prior to issuance of grading or building permit	Manager, Permit Services (OC)			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
the anticipated peak 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site.						
Noise						
Mitigation Measure 4.10-1 - During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.	Pre-Construction and Construction (as necessary)	Prior to issuance of grading permit and Periodic site inspections (as necessary)	Manager, OC Development Services			
Mitigation Measure 4.10-2 - The construction contractor shall locate equipment staging in areas that would create the greatest distance	Pre-Construction and	Prior to issuance of grading permit and	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.	Construction (as necessary)	Periodic site inspections (as necessary)				
Mitigation Measure 4.10-3 - The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC Development Services prior to the issuance of any grading permits.	Pre-Construction and Construction (as necessary)	Prior to issuance of grading permit and Periodic site inspections (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure) Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.	Construction (as necessary)	Periodic site inspections (as necessary)	Manager, OC Development Services			
Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure) Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.	Construction (as necessary)	Periodic site inspections (as necessary)	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure) Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.	Pre-Construction	2 weeks prior to construction	Manager, OC Development Services			
Mitigation Measure 4.10-4 - The Project Applicant shall retain the services of a qualified acoustical engineer with expertise in design of sound isolations to ensure that operation of the on-site oil well facilities are within County's exterior noise limits at the property line of the nearest proposed residential lot. Noise measures may include, but are not limited to, screening of oil facilities, motor dampening, and/or nighttime shutdown so as to meet the	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
County's noise requirements. Screening, if necessary, could include landscaping and/or sound wall. The acoustics analysis of the oil well facilities shall be reviewed and approved by the Manager, OC Development Services, or his designee prior to issuance of building permits for the oil well facilities.						
PDF 10-1 - Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.	Pre-Construction and Construction (as necessary)	Prior to issuance of grading permit and Periodic site inspections (as necessary)	Manager, OC Development Services			
Public Services						
Fire Protection Services - Refer to Mitigation Measures 4.7-1 through 4.7-11; and Mitigation Measure 4.15-1. The following mitigation measures are also prescribed.						
Mitigation Measure 4.12-1 - Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
serve the Project, to the satisfaction of OCFA.						
Mitigation Measure 4.12-2 - All new traffic signals on public access ways shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
Police Protection Services						
Mitigation Measure 4.12-2B Prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
School Facilities						
Mitigation Measure 4.12-3 - Prior to issuance of building permits and pursuant to Section 65995 of the CGC, the Project Applicant shall pay the required SB 50 (Section 65995 of the CGC) mitigation fees to the PYLUSD as	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
full mitigation for potential Project impacts to schools.						
<i>School Safety - Short-Term Construction Impacts</i> - Refer to Mitigation Measure 4.14-1. The following mitigation measures are also prescribed.						
Mitigation Measure 4.12-4 - During construction, the Project's Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication shall be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety.	Construction	Periodic communications with schools (as necessary)	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
Mitigation Measure 4.12-5 - In order to ensure school traffic and pedestrian safety, during construction, construction vehicles shall not haul past the Travis Ranch School, Fairmont Elementary School and YLHS, except when school is not in session. If that is infeasible, construction vehicles shall not haul during school arrival or dismissal times.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.12-6 - During construction, crossing guards shall be provided by the Project Applicant in consultation with the Travis Ranch School, Fairmont Elementary School and YLHS, as appropriate, when safety of students may be compromised by construction-related activities at impacted school crossings in order to ensure school pedestrian safety.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
Mitigation Measure 4.12-7 - During construction, temporary traffic control, signage, and/or flaggers shall be present on Via Del Agua and Aspen Way to direct vehicular traffic and pedestrians around the construction site in order to ensure school traffic and pedestrian safety.	Construction	Periodic site inspections	Manager, OC Public Works, Subdivision and Grading, or his/her designee			
Libraries						
Mitigation Measure 4.12-8 - Prior to the issuance of building permits, the Project Applicant/developer shall comply with the development fee program for OCPL as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and/or the development fee program for the City of Yorba Library	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
system, to be determined in consultation with City of Yorba Linda and County of Orange Planning Staff.						
Mitigation Measure 4.12-8(b) - Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.	Pre-Construction	Prior to issuance of building permit	Manager, OC Development Services			
Recreation						
Mitigation Measure 4.13-1 - Prior to issuance of certificates of occupancy, the Project Applicant shall pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. The fees shall be paid to the OC Parks. Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site.	Pre-Construction	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
Mitigation Measure 4.13-2 - Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation Department and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Development Services			
Transportation/Traffic						
Construction Impacts - Refer to Mitigation Measures 4.12-4 to 4.12-7. The following mitigation measure is also prescribed.						
Mitigation Measures 4.14-1 - Prior to the start of construction, the Project Applicant, in coordination with the County of Orange, shall devise a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan shall identify all traffic control measures, signs, and delineators to be	Design/Plan Check	Prior to issuance of grading permit	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
implemented by the construction contractor through the duration of construction activities associated with the Project. The Plan shall also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan shall be subject to final approval by the County of Orange Public Works Department.						
Operation Impacts						
Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Public Works, Subdivision and Grading, or his/her designee			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 14-1 - All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange.	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			
PDF 14-2 - Landscape plans would take into consideration service lines, traffic safety sight line requirements, and structures on adjacent properties to avoid conflicts as trees and shrubs mature.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 14-3 - The stopping sight distance at Via del Aqua and the proposed Street A would meet or exceed the County's Standard Plan No. 1117 requirements for stopping sight distance.	Design/Plan Check	Prior to recordation of a subdivision map	Manager, OC Development Services			
Utilities and Service Systems						
Water Supply and Infrastructure - Refer to Mitigation Measure 4.7-11. The following mitigation measure is also prescribed.						
Mitigation Measure 4.15-1 - To address the Project's need for water storage, the Project Applicant shall pay a fair-share cost to the YLWD for infrastructure improvements identified in the Northeast Area Planning Study that are required to support the Cielo Vista Project. The	Pre-Construction	Prior to issuance of grading permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
payment shall reflect a proportional fair-share of the costs attributable to the Cielo Vista Project toward improvements YLWD has proposed that include construction of facilities which directly benefit and are needed for capacity and conveyance at the project site as determined by District Staff. No grading permits shall be issued for the Project until these improvements are implemented by YLWD and are operational to the satisfaction of the OCFA, unless otherwise determined acceptable by the YLWD and OCFA.						
PDF 15-1 - Builder-installed indoor appliances, including dishwashers, showers and toilets, would be low-water use.	Pre-Occupancy	Prior to issuance of certificates of use and occupancy	Manager, OC Development Services			
PDF 15-2 - Drought-tolerant, native landscaping would be used in public common areas to reduce water consumption. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
PDF 15-3 - Community landscape areas would be designed on a “hydrozone” basis to group plants according to their water and sun requirements. The plant palette for the Project would ultimately be determined based on OCFA requirements for use of fire-resistant plants in high fire-prone areas, but in consideration of applicable City of Yorba Linda and County of Orange landscaping requirements.	Design/Plan Check	Prior to issuance of building permit	Manager, OC Development Services			
PDF 15-4 - Irrigation for both public and private landscape areas would be designed to be water-efficient and comply with Section 7-9-133.5, Landscape Water Use Standards, of the Orange County Code of Ordinances. All irrigation systems would have automatic controllers designed to properly water plant materials given the site’s soil conditions, and irrigation systems for all public landscapes would have automatic rain shut-off devices. Drip irrigation would be encouraged. Spray systems would have low volume, measured as gallons per minute (GPM), matched-precipitation heads. Prior to approval of the	Design/Plan Check	Prior to approval of the tentative map	Manager, Permit Services (OC)			

Table 4-1 (Continued)

Mitigation Monitoring and Reporting Program

Mitigation Measure or Project Design Feature (PDF)	Monitoring and Reporting Phase	Timing	Responsible for Monitoring	Compliance Verifications		
				Initial	Date	Comments
tentative map, the Project Applicant would obtain approval from the Manager, Permit Services of a preliminary landscape plan including the above listed conservation features and compliance with the County's County of Orange Landscape Code (Ord. No. 09-010).						