

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."

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(cont)

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.

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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

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

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(cont.)

- 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

- 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).

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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
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. 7

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
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(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.

1

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.

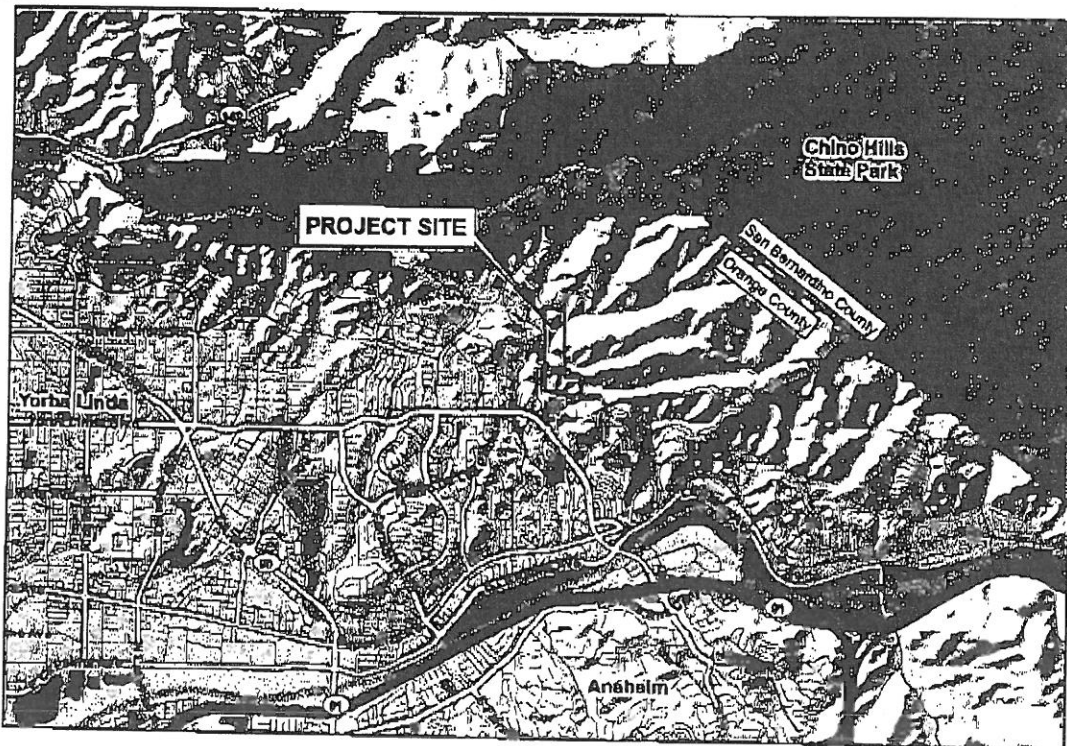
NOA Purpose: The purpose of this NOA UPDATE is to inform local residents, responsible agencies, institutions, and other interested parties that the Draft EIR is available for review and comment during the Public Comment Period (Thursday, **November 7, 2013** through Wednesday, **January 22, 2014**. Written 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

Notice of Completion & Environmental Document Transmittal

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

SCH # 2012071013

Project Title: Ciclo Vista Project
 Lead Agency: County of Orange - OC Planning Contact Person: Ron Tippett - Contract Planner
 Mailing: 300 N. Flower Phone: (714) 657-8856
 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 ☐ Use Permit ☐ Land Division (Subdivision, etc.) ☐ 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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Letter: OPR 2



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,

A handwritten signature in cursive script, appearing to read "Scott Morgan".

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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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 97202
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
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Letter: CDFW

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



January 6, 2014

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

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

Dear Mr. Tippetts:

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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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.

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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.
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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. 6
 - c. Structure roof spouts emptying over pervious 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.

1

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

2

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.

2
(cont.)


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.

3

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

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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.

1

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 that reads "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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Letter: Caltrans2



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

Subject: Cielo Vista Project
SCH#: 2012071013

Dear Ron Tippets:

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,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

DEPARTMENT OF TRANSPORTATION

DISTRICT 12

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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. 1
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. 2
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 3

Mr. Tippets
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. 3
(cont.)

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

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

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

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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. | 1
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. | 2

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
(cont.)

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.

5

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.

6

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

7

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.

7
(cont.)

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.

8

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.

10
(cont.)

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,



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

- 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

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CHRISTINE MARICK
CITY OF BREA

SANTA MONICA MOUNTAINS
CONSERVANCY

DICKIE SIMMONS
LOS ANGELES COUNTY
BOARD OF SUPERVISORS

JACK TANAKA
CITY OF DIAMOND BAR

JANE L. WILLIAMS
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

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

2
(cont.)

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).

3

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.

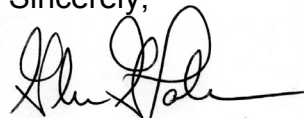
4

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.

5

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,



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

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.

2

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.

3

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

4

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

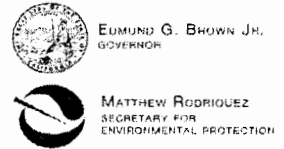
all other adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements would also be imposed on all projects Basin-wide, which would include all related projects. Mitigation 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
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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.

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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.

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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.

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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.

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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

6

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

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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.

7

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.

8

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.

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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).

9

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)).

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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

11

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.

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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
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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*

Letter: YLWD

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.”

1



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. 2
- The Northeast Area Planning Study did not propose a “preliminary” alternative for serving the Project. The Northeast Area Planning Study provides a detailed plan. 3
- Two points of connection from the existing to the proposed potable water system will be required. 4
- 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. 5
- 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.” 6



Yorba Linda Water District


Ron Tippetts
January 13, 2014
Page 3

- 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."	7
2-22	2.0 5e	Please delete waterline size call-outs. Sizing will be determined during the design stage, and with hydraulic modeling.	8
2-22	2.0 5e	Onsite Water and Sewer facilities shall be designed and constructed by the Developer and not YLWD.	9
4.9-7	4.9 2c	For "Yorba Linda Water District (YLWD) Connections," please add "Connection to sewer (wastewater) systems."	10
4.12	4.12 2d	Fire Hydrant spacing shall be 300-feet for residential areas, per YLWD std. 00500 (typ. all sections).	11

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.

2

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.

3

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.

2
(cont.)

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.

3

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.

3
(cont.)

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.

4

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,

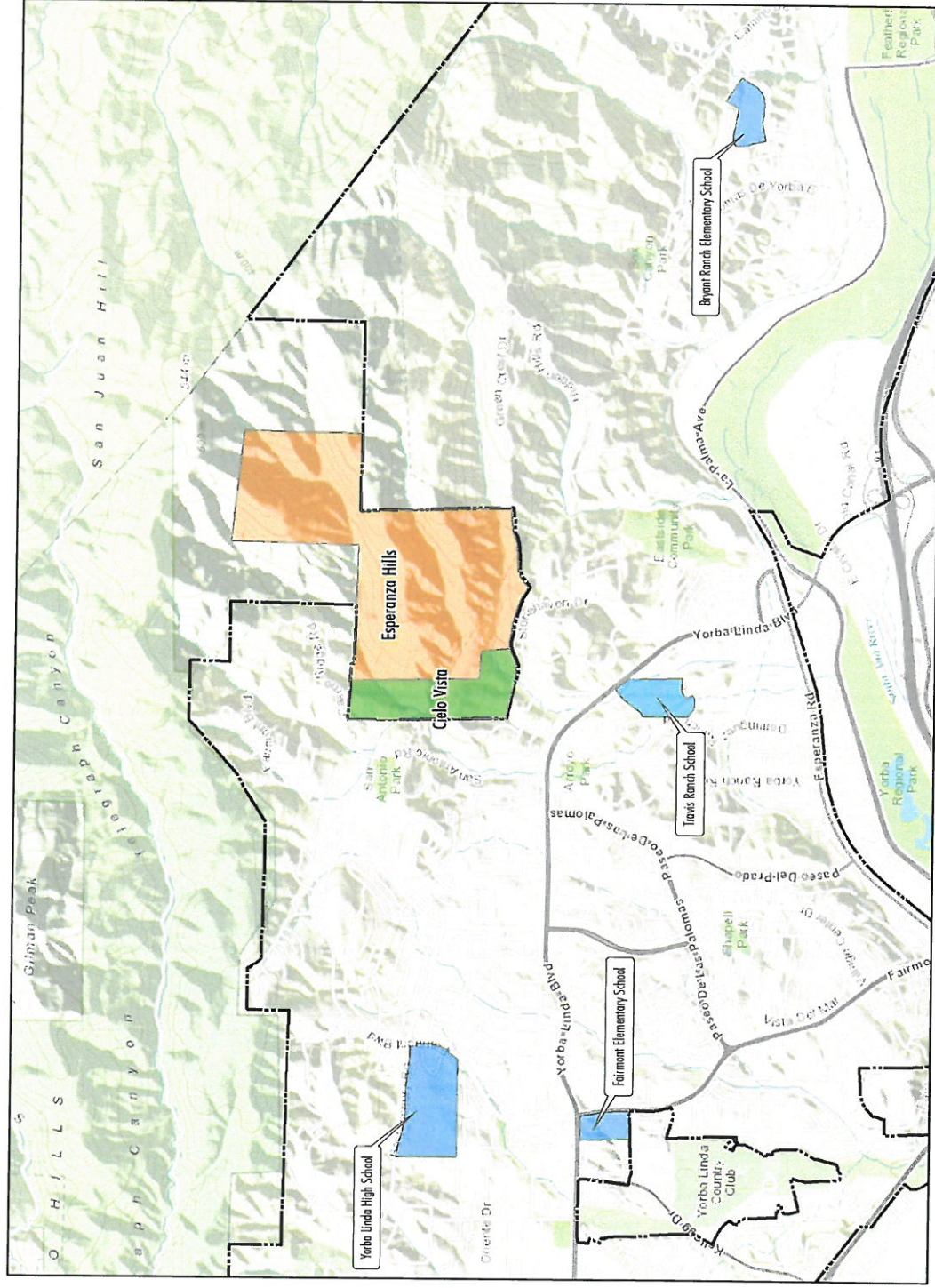


Rick Guaderrama
Director, Maintenance and Facilities
Placentia-Yorba Linda Unified School District
1301 E. Orangethorpe
Placentia, CA 92870

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.

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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: Lt. R. Wren
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.

5



LETTER: SHERIFF

Orange County Sheriff's Department

Lt. R. Wren

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.



Letter: OCFA

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.

1

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

Letter: OCSD

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

Daisy Covarrubias, MPA
Senior Staff Analyst

DC:sa

EDMS:003982800/1.8g

Serving:

Anaheim

Brea

Buena Park

Cypress

Fountain Valley

Fullerton

Garden Grove

Huntington Beach

Irvine

La Habra

La Palma

Los Alamitos

Newport Beach

Orange

Placentia

Santa Ana

Seal Beach

Stanton

Tustin

Villa Park

Yorba Linda

County of Orange

Costa Mesa
Sanitary District

Midway City
Sanitary District

Irvine Ranch
Water District



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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Letter: Gas Co



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,

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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