

## Letter: Allison

From: Bob Allison [<mailto:boballison123@gmail.com>]

Sent: Monday, January 06, 2014 8:27 AM

To: Tippetts, Ron

Cc: Green2go Allison

Subject: Cielo Vista project

Dear Mr Tippetts,

My name is Bob Allison I live at 4480 San Antonio Road in Yorba Linda. I am writing to you to please help support the residence of Yorba Linda and do everything you can to stop the Cielo Vista project. I lost my house in the November 2008 Complex Fire. Thankfully I was able to safely evacuate the area with my family (and dog). However it was not easy to safely get out of the area, San Antonio road was a gridlock of cars, instead of driving down San Antonio road toward Yorba Linda Blvd. I had to drive up San Antonio road, toward the fire as going down the road was blocked with traffice. Luckily we got out. I know that if the Cielo Vista project goes forward we will not all get out when the next fire hits us. We cannot think that another fire will not happen, it will it's just a matter of when! Adding more families (houses) into these canyons is not a good idea and it will end badly. I'm all for development and progress, however we love where we live and want to keep it safe for our families. Please help us protect what we have all worked so hard for; a safe place for our families to live!

2 (cont)

Thank you for your help.

Kind regards,  
Bob Allison



**LETTER: ALLISON**

**Bob Allison**

(January 6, 2014)

**RESPONSE ALLISON-1**

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

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**Cielo Vista Project – Proposed Single-Family Residential Development  
Community Open House  
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

**You may submit your comments** to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, by **January 7, 2014**.

Mail: P.O. Box 4048  
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: [Ron.Tippetts@ocpw.ocgov.com](mailto:Ron.Tippetts@ocpw.ocgov.com)

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics

SYNOPSIS- The Draft EIR fails and lacks credibility due to the fact that it does not address the most important aspect of a proposed development in a **VERY HIGH RISK FIRE ENVIRONMENT**. This area was ground zero in the **2008 Freeway Complex Fire**. Yet the EIR offers no scenario of how the additional 200+ vehicles that this project will add are going to evacuate over the same roads that in 2008 were over capacity during that evacuation. There is no mathematical or computer modeling done. There are no interviews done with residents who experienced the 2008 evacuation. There is no satellite or aerial photography showing the evacuation route. There are no maps showing how an additional 200+ vehicles will evacuate. This development offers one way in and one way out- and the one way out during a fire is to an evacuation route that cannot support that traffic flow. **IGNORING THIS COMPONENT CONSTITUTES A CONVENIENT OMISSION AND CONCEALMENT OF THE TRUTH AND RENDERS THE DOCUMENT IN IT'S ENTIRETY NON-CREDIBLE. WHAT ELSE DID THE DEVELOPER CONCEAL OR OMIT IN THIS DOCUMENT?** See Attachments for additional comments.

It is an **INSULT** to every Yorba Linda resident who experienced and survived the 2008 Freeway Complex Fire for this draft EIR to ignore this event **AND PRETEND LIKE IT NEVER HAPPENED**. To put profit and government revenue ahead of the safety of established residents is inexcusable.

**THE COUNTY NEEDS TO LOOK CLOSELY AT A DEVELOPER THAT WOULD IGNORE THIS CRITICAL COMPONENT IN A DOCUMENT LIKE THE EIR. THIS OMISSION IS CRIMINAL. IT ENDANGERS THE LIVES OF EXISTING RESIDENTS. IT ENDANGERS THE LIVES OF PROSPECTIVE RESIDENTS. THIS IS A LIFE AND DEATH ISSUE AND I HEREBY PROTEST AND PUT ON NOTICE BOTH THE COUNTY AND DEVELOPER.**

**I WILL OFFER THIS WRITTEN WARNING FOR USE IN ANY CRIMINAL OR CIVIL LITIGATION AGAINST ANYONE WHO CONCEALS THE TRUTH REGARDING THIS LIFE OR DEATH ISSUE IN THE EVENT OF BODILY INJURY OR LOSS OF LIFE.**



Robert G Bartels  
4750 Blue Mountain Drive  
Yorba Linda, Ca 92687



1) Fire Hazard- I witnessed the fire and it's devastating effects in 2008. The dynamics involved in prevailing winds driving a fire with 20'-30' high flames through the canyon that traverses this development are catastrophic and creates a blow torch effect and throws a storm of embers well ahead of the fire that cannot be addressed by brush mitigation or fuel modification zones. People will die.

2) Evacuation during fire or disaster- I witnessed the bottleneck of traffic on Stonehaven/Via Del Agua during the 2008 fire. People in a panic do not evacuate in an orderly fashion. It is chaotic and adding another feeder street increases the likelihood of a traffic accident. An accident on the evacuation route would be CATASTROPHIC by closing the evacuation route-possibly for the duration of the evacuation as no emergency vehicles can respond to the accident in a timely manner. They will all be tied up with evacuation. Two lanes of traffic- one going the wrong way of vehicles with people nearly incinerated in their vehicles (as my wife was during the Freeway Complex Fire) while evacuating. Adding a single point of egress to Via Del Agua with any additional vehicles will cause deaths during the gridlock- guaranteed. Most will be in the new neighborhood as those people will have no chance of getting out in a timely manner. Placing homes here is irresponsible and criminal. Any profits made from this ill-advised project will be lost in later wrongful death lawsuits. A TRAFFIC SIGNAL AT YORBA LINDA BLVD. AND VIA DEL AGUA **WILL NOT MITIGATE THIS ISSUE.** THIS PROPOSAL FAILS ON THIS ISSUE AND ALL OTHER ISSUES ARE IRRELEVANT. IF EVACUATION ISSUES ARE IGNORED AND FATALITIES ARE SUSTAINED IN THE NEXT FIRE, THE WARNINGS ISSUED IN WRITTEN RESPONSES BY YORBA LINDA RESIDENTS WILL SERVE AS AN INDICTMENT FOR LEGAL ACTION AGAINST THOSE WHO CHOSE TO IGNORE THOSE WARNINGS AND SIGN APPROVALS. I WILL NEVER FORGET, AND I WILL REMIND ANYONE WHO DOES. EXPERT "OPINIONS" ON THIS ISSUE ARE SECONDARY TO THE TRUTH AND REALITIES OF WHAT WERE EXPERIENCED FIRSTHAND BY YORBA LINDA RESIDENTS IN THE 2008 FREEWAY COMPLEX FIRE. **EVACUATION SCENARIOS WERE NOT EVEN ADDRESSED IN THE DRAFT EIR- TRAFFIC SECTION** WHICH DESTROYS THE CREDIBILITY OF THE ENTIRE DRAFT EIR DOCUMENT. IF THIS CRITICAL POINT WAS OMITTED AND CONCEALED, WHAT OTHER DAMNING FACTS WERE OMITTED?

3) Health of established residents- The ground soil of the proposed development is contaminated by carcinogenic petroleum products- a result of 75+ years of oil extraction from the site. Construction in this area will stir up this contaminated soil in the form of airborne particulates, which will in turn be breathed for years by men, women and children already living in established neighborhoods. Those already suffering respiratory ailments such as asthma will be profoundly and negatively impacted. Those not already suffering from such ailments are at risk of developing them. Then there are the long term effects of breathing carcinogenic dust- lung cancer and other related illnesses.

GREENHOUSE GASES- The EIR concludes that hazardous greenhouse gases cannot be mitigated. So the County is going to allow thousands of established residents be exposed to these dangerous gases for years? THIS IS UNACCEPTABLE. Would you like your family to be exposed to a hazard like this? If it cannot be mitigated, the project should not be allowed to continue.

4) Seismic issues- The Whittier fault zone traverses this proposed development. Placing homes and infrastructure in this close of proximity to it is not only irresponsible- it is criminal- for obvious reasons.





- 5) Geological issues- Several identified landslide zones are contained within the proposed development. Hillsides of established residents will be disturbed- potentially destroying their property. This is a fragile environment and should not be disturbed. 6
- 6) Noise impact- Noises created during construction will be amplified by the bowl-like configuration of the site and broadcast to the established existing neighborhoods negatively impacting the quality of life of those residents. 7
- 7) Added traffic flow- The equivalent of 1200 vehicle trips per day will be created by the addition of the residents in this development. All arriving and leaving through a single ingress/egress point to share one access road (Via Del Agua) to the main thoroughfare (Yorba Linda Blvd.) It doesn't take a math major to see the negative impact this will have on existing residents and neighborhoods. 8
- 8) Protected species habitat- The county currently does not do brush/fire abatement in certain areas of this zone (despite the danger to some existing homes) because they are protected species habitats. Now all of a sudden it is okay to destroy those same habitats? 9
- 9) Impact on area schools- Schools in the area are at capacity. Is the developer going to build new ones? 10
- 10) Loss of aesthetics- Existing homeowners who bought properties based on views and open space will lose property values and enjoyment of serenity and peace. Yorba Linda's careful preservation of ridge lines will be destroyed. 11
- 11) Disruption of existing neighborhoods- The proposed development site is landlocked by existing neighborhoods, some there for 20-25 years. All access during construction and by future residents is through our neighborhoods. This is immoral, unethical and wrong. The impact is staggering and the fact that this development is even being considered boggles the mind. 12
- 12) Precarious economic conditions- A sudden unfavorable turn in an already unstable economy could cause the developer to bail out of the project. This could be catastrophic to the area if hillsides and terrain have been graded bare and left. The ensuing landslides and mudflow would destroy this already fragile area, existing homes would be lost and both the County and developer would be sued into the next millennia. Frankly, I can't think of a worse time to undertake a project of this nature. 13
- 13) Air Pollution- Vehicle emissions from the additional 200-300 vehicles, as well as construction equipment will not be acceptable. 14
- 14) Risk assessment- I have listed a few of the serious risks involved in this project. I pay \$10,000 a year to the county in the form of property tax and I have a vested interest in the County of Orange staying viable financially and not exposing itself foolishly by approving ill-advised developments. Almost anyone can see that the risks for future litigation are especially inherent in this proposal. I do not like the idea of my tax dollars being used to pay out future legal actions that could have been prevented. Neither the County or developer will be able to claim that they were not warned. 15



**LETTER: BARTELS1****Robert Bartels**

4730 Blue Mountain Drive  
Yorba Linda, CA 92887

**RESPONSE BARTELS1-1**

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

**RESPONSE BARTELS1-2**

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

**RESPONSE BARTELS1-3**

Handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. Impact Statement 4.7-2 specifically discusses potential environmental impacts resulting from past and current oil production on the site. While the Phase II Subsurface Investigation did not reveal any chemicals of concern that would exceed applicable health risk screening levels, the Draft EIR notes that there is still a potential to encounter impacted soils. Therefore, as discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

**RESPONSE BARTELS1-4**

The Draft EIR addressed greenhouse gas impacts in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. As discussed therein and contrary to the comment, impacts were concluded to be less than significant.

**RESPONSE BARTELS1-5**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE BARTELS1-6**

The Draft EIR thoroughly evaluated potential environmental issues related to landslides in Section 4.5, *Geology and Soils*. As discussed therein, there is information indicating the presence of landslides within the northern portion of the site. The Project's proposed grading is planned to avoid most of these areas and Mitigation Measure 4.5-1 and compliance with applicable regulations and standards would mitigate all potential impacts related to landslides to a less than significant level.

**RESPONSE BARTELS1-7**

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, potential construction noise impacts on nearby sensitive receptors, including residences to the north, west, and south, were evaluated and were concluded to be less than significant. Nonetheless, mitigation measures are prescribed to minimize construction noise at nearby sensitive residential land uses.

**RESPONSE BARTELS1-8**

The Project will have two points of ingress and egress, one for Planning Area 1 and one for Planning Area 2. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Also, please refer to Topical Response 3 regarding emergency access.

**RESPONSE BARTELS1-9**

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts to sensitive plant habitats were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE BARTELS1-10**

The Draft EIR addressed public service impacts, including impacts on schools, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures which require payment of fees pursuant to SB 50 (Government Code 65995). The payment of SB 50 fees has been declared by the Legislature to be full mitigation of direct impacts on school facilities and buildings. No new schools are proposed by the Project.

**RESPONSE BARTELS1-11**

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas and scenic resources, as well as consideration of impacts to ridgelines. As discussed therein, impacts were concluded to be less than significant. The commenter provides no evidence that the analysis and conclusions contained in the Draft EIR are inadequate or inappropriate.

**RESPONSE BARTELS1-12**

The commenter is correct in noting that the Project is landlocked by existing neighborhoods, specifically single family subdivisions to the north, west and south in the City. At the same time, it is also important to

note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space with the anticipated access along existing roads which are proposed for extension to the project area with Aspen Road to be extended east for Planning Area 2 access and a connection designed from Via Del Agua for Planning Area 1 access. The key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre.

With a total of 112 homes divided between Planning Area 1 at 95 units and Planning Area 2 at 17 units, an additional key to compatibility with adjacent neighborhood is that the Project's peak commute period trip generation is limited to 84 trips during the AM peak between 7:00 AM to 9:00 AM and 113 trips between the PM peak between 4:00 PM and 6:00 PM. Even with the additional peak hour trips attributable to the existing adjacent communities using the same roads --- the Aspen/San Antonio and San Antonio/Yorba Linda Blvd. intersections for Planning Area 2 and the Via Del Agua/Street A intersection for Planning Area 1, these intersections will continue to operate at optimal Level of Service "A" or "B" as shown on in Table 4.14-11 on page 4.14-42 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" and "D" during the AM and PM peak periods, respectively, without a traffic signal even before project traffic would be added. With the addition of a traffic signal at Via Del Agua and Yorba Linda Boulevard as required by Mitigation Measure 4.14-2, this intersection would operate at an acceptable LOS B during the AM and PM peak hours (see Table 4.14-12 on page 4.14-43 of the Draft EIR), based on City of Yorba Linda and County traffic standards. So, contrary to the commenter's observation, the Project will not create a significant traffic impact on local streets.

As for construction traffic, page 4.14-22 of the Draft EIR discusses its impacts as also being less than significant with the requirement for a construction staging and traffic management plan which will minimize peak hour worker trips during the AM and PM peak periods and will limit the delivery of construction vehicles to the project site to off-peak periods. Together with grading to be balanced on site resulting in no transportation of soil through the neighborhoods (with the exception of any contaminated soil), with construction activity not occurring during the early morning and late afternoon when residents are generally home, and the relatively short term construction period as discussed on page 4.12-15 in Section 4.12, *Public Services*, construction impacts on the adjacent communities is anticipated to be less than significant.

### **RESPONSE BARTELS1-13**

Should the Project's vesting tentative tract map be approved, all improvements attributable to the project developer, typically grading and infrastructure, must be secured usually through a bond or letter of credit for the very reason identified by the commenter which is to ensure that if the developer does not complete the vesting tentative tract map improvements, unfinished grading and adverse soils conditions will be stabilized and infrastructure will be completed to a certain extent so that site can be secured for an indefinite period of time even if the Project is not completed. These requirements will be adopted as conditions of approval for the vesting tentative tract map, if approved.

**RESPONSE BARTELS1-14**

The commenter provides her opinion with respect to air pollution impacts, but does not provide any evidentiary support for her assertions. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580 [A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence]; CEQA Guidelines § 15384.) The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, operation- and construction-related impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE BARTELS1-15**

Challenges to a project approval typically address the adequacy of a County-certified (approved) Final EIR where both the Project Applicant and the County are named respondents. The County's standard practice is to have the Project Applicant pay the full cost of defending litigation challenging the adequacy of a Final EIR (e.g. through an indemnification agreement), which would be in effect for the Project .

Please also see Response Bartels1-13.



Letter: Bartels2

January 14, 2014

To: Mr. Ron Tippetts, Project Manager  
OC Public Works OC Planning Services

Subject: **Draft EIR for Cielo Vista Development**

From: Norah Bartels  
4730 Blue Mountain Dr  
Yorba Linda CA 92887

I submit my written comments regarding the Cielo Vista development. I will keep my concerns to the primary areas that affect Hazards/fire safety and traffic/evacuation. All other concerns are irrelevant since the developer has demonstrated that these areas cannot be mitigated.

The developer ignores the 2008 Freeway Complex Fire in the EIR. Pretends like it never happened. Supervisor Todd Spitzer has characterized the 2008 evacuation as "virtually impossible for (existing) residents to evacuate." This begs the question, with no new roads proposed by the Cielo Vista developer, where are the 200 plus vehicles generated by this development going to go? Is there a term for "more impossible?" Supervisor Spitzer understands that unless new roads going North or East are proposed, this project cannot go forward. The developer is painted into a corner and his answer to the traffic/evacuation issue is to put broad generalities about irrelevant traffic studies into the EIR. The EIR fails on this point alone. To ignore this places the cost of it's staff as well as the developer at significant civil and criminal prosecution exposure.

Thank you,



Norah Bartels



NORAH BARTELS  
4730 BLUE MOUNTAIN DRIVE  
YORBA LINDA, CA 92887



**LETTER: BARTELS2**

**Robert Bartels**

4730 Blue Mountain Drive  
Yorba Linda, CA 92887  
(January 14, 2014)

**RESPONSE BARTELS2-1**

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

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**Letter: Brown**

From: [hi2meb@gmail.com](mailto:hi2meb@gmail.com) [<mailto:hi2meb@gmail.com>]

Sent: Sunday, January 05, 2014 10:01 PM

To: Tippetts, Ron

Subject: New development in Yorba Linda bad idea

Dear sirs, we are not in favor of the development planned for Yorba Linda. It is not safe for the new residents and it will cause overcrowding. Please vote against this new development.

1

Thank you,  
Mike Brown



**LETTER: BROWN****Mike Brown**

(January 5, 2014)

**RESPONSE BROWN-1**

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and developer interest to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process. Community input to be considered would include the commenter's general observations that the Project will not be safe for new residents and it will cause overcrowding.

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**Letter: Bryant**

**From:** Connie Bryant [<mailto:conniex195@gmail.com>]

**Sent:** Monday, January 06, 2014 10:58 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista

Hello Mr. Tippetts:

I have been a resident of Yorba Linda since 1984. I am writing in regards to the Cielo Vista project which I am totally against.

I was at home during the Yorba Linda fires we had a few years back. It was a dangerous situation not having more than 1 way to exit the area residences in some areas. This is unacceptable and cannot be made worse with this project.

I am against and will vote against any huge multip housing projects as in townhomes or condo's or apartments. There must be a way for residences to exit their homes besides one street and adding to this nightmare is NOT acceptable.

Thank you for your time.

Connie Bryant

20860 Chateau Ave. Yorba Linda, CA 92886



**LETTER: BRYANT**

**Connie Bryant**

20860 Chateau Avenue

Yorba Linda, CA 92886

(January 6, 2014)

**RESPONSE BRYANT-1**

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

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## **Letter: Bucklin**

December 2, 2013

Dear Mr. Tippetts,

I am writing to voice my concerns regarding the proposed Cielo Vista project. While the EIR shows minimal impact on the environment (i.e. animals and plants), the impact on the people in the area will be significant.

1

I live on San Antonio Road and was living here at the time of the fires in 2008. Many homes on my street and in neighboring streets were burned in the fires. San Antonio Road is a very small two lane street. The street can hardly safely accommodate the emergency evacuation of the occupants of the homes already in existence in this area, much less the occupants of another 100+ homes. Adding 100+ homes with dependence on such a small residential street as an outlet is extremely dangerous and should not be permitted.

I am attaching pictures of the fires to remind everyone reviewing this project of the reality of the fires in this area. The area that the developers want to build on was on fire just 5 years ago. Despite the brave and hard work of the firemen in Yorba Linda and surrounding areas, many homes in the area burned to the ground. This project would add 100+ homes where the fire once ravaged to the workload of already overburdened fire workers. This is a recipe for more disaster. In 2008, we were very fortunate that no lives were lost. We may not be so fortunate the next time if fire workers are burdened with 100+ additional homes to salvage.

2

While the EIR demonstrates the safety of the environment, I would implore the OC Planning Committee and Board to consider the safety of the citizens in this area and those who would potentially live in the project's danger zone.

If you have any questions pertaining to this letter, please feel free to email me at this email address. Thank you for your time and consideration of this matter.

Sincerely,

Chris Bucklin

3760 San Antonio Rd

Yorba Linda, CA 92886

[cjbkb@sbcglobal.net](mailto:cjbkb@sbcglobal.net)



**LETTER: BUCKLIN****Chris Bucklin**

3760 San Antonio Road  
(December 2, 2013)

**RESPONSE BUCKLIN-1**

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

**RESPONSE BUCKLIN-2**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts.

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Cielo Vista Project – Proposed Single-Family Residential Development  
Community Open House  
Comment Form

JAN 03 2014

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

**You may submit your comments** to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, **by January 7, 2014.**

Mail: P.O. Box 4048  
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: [Ron.Tippetts@ocpw.ocgov.com](mailto:Ron.Tippetts@ocpw.ocgov.com)

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics

Air Quality

Biological Resources

Cultural Resources

Greenhouse Gas/Climate Change

Geology and Soils

Hazards/Hazardous Materials

Hydrology/Water Quality

Land Use/Planning

Noise

Population and Housing Houses are being built in clusters with  
more than one house per developed acre

Public Services

Recreation

Traffic/Transportation The ingress & egress in case of needed  
evacuation is simply NOT acceptable or feasible

Utilities

Alternatives

1

2

2. What specific comments do you have regarding the proposed Cielo Vista project?

This project AND THE ESPERANZA HILLS project  
should be considered in their ENTIRETY NOT piecemeal.  
TRAFFIC CANNOT BE MITIGATED IN AN  
EMERGENCY EVACUATION. You Can't Triple the Number  
of Homes Using Only One Single Escape Route AND Say The Impact  
IS INSIGNIFICANT OR MITIGATED

3

Please provide your name and contact information below:

Name: C L Buia  
Address: 4080 View Park Dr  
Yorba Linda, CA 92586

Email: DABUIES4YL@shcglobal.net

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

OC Public Works  
OC Planning Services  
300 North Flower Street  
P. O. Box 4048  
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

**LETTER: BUIE****C.L. Buie**

4080 Viewpoint Drive  
Yorba Linda, CA 92826  
(January 3, 2014)

**RESPONSE BUIE-1**

The commenter is correct in noting that the project slightly exceeds the City's General Plan Land Use Element's Low Density Residential designation maximum of one dwelling unit per acre. However, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre.

In association with the Low Density Residential designation, the City's Land Use Element states on page LU-45 that, "...clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Moreover, it should be noted that the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County's "1B" designation with a density of 1.3 dwelling units per gross acres being near the low end of the "1B" range.

**RESPONSE BUIE-2**

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

**RESPONSE BUIE-3**

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

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## Letter: Byrne

**From:** Paulette Byrne [<mailto:pabyrne@sbcglobal.net>]

**Sent:** Wednesday, January 22, 2014 6:26 PM

**To:** Tippetts, Ron

**Cc:** Joe Byrne

**Subject:** Cielo Vista Project

I would like to express my deep concern at the projects proposed in the area of the Cielo Vista project. I do not look at the Cielo Vista project in isolation as the other proposed developments go in tandem with it.

**1) Notification:** The counties minimal requirement to only notify residence within the 300' radius of the project is completely insufficient. That is only the length of a football field! It is obvious this project will impact those well beyond that. They should be afforded the opportunity to give input as well.

At the time the NOP's went out my husband & I lived in the 92886 zip code. We were woefully ignorant of the proposed projects and as a result bought a high end home within range of these projects. The sellers did not disclose the proposals so as a result we closed escrow on 10/4 & did not find out about how we might be impacted till 11/19 when my husband saw the billboard erected by 'Save our Hills YL'. The county does a grave dis-service to its residence by keeping them uninformed. Even if we had remained in the 92886 zip code we would still be affected by this proposed influx of population. I understand the counties reluctance to notify more residence & risk the additional 'feedback'.

**2) Water:** Southern Ca is technically a desert & these last few years have shown that. The drought we've experienced is reflected in our hills. If these hills are developed & paved over there will be less seepage into the ground to maintain the water table. The water required by this development to maintain the residence, their landscaping & pools is profound & will obviously be a burden on our water resources.

Although the Yorba Linda water district says it can always get water, there are no guarantees. And of course meeting the ever increasing demand comes at a cost. A cost that not just the Cielo Vista residence will incur but the whole of Yorba Linda! Yes, even those who were never notified of the proposed project.

**3) Roads/Traffic:** Our current roads do not adequately handle the traffic in Yorba Linda. Yes widening Imperial & the Ezperanza overpass have helped, but at rush hour traffic all along Yorba Linda Blvd is bad. Especially at YL Blvd & Imperial & around Savi Ranch, Weir Cnyn & the 91 Fwy. The traffic study done was far too narrow. Development of the hills to the level being proposed will affect the already overly congested 91 Fwy. We know these homes are not going to be sold to retirees but working people who will need means to get to their jobs wherever they might be. As there is no longer student bus service, traffic around any of the schools in the area in the morning is bad.

Also as population increases so do accidents. I did not see in the EIR any mention of a study done on the number of accidents & their severity along YL Blvd.

As we learned in 2008, the existing roads in the residential areas around the proposed project areas was woefully inadequate for a mandatory evacuation. There is NO proposal for widening the existing roads, only for adding a road that will allow additional traffic to the tune of 1500+ vehicles to be added to the already existing inadequate roads. This is a formula for disaster!

3  
(cont)

**4) Sewage/Disposal Services:** Increasing the # of residence will place a burden on the cities sewage system & disposal mgmt. How much longer can the Brea-Olinda facility continue at it's current rate? Increasing the # of residence can only shorten its years so service. Our current counties sewage facilities are inadequate for treating raw sewage when we do experience a heavy rain. This often results in raw sewage being released into the ocean & our beaches being shut down.

4

**5) Ecology:** If you reduce the area where coyotes can hunt & feed themselves, out of desperation, as we have seen, they will start coming into neighborhoods to hunt. This significantly lowers the quality of life for all animal lovers who than fear for their pets safety.

5

**6) Noise & Light Pollution:** The # of homes being proposed & the # of cars these residence will bring will significantly increase noise & light pollution. The routes in & out of the development will impact existing residence who currently enjoy a quiet rural atmosphere.

6

**7) Density:** To let the developer put the # of units it's proposing into the area is contrary to the numerous existing equestrian properties surrounding the area. Residence bought in this area for a particular lifestyle. What the developer is proposing negatively affects this lifestyle to a significant degree. What about the existing residence rights to have their cherished lifestyle protected?

7

Thank you for your attention to these concerns.

Regards,

Joe & Paulette Byrne

**LETTER: BYRNE**

**Joe and Paulette Byrne**  
(January 22, 2014)

**RESPONSE BYRNE-1**

The comment does not question the environmental analysis or the conclusions contained in the Draft EIR. However, as to notice, in accordance with the State's *CEQA Guidelines Section 15087*, the County, serving as the Lead Agency in early November 2013 circulated a Notice of Availability (NOA) of a Draft EIR to: property owners within 2,000 feet of the project site; occupants of properties contiguous to the project site; and public agencies, organizations and individuals that commented on the NOP or have requested such notice in writing. The public review period (starting on November 7, 2013), which lasted 45-days, was consistent with the State CEQA Guidelines Section 15087 requirements for public review of a Draft EIR. The public review and comment period was subsequently extended by the County to 75 days total, with the comment period ending on January 22, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period. A "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR.

In addition to providing review time beyond what is required by CEQA, and though not required by CEQA, the County also elected to hold a public meeting at the Travis Ranch Activity Center in Yorba Linda on December 16, 2013, in order to take public comments on the Draft EIR and to further encourage public input.

Also, the pursuant to the State's *CEQA Guidelines*, the County circulated a NOP to public agencies, special districts, and members of the public for a 30-day period commencing July 5, 2012 and ending August 6, 2012. The purpose of the NOP was to formally convey that the County is preparing an EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR. A description of the proposed Project was circulated with the NOP. In addition, in accordance with Public Resources Code Section 21083.9, a public scoping meeting was held for the Project on July 19, 2012 to obtain input as to the scope and content of the environmental information that should be included in the EIR. The meeting was held on July 19, 2012 at the Travis Ranch Activity Center located at 5200 Via De La Escuela, Yorba Linda, CA 92887. The NOP was also posted on the City of Yorba Linda and County Orange's websites.

**RESPONSE BYRNE-2**

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal,

single dry, and multiple dry years between 2015 and 2035.<sup>1</sup> Moreover, the Project does not represent a significant increase in service demand.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions depending on the severity of drought conditions.<sup>2</sup> The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

Please also refer to Topical Response 2, which discusses water supply.

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<sup>1</sup> Yorba Linda Water District Final 2010 Urban Water Management Plan.

<sup>2</sup> Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.



**RESPONSE BYRNE-3**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway, as well as those to Imperial Highway, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, intersections down to the 91 Freeway, south of the Via Del Agua/Yorba Linda Boulevard, were appropriately not analyzed as study area intersections in the Draft EIR. In addition, neither of the thresholds were met for traffic around Savi Ranch or Weir Canyon. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

The County acknowledges that as with many schools, including Travis Elementary, drop-off and pick-up hours are typically associated with short-term, heavy traffic. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analyses. Further, as discussed in Section 4.14, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level.

Regarding accidents along Yorba Boulevard; enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145). Nonetheless, the Draft EIR on page 4.14-62 in Section 4.14 does address "Traffic Hazards," which include an assessment of hazards related to a design feature or incompatible uses based on the applicable traffic-related CEQA thresholds of significance. As discussed therein, a sight distance analysis was prepared to determine if the Project's primary access point off Via Del Agua will have adequate stopping/corner sight distances based on applicable County of Orange roadway standards. The analysis concluded that the Project would meet the County's standards and that the Project would not result in significant traffic hazards based on the applicable CEQA thresholds as analyzed in the Draft EIR. Also, please refer to Topical Response 3 regarding emergency access.

**RESPONSE BYRNE-4**

The Draft EIR addressed sewer and solid waste impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. The analysis includes an assessment of the available capacities at the serving wastewater treatment facilities. As discussed therein, the Sewer Study prepared for the Project concluded that the existing sewer system has the capacity to handle the additional wastewater generated by the Project without requiring any changes to the existing system. As discussed therein, these impacts would be less than significant.

With respect to impacts from heavy rains, as discussed in Section 4.8, *Hydrology and Water Quality*, a Conceptual Water Quality Management Plan (WQMP) has been prepared for the Project. A final WQMP would be prepared prior to implementation of the Project and would include best management practices (BMPs) that would ensure compliance with the County of Orange NPDES Permit for Waste Discharge, which regulates stormwater runoff from sites and activities following construction. A list of the BMPs that may be included in the WQMP is provided in Section 4.8. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff.

**RESPONSE BYRNE-5**

The comment does not address any potential environmental impacts of the Project or raise any issues with the analysis contained in the Draft EIR. Nevertheless, with respect to habitat loss and biological impacts, the Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR.

**RESPONSE BYRNE-6**

The Draft EIR addressed aesthetics impacts, including light and glare impacts, in Section 4.1, *Aesthetics*. As discussed therein, light impacts were concluded to be less than significant with implementation of the project design feature PDF 1-9 and the prescribed mitigation measure (refer to Mitigation Measure 4.1-1 on page 4.1-27 of the Draft EIR).

The Draft EIR addressed operational noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

**RESPONSE BYRNE-7**

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of

approximately 15,000 square feet per the Project's Draft Area Plan. The larger lot sizes would accommodate equestrian uses while the smaller lots would nevertheless be compatible with the adjacent single family homes albeit without equestrian amenities. This distinction is consistent with the commenter's observation that not all surrounding residential properties are equestrian use oriented. It is also important to note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space.

In addition, it should be noted that this Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) in Chapter 3.0. Please refer to Topical Response 5 for a discussion of Alternative 5, which is consistent with the Yorba Linda General Plan and was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

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**Letter: Carboni**

**From:** Ronald Carboni [<mailto:rjcarboni@sbcglobal.net>]

**Sent:** Monday, December 23, 2013 3:10 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project issues

Dear Mr. Tippetts,

I live at 21620 Stonehaven Dr. yes that's just one house east of the new entrance to the Cielo Vista project that the developer and the County of Orange is working to approve.

I'm the original owner of this house and one of the features that was sold to me was the hill views from my front yard. These homes ( Brighton Estates) were all sold at a premium due to lot size and location, the same home could have been purchased for \$80K less at the other Brighton location in Yorba Linda.

The selling agents at the time informed me that the hills would not be built on due to oil and water district leases. Appears that was not true. Never trust a sales person.

1

My wife and I have enjoyed living here for over 23 years and have always considered this home as a good investment for the future? However, with this new proposed development and all of the noise, traffic, pollution, congestion, destruction of nature and wild life it will bring to my neighborhood the result will be detrimental to my property value and make my home and my immediate neighbors homes undesirable and difficult to sell in the future.

2

This is a flawed development with many problems and issues that you are aware of. Decreased property values is one more item that will most likely result in legal action against the developer.

Best regards,

Ron and Judi Carboni

21620 Stonehaven Dr. Yorba Linda



**LETTER: CARBONI****Ronald and Hudi Carboni**

21620 Stonehaven Drive  
Yorba Linda, CA  
(December 23, 2013)

**RESPONSE CARBONI-1**

The commenters appear to reference the hillside areas east of the City. This unincorporated area has been designated by the County General Plan Land Use Element as “1B” Suburban Residential allowing for a density of 0.5 to 18 dwelling units per acre. The County cannot speculate on whether this information was disclosed to buyers in the Brighton Estates community, and is unaware of any pending project application such as Cielo Vista which was being processed by the County in the area approximately 23 years ago when the commenters purchased their home.

**RESPONSE CARBONI-2**

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all categories of impacts is that the Project’s impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will bring noise, traffic, pollution congestion and the like when Project impacts as defined by CEQA will be less than significant. Additionally, the potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)).

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Cielo Vista Project – Proposed Single-Family Residential Development  
Community Open House  
Comment Form

JAN 03 2014

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

You may submit your comments to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, by January 7, 2014.

Mail: P.O. Box 4048  
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: [Ron.Tippetts@ocpw.ocgov.com](mailto:Ron.Tippetts@ocpw.ocgov.com)

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

- |                               |                                                                                             |   |
|-------------------------------|---------------------------------------------------------------------------------------------|---|
| Aesthetics                    | Poor not in line with Yorba Linda Horse community                                           | 1 |
| Air Quality                   | The dust particles blowing off the hill will make air quality poor for kids playing outside | 2 |
| Biological Resources          |                                                                                             |   |
| Cultural Resources            |                                                                                             |   |
| Greenhouse Gas/Climate Change |                                                                                             |   |
| Geology and Soils             |                                                                                             |   |
| Hazards/Hazardous Materials   |                                                                                             |   |
| Hydrology/Water Quality       |                                                                                             |   |
| Land Use/Planning             | poor planning on space + access                                                             | 3 |
| Noise                         |                                                                                             |   |
| Population and Housing        | too large of a project for area                                                             | 4 |
| Public Services               |                                                                                             |   |
| Recreation                    | no parks planned?                                                                           | 5 |
| Traffic/Transportation        | Traffic will increase + accidents will happen on San Antonio because street is narrow       | 6 |
| Utilities                     |                                                                                             |   |
| Alternatives                  | needs to be a much smaller project + horse trails                                           | 7 |

2. What specific comments do you have regarding the proposed Cielo Vista project?

It will create too much traffic on San Antonio  
more congestion. The left turn lane on Yorba Linda  
blvd only handles 4-5 vehicles. If more traffic  
it will create hazard on Yorba Linda Blvd.  
Fire hazard zone where house are to be built  
Very High wind area. + potential lawsuits to  
the County for approving project.

8

Please provide your name and contact information below:

Name: Rob Carrillo Email: klubb er@msn.com  
Address: 21111 Ridge Park Dr.  
Yorba Linda, CA  
92786

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

SANTA ANA CA 927

31 DEC 2013 PMS 1

OC Public Works  
OC Planning Services  
300 North Flower Street  
P. O. Box 4048  
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

REC'D JAN - 8 2014



**LETTER: CARRILLO****Rob Carillo**

211100 Ridge Park Drive  
Yorba Linda, CA 92886  
(January 3, 2014)

**RESPONSE CARRILLO-1**

The Draft EIR addressed the Project's visual compatibility with surrounding neighborhoods in Section 4.1, *Aesthetics*. As discussed therein, the Project would be surrounded on the north, west, and south by residential development similar to the Project, many of which have pools. The Draft EIR concluded that impacts would be less than significant.

**RESPONSE CARRILLO-2**

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, the Project could result in dust related to the construction and operation (vehicular travel) of the Project, and the Draft EIR evaluated these potential impacts. However, SCAQMD Rule 403, which applies to the Project, establishes fugitive dust limits to reduce the amount of particulate matter entrained in the ambient air as a result of man-made fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust. The Project will comply with Rule 403. Moreover, with the implementation of Mitigation Measures 4.2-1 and 4.2-2, impacts were concluded to be less than significant.

**RESPONSE CARRILLO-3**

The comment represents the opinion of the commenter and does not identify any significant issues with the analysis or conclusions contained in the Draft EIR. The Draft EIR addressed land use impacts in Section 4.9 *Land Use and Planning*. As discussed therein, impacts were concluded to be less than significant. The Project's proposed access is also described in Section 2.0, *Project Description*, in the Draft EIR.

**RESPONSE CARRILLO-4**

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes. Therefore, the Project is not too large for its 84 acre area with 36 acres preserved as open space. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan. Alternative 5 eliminates the 17 units in Planning Area 2 and reduces the density in Planning Area 1

from 95 to 83 units. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

#### **RESPONSE CARRILLO-5**

As stated on page 4.13-18 of Section 4.13, *Recreation*, in the Draft EIR, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City in the future.

#### **RESPONSE CARRILLO-6**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Regarding accidents along San Antonio, San Antonio Road is a two lane roadway with curb and gutter improvements and is designated as a local road on the City's General Plan Circulation Element. The two intersections which were studied along San Antonio Road, at Aspen Way and at Yorba Linda Boulevard, were both determined to operate at an excellent level of service. Moreover, the Draft EIR evaluated whether there would be any increase hazards due to the Project. The Draft EIR concluded that there are no existing hazardous design features such as sharp curves or dangerous intersections on-site or in the surrounding area. Also, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County (see PDF 14-1). It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145).

#### **RESPONSE CARRILLO-7**

Please refer to Response Carrillo-4.

Project impact on planned bicycle, riding and hiking trails is discussed on page 4.13-15 and shown on figure 4.13-2, both in section 4.13, *Recreation*, in the Draft EIR. There are no County planned bikeways or other County planned trails in the project area. The project site is traversed by an earthen multipurpose City trail in an east-west direction, and a similar trail paralleling the project site's western boundary at the City limit as contained in the City's trail study recommendation. Both trails can be accommodated as shown on Figure 4.13-2. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. This is the extent of recreational trail planning as affecting the project site. No exclusive equestrian trails are planned by the City for the project site. However, the project site can accommodate such trails especially as traversing the 36 acre proposed open space area.

**RESPONSE CARRILLO-8**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. With the proposed mitigation measure to install a traffic signal at the intersections of San Antonio Road at Aspen Way (Intersection #7) and San Antonio Road at Yorba Linda Boulevard (Intersection #8) are anticipated to operate at LOS “A” or “B” during the peak hours. Therefore, the vehicle queue length for the southbound approach for the intersection of Yorba Linda Blvd./San Antonio Road is expected to dissipate entirely during each cycle of the traffic signal at the intersection of San Antonio Road and Yorba Linda Boulevard.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR, and acknowledged that the area is in a Very High Fire Hazard Safety Zone. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts and emergency access.

Potential lawsuits against the County, if any, are not impacts on the environment which require analysis in the Draft EIR. Nonetheless, it is acknowledged that challenges to a project approval typically address the adequacy of a County-certified (approved) Final EIR where both the Project Applicant and the County are named respondents. The County’s standard practice is to have the Project Applicant pay the full cost of defending litigation challenging the adequacy of a Final EIR (e.g. through an indemnification agreement), which would be in effect for the Project.

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## **Letter: Casacchia**

**From:** Brian C. [<mailto:bjcasacs@sbcglobal.net>]

**Sent:** Wednesday, January 22, 2014 2:49 PM

**To:** Tippetts, Ron

**Cc:** Spitzer, Todd [HOA]

**Subject:** Commnt letter Cielo Vista project

Please see my attached comment letter in regards to the Cielo Vista project. Please keep in mind that my residence of almost 25 years backs up directly this potential development. This will be a life changing event for me, my family and neighbors should it be approved, with a negative impact for both well being and property value.

Brian Casacchia

Brian J. Casacchia  
Parcel # 350 051 09  
4570 Dorinda Rd.  
Yorba Linda, CA  
92887

TO: Orange County Public Works/OC Planning

JAN. 22, 2014

SUBJECT: Cielo Vista Project, DRAFT ENVIRONMENTAL IMPACT REPORT # 615

ATTN: Mr. Ron Tippets

Dear Planning Commission, as a resident and homeowner in Yorba Linda since 1989 I feel compelled to submit this letter in response and in protest to the proposed "Cielo Vista Project". My family and I reside at 4570 Dorinda Rd., Yorba Linda CA, 92887 and have done so for over 23 years. My house is seen in picture #3, figure 3(a) of the Notice of Preparation letter which I received, specifically at the upper most end of the street (3) houses from the end of the Dorinda Rd's. cul-de-sac. One of the main reasons that I purchased my house was the fact that the property behind me was zoned "A1(O)", exclusively for agriculture with oil. My home is constructed in a housing tract known as Travis Ranch which was built in 1984 on the adjacent hill of the proposed "Project" and has spectacular views of the area's natural rolling hills and habitat. I bought this house knowing and believing that I would always be able to enjoy the natural scenery of the hills and wildlife, as well as the serene privacy and peace of mind knowing that I would never have anyone or anybody living behind me or looking down onto my property. It appears that the "Project's" preliminary tract plan shows houses and streets constructed above and directly behind me in close proximity to my property line. It specifically shows a street "identified as D on their tract map" that will likely "light" my house up at night with each and every oncoming and passing vehicles headlights. I am positive and truly believe that my concerns regarding my home and neighborhood and the uncertainty for the future of my home and neighborhood and the lifestyle and comforts which I have enjoyed and have become accustomed to, would be shared by anyone found in my predicament. The following items are a list of additional concerns that I feel need to be addressed prior to any approvals to proceed with this project. I also find it hard to believe that the Esperanza Hills Project does not share vital common interests with the Cielo Vista Project as their representative claimed at the meetings. It would appear to me, through common sense that the main incentive to justify the expense to build such a small tract of homes off Aspen way, would be to use the street to access the Esperanza Hills Project's proposed 400 homes. I believe one project could not survive without the other and that both projects should be reviewed as "one" project.

Additional items of concerns:

- a) Traffic congestion. Existing traffic is already congested during school days and also with commuters using Yorba Linda Blvd as a short cut from the 55, 57 and 91 freeways.
- b) Preservation and protection of wildlife, habitats and wilderness, both endangered and not.
- c) Fire dept. approvals due to the high risk fire area. EMERGENCY EVACUATION STUDIES MUST BE CONSIDERED WHEN THE SITUATION ARISES AT ITS WORST, e.g. 2:00 AM, 80 MPH WINDS, RAGING FIRE, COMPLETE POWER AND PHONE / COMMUNICATION OUTAGE, NO AVAILABLE FIRE FIGHTERS, POLICE SERVICE OR TRAFFIC CONTROL.
- d) Overloading of the Public schools or additional demand on the city of Yorba Linda's infrastructure including public servants such as police and fire.
- e) Safely plugging or capping of abandoned oil wells, specifically the ones that have broken drilling bits still lodged in them.
- f) Construction DUST CONTROL, high winds blow regularly through this canyon, and construction dirt and dust would be intolerable if not contained or controlled.
- g) Restrictions on work days allowed and "quiet" times must be set and enforced for early mornings, evenings and absolutely no weekend construction.
- h) Specific storm water plans for the construction phase, approved by the city of Yorba Linda to avoid potential land and mud slides.
- i) Water! there is historical drought going on, we need a moratorium on all new housing and developments. It seems ridiculous that the governor of California is implementing mandatory water rationing and yet government agencies are allowing huge neighborhoods to be built.

In closing, I feel that the city of Yorba Linda should have 100% input and a majority voice in any or all zoning, building or infrastructure changes or approvals, both preliminary and permanent, to allow this project to proceed. I also feel that all the residents of Yorba Linda should have been notified in regards to this major development and not just the residents along the Projects immediate borders.

Respectfully,  
Brian J. Casacchia



**LETTER: CASACCHIA****Brian Casacchia**

4570 Dorinda Road  
Yorba Linda, CA 92887  
(January 22, 2014)

**RESPONSE CASACCHIA-1**

The Project would include residential lots along the west side of Street B, which intersects Street D (T-intersection). The backyard fence line to your property is located at an approximate elevation of 720 feet amsl. The intersection of Street B and Street D would be at an elevation of less than approximately 700 feet amsl. Further from Dorinda Road, vehicular headlights from cars traversing the project site along Street D, as well as light from the street lights along streets within the project site, would be “blocked” by the residential lots (including the single-family homes, fencing, landscaping, etc.) along Street B. Thus, with the elevation difference and intervening development, vehicular headlights are not anticipated to significantly impact your property.

**RESPONSE CASACCHIA-2**

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

**RESPONSE CASACCHIA-3**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, specifically at various intersections along Yorba Linda Boulevard, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The commenter does not provide any evidence that the analysis contained in the Draft EIR is inadequate or its conclusions are incorrect.

**RESPONSE CASACCHIA-4**

The commenter generally states that the commenter is concerned with biological resource impacts. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.) The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE CASACCHIA-5**

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE CASACCHIA-6**

The commenter generally states that the commenter is concerned with impacts to public schools and other public services. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.) The Draft EIR addressed public service impacts, including impacts on schools and police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE CASACCHIA-7**

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped, which would include remediation for broken drilling bits that can potentially affect a safe well closure. Project design feature (pdf) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, in the Draft EIR and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

**RESPONSE CASACCHIA-8**

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed on page 4.2-21, in Section 4.2, *Air Quality* (second to last paragraph), of the Draft EIR, during construction of the Project, daily fugitive dust (PM) emissions could exceed allowable South Coast Air Quality Management District’s (SCAQMD) localized significance thresholds if left unmitigated. However, implementation of Mitigation Measures 4.2-1 and 4.2-2 would reduce this potentially significant impact to a less than significant level. Both mitigation measures, as required by SCAQMD Rule 403, address fugitive dust control through periodic watering of the construction site and reduced construction vehicle speeds, both of which effect a reduction in air-borne dust which would not be achieved without construction site watering and reduced construction vehicle speeds. Per SCAQMD Rule 403, all disturbed unpaved roads and disturbed areas within the project site would be watered at least three times daily during dry weather. As indicated in Mitigation Measure 4.2-1, watering, with complete coverage of disturbed areas, would occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. Also, per Rule 403, traffic speeds on unpaved roads and project site areas would be limited to 15 miles per hour or less (see Mitigation Measure 4.2-2).

**RESPONSE CASACCHIA-9**

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed on page 4.10-15, in Section 4.10, *Noise* (second to last paragraph), of the Draft EIR, pursuant to Section 4-6-7(e) of the County of Orange Noise Control Ordinance, noise-related construction activities are not permitted between the hours of 8:00 PM to 7:00 AM on weekdays, including Saturday, or at any time on Sunday or Federal Holidays. As concluded in Section 4.10, construction noise impacts were concluded to be less than significant.

**RESPONSE CASACCHIA-10**

The Draft EIR addressed geology and soils impacts, including seismic hazards, in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Moreover, as discussed in Section 4.8, *Hydrology and Water Quality*, the Project would include a Stormwater Pollution Prevention Plan (with associated BMPs) which would protect water quality during construction, in accordance with the statewide NPDES Construction General Permit. A list of possible BMPs is provided in Section 4.8. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Compliance with regulatory standards would ensure that the Project would not result in an exceedence of water quality standards during construction. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

**RESPONSE CASACCHIA-11**

The commenter states that the State of California should place a moratorium on all new housing and development projects. This does not constitute a comment on the analysis contained in the Draft EIR. Nevertheless, see Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR, as well as Response Byrne-2 for a discussion of water supply.

**RESPONSE CASACCHIA-12**

The Project is being processed through the County as the property is located in the City's unincorporated sphere of influence where the County has land use jurisdiction. Should there be interest on the part of the Project Applicant to pursue annexation of the property in the future whereby the City would assume some component(s) of the land use jurisdiction process; Draft EIR page 2-38 references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City after annexation. The agreement would be a negotiated framework document between the Project Applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to compliance with CEQA either through an addendum or supplement to this Draft EIR or in a separate compliance document prepared for the annexation as a project.

Regarding Project notification regarding the Draft EIR availability and extensions of its public review and comment period, the County's standard procedure is to provide mailed notice to residents and occupants within a 300 foot radius of the project site. For Cielo Vista, the mailed notice radius was increased to 2,000 feet. Additionally, information on the Draft EIR, as well as the entire document, was posted on both the County and City websites. The County believes that such notice to affected residents and all city residents was sufficient to fully inform the public about the Project.

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## **Letter: Cobb**

**From:** [lesliebc@aol.com](mailto:lesliebc@aol.com) [<mailto:lesliebc@aol.com>]

**Sent:** Sunday, January 19, 2014 9:20 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista

Mr. Tippetts,

I am writing to ask you to please help the citizens and city of Yorba Linda by stopping the development of Cielo Vista.

I have been a resident of Yorba Linda for more than thirty years. I have watched the city grow and I love it. Five years ago we went through a very traumatic fire. I have never been more aware of the lack of emergency exits in this city. My home was in the direct path of the fire. I drove past burning houses leaving my home. When I reached Yorba Linda Blvd., my exit was blocked by miles of cars trying to leave. We do not have the ability to evacuate the city as quickly and as orderly as we need to as it now stands. Putting more homes into the direct path of fire, therefore adding more cars to our already overtaxed exit routes is without a doubt asking for casualties the next time we have a major fire. We were lucky last time---adding to our burden is ridiculously ignorant of how frightening our situation was five years ago.

Please help us remain as safe as we are now.....do not add to our danger. STOP CIELO VISTA!

Sincerely,

Leslie Cobb



**LETTER: COBB**

**Leslie Cobb**

(January 19, 2014)

**RESPONSE COBB-1**

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

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**Letter: Collinsworth1**

9222 Lake Canyon Road  
Santee, CA 92071

January 16, 2014

Mr. Ron Tippetts  
300 N. Flower Street  
Santa Ana, CA 92702-4048

**RE: Cielo Vista Project EIR**

Dear Mr. Tippetts,

Please consider the following expert comments upon the Cielo Vista Project EIR related to the Public Safety impacts of the Project.<sup>1</sup> The Project as currently proposed has significant adverse fire safety impacts that are not adequately mitigated to a level of insignificance.

The Project is located entirely within a Very High Fire Hazard Severity Zone (VHFHSZ). Fire history makes clear that it is not a question of if a major firestorm will occur, but when the next firestorm will occur. Fire Safety Impacts are considered significant at the following thresholds. <sup>7</sup>

1

Thresholds of Significance

*“Threshold 4: Impair Implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?”*

*“Threshold 5: Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (refer to impact Statement 4.75).”*

The EIR acknowledges significant fire risk in the Project vicinity by referencing the November 15, 2008 “Freeway Complex Fire” that destroyed 187 homes, 2 commercial buildings and damaged another 127 homes and 2 commercial buildings while burning 30,305 acres<sup>2</sup>. Fire risk on the Project site is increased and complicated by past, current and potential oil extraction that releases combustible methane gas. Note that the EIR has not revealed or considered whether modern hydraulic fracturing “fracking” techniques are or will be utilized under or within the

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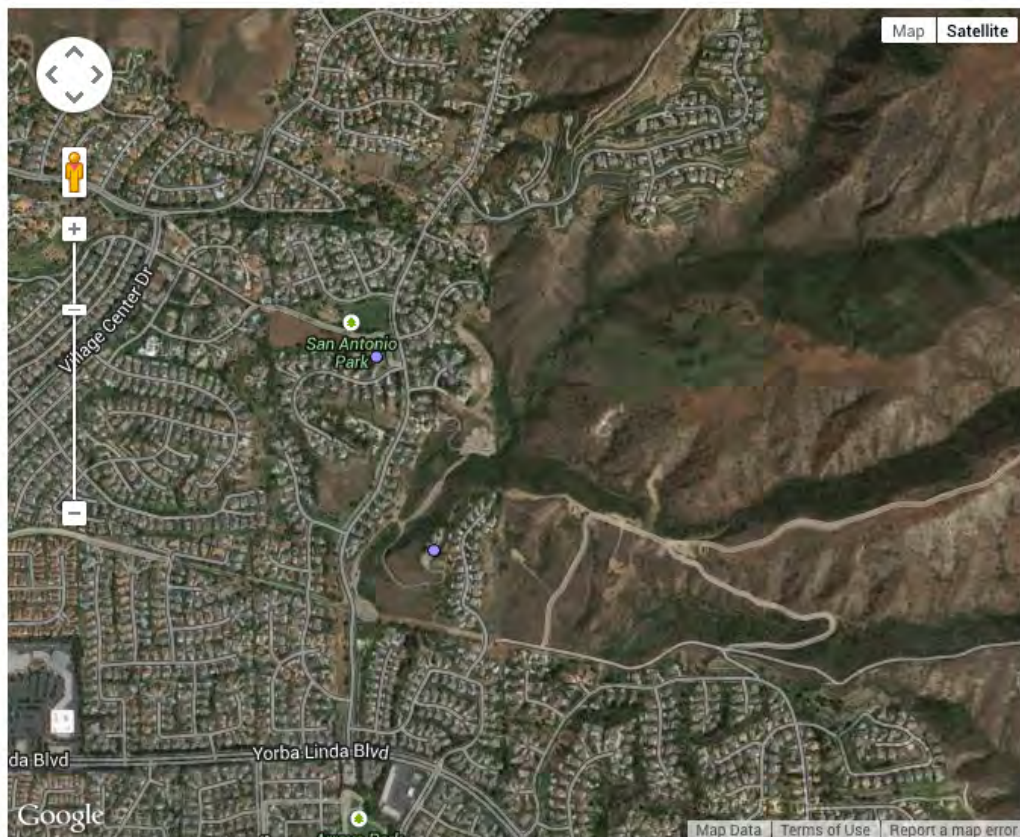
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<sup>1</sup> Van Collinsworth is a Natural Resource Geographer and former US-Forest Service Wildland Firefighter. Collinsworth has reviewed environmental documents during the last 20 years (including Fire Protection Plans) and provided expert depositions to the courts in regard to these documents. Resume Attached.

<sup>2</sup> Cielo Vista Fire Behavior Analysis Report, page 6.

vicinity of the Project site. Vague reference is made to potential “slant drilling” which can be utilized with “fracking”. In fracking, 5 % of well casings fail immediately and all are subject to failure over time due to entropy, which has implications for methane release into groundwater and the atmosphere. Any Project in a VHFHSZ that proposes to mix residential development and fossil fuel extraction by hydraulic fracturing or horizontal drilling needs to better document the status of past, present and future extraction plans in order to avoid or mitigate the associated hazards. This analysis should be performed and the results recirculated for public review. Furthermore, considering that climate change is creating weather extremes and higher intensity fires, there can be no assurance that the inevitable “worst scenario” considered by the Fire Behavior Analysis model will not have even greater severity.

2 (cont)



Hydraulic Fracturing Sites Identified in the Cielo Project Vicinity June 2013 – January 2014 (Blue Circles)<sup>3</sup>

<sup>3</sup> <http://baldwinhillsoilwatch.org/action-center/sc-aqmd-rule-1148-2-maps/>

## The EIR downplays Fire Risk introduced by the Project

At 4.12-11 the EIR asserts:

*"...existing single-family residences to the west and south of the Project site would gain increased protection from the spread of fire. As such, the Project would reduce the threat of wildland fires to people and structures in the project vicinity and thus, lessen the potential demand for fire services needed in the event of a wildland fire."*

**This assertion is unsubstantiated, incorrect and should be stricken from the EIR.**

In fact, the Project creates substantial new wildland-urban-interface (WUI) in need of emergency response that potentially diverts and dilutes available fire suppression resources from the existing WUI. The Orange County Fire Authority (OCFA) preliminary report on the Freeway Complex Fire recognizes, "...urban conflagrations are beyond the ability of a fire agency to control with initial response resources and that triage decisions must be made as to which structures to defend."<sup>4</sup> Some of the homes that burned in the Project vicinity during the Freeway Complex Fire could have been saved if fire resources were not already occupied elsewhere when the structures initially ignited.<sup>5</sup> Fire resources are already overwhelmed by the extent of the existing WUI during major incidents. Furthermore, the conversion

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"...oil well stimulation reports for the initial 7 months of reporting: June 2nd, 2013 and January 6th, 2014." South Coast AQMD 1148.2- Well stimulation mapping project.

<sup>4</sup> Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, Page 15. *"Triage of homes in regard to an urban conflagration is very similar to what a paramedic would do for a mass casualty incident. Triage is to allow the organization to do the most good for the greatest number of people when the available resources do not match the need. This same goal applies to the triage of structures in a wildland urban interface fire. Fire personnel are trained to recognize which structures are least-salvageable and then to direct their efforts toward saving those structures that have the greatest potential to be saved. However, even with the best training and practice it takes great discipline to trade off the life of one patient for another, just as it takes the same discipline to drive past a structure that is on fire to defend one that is not. These triage decisions are often made in seconds with little more information than firefighters can gather as they drive down a smoky and ember ridden street."*

<sup>5</sup> Reference the eyewitness testimony of resident Edward Schumann whose home burned in the 2008 fire. Mr. Schuman was told by a firefighter that the fire was in his attic and there were no resources available to extinguish it. Edward Schumann DEIR Comment Letter, January 2014. Also, *"Brush clearance and "hardened" (ignition resistant) homes go far in improving the chances for a home's survival from a wind-driven WUI fire. However, intervention by firefighters is often necessary in saving a home that is determined to be defensible."* Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, P. 7.

of native lands to extensive fuel management zones often converts more fire resistant vegetation into weeds and exotic flash fuels that are two-way fire conduits at greater risk of ignition and rapid rates of initial spread.

The Project is not sited adjacent to existing development, but instead embeds itself within fuels ignitable through embers, radiant heat or flame impingement.<sup>6</sup> The report on the Freeway Complex Fire losses notes the general insulation of homes from direct flame impingement contrasted by their vulnerability to air born embers.<sup>7</sup> Furthermore, the ability to backfire from older homes along the existing WUI is precluded by locating structures and circulation routes in the path of potential backfire operations.<sup>8</sup> The continued vulnerability of existing homes to wind driven embers coupled with the dilution/diversion of fire suppression resources over a longer WUI and the preclusion of backfiring tactics, is a significant adverse impact of Project location/configuration.

3 (cont)

In addition, water supply dwindled and hampered the effectiveness of available resources during the Freeway Complex Fire. Water supply would be further taxed by building additional homes / expanding the WUI in the Project vicinity. The report on the Freeway Complex Fire makes clear that water supply cannot be assured during a severe wildland firestorm.

*“The demands of a single structure fire can tax even a well functioning water system. In contrast to the usual situation where an engine will pump directly from a hydrant to fight a structure fire, in a wildland event the hydrants are used to refill the water tenders and the engine water tanks. The engines then usually use their tank water to attack the fires during their mobile suppression efforts. As ground forces moved into threatened neighborhoods and tried to extinguish or defend dozens of homes, the Yorba Linda water supply was severely impacted. At approximately 2:00 P.M., several radio calls were received reporting fire companies encountering low or no water pressure in various sections of the Hidden Hills area. Fire companies encountered low or no water pressure on Hidden Hills Road, Mission Hills Lane, High Tree Circle, Fairwood Circle, Green Crest Drive, Skyridge Drive and others. With homes burning on multiple fronts Strike Team Leaders directed*

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<sup>6</sup> Even the “Special Maintenance Area” zone separating Cielo Phase 1 from part of the existing WUI is ignitable and requires ongoing inspection and maintenance to reduce fire risk. CVFBAR page 23.

<sup>7</sup> “Properly established and maintained brush clearance is typically very effective in protecting homes for direct flame impingement and radiant heat. However, it can do little to nothing to protect homes from ember intrusion. Homes must be constructed to withstand ignition from embers that land on homes or enter through attics and other openings.” Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, Page 6.

<sup>8</sup> Backfiring Standard Operating Procedures, Novato Fire Protection District, (attachment).

*companies to move to areas that had available water.”<sup>9</sup>*

4 (cont)

For all of the reasons above, the sheltering benefit asserted by the EIR at 4.12-11 is limited and inconsequential relative to the severe adverse impacts of diluting availability of fire suppression resources / expanding the WUI, precluding backfire tactics, taxing firefighter water supply and locating new families in harm’s way. Clearly, the current Project *exposes people or structures to a significant risk of loss, injury or death involving wildland fires.*

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### **Cielo Vista Fire Behavior Analysis Report (CVFBAR), 8/27/2013**

According to Firesafe Planning Solutions, the purpose of the Cielo Vista Fire Behavior Analysis Report (CVFBAR), is to assess the *“risks related to wildland fire and to establish the appropriate criteria for a defensible space installation and maintenance program that will reduce the intensity of a wildfire...The report provides results of computer calculations that measured fire intensity from a worst case scenario wildfire...The results of fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development.”* (CVFBAR page 3)

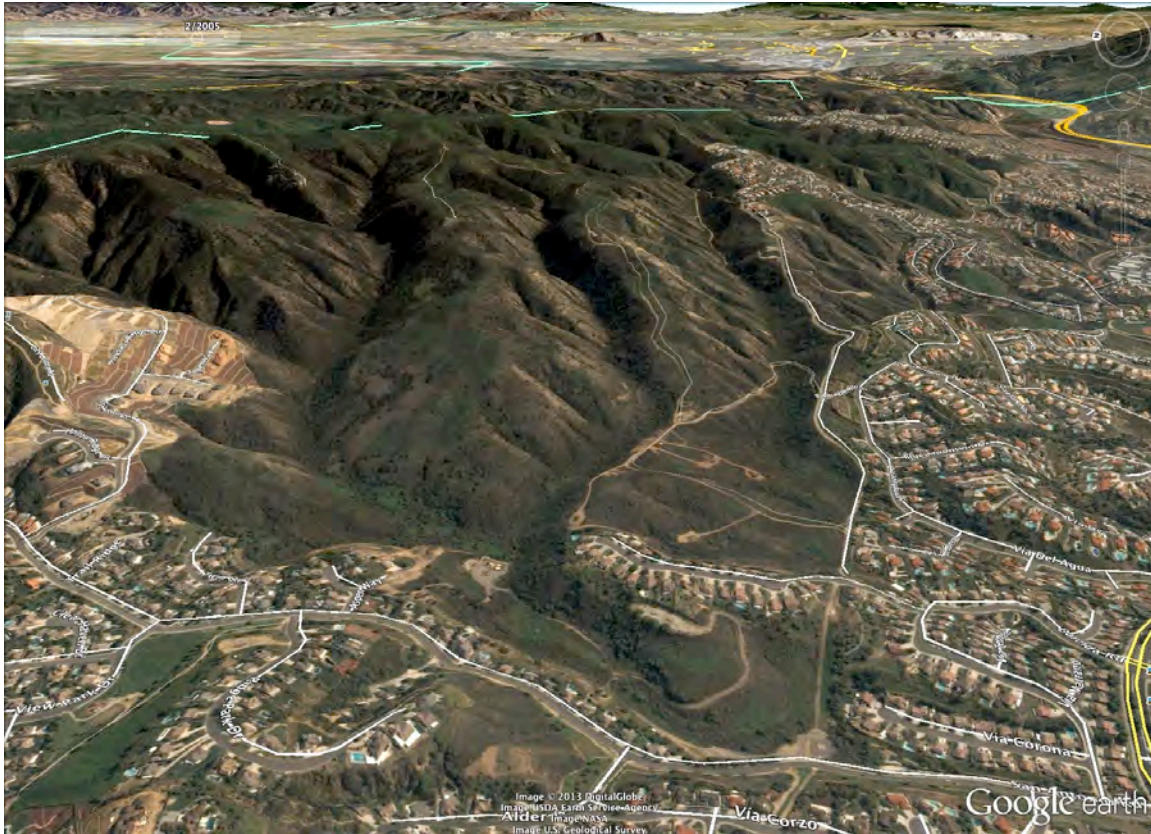
To adequately assess the risks associated with wildfire, the CVFBAR must accurately report the fire history for the Project site, the site vicinity with its continuous fuels and integrate any known or expected land use changes off site. The report does none of these adequately, as it fails to consider the long history of wildfire over the entire Chino Hills, the potential for rapid rates of spread from various eastern points of origin, nor does it consider the potential development of the Esperanza Hills Project. It fails to distinguish the most common sources and locations for ignitions. The CVFBAR does not clarify if, how, or under what circumstances residents would be expected to evacuate or remain at the site during wildfire emergencies. It fails to reveal how long it will take to evacuate the Project and compare that to potential rates of spread from various points of origin under extreme weather conditions. The CVFBAR discounts the severity of site topography to channel wind and convective heat by placing too heavy confidence in the results from developmental application Wind Ninja. The Missoula Fire Lab states Wind Ninja is “under development” has “Faster computation than WindWizard, *but is less accurate*”.<sup>10</sup> Without adequately addressing these issues, fire safety risk impacts remain significant.

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<sup>9</sup> Freeway Complex Preliminary Report to City of Yorba Linda, OCFA, December 2, 2008, Page 13.

<sup>10</sup> Even WindWizard is considered developmental and “no longer available”.  
<http://www.firemodels.org>





*Topographical wind corridors impacting the Project site*

The Fire Behavior Analysis Report considers current vegetation, yet needs to account for the fact that the current vegetation of the site vicinity does not reflect climax vegetation due to only five years of recovery from the 2008 Freeway Complex Fire with below normal precipitation during the recovery period. The climax condition for the site (as evidenced in historical aerial photos) would reflect greater fuel loads and areas of Fuel Model 4 (FM4) vegetation with potential for significantly greater flame lengths, fire intensity and ember production. The Fire Behavior Analysis Report needs to reveal all of the input assumptions (including relative humidity, wind speed, slope percentage) utilized to generate the Behave Fire Model results. The Fire Behavior Analysis Report (page 19) model results for FM4 (six foot high chaparral / the most dangerous classification on site) generates a maximum flame length of 79.9 ft., however, providing only summary results does not allow evaluation of the variable assumptions utilized.<sup>11</sup> Behave Fire Model results run for other project sites with Fuel Model 4 vegetation generate maximum

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<sup>11</sup> The Fire Behavior Analysis Report on page 42, references “Behave Reports”, but these reports are not included within the EIR or its Appendices. The EIR should be recirculated with the Behave Reports included so that the assumptions utilized can be evaluated.

flame lengths of 95 ft. and 96.7 ft.<sup>12</sup> The Behave Fire Model is only accurate for its variable inputs (these change under real geophysical conditions), which is why field observations for chaparral fires have documented flame lengths exceeding 100 feet during extreme weather conditions.

7 (cont)

The CVFBAR even discounts the BEHAVE 79.9 ft. flame length calculation by suggesting that the maximum flame length will be 41.8 ft. (CVFBAR page 21). That conclusion is unlikely for a Santa Ana wind driven fire that reaches the site with momentum and moves upslope consuming FM4 vegetation.

It is also important to recognize that standardized fuel modification zones generally sufficient to prevent structure ignition from direct flame impingement does not assure survival of the associated structures.<sup>13</sup> Even though 189 structures were destroyed (with another 129 damaged) in the Freeway Complex Fire, the Orange County Fire Authority (OCFA) considered “...brush clearance to be adequate” based upon its inspections of fuel management zones prior to the fire.<sup>14</sup> Wind driven

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<sup>12</sup> Behave Fire Model results for a Santa Ana wind driven fire in Fuel Model 4: Flame Length 96.7 feet, Rate of Spread 2,041 feet/minute, Fire Line Intensity 117 380 BTU's/foot/second “CFPP Cielo Ranch Santa Fe” page 15. Fanita Ranch Fire Protection Plan Behave Fire Model results generated 95 ft. flames in FM 4.

<sup>13</sup> *“Fire officials believe that embers driven by raging winds through small openings or against exposed wood were responsible for igniting a majority of the 1,125 homes leveled by the Witch fire, the most destructive in California this year...An analysis of the Witch fire's pattern of destruction points to deficiencies in long-held beliefs about building in fire-prone areas. Fire-resistant walls and roofs are helpful, and brush clearance is essential. But alone they are insufficient in the face of millions of burning embers flying horizontally more than a mile ahead of the flames. Of 497 structures that burned in unincorporated areas of San Diego County during the Witch fire, more than half had fire-resistant walls and roofs, a Times analysis of government data showed. Information on construction materials has not been compiled for neighborhoods inside the cities of San Diego and Poway, but senior fire officials estimate that well over 75% of the destroyed homes had fire-resistant exteriors.”* **“Lessons From the Fire”** Joe Mozingo, Ted Rohrlich and Rong-gong Lin li, Los Angeles Times, December 23, 2007.

<sup>14</sup> *“In 2008, staff inspected 587 WUI parcels and found only 16 out of compliance with minimum requirements for defensible space. By July 22, all properties were in compliance. In addition, staff inspected approximately 790 of some 950 fuel modification parcels to ensure that they were in “substantial compliance” with provisions of the requirements and found 322 in need of some type of corrective action. As of the date of the fire, all but 25 had met minimum requirements. A preliminary assessment of homes destroyed or damaged in the freeway fire indicates that they were victim to ember intrusion rather than direct flame impingement indicating brush clearance was adequate.”* Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 6.

embers are capable of penetrating the smallest of openings<sup>15</sup> on structures and can ignite spot fires adjacent to structures in ignitable materials that can then damage or ignite structures<sup>16</sup>. Severe convective heat transfers through fire whirls/tornadoes can also bypass standard brush management zones.

8 (cont)

*“Extreme Wildfires can produce firebrand spot-ignitions at distances of a mile or more; however **intense firebrand exposures within one-half to one-quarter mile** often ignite numerous surface fires within a residential area that spread to contact and ignite homes and/or **firebrands directly ignite homes.**”* US Forest Service Fire Scientist Jack Cohen, 4/23/2009 (bold emphasis added).



9

*Attic vent vulnerable to embers within a fire tornado.*

<sup>15</sup> Research data has been gathered regarding the ineffectiveness of current ventilation standards for preventing ember penetration. BFRL/NIST researchers tested ¼-inch or 6 mm (the recently adopted California WUI standard) 3 mm and 1.5 mm screens. *“For all screen sizes tested, the firebrands were observed to penetrate the screen and produce a self-sustaining smoldering ignition inside the paper beds inside the structure.”* Samuel L. Manzello, John R Shields, and Jiann C. Yang, **On the Use of a Firebrand Generator to Investigate the Ignition of Structures in Wildland-Urban Interface (WUI) Fires.** Building and Fire Research Laboratory (BFRL), National Institute of Standards and Technology (NIST), 2007, p. 11.

<sup>16</sup> The Fanita Ranch Fire Protection Plan acknowledged, “The Santa Ana winds with wind gusts of up to 60 mph blowing from the northeast/east pose significant threat from wind-blown embers to all structures within this project.” Page 14.



Homes with standard brush management zones still have the following significant vulnerabilities:

- Vulnerability of structures to embers/firebrands due to extreme events, human error, or inadequate maintenance (i.e., fire tornados or fire whirls,<sup>17</sup> broken windows from flying debris, drapes left over windows, open windows, open doors and garage doors, settlement cracks of structures built in landslide areas, wood piles, gas barbeques and motor-homes and other flammables stored too close to structures, delinquent or inadequate fuel treatments).



Wind-blown embers

9 (cont)

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<sup>17</sup> "Observed fire whirl behavior was both unexpected and extreme in these fires, catching many firefighters by surprise and significantly contributing to spotting up to 3/4 mile. 180-degree wind shifts proceeded fire whirls by 45 seconds to a minute." [Firefighter] "Respondents reported unusual numbers of fire whirls that ranged from several yards wide up to a 1/2 mile wide. Destructive fire whirls, those causing structural damage unrelated to fire, also were reported. In addition to appearing suddenly, large fire whirls, characterized by a jet engine noise, took in debris such as large tumbleweeds and bushes from the bottom and ejected flaming debris from top—raining embers and violently showering sparks as much as 3/4 of a mile beyond the head of the fire. In one reported case, a fire whirl entered an area that had already burned clean down to three-inch stubble and whirled across several hundred feet of burned area into unburned fuel, carrying fire the whole way and igniting the unburned fuel. Another fire whirl crossed an eight-lane freeway. Small fire whirls merged into larger ones. Some reported fire whirls moving downhill." "What we were expecting to see were fire whirls (4' to 6' tall), what we actually saw were true fire tornados. The fire researchers kept telling us what we were seeing was impossible and never seen before. After three days of discussion, the fire researchers started to understand that what they were expecting and what was happening was not jiving. -Division Supervisor" **Southern California Firestorm 2003 Report for the Wildland Fire Lessons Learned Center**, Mission Centered Solutions, December 8, 2003, page 6.

- Vulnerability of adjacent homes and the entire development from flame impingement and radiant heat once one or more homes are ignited from embers/extreme events or human error. There remains significant fire risk of structures within 100-feet of each other to cluster burn (especially those with north to east wildland interfaces).<sup>18</sup>

- Vulnerability of people outside of structures to flame impingement, radiant heat and smoke. (Individuals on foot, on motorized and un-motorized vehicles, hikers and other individuals in natural lands, individuals attempting to evacuate or reach and secure their homes, or individuals simply locked out of vacant structures because they reside in another neighborhood or are children without keys; individuals at inadequate fuel buffers on sloped sections of emergency access routes; firefighters defending structures without adequate safety zones or escape routes).

- Vulnerability of elderly and weak individuals within structures to smoke, stress, or loss of power.

9 (cont)

### **Flame Lengths and Fire Intensity as related to Safe Evacuation Routes and Fire Safety Zones**

Radiant and convective heat can be deadly for exposed residents, evacuees and firefighters drawn into defend or dispatched to inappropriately sited structures. A distance factor of 4x maximum flame length is utilized by firefighters to estimate the location of safety zones from radiant heat exposure. The 4x flame length radius

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<sup>18</sup> "As a type of fuel, involved structures emanated intense radiant heat. Heat levels in the street were unusually high." **Southern California Firestorm 2003 Report for the Wildland Fire Lessons Learned Center**, Mission Centered Solutions, December 8, 2003, page 7.



Cluster burn example from Cedar fire. Photo by John Gibbins, SDUT.

distance from flames may not be sufficient to prevent injury or death if there is severe convective heat transfer.<sup>19</sup> For example, an expected flame length of 100 feet would require a safety zone with a radius of 400 feet from the fuel. 400 feet would likely be insufficient if the available safety zone was sited in, near or above steep topography that funnels convective heat.



*Cedar Fire victim perished in area of wide clearance.*

The Cielo Vista Fire Behavior Analysis Report fails to analyze whether the Project has configured evacuation routes and safety zones sufficiently to protect firefighters or residents from radiant heat exposure. Of related concern, is the CVFBAR's inconsistency with itself and other fire protection plans regarding the expected flame lengths for FM 4 vegetation. Compare the CVFBAR maximum 79.9 feet [page 19] or maximum 41.8 feet estimate [page 19] to other Behave Results for the same FM4 Fuel (95 feet at Fanita and 96.7 at Cielo CFPP). Furthermore, the results for Fuel SCAL18 (3 feet tall coastal sage / chaparral mix) **cannot generate only 15.3 feet flames for the same conditions that generate 23.1 feet flames for gs2** (1-3 feet tall grasses and shrubs), 34.2 feet flames for sh5 (4-6 feet tall shrubs) and 79.9 feet for FM 4 (southern mixed chaparral)[page 19 chart]. The Report needs to revisit these issues and recirculate its findings.

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<sup>19</sup> Butler and Cohen. Firefighter Safety Zones: A Theoretical Model Based Upon Radiative Heating. Firefighter Safety Zones: How Big Is Big Enough?

### Fanita, under a 60 mph Santa Ana wind in an FM-4

Surface Rate of Spread (maximum)	1966.5 ft/min
Fireline Intensity	113088 Btu/ft/s
<b>Flame Length</b>	<b>95.0 ft</b>
Midflame Wind Speed	30.0 mi/h
Max Eff Wind Exceeded?	No
Area	30229.3 ac
Perimeter	241689 ft

*Fanita Ranch FPP BehavePlus calculation.*

**TABLE 2.3.6**

**Expected fire behavior for a North, Northeast and East Santa Ana Wind Condition in a Fuel Model 4**

**(A Fuel Model 4 is a continuous cover of chaparral vegetation greater than 6' in height)**

<b>RATE OF SPREAD</b>	2,041 feet/minute
<b>FIRE LINE INTENSITY</b>	117,380 BTU's/foot/second
<b>FLAME LENGTH</b>	<b>96.7 feet in length</b>

**Additional Fire Behavior Calculation Input:**

- 60 mph 20-foot wind speed (30.0 mph mid-flame wind speed)
- 30 percent slope
- 45° direction of wind vector to uphill slope

*This equates to 7,952 acres in 30 minutes and 31,809 acres in 60 minutes assuming no initial attack.*

*Rancho Cielo FPP BahavePlus calculation.*

The CVFBAR acknowledges “flame lengths of just under 50-feet are possible” in narrative [page 22] and 79.9 feet flames by chart [page 19]. A factor of 4x multiple of these outcomes generates safety zone radius distance of 200 feet, or 319.6 feet, or 380 feet (Fanita) or 386.8 feet (Cielo CFPP) to prevent radiant heat injury without additional convective heat transfer.<sup>20</sup> So the range is roughly a 200-400 feet radius distance needed from the most dangerous fuels to prevent radiant heat injury. Fuel modification zones for the Project extend to 170 feet, so the unmodified heaviest fuels at 170-feet or more have the potential to inflict radiant heat injury. This reality is significant for evacuees, firefighters or any individual that decides not to evacuate and attempts to defend property.

The CVFBAR has not considered the implications of potential radiant heat exposure to individuals, evacuees and firefighters. For instance, any firefighter dispatched to the Project during a firestorm needs to have viable escape routes and safety zones available. Where are these escape routes and safety zones? Are there areas of the Project and fire circumstances that firefighters would not be assigned to defend it, or expected to retreat? Under what circumstances are residents expected to evacuate or remain on the Project site and where? If residents are expected to remain on site, then what are they expected to do if confronted by a cluster burn within the Project? If they are expected to evacuate, then what are they expected to do if the streets are gridlocked by traffic or cut off by firestorm? What areas of the Project are the most vulnerable to convective heat transfer? The CVFBAR needs to answer these questions and recirculate the findings for public review.

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<sup>20</sup> As an example, see the attached diagram that illustrates the lack of adequate escape routes and safety zones on the “Rock Point Peninsula” and the distances required for safety from radiant heat.





*Rudy Reyes was unable to safely evacuate the Cedar Fire.*

It has already been documented that without adding new development that traffic circulation is severely constricted or gridlocked at commuter hours and/or under emergency conditions. The intersection of Via del Agua / Yorba Linda Boulevard has an “unsatisfactory” or “F” failing Level of Service, EIR at 4.14-15.

10 (cont)

*“As residents began to evacuate, traffic grid-locked in some areas as emergency apparatus tried to enter the neighborhoods while residents tried to exit.”<sup>21</sup>*

<sup>21</sup> Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14. (Bold emphasis added).

Evacuation can be treacherous even without gridlocked streets based upon when the order is given, visibility, the fires direction and rate of spread, distance from fuel loads, etc. and the timing of the decisions made to evacuate. Fire authorities cannot force individuals to evacuate,<sup>22</sup> which can put firefighters in greater jeopardy if lingering residents find themselves in trouble and request emergency assistance.

*"Wildland urban interface fires present many challenges pertaining to evacuation. **The fire spread rate is often so fast that emergency responders can only estimate the rate of spread and direction of travel.** In this case, within minutes of the fire start, spotting was reported one mile down-wind from the head of the fire. Driven by winds of 40 MPH and higher the rate of spread went from the usual estimate of acres per hour in a non wind driven fire to acres per minute."*<sup>23</sup>

*"... **law enforcement does not have the legal authority to force residents out of their homes;** however, law enforcement may restrict the return of residents once they leave. **Determining where and when to evacuate is often difficult.** Each decision brings with it a new set of risks and benefits. **The greatest risk by permitting residents to remain with their homes is the potential for loss of life.**"*<sup>24</sup>

*"The Tea Fire in Montecito resulted in more than two dozen civilian injuries, two of which were critical burns received while trying to flee their residence. In 2006, in Cabazon, the Esperanza Fire resulted in four firefighter fatalities that occurred during structure protection efforts. The Cedar Fire that occurred in San Diego County in 2003 resulted in the death of fourteen civilians and a firefighter all while trying to flee or protect homes. **Investigation into the citizen deaths and injuries identified one commonality: they all occurred because people decided to stay and protect their property or they evacuated too late and got caught in the fire front.**"*<sup>25</sup>

10 (cont)

When land use decisions can site development away from high-risk topography, (whether its fire, flood or landslide zones) what circumstances justify placing people and firefighters at greater risk of severe and life threatening injuries?

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<sup>22</sup> Under certain circumstances evacuation may pose the greatest risk.

<sup>23</sup> Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 15.

<sup>24</sup> Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14.

<sup>25</sup> Freeway Complex Preliminary Report to City of Yorba Linda, Orange County Fire Authority (OCFA), December 2, 2008, page 14.

Firefighter fatality reports conclude that decisions to defend vulnerable structures located on high-risk topography were a primary factor in the fatalities of the Esperanza Fire and the Cedar Fire. The recent loss of a 19-person Granite Mountain crew in Arizona occurred when they were traveling through unburned fuel toward threatened structures at the town of Yarnell.<sup>26</sup>

The Esperanza report identified “Causal” and “Contributing” factors for the firefighter fatalities. The root cause of the deaths was the decision to approve and build the home in a location destined to burn. While some consider this incident an accident, it may more readily be considered a high-risk gamble that was lost. The report identified these top factors:

*“Contributing Factor 1. Organizational culture - The public (social and political) and **firefighting communities expect and tolerate firefighters accepting a notably higher risk for structure protection** on wildland fires, than when other resources/values are threatened by wildfire.” (Bold emphasis added)*

*“Causal Factor 2. The decision by command officers and engine supervisors to attempt structure protection at the head of a rapidly developing fire either underestimated, accepted, and/or misjudged the risk to firefighter safety.”*

When faced with a Santa Ana wind driven fire head rapidly approaching Cielo Vista Project homes, will firefighters be expected to defend or decline to defend threatened homes directly in the path of the fire head?<sup>27</sup>

### **Alternatives - Project configuration and the lack of site design for high-risk topography**

The EIR’s downplay of the significant adverse fire risks associated with the Project and its focus upon the inconsequential benefits of the Project to homes on the existing WUI is used to rationalize a dismissal of superior Alternatives to the Project. The stacked rationalization favoring the Project over Alternatives should be rejected.

The fire risks of Cielo Vista Project cannot be mitigated to a level of insignificance and justification for a statement of overriding considerations is unlikely. Unfortunately, the CVFBAR attempts to bandage a high-risk site configuration with

<sup>26</sup> Esperanza Fire Accident Investigation Factual Report, USDA-Forest Service, October 26, 2006. Novato Fire Protection District Cedar Fire Incident Recovery Report, May 26, 2004. Yarnell Hill Incident Reports, <https://sites.google.com/site/yarnellreport/>

<sup>27</sup> Reference Wildland Structure Protection Standard Operating Procedure, Novato Fire Protection District, Cedar Fire Recovery Report, May 26, 2004 (attached).

10 (cont)

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fuel modification zones rather than integrating techniques available to reduce site risk. If a Project is to be considered, it should be reconfigured with a new Alternative. Lots adjacent to high-risk topographic features should be replaced with pocket parks. Narrow peninsulas extending into natural lands should be eliminated. Streets should be placed on the perimeter of homes adjacent to wildlands to act as anchor points for suppression tactics and better insulate structures [place the front yards adjacent to natural lands instead of the back yards]. Alleys that allow for ready fire access and a better facilitation for evacuation should separate the backyards of homes. Homes directly on the wildland interface should be on larger lots to increase the space between home structures to a minimum of thirty-feet thereby reducing the vulnerability of homes to cluster burn. Homes within 30 feet of each other have significantly greater potential to ignite each other. Cul-de-sacs should be eliminated in favor of open circulation. Homes/lots should be oriented to minimize garage doors, large windows and other openings on the north to east interface with Santa Ana winds. Public spaces should be incorporated that are insulated enough to act as safety zones from radiant heat exposure. Functional evacuation routes and safety zones for residents and firefighters should be designed and incorporated.

11 (cont)

The No Project Alternative is superior to any of the deficient Alternatives presented in the EIR. The No Project Alternative recognizes the volatile mix of locating residents upon high-risk topography within a Very High Fire Hazard Severity Zone, fossil fuel production under and within ten feet of homes that potentially releases flammable methane gas, an inability to forcibly evacuate homeowners, an already overburdened circulation system, the introduction of excessive risk to firefighters, questionable water supply demands and an already extensive WUI that is already in a state of triage during major firestorm.

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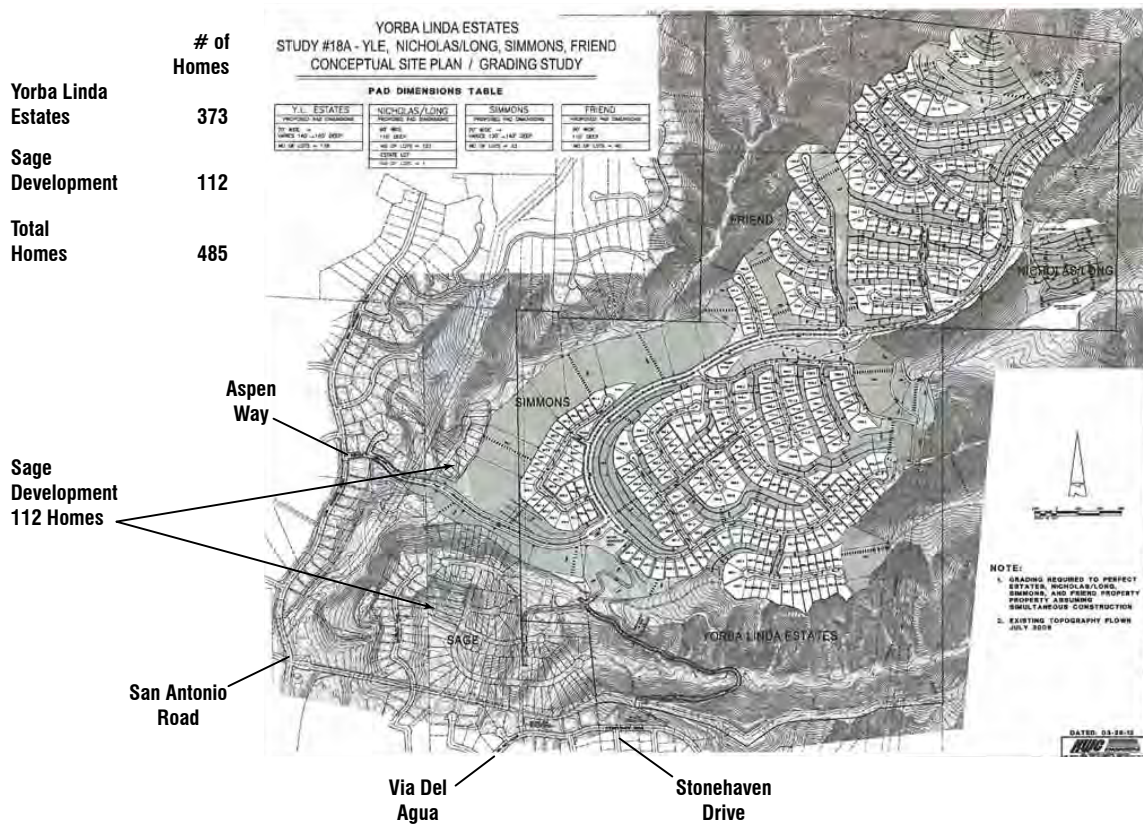
### **Significant Cumulative Impacts Not Evaluated**

The Fire Behavior Analysis Report does not recognize the impacts associated with the approximately “340-Unit Esperanza Hills” / “Yorba Linda Estates (Murdock Property)”.<sup>28</sup> In fact, the Cielo Vista EIR barely recognizes the Project even though Esperanza Hills and Cielo Vista are interdependent and would be considered more efficiently as a single Project. The Project footprint and traffic circulation system for Esperanza Hills has significant fire safety implications if it is to be integrated with or added onto a Cielo Vista Project. All safety issues raised in this letter need to be addresses in the context of both interacting Projects.

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<sup>28</sup> Cielo Vista Draft EIR 3-1-3-4.



*“340-Unit Esperanza Hills” / “Yorba Linda Estates (Murdock Property)”*

## Conclusion

**The Cielo Vista Project’s present configuration exposes people and structures to a significant risk of loss, injury or death involving wildland fires.** The Cielo Vista Fire Behavior Analysis Report does not adequately research and mitigate the significant fire safety issues associated with the Project. The gaps identified in this letter need to be addressed and the document recirculated for further public review and comment.

Thank you for considering these comments,

*Van*

Van K. Collinsworth,  
Wildland Fire Expert / Natural Resource Geographer

CC. Supervisor Todd Spitzer

Kevin K. Johnson, APLC

**Attachments:**

## **Attachments Continued – Collinsworth Cielo Vista Comments**

Resume

Structure Protection / Backfiring Standard Operating Procedures

Significant Freeway Complex Fire Photographs

Freeway Complex Preliminary Report

BehavePlus 3.0.1 Results Excerpt – Fanita Ranch

BehavePlus 3.0.1 Results Excerpt – Rancho Cielo

Use of a Firebrand Generator to Investigate the Ignition of Structures in Wildland-Urban Interface (WUI) Fires

Firefighter Safety Zones: A Theoretical Model Based Upon Radiative Heating

Firefighter Safety Zones: How Big Is Big Enough?

Significant Fire Illustrations

Esperanza Hills Project Map



**LETTER: COLLINSWORTH1****Van K. Collinsworth**

9222 Lake Canyon Road  
Santee, CA 92701  
(January 16, 2014)

**RESPONSE COLLINSWORTH1-1**

This comment provides information about the wildfire environment contained in the Draft EIR and a general introduction to fire-related comments raised in this letter. Therefore, no additional response is required. Individual fire-related responses to this letter are provided below in Responses Collinsworth1-2 to Collinsworth1-13, below.

**RESPONSE COLLINSWORTH1-2**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

As stated on page 2-14 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. This requirement is incorporated into project design feature PDF 7-1, which would be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as a condition of approval for the Project. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling at the site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities. In addition to evaluating the environmental impacts associated with oil extraction operations on the 1.8 acres site in accordance with CEQA, an applicant for oil well drilling is required to file an intent to drill with the state Division of Oil, Gas and Geothermal Resources (DOGGR) which if approved would be subject to numerous safety conditions, including blowout prevention. Concurrent with DOGGR review, an application for drilling along with a plot plan would be filed for review by the County and the Orange County Fire Authority to ensure that oil well operations do not adversely affect sensitive land uses and sufficient distance separates the well to be drilled from existing and proposed residences.

This comment raises concerns regarding fracking and potential associated impacts at the project site. As stated above, there are no plans now or in the foreseeable future to reinstate drilling at the site or to pursue fracking. Thus, any analysis of future oil operations at the site, whether by fracking or other method of extraction, would be speculative, as the any such activities are currently undefined, and is not required by CEQA. Furthermore, no known fracking activities have occurred on the project site.

The Project's Fire Behavior Analysis Report, prepared by Firesafe Planning Solutions, included in Appendix G of the Draft EIR, was prepared using standard methodology for such analyses. As noted in the study, it takes into consideration both existing and future vegetative interface fuels, topography, and whether conditions during a fire, and measures the fire intensity from a worst case scenario fire.

Section 4.7 of the Draft EIR also addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. Regardless of regional or local fracking activities, the implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

## Executive Summary

### 1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

## Section 4.7, Hazards and Hazardous Materials

### 1. Page 4.7-24. Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation

requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

### **RESPONSE COLLINSWORTH1-3**

This comment is introduced by an excerpt from page 4.12-11 of the Draft EIR, which does not include the entire referenced sentence, and thus is construed out of context. The referenced sentence begins by stating that, "... because the existing site is not maintained as a fuel modification area and consists of uncontrolled wild land vegetation, existing single-family residences to the west and south of the project site would gain increased protection from the spread of fire." This sentence is included in Section 4.12, *Public Services*, of the Draft EIR. As discussed on page 4.12-11, the analysis of impacts to fire protection services provides a cross-reference to Section 4.7, *Hazards and Hazardous Materials*, which discusses the potential for impacts associated with wildland fires. Section 4.7 provides a detailed discussion of the fuel modification zones proposed by the Project, each of which would be designed specifically to help suppress a wildland fire in different ways. The California Fire Code (Chapter 49), the California Building Code, and various other design guidelines as discussed in the Draft EIR, all of which are applicable to the Project, provide standards which increase the ability of a structure to resist the intrusion of flames or burning embers projected by a vegetation fire. Moreover, the Fire Behavior Analysis accounted for the existing and future interface of fuels, topography, and weather conditions, including wind, during a fire. The County acknowledges that a new wildland-urban-interface (WUI) would be created by the Project. However, as discussed in Section 4.7 under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR, with implementation of the prescribed mitigation measures and the Project's fire protection features (PDFs 7-9 to 7-14), which are consistent with applicable regulatory requirements, the Project would minimize to the maximum extent practical the potential for wildland fires. Again, as discussed therein, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be substantially reduced when compared to existing conditions. Also, concerning backfires, these are fires set along the inner edge of a fireline to consume the fuel in the path of a wildfire or change the direction of force of the fire's convection column. These tactics would be employed by fire-fighting authorities at their discretion to minimize the impacts of a wildland fire. Development of the Project, which would alter the existing WUI, would not preclude the use of backfire tactics by firefighting authorities.

Also, the Draft EIR addressed public services impacts, including fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts related to fire protection services, including response times, were concluded to be less than significant with implementation of the prescribed mitigation measures.

Please also refer to Topical Response 3 regarding emergency access.

**RESPONSE COLLINSWORTH1-4**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, the Project would reduce the risk of wildfires to the existing single-family residential uses to the west and south of the Project. Please also refer to Topical Response 3 regarding wildland fire impacts.

An important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Moreover, as discussed in Section 4.12, *Public Services*, of the Draft EIR and though beyond the jurisdiction of the County, the OCFA and local water agencies are working "to evaluate potential threats and weaknesses to the water distribution systems and facilities housing critical infrastructure."

**RESPONSE COLLINSWORTH1-5**

This comment provides a general conclusion to fire-related Comments Collinsworth1-1 to Collinsworth1-4 raised in this letter. Individual fire-related responses to this letter are provided above in Responses Collinsworth1-2 to Collinsworth1-4, above. Based on the responses provided, the Draft EIR's conclusion that wildland fire impacts would be less than significant (based on the applicable CEQA Threshold stated on page 4.7-26 of the Draft EIR) after implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project, is re-affirmed.

**RESPONSE COLLINSWORTH1-6**

This comment includes numerous comments on the Cielo Vista Fire Behavior Analysis Report (CVFBAR).

The analysis and conclusions contained in the Draft EIR are based upon numerous documents, including the Fire Behavior Analysis Report, the Fire Master Plan, and the Conceptual Fuel Modification Plan, as well as the facts and information contained in the Draft EIR. The Draft EIR includes a discussion of past wildfires in the area, including the Owl Fire and the Freeway Complex Fire, and the characteristics of Southern California which make it susceptible to wildfires. Moreover, the Fire Behavior Analysis Report notes that the large majority of fires within the area, as identified in the CalFire database, have burned from east to the west under high wind conditions and normally in the fall. The commenter does not identify the "various eastern points" from which rapid rates of spread are possible and were not analyzed in the Draft EIR. The fire



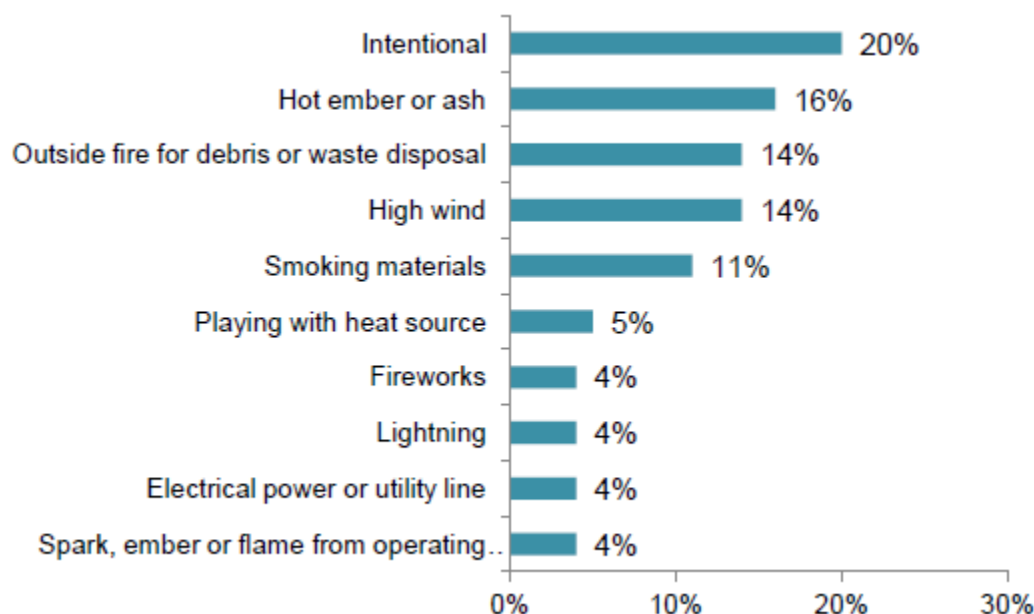
history of the project site and surrounding areas are included on page 6 and 7, respectively, of the CVFBAR with a discussion of the two fires that entered the site during the time covered by the database (over 50 years) and further speaks to the historic fire corridors that exist to the north of the project site.

The report does in fact calculate the faster rates of spread under a worst case scenario from points not only to the east but also to the west. The fire behavior was based on a worst case scenario and thus did not take credit for the improvements that will be gained by the Esperanza Hills Project were it to be constructed.

Cumulative wildland fire impacts are discussed on page 4.7-40 of the Draft EIR. As discussed therein, similar to the Project, any related project adjacent to an area susceptible to wildland fire hazards would be required to implement a fire protection plan consistent with OCFA requirements. Mitigation of potential wildland fire hazards is regulated by federal, state, and local requirements, and would be addressed on a project-by-project basis through implementation of Conceptual Fuel Modification Plans and Fire Master Plans. With regard to the adjacent Esperanza Hills Project, that Project will be required to implement a fire protection plan similar to the Project. The Esperanza Hills Draft EIR (Project No. PA120037) distributed in November 2013 by the County of Orange includes the fire protection plan for the Esperanza Hills Project. As the current Esperanza Hills site consists of vacant, undeveloped land with no fuel modification zones or measures in place, development of that site with a fire protection plan consistent with OCFA requirements would provide additional fire protection for the Cielo Vista project site and existing residential uses to the south of that site which are currently not in place. When completed, Esperanza Hills will reduce the wildland interface to Cielo Vista by removing wildland fuels from the areas to the NE of the Cielo Vista project site and replacing them with fuel modification zones, streets, and homes which constructed to current fire and building codes would be designed to keep out embers, reduce the impacts of radiant and convected heat, and have defensible space provided between them and the wildland fuels that are adjacent to them. Further, there would be a beneficial cumulative impact with the Project and the adjacent Esperanza Hills Project in reducing the potential for exposure to wildland fires on existing residential uses in the local project vicinity. Therefore, with implementation of requirements provided in the project-by-project fuel modification and fire master plans, the Project would not result in cumulatively considerable impacts relative to wildfire hazards.

According the *Freeway Complex Preliminary Report*, page 6, “none of the homes damaged or destroyed in the Freeway Fire were constructed after 1996 and thus, were not protected by provisions required by the City’s ordinance for WUI areas.” The Orange County Fire Authority’s *After Action Report for the Freeway Complex Fire* stated on page 21, “Notably, all the homes damaged or destroyed were constructed prior to 1996. Thus, they were not protected by the CFC provisions required by the City’s ordinance for WUI areas. However, the homes in Casino Ridge met the requirements of the 1996 ordinance. They were also protected by a relatively new fuel modification program. Firefighters stated they were able to focus resources and efforts on other areas of the City, as this community was developed to withstand a wildfire with little firefighting intervention.”

The most common source or cause of wildland fires is human activity. The chart below shows Brush, Grass and Forest Fires by Major Causal Factors and Type of Fire as reported by the NFPA (National Fire Protection Association) in the report entitled, “*Local Fire Department Responses to Brush, Grass or Forest Fires in 2007-2011 Fact Sheet.*”



This material was not provided for the CVFBAR as it is common to all fire in the region and is not site specific. The locations of past fires are shown in the fire history map of the CVFBAR and detailed in the discussion. The fire defense systems in place in the Cielo Vista Project are designed to work every time regardless of the frequency or direction of a possible wildland fire.

The project site resides in the jurisdiction of the Orange County Fire Authority and Orange County Sheriff. Both of these agencies are a part of the Ready Set Go program that addresses the needs to evacuate and the procedures for that evacuation process. Evacuation is a Law Enforcement function during a wildland fire emergency. It is accomplished within the Unified Command structure of the incident with input from the fire department, city, public works and law enforcement based on resources available and the specific locations and expected path of a given fire.

The Ready Set Go Evacuation website states, "Leave early! Knowing when to leave, what to take, where to go, and how to get there will prevent you and your family from being caught in smoke, fire, or road congestion while evacuating during a wildfire." The OCFA completes public education functions, inspects the wildland interface and will inspect individual homes to provide clear direction on what to do before, during and after a fire.

Specific trigger points for evacuation cannot be determined in advance beyond a general planning level as they will be impacted by weather, time of day and the location/extent of the fire.

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

The CVFBAR models the winds patterns in the wildland interface and models the fire behavior on three different aspects (N, S and E in full alignment). The slope was set at 200% for N aspects and 100% for all others. The majority of the interface is 50% or less; again, taking the worst case scenario. All other scenarios will have a lesser risk than the ones modeled.

According to FireSafe Planning Solutions, wildfire experts, Wind Ninja is the best product currently available to a fire behavior analyst. It is supplied by the Missoula Fire Lab as tools to use during actual fires to help predict fire behavior. Below is a copy of the information from the website:

*WindNinja is a computer program that computes spatially varying wind fields for wildland fire application.*

*Wind is one of the most influential environmental factors affecting wildland fire behavior. The complex terrain of fire-prone landscapes causes local changes in wind speed and direction that are not predicted well by standard weather models or expert judgment. WindNinja was developed to help fire managers predict these winds.*

*WindNinja is a computer program that computes spatially varying wind fields for wildland fire and other applications requiring high resolution wind prediction in complex terrain. It was developed to be used by emergency responders within their typical operational constraints of fast simulation times (seconds), low CPU requirements (single processor laptops), and low technical expertise. WindNinja can be run in three different modes depending on the application and available inputs. The first mode is a forecast, where WindNinja uses coarser resolution mesoscale weather model data from the US National Weather Service to forecast wind at future times. The second mode uses one or more surface wind measurements to build a wind field for the area. The third mode uses a user-specified average surface wind speed and direction. Other required inputs for a WindNinja simulation include elevation data for the modeling area (which WindNinja can obtain from Internet sources), date and time, and dominant vegetation type. A diurnal slope flow model and non-neutral atmospheric stability model can be turned on or off. Outputs of the model are ASCII Raster grids of wind speed and direction (for use in spatial fire behavior models such as FARSITE and FlamMap), a GIS shapefile (for plotting wind vectors in GIS programs), and a .kmz file (for viewing in Google Earth). WindNinja is typically run on domain sizes up to 50 kilometers by 50 kilometers and at resolutions of around 100 meters. WindNinja runs on 32- and 64-bit versions of Windows XP and later operating systems (installers can be accessed on the WindNinja Software page).*

Downloaded from <http://firelab.org/project/windninja> on 10/15/14

*Wind Wizard is no longer available and the Fire Lab is in the process of adding additional features to Wind Ninja to insure that the parts of Wind Wizard that were superior to Wind Ninja are incorporated.*

See comment from website below.

*Note: WindWizard is no longer supported by the Missoula Fire Sciences Lab as the underlying software is not readily available. Much of the computational fluid dynamics (CFD) modeling within the WindWizard framework will be added to WindNinja within the next year and will be released as free software.*

**RESPONSE COLLINSWORTH1-7**

With regards to climax vegetation, the CVFBAR accounts for fuel models gs2, sh5, SCAL18 and model 4. Model 4 fuels were modeled for N aspects. The photo below was taken 10/22/2007 a year before the Freeway Complex Fire. Clearly only the north aspects have heavy fuels. The south aspects are mostly grasses or barren. This photo represents 27 years of growth in this area (since the Owl Fire in 1980). This is shown on page 6 of the CVFBAR. Clearly the entire area is not six foot high chaparral.



Appendix C of the CVFBAR provides complete input and outputs for all Behave runs used within the CVFBAR. A copy of the CVFBAR is included within Appendix C of this Final EIR. Additionally, page 15 of the report states all of the assumptions used in the Behave modeling. They are repeated below:

*Inputs for the Behave Plus Fire Behavior Model were as follows:*

*Moisture scenarios used are extreme. One-hour fuels at 3%, ten-hour at 4% and hundred-hour at 5%. Herbaceous live fuels are modeled at fully cured (30%) and woody fuels at 50%. Model runs have been completed for various aspects on the two wind scenarios and for an east wind with slope influences. All scenarios assumed a 100% (1:1 slope), except the north aspect influence which used 200% as the worst case. Aspects are shown on the model scenario and the spread direction is shown in 15 degree increments to show the slope effect and when and/or if it over powers the wind.*

With regards to flame length calculated by the in the CVFBAR modeling results, the CVFBAR indicates that a fire burning in a Model 4 fuel that is in full alignment (running up hill, with the wind in a continuous fuel bed) can achieve a flame length of 79.9 feet. The reference to 41.8 feet is for a SCAL18 fuel. One –hundred (100) foot flame lengths are possible under extreme conditions BUT there still has to be sufficient fuel in the fuel bed on the slope to create this scenario. Cielo Vista does NOT have this condition where Model 4 fuel is directly below a structure and the wind is blowing upslope at a high rate of speed. In the case of Cielo Vista, the wind will be traveling across the slope for a N aspect rather than up it. The calculations for the N aspect

show the “slope pull” effect that moves the head of the fire from 270 degrees where it would be flat to 240 degrees. It should also be noted that the only 15 degrees off of the head of the fire, the maximum flame length is reduced by over 30 to under 49 feet. The calculations that have been made are very conservative and provide a large degree of margin to the design of the protection system for the project site.

#### **RESPONSE COLLINSWORTH1-8**

This comment is noted by the County. CEQA does not require the elimination of impacts, it only requires that significant impacts on the environment be mitigated to less than significant level. The Draft EIR complies with this directive. The California Fire Code (Chapter 49), the California Building Code, and various other design guidelines as discussed in the Draft EIR, all of which are applicable to the Project, provide standards which increase the ability of a structure to resist the intrusion of flames or burning embers projected by a vegetation fire. Please note that the Freeway Complex Fire was in 2008 and standards and regulations governing the construction of structures and fire protection measures have been revised since that incident (i.e., 2010 California Building Code). All applicable current fire protection standards, including OCFA’s updated standards most recently updated in 2014, will be applied at the time the Project starts the plan check process. This will lock in the standards and codes to be implemented by the Project.

Also, the OCFA, the County authority charged with maintaining fire safety and which completed a the Freeway Complex Preliminary Report, has reviewed and approved both the *Fire Master Plan* and *Conceptual Fuel Modification Plan*. As discussed in Impact Statement 4.7-5, with the implementation of mitigation measures, compliance with applicable regulations, and relevant project design features, the Project would result in a less than significant impact with respect to wildfires. To minimize the potential for structural ignitions, the Project would implement PDFs 7-10 and 7-11. PDF 7-10 requires the use of fire-resistant construction for all structures adjoining natural open space areas including the use of fire-resistant building materials. PDF 7-11 requires all structures to be protected with smoke detectors and National Fire Protection Association (NFPA) 13-D Automatic Fire Sprinklers.

#### **RESPONSE COLLINSWORTH1-9**

This comment lists “vulnerabilities” associated with standard brush management zones, but are not specific to the Project. The Project would implement a fire protection plan that would comply with OCFA’s standards for a VHFHSZ/SFPA (PDF 7-9) and include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines (PDF 7-12). These project design features would provide brush management in accordance with OCFA standards for a VHFHSZ/SFPA. Please also refer to Response Collinsworth1-8 for a description of PDFs that would minimize the potential for structural ignitions.

#### **RESPONSE COLLINSWORTH1-10**

The Orange County Fire Authority’s *After Action Report for the Freeway Complex Fire* stated on page 21, “Notably, all the homes damaged or destroyed were constructed prior to 1996. Thus, they were not protected by the CFC provisions required by the City’s ordinance for WUI areas. However, the homes in Casino Ridge met the requirements of the 1996 ordinance. They were also protected by a relatively new fuel modification program. Firefighters stated they were able to focus resources and efforts on other areas of the City, as this community was developed to withstand a wildfire with little firefighting intervention.”

The Casino Ridge community is directly north of the Cielo Vista project site. The slopes below the Casino Ridge community are steeper than those of the Cielo Vista project site. The Casino Ridge community has wildland fuels on slopes below homes which are directly in line with the prevailing wind. This community survived without damage or injury due to the fuel modification and building construction standards that will be present in the Cielo Vista project site.

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

With regards to flame lengths, page 19 of the CVFBAR does not have 41.8 feet value for Model 4 fuel. It has 79.9 as the maximum and the maximum for SCAL18 is 41.8. The 41.8 is used for all aspects except the north aspects where the Model 4 (79.9 feet is used).

Calculations for other projects have been done using different factors. For example, the wind direction is running relative to the slope rather than the aspect. The wind speeds are different and the assumptions on fuel moisture are significantly different. Winds are calculated at a 45 vector for one run and directly upslope and downslope for the other (Fanita). Cielo Vista calculates a 79.9 foot flame length at 50 mph (based on RAWs data) and this is not out of line with the other findings. The fact that the north aspects are not in alignment with the strong winds is important. The wind rose on page 11 of the CVFBAR clearly shows that an N wind occurs the least of any wind, including calm winds, and was never over 20 mph for the five years of data analyzed. This analysis runs from 2007 to 2012 and includes the Freeway Complex Fire.

The results for Fuel SCAL18 shown on page 19 of the CVBAR are accurate. The 15.3 foot flame lengths for SCAL18 are for the 240 degree spread. At 225 degrees, the SCAL18 has a flame length of 41.8. This is the "slope pull" influence discussed in the earlier question. It is pronounced on the N aspect because the wind is running cross slope and the slope is 200%. The sh5 fuel has a similar pull but not as great.

With regards to the Project's fuel modification zones, page 21 in the CVBAR states, "The largest flame length impacting the fuel modification zone would be less than 25 feet and well within the 2:1 ratio needed for protecting the structures. In fact, the ratio would be more in line with the 4:1 ratio required for a "safety zone" where personnel and equipment would be safe without the use of radiant heat shelters." The 79.9 foot flame lengths are not in the direction of the home BUT even if they were, the 170 foot fuel modification zone provides a 2:1 ratio for the hardened structure. The 4:1 ratio is for a safety zone and that would not be located in the back yard of the home between the fire and the structures. The safety zone would be at the front of the house, if not inside it, behind the structure and well out of harm's way. As was proven at Casino Ridge, these fire protection systems do work.

The project site has been designed to provide safety to the residents in their homes. Ready Set Go will provide the means for early evacuation but in the even that residents remain, they will be safe. Firefighters make decisions on the placement of resources based on current and expected fire conditions. A frontal assault on a fire in the green (wildland) is not an option for this topography and fuel arrangement. This means that the fire tactics will be indirect. Fire approaching homes will be attacked from the air and by the use of fuel breaks, fuel modification zones and fire breaks (non-burnable surfaces or areas). Each situation is different and predefined escape routes or safety zones are not possible. What is possible is to create areas that could function as safety zones or escape routes when the fire actually occurs. Interior portions of the



development qualify (4:1 ratio flame length to distance to wildland) as safety zones. This is how that works. The thinning zone will drop the maximum flame length to under 40 feet. The distance from the Zone B/Zone C interface is over 200 feet from the street in front of the homes. This is 5 times the distance of the largest flame length possible. This is by definition, a safety zone. [Note: 150 foot of that distance is on the flat portion of the project site.]

### **RESPONSE COLLINSWORTH1-11**

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

The selection of Alternatives to the Cielo Vista Project was based on CEQA Guidelines Section 15126.6. Per CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project and an EIR need not consider an alternative if its effects cannot be reasonably identified, its implementation is remote or speculative, or if it would not achieve the basic project objectives. As suggested by the CEQA Guidelines, and as described on page 5-1 of the Draft EIR, the range of alternatives selected in the EIR is governed by the “rule of reason,” that requires the identification of only those alternatives necessary to permit a reasoned choice between the alternatives and the proposed Project. The CEQA Guidelines also emphasize that the selection of project alternatives be based primarily on their ability to reduce environmental impacts relative to the proposed project. Thus, the selection of alternatives was based on variations that have the potential to reduce the Project’s environmental impacts. Table 3-1, *Comparison of Impacts Associated with the Alternatives and Impacts of the Draft EIR*, in Chapter 3.0 of this Final EIR identifies the impact areas that would be reduced under each alternative when compared to the Project. In addition, the selection of alternatives was based on the ability of an alternative to attain most of the basic objectives of the Project. These objectives, which focus on development, design, and environmental objectives, are provided in Chapter 2.0, *Project Description*, and in Chapter 5.0, *Alternatives*, on pages 2-9 and 5-3, respectively. The alternatives analysis is not required to evaluate a project or set of proposed Project objectives not analyzed in the Draft EIR.

Based on the CEQA Guidelines, four alternatives were included in the Draft EIR Alternatives analysis, including the No Project Alternative as required by CEQA Guidelines Section 15126.6(3). A fifth alternative has been added in this Final EIR. The No Project Alternative assumed the Project would not be approved and no new development would occur. The range of alternatives addressed numerous means for reducing the Project’s potentially significant impacts.

A Draft EIR’s alternatives discussion satisfies CEQA if it allows decision-makers and the public to evaluate the comparative merits of the proposed Project to the alternatives on an impact-by-impact basis in the relevant environmental categories (*Mira Mar Mobile Community v. City of Oceanside*, 199 Cal.App.4th 477, 491 (2004)). According to CEQA Guidelines Section 15126.6(d), a Draft EIR must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.” A matrix may be included, “displaying the major characteristics and significant environmental effects of each alternative.” Significant effects may be discussed in less detail than the proposed Project. Table 5-1 displays the characteristics and significant environmental effects of each of the alternatives. Moreover, the alternatives were discussed on an environmental topic-by-topic basis, and were also analyzed and compared to the Project, consistent with the CEQA Guidelines. The analysis of each

alternative concluded with an evaluation of how well the particular alternative satisfied the Project Objectives. Based on the foregoing reasons, the Draft EIR alternatives evaluation was undertaken in compliance with applicable CEQA requirements.

This comment requests that a new alternative be provided that incorporates the suggested design recommendations to reduce wildland fire hazards. However, the Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. An EIR need not consider an alternative which it would not lessen a significant impact identified in the EIR. (*North Coast Rivers Alliance et al. v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614.) The OCFA has approved the Project's preliminary Fire Master Plan and Fuel Modification Plan, which is discussed in detail in Section 4.7 of the Draft EIR. The Project's Fire Master Plan would comply with or exceed the OCFA's standards for Very High Fire Hazard Severity Zone/Special Fire Protection Areas (VHFHSZ/SFPA). As wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures and PDFs, and a reasonable range of alternatives was provided in the Draft EIR, no new alternatives need to be further analyzed. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

#### **RESPONSE COLLINSWORTH1-12**

This comment in support of the No Project Alternative is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

#### **RESPONSE COLLINSWORTH1-13**

Please refer to Response Collinsworth1-6 for a discussion of cumulative impacts with the Esperanza Hills Project. Please also refer to Topical Response 3 regarding emergency access. The commenter is referred to Topical Response 1 for a detailed explanation as to why the Esperanza Hills project is not part of the Cielo Vista Project.

#### **RESPONSE COLLINSWORTH1-14**

The comment summarizes the commenter's opposition to the Project, as well as the comments contained in the letter. The comment is general and, therefore, no further response is required. Nevertheless, responses to specific comments contained in the letter are provided in Responses Collinsworth1-1 through Collinsworth1-13.



**Letter: Collinsworth2**

9222 Lake Canyon Road  
Santee, CA 92071

January 22, 2014

Mr. Ron Tippets  
300 N. Flower Street  
Santa Ana, CA 92702-4048

**RE: Cielo Vista Project EIR – Supplemental Comments**

Dear Mr. Tippets,

Please consider the following supplemental comments upon the Cielo Vista Project EIR related to the Public Safety impacts of the Project.

**State of Emergency Declaration by the Governor of California<sup>1</sup>**

The EIR and CVFBAR should consider the State of Emergency as it relates to water supply for the Project, water supply for fire suppression, the expectation for more severe fire behavior and recirculate its findings.<sup>2</sup>

**WHEREAS** the State of California is experiencing record dry conditions, with 2014 projected to become the driest year on record; and

**WHEREAS** the state's water supplies have dipped to alarming levels, indicated by: snowpack in California's mountains is approximately 20 percent of the normal average for this date; California's largest water reservoirs have very low water levels for this time of year; California's major river systems, including the Sacramento and San Joaquin rivers, have significantly reduced surface water flows; and groundwater levels throughout the state have dropped significantly; and

**WHEREAS** dry conditions and lack of precipitation present urgent problems: drinking water supplies are at risk in many California communities; fewer crops can be cultivated and farmers' long-term investments are put at risk; low-income communities heavily dependent on agricultural employment will suffer heightened unemployment and economic hardship; animals and plants that rely on California's rivers, including many species in danger of extinction, will be threatened; and the risk of wildfires across the state is greatly increased; and

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<sup>1</sup> <http://gov.ca.gov/home.php>

<sup>2</sup> California Drought Brings 'Unprecedented' Fire Danger, Joseph Serna, Los Angeles Times, January 18, 2014.

**WHEREAS** extremely dry conditions have persisted since 2012 and may continue beyond this year and more regularly into the future, based on scientific projections regarding the impact of climate change on California's snowpack; and

**WHEREAS** the magnitude of the severe drought conditions presents threats beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

1 (cont)

**WHEREAS** under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State of California due to current drought conditions

Within the context of Governor Brown's finding "*that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope*", it is important to recognize that the Yorba Linda Water District could not provide sufficient reliable service during the Freeway Complex Fire prior to the current State Of Emergency. Furthermore, the Water District position was that the water system met standards and the size of the fire front was excessive.

2

*"...water supply problems are not uncommon in catastrophic events such as the Freeway Complex Fire. It also is important to note that the vast majority of homes that were damaged or destroyed were in areas where water pressure and water flows were available during the firefighting activities...There is no way to guarantee that the magnitude of a natural disaster such as the Freeway Complex Fire will not overwhelm even the most robust water system."*<sup>3</sup>

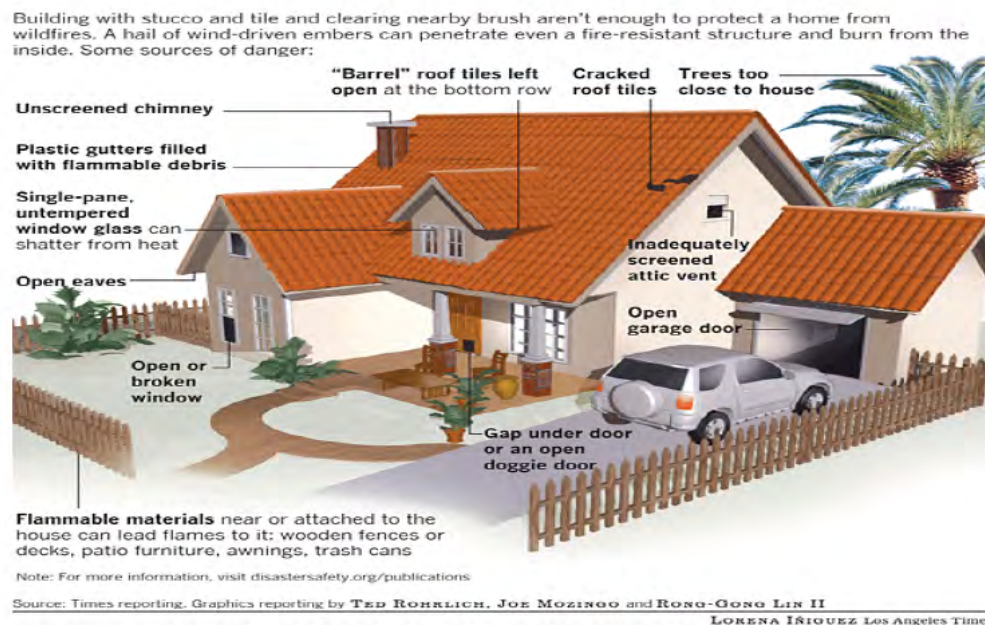
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<sup>3</sup> Freeway Complex Fire Disaster Response & Water System Assessment, Yorba Linda Water District, January 8, 2009, pages 5 & 24. Report: Reservoir ran dry, pumps were shut down during fire, Erin Welch, Orange County Register January 8, 2009. Note that the fire was not "natural" as it was ignited by a vehicle malfunction.

## Closer analysis of the 2008 Freeway Complex Fire incident needs to be provided to integrate measures that will avoid and mitigate fire impacts

The CVFBAR needs to provide a map of all the structures damaged and destroyed during the Freeway Complex Fire. The map should include fire points of origin, rates of spread and weather conditions during the most damaging burn periods. This information should be utilized to analyze the Project's impacts upon evacuation potential for the Project and its vicinity during Santa Ana wind driven fires originating from the most damaging points of origin at the most damaging time periods. The map should include the specifications for the fuel modification zones at the closest WUI for the damaged/destroyed structures. The CVFBAR is inadequate without providing more than just "worst scenario" for flame length. Even fire resistant homes with standard fuel modification zones are vulnerable to wildfire.<sup>4</sup>

**Illustration 1: How Fire-Resistant Homes Can Burn**



The damaged or destroyed homes in Yorba Linda had many of the more traditional features that protect homes from flames and radiant heat. In some cases, these features are also effective in protecting homes from embers. However, in a wind driven fire storm, additional protection is necessary.

The information compiled on the map should also be used to discuss prospective decisions to evacuate or "stay and defend" property – which is an issue of

<sup>4</sup> Freeway Complex Fire After Action Report, OCFA, Page 19.

controversy for the Project and its vicinity. This issue has been raised in the press and differing official positions have been reported.<sup>5</sup>

*"Officials in Orange County began scaling back on their local version of the 'Stay and Defend' plan and began focusing on early evacuation and fire prevention instead. On Feb. 10, OCFA Chief Chip Prather announced to residents of Silverado Canyon that the 'Stay and Defend' policy would not work with Orange County."*

3 (cont)

### **Firefighter Safety and Performance Expectations:**

Considering that *"no structure in the path of a wildfire is completely without need of protection,"*<sup>6</sup> more analysis needs to be provided with a focus upon firefighter safety. Firefighter escape routes and safety zones, and their potential decisions to defend structures for the worst Santa Ana wind driven fire points of origin, time periods and worst weather conditions require analysis.

There have been at least 327 wildland firefighter fatalities in California since 1926.<sup>7</sup> Because of the social and political climate associated with expectations for firefighters to defend property during wildfires, the Project's configuration relative to topography should be analyzed and the conditions that firefighters are expected to engage, decline deployment or retreat from specific portions of the Project described.

4

*"Wildland firefighters today are spending more hours fighting fires than ever before, and they are engaging fires of historic magnitude. The risk environment associated with wildland fire is being re- defined, and firefighters too have begun to redefine their own culture as a professional endeavor."*<sup>8</sup>

After a review of wildland firefighter fatality incidents, the CVFBAR should describe the conditions that would cause firefighters to reject assignment or retreat.<sup>9</sup> The "Lesson Learned" analyses of fire behavior and firefighter fatality incidents are

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<sup>5</sup> Fire Officials Shift from 'Stay and Defend' to 'Ready, Set, Go', Salvador Hernandez, Orange County Register, May 27, 2009. New County Plan Would Train Homeowners to Fight Fires, Salvador Hernandez, Orange County Register, January 15, 2009.

<sup>6</sup> Incident Response Pocket Guide, National Wildfire Coordinating Group, PMS461 NFES 1077, January 2010, page 12.

<sup>7</sup> Wildland Fire Accidents by State, National Interagency Fire Center, page 2. Wildland firefighter fatalities nationwide exceed one thousand since 1910, page 24. [http://www.nifc.gov/safety/safety\\_documents/State.pdf](http://www.nifc.gov/safety/safety_documents/State.pdf)

<sup>8</sup> Trends in Wildland Fire Entrapment Fatalities...Revisited, James R. Cook, National Wildland Firefighters Association, February 2013

<sup>9</sup> Reference Freeway Complex Fire Incident Narrative – Map 4 Corona Fire Engine 5—Near Miss Entrapment, Freeway Complex Fire After Action Report, OCFA, Pages 31 & 47.

relevant and available.<sup>10</sup> A firefighter near miss occurred on the Freeway Complex Fire.

*“Approximately 9:27 a.m., a tragedy almost occurred when COR E5 became surrounded by fire and experienced a burn-over event. When the Freeway Fire began, COR E5 was on scene of a medical aid in a neighborhood less than a mile away. Once COR E5 cleared the medical call, it contacted COR Dispatch and was assigned to the fire. COR E5 chose to access the fire from a service road between the fire origin and the threatened homes. This decision put COR E5 in a dangerous position between the main fire and the threatened homes, with unburned vegetation between the crew and the fast moving head. Within minutes, the COR E5 Captain radioed they were being overrun by fire and were unable to escape. COR BR1, supported by multiple water drops from ORC HC41 and HC241, rescued the trapped firefighters and averted a tragedy. This event resulted in minor burns and smoke inhalation to two firefighters assigned to COR E5. Incident Narrative – Map 4 is a map showing the near miss entrapment.”*

4 (cont)

### **Convective Heat**

The CVFBAR does not address safety issues related to convective heat transfers. Potential for convective heat transfers should be examined relative to topography, firefighter safety, evacuation and potential property location.

5

Thank you for considering these supplemental comments,



Van K. Collinsworth

Wildland Fire Expert / Natural Resource Geographer<sup>11</sup>

CC. Supervisor Todd Spitzer

Kevin K. Johnson, APLC

### **Attachment:**

Freeway Complex Fire Disaster Response & Water System Assessment, Yorba Linda Water District

Freeway Complex Fire After Action Report, Orange County Fire Authority

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<sup>10</sup> <http://www.youtube.com/user/WildlandFireLLC?feature=watch>

<sup>11</sup> Van Collinsworth is a Natural Resource Geographer and former US-Forest Service Wildland Firefighter. Collinsworth has reviewed environmental documents during the last 20 years (including Fire Protection Plans) and provided expert depositions to the courts in regard to these documents.



**LETTER: COLLINSWORTH2****Van K. Collinsworth**

9222 Lake Canyon Road  
Santee, CA 92701  
(January 22, 2014)

**RESPONSE COLLINSWORTH2-1**

The Draft EIR addressed wildland fire impacts, and fire severity, in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. Please refer to Response Collinsworth1-4 for a discussion of water supply for firefighting purposes.

Page 4.7-34 of the Draft EIR provides a cross-reference to Section 4.15, *Utilities and Service Systems*, which addresses water supply (supporting data provided in Appendix J of the Draft EIR). The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035.<sup>3</sup> Moreover, the Project does not represent a significant increase in service demand.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions depending on the severity of drought conditions.<sup>4</sup> The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

<sup>3</sup> Yorba Linda Water District Final 2010 Urban Water Management Plan.

<sup>4</sup> Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD's water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

The commenter has not provided any significant new information which requires recirculation of the Draft EIR. Please also refer to Topical Response 2, which discusses water supply.

#### **RESPONSE COLLINSWORTH2-2**

Please refer to Response Collinsworth2-1 above.

#### **RESPONSE COLLINSWORTH2-3**

This comment requests mapping of structures burned and damaged during the 2008 Freeway Complex Fire, along with other fire-related data from the Freeway Complex Fire to be assessed in the CVFBAR. As noted in the Draft EIR, the Project will not result in any significant wildfire impacts, thus no additional mitigation measures need be considered or incorporated. The CVFBAR provided an assessment of the risks related to wildfire by taking into consideration existing/future vegetative interface fuels, topography, and weather conditions. It was prepared using generally accepted methodology for evaluating potential fire behavior. The CVFBAR was submitted with the fuel modification plan to OCFA as support to the adjustment/modification of zones and the establishment of special maintenance areas. The CVFBAR outputs are the design criteria for the performance based fuel modification plan that was submitted and approved by OCFA. Moreover, the CVFBAR considered the fire history of the area, including specifically the Freeway Complex Fire. Data such as fire points of origin and rates of spread during the 2008 fire would not be applicable to the future Cielo Vista development condition as the landscape of the Cielo Vista project site would change when compared to existing conditions. That is, the Cielo Vista Project would provide fuel modification in certain areas within the project site that currently have no fuel modification. The effect of the Project's fuel modification would not only provide fire protection for its residences, but also for residences to the west and south of the project site since no fuel modification currently exists in these areas.

Furthermore, the CVFBAR considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those



conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the CVFBAR are appropriate for addressing wildland fire impacts resulting from implementation of the Project.

Please also refer to Topical Response 3 for a discussion of emergency access. With regard to “stay and defend” tactics, the County acknowledges that there are different opinions on this tactic. However, the determination of implementation of such a tactic for a specific property owner is ultimately at their discretion. As discussed in Topical Response 3, emergency evacuation/access would be available to the Project and surrounding residences during a wildland fire event.

#### **RESPONSE COLLINSWORTH2-4**

The Draft EIR addressed impacts on public services, including fire protection services, in Section 4.12, *Public Services*, of the Draft EIR, with supporting data provided in Appendix J of the Draft EIR. As described therein, fire protection, prevention, and emergency medical services for the project site are provided by the OCFA. The OCFA has mutual aid agreements with all fire agencies in the State and automatic aid agreements with all agencies in the County. Also, the OCFA has an agreement for service with the United States Forest Service (USFS). The USFS provides fire suppression and preparedness, hazardous fuels reduction, wildfire suppression, and national fire and emergency support. Under the California Fire Mutual Aid Agreement, CAL FIRE and federal agencies such as the USFS provide mutual aid for fires in federal lands and in areas designated as State Responsibility Areas (SRAs). The project area also has an automatic aid agreement with the City of Anaheim to provide the third engine responder.

The OCFA and all other fire agencies provide training to its firefighters to maximize safety on an individual and team basis. Firefighters are trained to identify fire conditions that would allow them to stay and fight a fire, or reject an assignment and retreat. However, any particular wildfire event would present variable conditions (i.e., extent of available resources, severity of fire, weather conditions, etc.) that would affect a firefighter’s decision in the field to engage and fight a fire, or reject an assignment and retreat. It would be speculative to predict the conditions of a wildfire at the project site that would cause a firefighter to engage and fight a fire, or reject an assignment and retreat, as such decisions are based upon a multitude of factors and the nature of the specific wildfire. Thus, further analysis of firefighter escape routes, responses, and safety zones is not warranted in this CEQA analysis (per CEQA Guidelines Section 15145).

#### **RESPONSE COLLINSWORTH2-5**

The CVFBAR calculates the fireline intensity of the flaming front for the worst case scenario. It also analyzes the wind flow for a N, NE and SW wind as they would flow through the project site. Heat rises and the majority of the heat from the flaming front will rise and go up with the smoke column. Some of this heat will be carried ahead of the fire by the wind.

In the context of ignition through exposure to heating, the current understanding amongst fire experts suggests that a separation distance between flammable vegetation and the structure of 10 to 40 m is sufficient to prevent ignition. Fire Safety Journal 43, 565–575 suggests adding 20% to the safety zone calculations for convection issues. For the Cielo Vista safety zone, the 40-foot flame lengths at the Zone B/Zone C interface require 160 foot to the safety zone. Twenty percent (20%) additional makes the distance

192 feet (200 feet is available) making the safety zones for the entire project site within the current established parameters.

**Letter: Dayles**

**From:** Paul Dayles [<mailto:pdayles@earthlink.net>]

**Sent:** Friday, December 27, 2013 3:22 PM

**To:** Kim, Judy

**Subject:** Cielo Vista Project, att. Ron Tippetts

This letter is directed to Mr. Ron Tippetts, reg. Publ. Notice of Draft Environ. Impact Report

This letter is in response to the planned building of approx. 500 homes named the Cielo Vista Project, directly and dramatically impacting not only the many hundreds of people nearby but also most of the people of Yorba Linda.

**My wife and I strongly oppose this project because it will very seriously impact us for ENVIRONMENTAL, ECONOMIC, PERSONAL, LIFE ENDANGERMENT AND LIFESTYLE reasons.**

**Please do not let this happen. Those investors can make their money other ways without causing so much havoc on the lives of all of us here. Let them create their wealth elsewhere. They can move, we cannot.**

**Below are our reasons and sentiments in detail. You may not need/want to read all this if you only need to know that we are opposed to this outrageous project, which will also set a precedent if approved.**

We find it **incomprehensible** how Orange County OC Planning Services can state:  
***Based on the analysis in the Draft EIR the Project will not result in any significant and unavoidable environmental impacts.***

How can anyone who makes such a statement believe for a second that if a couple of thousand cars start going by his/her own house each day that the air quality, noise, pollution, life style, home value etc. is not going to affect him/ her and his/her family dramatically? Either this person is totally ignorant, intentionally lying, or making this statement for monetary gain or political power gain. I cannot fathom any other reason.

The statement totally ignores the impact that thousands of

additional car/trips a day are now going to use streets that were never meant to accommodate this kind of traffic. Stonehaven is a two lane residential street, never meant to accommodate thousands of car trips a day.

It is criminal that a couple of very wealthy people could be allowed to destroy the life of hundreds and hundreds of people who made the largest investment of their life expecting to be able to enjoy the safety, beauty, quality of life of this Yorba Linda area. **Only so these developers can increase their wealth.**

1 (cont)

They claim they have a right to exploit their investment. They knew full well the problematic issues when they did but obviously expected to get around them by convincing Orange County of the windfall for them at the expense of the citizens of Yorba Linda. Damn the proven safety issues, life threatening conditions when another fire hits the area, destroying the wildlife, plant life and beauty of the hills, AND the enormous negative economic impact on each one of us.

**No governmental organization representing its citizens should allow this project to go forward. If they do, they obviously are not representing and looking out for their constituents but are thinking of the aforementioned "special" interests.**

### **Environmental Impact**

**Air:** thousands of car trips will leave their air pollution foot print, impacting the people living on the streets such as Stonehaven. We strongly object to have Orange County tell us that I have to accept the exhaust gasses from all these cars going by our house. Since

2

we live near the intersection with Y.L. Boulevard, countless cars will sit at the intersection idling their engines while waiting for the lights or waiting in long, long lines to drop off their children at school. No impact you say? Would you like to see the daily soot already being deposited on our house and us by the traffic on Yorba Linda Boulevard?. **Have you observed the traffic jams when parents bring their kids to school in the morning, the almost endless line of cars during the peak hours??**

2 (cont)

When you look around Yorba Linda Streets, most homes have three to four cars in the driveway. Even though some of the homes in the Cielo Vista projects may start out with 2 cars, within a few years traffic will quadruple in number of trips per day.

**Traffic:** if anyone evaluated the situation without being predisposed to OK the project, he/she would see there is already a very, very difficult situation with the traffic at Stonehaven/Y.L. Blvd. at certain times of the day. Adjusting the traffic lights (as one totally idiotic spokesperson gave as a solution at one of the meetings) is too silly for a serious response.

3

Y.L. Boulevard has already been enormously impacted over the last few years since another politician, then mayor Mr. Gullixson lied to

everyone in Yorba Linda by claiming that if we OK'd Shell's proposal to widen and "beautify" Imperial Highway, traffic on Yorba Linda Boulevard would be dramatically reduced. What a lie, but it worked, people were taken in by the slick commercials and voted for it. The same is happening again. A very intensely and well funded campaign ousted two of the strong opponents to the project on the Yorba Linda city council and were replaced by two very "pro" people. "Damn the consequences" for the people who will be impacted, the people whose interests they are supposed to represent.

3 (cont)

**Safety:** As those of us who have lived and gone through the fires in 2008 know, traffic on Y.L. Blvd. and all streets leading to it, where a total disaster. Evacuation was a huge problem then and some of us lost our homes and belongings because of it. I was one of the lucky ones who was able to save my house because I knew how to get there through side streets not yet closed or totally obstructed.

4

Don't tell us that a thousand additional cars trying to come down the hill in panic via Stonehaven are not going to make a difference. Totally irresponsible. People will die, as anyone who was closely involved at the previous fire, will

attest to the danger you are putting is in. How can you ignore this, allowing this to take place?

4 (cont)

## Economic Impact

### City:

Orange County wants to approve the project for obvious reasons: they will reap the profits but do not have to fund the additional police, schools, fire protection, water, traffic control, street maintenance etc. etc. The need for additional school(s), fire protection, water etc. will economically impact every citizen of Yorba Linda. Just look what already has happened during the past ten years. Simple example: to provide the thousands of new homes built during the last 10 years, our water costs has gone up by almost 150 percent!!

5

### Personal :

Because of the difficult overall economic situation, most of us now have less money to spend and still we are asked to approve **the building of 1 to 2 million-dollar homes and in order to accommodate them, the present residents will face higher costs for their utilities and taxes (water imports, schools etc.). Additionally, the values of our properties nearby will go down substantially** because who will want to buy property that faces very heavy traffic on their street, impossible situations at the nearby intersections, noise levels like a highway, air pollution, no open windows at night, overcrowded schools etc. We will be taking a financial hit. Do you care?

6

## Lifestyle Impact

**Just so that a couple of wealthy investors can make more money, is Orange County going to allow them to destroy the lifestyle and endanger the lives of all the people who already**

7

**live there and have spent their life-time investments on their homes?**

These investors obviously do not care that they will very negatively impact the lives of all the people already there. After they make their money, they will go elsewhere and will not have to deal with what they did to us. We however, will lose the quiet around our houses, the beauty of the hills behind us, will have to pay more for living here even though our property value will seriously decline and now also, and most importantly, will have to live with the fear that when the next fire hits us, as it will, we may not survive or our home may not. **And your approval of their plans will set a precedent for even more homes to be built there in the future, obviously.**

**Why do we, long-time citizens of Yorba Linda have to give up so much because a couple of shrewd investors want to make a lot more money?** What rights do they have because they simply had the money to buy land that should have been designated a wild life protected area in the first place?

Do they, because of their well-calculated investment, have the right to endanger the lives and of the citizens already living there? Does their well financed and well organized campaign to minimize the negatives have preference over the well being and rights of the hundred upon hundreds of the citizens of Yorba Linda?

**I hope that each of you responsible for the final decision, reflects seriously on how he/she personally would feel if this would happen to them, reflects on suddenly having your quiet residential street turn into a highway, having to live with the noise and**

7 (cont)



**pollution suddenly upon you, facing long lines of cars getting out of your house, worrying about the devaluation of your property, losing the peace and quiet that you bought your house for, the danger of where you will be when the fire hits and how you or your family can or cannot reach safety.**

**Please do not let this happen. Those investors can make their money other ways without causing so much havoc on the lives of all of us here. Let them create their wealth elsewhere. They can move, we cannot.**

Signed: Mary Ann and Paul Dayles  
21730 Allonby Circle  
Yorba Linda, CA 92887



**LETTER: DAYLES****Mary Ann and Paul Dayles**

21730 Allonby Circle  
Yorba Linda, CA 92887  
(December 27, 2013)

**RESPONSE DAYLES-1**

The commenter states that the Draft EIR's conclusions are inappropriate, but fails to specifically identify which conclusions or provide any evidence in support of commenter's assertion. The Draft EIR addressed noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, noise impacts would be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The Project is anticipated to contribute fewer than 50 peak hour trips to the intersection of Stonehaven and Yorba Linda Boulevard and the addition of Project traffic was found to also change the ICU value by less than 1% (or 0.01). As such, the County of Orange and City of Yorba Linda staff agreed (via the scoping process) that focused intersection level operation analysis is not needed for this intersection, consistent with the County's CMP and the City's traffic study guidelines. The access to Yorba Linda Boulevard and associated traffic patterns will change from what the commenter observes with the implementation of the Project and signalization of Via del Agua and Yorba Linda Boulevard. The Project access point is far closer in proximity to Yorba Linda Boulevard via Via Del Agua than to Yorba Linda Boulevard via Stonehaven. Although existing residents have been observed to travel north to Stonehaven to utilize the signalized intersection at Stonehaven and Yorba Linda Boulevard, this behavior is anticipated to decrease as the Project intends to signalize the intersection of Via del Agua at Yorba Linda Boulevard, making that intersection the most logical access point to Yorba Linda Boulevard from the project site. With the proposed signalization of Via del Agua and Yorba Linda Boulevard, it will be

more efficient for vehicles exiting from the project site to utilize the intersection of Via del Agua and Yorba Linda Boulevard to make either a left or right turn.

Also, please note that economic and social impacts are not environmental impacts for purposes of CEQA. (CEQA Guidelines § 15382.) This comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

#### **RESPONSE DAYLES-2**

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The Draft EIR includes a Carbon Monoxide "Hot Spot" analysis to determine whether the addition of cars and any changes in intersection level of service would have the potential to exceed applicable state and federal standards. The Project will not result in any significant impacts related to CO Hot Spots. Also, as noted in Table 4.2-10, emissions from mobile sources were determined to be less than significant. Moreover, as noted in Section 4.14, *Traffic/Transportation*, the intersection at Via del Agua and Yorba Linda Boulevard will improve with implementation of the prescribed Mitigation Measure 4.14-2 required for Project implementation.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The Draft EIR's traffic analysis did consider traffic associated with dropping off children at school. As noted in the Draft EIR, the Weekday AM Peak Hour utilized for the analysis was 7:00 AM and 9:00 AM, during which the majority of parents drop their children off at school. As discussed in the Draft EIR, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As to the number of cars associated with each residence in Yorba Linda, the Draft EIR utilized a trip generation rate for single family residences provided by the Institute of Transportation Engineers, a well-regarded trip generation authority.

#### **RESPONSE DAYLES-3**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Response Dayles-1 for a discussion of traffic along Stonehaven Drive, along with its intersection at Yorba Linda Boulevard.

#### **RESPONSE DAYLES-4**

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

#### **RESPONSE DAYLES-5**

Contrary to the commenter's point, the County will not reap profits from the Project. Future residents will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. There is no extra money left over from these sources, and by law, government cannot make a profit. As for service facilities, Draft EIR Chapter

4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12-13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Street maintenance is provided for by the County General Fund. With respect to water services, the Yorba Linda Water District (YLWD) recently completed the Northeast Area Planning Study which will require infrastructure improvements to serve new development with such improvements to be paid for by new development.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on existing residents. As for water costs, the County is unaware of any increase of YLWD residential rates amounting to 150% over 10 years. Nevertheless, purely economic impacts to individual residents are not environmental impacts that require analysis under CEQA. (See CEQA Guidelines 15131(a)).

#### **RESPONSE DAYLES-6**

Please refer to Responses Dayles-1 and Dayles-6 regarding economic and social impacts.

With respect to traffic, with the addition of the Project, the intersections of Aspen Way/San Antonio Road and San Antonio Road/Yorba Boulevard for Planning Area 2 and Via Del Agua/Street "A" for Planning Area 1, these intersections will continue to operate at an acceptable Level of Service "A" or "B" as shown on in Table 4.14-11 on page 4.14-42 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before Project traffic would be added. However, the LOS at this intersection would be improved to LOS B with implementation of Mitigation Measure 4.14-2 as prescribed for the Project in the Draft EIR. So, contrary to the commenter's observation, the Project will not create a heavy traffic impact on local streets.

As discussed in Draft EIR Section 4.2, *Air Quality*, and specifically shown in Table 4.2-9 on page 4.2-27, thresholds for the criteria pollutants will not be exceeded by the Project, which indicate that Project impacts will be less than significant. The same can be said for traffic-related noise impacts which are shown as being less than significant in Tables 4.10-7 through 4.10-10 of Section 4.10, *Noise*, in the Draft EIR.

Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

#### **RESPONSE DAYLES-7**

Please refer to Responses Dayles-5 and Dayles-6.

The project site east of the City is located in the unincorporated county where the General Plan Land Use Element designation of "1B" allows for a residential density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation for this area is low density residential allowing up to one

dwelling unit per acre with a maximum of 536 dwelling units. This Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan’s density restrictions. Both General Plans envision this area for single family homes. To the extent that residential development is permitted, the hillside areas immediately east of the City have already been planned for development and will take on a different character from the present setting with a new single family community which is planned for compatibility with the existing homes in the area.

## **Letter: Ebinger**

**From:** Kent Ebinger [<mailto:kebinger@lee-associates.com>]

**Sent:** Tuesday, January 21, 2014 2:00 PM

**To:** Tippetts, Ron

**Cc:** Spitzer, Todd [HOA]

**Subject:** Cielo Vista project

Ron;

The EIR that was done for the Cielo Vista project, is full of PHD, BA & BS experts, with their study and data. Like CPAs, it proves figures lie, and liars figure. I hope you are not expecting the homeowners to get technical, and respond to these elaborate figures? I am taking the practical approach, and with that I ask the following questions:

- |                                                                                                                                                                                    |  |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|
| 1) What benefit besides more traffic congestion, is Yorba Linda and/ or its current residents, receiving from this project? Please be specific.                                    |  | 1 |
| 2) Has a traffic study been done, when a reverse 911 evacuation is ordered?                                                                                                        |  | 2 |
| 3) If not, does that not place a huge question, on the traffic study methodology?                                                                                                  |  |   |
| 4) If not why, and be specific?                                                                                                                                                    |  |   |
| 5) Are not the residents of Yorba Linda ( that experienced this "mass exodus" during the complex fire ), the best judge of what should or should not be done, for their wellbeing? |  |   |
| 6) If not why? Please be specific.                                                                                                                                                 |  | 3 |

I look forward to your response.

Respectfully

**Kent Ebinger | Senior Vice President**

License ID# 01078237

**Lee & Associates | Industry, Inc.**

Direct: 562.568.2031

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Mobile: 714.334.1462

13181 Crossroads Pkwy N, Suite 300

City of Industry, CA 91746





**LETTER: EBINGER****Kent Ebinger**

13181 Crossroads Parkway N, Suite 300  
City of Industry, CA 91746  
(January 21, 2014)

**RESPONSE EBINGER-1**

With respect to traffic, with the addition of the Project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1, these roads will continue to operate at optimal level of service “A” as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable level of service “F” during the AM peak period without a traffic signal even before Project traffic would be added. So, contrary to the commenter’s observation, the Project will not create “more traffic congestion” on local streets.

**RESPONSE EBINGER-2**

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE EBINGER-3**

The commenter does not specifically challenge any of the analyses or conclusions contained in the Draft EIR. The decisionmaking and/or approval processes are outside the scope of the Draft EIR, which analyzes the potential environmental impacts of the Project. However, note that the Draft EIR did address wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access. The Draft EIR provides adequate information, with respect to all the resource areas analyzed in the Draft EIR, to ensure that the decisionmakers and the public are informed of the potential environmental impacts of the Project. (*Al Larson Boat Shop v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 748.)

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## Letter: Ensign

William Ensign  
4805 Via Del Corral  
Yorba Linda, CA. 92887

January 21,2014

Ron Tippetts/OC Planning  
300 No. Flower St. 3rd Floor  
Santa Ana, CA. 92702

RE: Proposed Cielo Vista Development

Mr. Tippetts:

After attending EIR Community Open House's for Cielo Vista (Dec. 16,2013) and Esperanza Hills (Jan. 16,2014) it is our belief these two projects must be addressed as ONE! ( They work very hard at distancing themselves from one another.) Cielo Vista is proposing 112 homes, Esperanza Hills (a possible) 380 homes. These 500 homes will use the same ingress, egress that connect with Via Del Aqua, a small 2 lane street, which would be expected to carry 4,000 to 5,000 cars per day, over and above the existing residents. This does not even begin to address emergency situations. Could the fault be with Yorba Linda planning, who have known of these future projects since the mid 90's. and took NO ACTION?

Has the county (that professes to be neutral) done a traffic study? Has the Yorba Linda Traffic Commission done a study? Any kind of study? The only studies done, including traffic, fire(emergency response and evacuation), water and flood control (this is important to us because there is a flood control easement on our property) have been done by developers! We would welcome independent studies. Developers can buy experts to say what they want. As taxpaying residents we lack funds, and it appears we have no ally in this endeavor. Our city supervisors are not neutral, and have gone against the will of the people.

In closing, Cielo Vista hopes to annex into Yorba Linda upon completion, however the project does not comply with Measure B, voted on by the citizens. In this current environment, is bad behavior once again going to be rewarded?

Enclosed is a letter written Aug. 6, 2012 addressing the concerns(many listed on the comment form) that we STILL have regarding Cielo Vista.

Thank you for your consideration,

  
William Ensign  
lynnbeefbill@roadrunner.com

Ms. Channary Lang

OC Public Works/OC Planning

300 N. Flower St.

Santa Ana, CA. 92702-4048

Cielo Vista Project (Project No. PA 100004)

1. Aesthetics

Our homes have 1/2 - 1 acre lots. The proposed homes have small lot sizes that are inconsistent with our existing neighborhoods. Second concern: The land will be developed and the economic downturn (especially in housing) still continues. Will we have empty pads, unfinished houses and streets to plight the neighborhood?

2. Biological Resources

Protection and active management of wetland and wildlife communities for hundreds of dependant species. CA has lost approximately 95% of these types of habitats.

3. Cultural Resources

The change in topography will destroy the reason why we chose to live in this area of Yorba Linda rather than an urban one.

4. Geology/Soils

We are nearly on top of the Whittier Fault (earthquake July 2008). Can the movement of large amounts of earth contribute to seismic activity?

In the last 26 years we have experienced vibrations throughout our home. Could this be low level seismic activity? Would that increase by large amounts of earth being relocated?

5. Hazard/Hazardous Materials

The Sage property has several (or more) producing oil wells. How will these existing wells and storage be effected when earth is being moved and housing is in place? (Could spillage and seepage be an issue?)

6. Hydrology

We have a natural flow of water across the lower part of our property. For 26 years we have never had a flooding issue. Will the reformation of the hills have an impact on the natural water flow thus creating a heavier flow( of water) undermining the slope to the higher section of our property?

7. Land Use and Planning	14
Lack of parks and other recreational areas for high density housing.	
8. Population/Housing	
The proposed entrance off of San Antonio/Aspen Way only provides entrance/exit to a very few homes. The burden will be on Via Del Aqua. During certain times of the day it is impossible to exit onto Yorba Linda Blvd. An additional traffic light would only increase congestion on Yorba Linda Blvd.	15
9. Public Services	
On November 15,2008 there was a total lack of police and fire department to assist in evacuating the area. Since this was the case, how will existing public services (in this age of cut-backs) cope with public safety in an increased population?	16
Increased burden on our already overcrowded schools.	17
10. Utilities and Service Systems	
During the Freeway Complex Fire of 20008 many in the area encountered water shortages which led to the loss of many homes. How does the county intend to address this issue? We live in a high fire danger area. Additional housing will increase this danger.	18

William H. Ensign

4805 Via Del Corral

Yorba Linda, CA. 92887



**LETTER: ENSIGN****William Ensign**

4805 Via Del Corral  
Yorba Linda, CA 92887  
(January 21, 2014)

**RESPONSE ENSIGN-1**

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

**RESPONSE ENSIGN-2**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The traffic analysis under Impact Statement 4.14-1 beginning on page 4.14-21 includes the traffic volumes generated by both the Esperanza Hills Project and the Cielo Vista Project on the local roadway circulation network under both the Opening Year and Horizon Year forecasts. Also, the traffic analysis evaluates two access scenarios for the Esperanza Hills Project, which is separate and distinct from the Project. First, the analysis evaluates traffic impacts assuming their primary access is provided from Via Del Agua/Stonehaven Drive. Second, Esperanza Hills is considering an alternative access route via Aspen Way. As such, an additional analysis was performed for the intersections that could potentially be affected by the change in travel patterns resulting from the proposed access alternative via Aspen Way for the Esperanza Hills Project. The purpose of assessing the access alternative is to identify any additional near-term and long-range cumulative impacts that could potentially occur with the change in proposed access. Under either scenario, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measure. On June 2, 2015, the Orange County Board of Directors approved the Esperanza Hills Project, with two potential access options – Option 2B and Modified Option 2. Although these access options are not part of the Project, the impact analysis for a new alternative added to this Final EIR—a Modified Planning Area 1 Only Alternative (Alternative 5) reflects the County's approval of the Esperanza Hills Project, and for purposes of the cumulative impacts analysis, evaluates these access options as related projects.

**RESPONSE ENSIGN-3**

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

Regarding the City's involvement with the Project, a Notice of Preparation of an EIR was issued on July 5, 2012 soliciting input on the scope and content of the environmental information to be included in the EIR. A scoping meeting with the community was held on July 19, 2012 before preparation of the Draft EIR began. A 75-day draft comment period on the Draft EIR opened on November 7, 2013 and extended through January 22, 2014. A community open house on the Project was held on December 16, 2013. The scoping meeting and the community meeting were held at the Travis Ranch Activity Center. Additionally, Project information was periodically updated on both the County Public Works and City web sites. The Draft EIR was also posted on both web sites. The City provided extensive comments on the Draft EIR in a letter dated January 22, 2014.

The City has been involved with this Project through its inception and has prepared comments on the Draft EIR in furtherance of its interests to supplement comments provided by the City and community in response to the Notice of Preparation, at and after the scoping meeting and at and after the community meeting.

#### **RESPONSE ENSIGN-4**

It is standard practice by the County and many jurisdictions to allow developers to obtain private consulting companies to prepare technical studies (i.e., traffic, hydrology/water quality, etc.) for a proposed development project as part of the CEQA environmental review process. Such technical studies prepared by experts in their respective fields of study are reviewed and approved by the County during the CEQA environmental review process. This approach is consistent with CEQA standards and has been validated by the courts. (See, e.g., CEQA Guidelines section 15084(d); *Friends of La Vina v. County of Los Angeles*, 232 Cal. App. 3d 1446 (1991)). In addition, the analysis and results of the technical studies are incorporated into the Draft EIR, which has been subject to public review and comment. The public review period allows members of the public and applicable Federal, State, regional, and local government agencies to comment on the technical studies and Draft EIR. Through County review and approval, as well as public review during the CEQA environmental public review process, the analysis and results of applicant-sponsored technical studies are validated.

#### **RESPONSE ENSIGN-5**

Because the project site is located in the unincorporated area of the County and is being processed through the County, the City's Measure B does not apply to the Project. Measure B applies only to property within the City boundary. Should the Project Applicant choose to seek annexation of the property to the City in the future, the applicability of Measure B would be considered at that time.

#### **RESPONSE ENSIGN-6**

The Draft EIR addressed aesthetic impacts in Section 4.1, *Aesthetics*. To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges between 1.04 and 1.96 dwelling units per acre.

The County's General Plan Land Use Element designation of "1B" suburban residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation of low density residential at up to 1.0 dwelling units per acre states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints. The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions.



This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

**RESPONSE ENSIGN-7**

Regarding the commenter's concern that the Project may remain unfinished in the continuing economic downturn, should the Project's vesting tentative tract map be approved, all improvements attributable to the project developer, typically grading and infrastructure, must be secured usually through a bond or letter of credit to ensure that if the developer does not complete the vesting tentative tract map improvements, unfinished grading and adverse soil conditions will be stabilized and infrastructure will be completed to a certain extent so that the site can be secured for an indefinite period of time even if the Project is not completed by the Project Applicant, but can be by a subsequent developer. Multiple letters or credit and/or bonds assure that the project site is secured and made inert pending completion so that it does not create conditions which adversely affect the adjacent communities. These requirements will be adopted as conditions of approval for the vesting tentative tract map, if approved.

**RESPONSE ENSIGN-8**

The Draft EIR addressed impacts on biological resources, including wetland and wildlife communities, in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE ENSIGN-9**

The County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation of Low Density Residential at up to 1.0 dwelling unit per acre states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

Also, the Draft EIR on page 4.1-2 in Section 4.1, *Aesthetics*, references the City's hillside development zoning regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and -32. This consistency analysis concludes that the Project's open space area and concentration of the development envelope in two planning areas would ensure that intermediate and long range views of hillside locales and visually prominent ridgelines and canyon would not be altered, including preservation of the primary east-west canyon within the central open space portion of the project site.

**RESPONSE ENSIGN-10**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE ENSIGN-11**

Please refer to Topical Response 4 regarding geology and faulting. Geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. The County cannot speculate on the low-level vibrations at a specific home. However, Section 4.5 does provide an analysis of seismic impacts that could occur as a result of Project implementation. As discussed therein, seismic impacts would be less than significant with implementation of the prescribed mitigation measures. In addition, Section 4.10, *Noise*, of the Draft EIR includes an analysis of groundbourne vibration and noise under Impact Statement 4.10-2 beginning on page 4.10-27. The analysis indicates that the Project's construction activities would not result in perceptible ground-borne vibration to nearby residential uses.

**RESPONSE ENSIGN-12**

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped. Project Design Feature (PDF) 7-1 on page 2-33 of Section 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Therefore, before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development. The commenter's concern over spillage and seepage will also be addressed through the closure and capping requirements imposed by the State Department Of Oil, Gas And Geothermal Resources and the County.

**RESPONSE ENSIGN-13**

Hydrology and drainage impacts were addressed in Section 4.8, *Hydrology and Drainage*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed under Impact Statement 4.8-2 beginning on page 4.8-25 of the Draft EIR, the Project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements such that the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Compliance with applicable regulatory requirements and implementation of the project design features would ensure impacts regarding changes in drainage patterns and stormwater flows are less than significant.

**RESPONSE ENSIGN-14**

The Project is being processed through the County because the property is located in an unincorporated area within the County's land use jurisdiction. However, it may be annexed at some future time to the City. As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted

on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition.

At this time, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks And Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13, *Recreation*, addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

#### **RESPONSE ENSIGN-15**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that traffic conditions at the intersection of Via Del Agua and Yorba Linda Boulevard are currently deficient based on applicable City of Yorba Linda and County of Orange regulatory traffic standards. The Project would add traffic to this currently deficient intersection. Thus, the Draft EIR prescribes Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable under both the City and County's traffic standards. Accordingly, the potentially significant impact at this intersection would be reduced to a less than significant level with implementation of the prescribed mitigation measure.

#### **RESPONSE ENSIGN-16**

Please refer to Topical Response 3 for a discussion of emergency access. Also, the Draft EIR addressed public service impacts, including impacts on schools and police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

#### **RESPONSE ENSIGN-17**

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space.

#### **RESPONSE ENSIGN-18**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site,

including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. For additional information, please see Topical Response 2.

**Letter: Fried**

From: Irwin Fried [<mailto:irwinfried3@gmail.com>]

Sent: Thursday, January 23, 2014 10:57 AM

To: Tippetts, Ron

Cc: [cyoung@yorba-linda.org](mailto:cyoung@yorba-linda.org)

Subject: cielo vielo and esperanza hills developments in yorba linda

Dear Mr. Tippetts,

I am writing with respect to the above identified developments.

I write from the perspective of an individual who has served as a Planning Commissioner (4 years) and a City Councilman (16) years. During that time I have participated or observed the intense conflict between cities over the acquisition of territory lying in "spheres of influence" adjacent to both of them.

The developments under discussion do not adjoin any other city, only Yorba Linda. Under that unique circumstance, in my opinion, to ignore the standards of zoning, density, grading, ingress of emergency vehicles, water resources adequate to deal with fires, and other issues normally associated with the development within a city, when the development has no place to go other than Yorba Linda is somewhat unusual, and unfair.

I assume that the developers wish to develop under County of Orange standards in order to escape standards of the Yorba Linda which they consider more onerous, affecting their bottom line. This is understandable.

However, the County of Orange has a duty and responsibility to recognize the interests of the citizens of Yorba Linda.

I hope that the County of Orange will help the City of Yorba Linda to maintain the standards which have made the City the "Land of Gracious Living".

Irwin M. Fried



**LETTER: FRIED****Irwin M. Fried**

(January 23, 2014)

**RESPONSE FRIED-1**

The commenter's general observation that the Project may at some time in the future become part of the City is correct. An application for annexation can be filed with the Local Agency Formation Commission either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed.

Therefore, to ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use and Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and -17 indicate that the Project will adhere to the City's Residential Urban (RU) zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU zone's key site development standards -- building height, setback and parking requirements. Moreover, the Final EIR includes a new alternative -- the Modified Planning Area 1 Only Alternative (Alternative 5) -- which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. With respect to roadway design, project design feature (pdf) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

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**Letter: Friend**

**From:** Lawrence Friend [<mailto:lfriendcpa@yahoo.com>]

**Sent:** Wednesday, January 22, 2014 8:43 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista, Esperanza Hill

Ron,

The Friend family has owned our parcel since the mid 50's. As a point of interest 160 acres of the Chino Hills State Park was once owned by the Friend Family. We believe the Chino Hills Park provides more than enough open space in the area. The Chino Hills State Park has created a financial burden on the state and has been on the state closure list in the past.

We currently hold title to our land in Bridle Hills Estates, LLC. We are in favor of the Esperanza Hills project and view it as the highest and best use of the land.

Bridle Hills Estates, LLC submits the attached comment letter on behalf of the entire Friend family.

Sincerely, Richard L Friend

Kevin Canning  
Ron Tibbets  
Contract Planners  
County of Orange  
300 N. Flower  
Santa Ana, CA

Re: Cielo Vista and Esperanza Hills Proposed Developments

Dear Kevin and Ron:

Bridal Hills Estates, LLC owns approximately 47 acres situated north and east of the Cielo Vista project site, and north and east of the Esperanza Hills project site. Cielo Vista, Esperanza Hills and our land is part of the 630 acres referred to in the City of Yorba Linda General Plan as the "Murdock Property".

This comment letter applies to both projects.

Historical access to our site has come from both the Cielo Vista site and the Esperanza Hills site, over roads that still exist today or roads to be constructed in the future. Our family is familiar with and has used these roads for decades, as we leased much of this land for ranching for years. We believe that the County should ensure that our site will have continued access over these roads, or roads to be constructed in the future, and proper planning principles, common sense, and the responsibility of being a good neighbor should apply to both projects, so that access and utilities are provided for in their respective project designs.

We have worked with the Esperanza Hills developers on their project design, and they have accommodated our request for access and utilities to be run to southern boundaries of our site. We have a Cut/Fill Agreement in place with Esperanza Hills that should benefit both of our properties, and we have approved their current design, but want to ensure that if there are any design changes it does not adversely affect access or utility service to our land.

It is our understanding that the Cielo Vista project has included a potential access corridor in their Area Plan, on page 33, and that the Esperanza Hills project has designed two access options, 2A and 2B over this area, and that Esperanza Hills has also identified two other access options, Options 1 and 2, which provide for primary access from Stonehaven and Aspen Way, respectively.

It is our belief that all of these options are consistent with the City of Yorba Linda General Plan, which was adopted in 1993. It provides that access to our property and the properties owned by the Nicholas Long family, which is currently part of the proposed Esperanza Hills project and the Yorba Linda Land, LLC property, which lies to the north of our land, are to be served by access from the south and west, via easements to be given by the property owners to the south and west of us, which would include land included in the Cielo Vista and Esperanza Hills projects.

We also agree with the August 2, 2012 NOP comment letter issued by the Yorba Linda Water District on the Cielo Vista project, which is the sewer and water utility provider for this area, that the Cielo Vista

project should provide an easement for gravity flow sewer through the Cielo Vista project for both the Cielo Vista and Esperanza Hills project, and we further request that accommodation be made for extension of this sewer service to our property, as is currently provided for in the Esperanza Hills project.

We further understand that the Yorba Linda Water District has completed its Northeast Area Planning Study, which provides for the installation of underground water reservoirs on sites located on the Esperanza Hills project site, at the 1200' and 1390' elevations, which will eventually provide water gravity fed water storage for all properties in the 630 acre unincorporated area referred to above, and we will, at some point, enter into an agreement with the Yorba Linda Water District and/or the Esperanza Hills developers for the water storage necessary to serve our property should we decide to develop it in the future.

1 (cont)

We oppose any effort by the Cielo Vista developers or property owners to entitle their land without providing access to our property through the Esperanza Hills property, as they have stated they would do in their NOP public meeting, and request that the County require that they provide access as part of the approval for their Area Plan. If Cielo Vista is denied approval of their entitlement request, we request that the County use its eminent domain powers to obtain a right of way easement over the Cielo Vista project for use by our property and the Esperanza Hills development as currently designed, which provides access to our property.

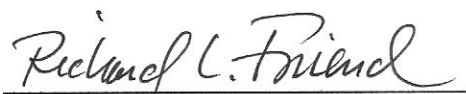
2

We believe that the County has a responsibility under the Subdivision Map Act to ensure that both Cielo Vista and Esperanza Hills provide access and utility access through their properties to all of the unincorporated areas east of the City of Yorba Linda and west of Chino Hills State Park, so that future development of our property and any other properties are properly planned, taking into account future development. The Esperanza Hills developers have agreed to make this access part of their existing design and the Cielo Vista owners and developers should be required to as well.

Finally, we support the fire staging areas, emergency ingress and egress plan, fuel modification and trail system designs for the Esperanza Hills project, which we believe benefit our property and the surrounding existing neighborhood, particularly from a fire safety standpoint.

3

Should you have any questions, please contact me directly.



Richard L. (Larry ) Friend  
Manager  
Bridal Hills Estates, LLC  
13301 Flint Drive  
Santa Ana, CA 92705  
714 809-3873



**LETTER: FRIEND**

Bridal Hills Estates, LLC  
**Richard L. Friend**  
13301 Flint Drive  
Santa Ana, CA 92705  
(January 22, 2014)

**RESPONSE FRIEND-1**

The comment raises an issue of continued access to specific property owned by the commenter, Bridal Hills Estates, LLC, but does not raise any significant environmental issue related to the analysis or the conclusions contained in the Draft EIR. Moreover, the comment discusses access issues in the context of both the Project and the Esperanza Hills Project. As discussed in Topical Response 1, the Esperanza Hills Project is separate and distinct from the Project. Thus, any comments specifically relating to that project, including a Cut/Fill Agreement or potential design changes, are outside the scope of the Draft EIR.

Exhibit 4-1, *Master Circulation Plan*, of the Cielo Vista Area Plan did, in fact, include a potential access corridor. However, the Cielo Vista Area Plan is a conceptual document that has subsequently been refined during the environmental review process. Figure 2-6, *Master Circulation Plan*, in Section 2.0, *Project Description*, of the Draft EIR represents the current circulation plan. It is not clear from the comment which access roads might run through the Project site. Assuming the commenter is referring to the Bridal Hills Estates, LLC property as identified in the Esperanza Hills Initial Study, continued access to the commenter's property will be provided as part of the Esperanza Hills project. The EH IS specifically states that access to Bridal Hills Estates, LLC parcel will be provided for in the Esperanza Hills Project proposed project lot and street design. (EH IS at 1.) The commenter's request that the County ensure continued access as set forth in the Esperanza Hills proposed project appears to be directed to the County in connection with its consideration of the Esperanza Hills Project and not the Cielo Vista Project.

With respect to commenter's request that the Project provide an easement for sewer service to the Esperanza Hills Project and the commenter's property, please see Topical Response 1, which discusses how the Esperanza Hills Project is not part of the Project. The Draft EIR fully and appropriately evaluated the potential environmental impacts on utilities and services systems associated with development and operation of the Project. Moreover, as required by Mitigation Measure 4.15-1 and discussed in Topical Response 2, the Project Applicant would work with the Yorba Linda Water District to ensure that required storage water facilities, supporting infrastructure, and other related improvements would adequately deliver water and the necessary fire flow to the project site. To the extent the comment requests the extension of sewer services to the commenter's property, the comment is outside the scope of the Draft EIR.

The comment raises issues outside the scope of the Draft EIR, specifically future agreements between the commenter and the Yorba Linda Water District should the commenter decide to develop its property. The comment does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required. Also, as commenter notes, development of its property is uncertain and speculative.

**RESPONSE FRIEND-2**

The comment is noted, but as it pertains exclusively to future access to the commenter's property, it does not raise any issues with the analysis or conclusions in the Draft EIR and is outside the scope of the analysis in the Draft EIR. Therefore, no further response is required. Please see Response Friend-1 for a discussion of access to the Bridal Hills Estates, LLC property.

**RESPONSE FRIEND-3**

The commenter expresses support for certain aspects of the Esperanza Hills Project. The Esperanza Hills Project is a separate project which has been analyzed in a separate EIR. See Topical Response1. The commenter does not raise any significant environmental issues related to the analysis or the conclusions contained in the Draft EIR, therefore no further response is required.

**Letter: Gass**

January 16, 2014

Ron Tippets  
Orange County Public Works  
Environmental Planning Division

Dear Mr. Tippets,

I recently moved my family to Yorba Linda from Anaheim. I was born and raised in the shadow of Disneyland my entire life. For the last 45 years, I could set my watch and know exactly when the fireworks show starts at 9:35pm. After living in our first home for 12 years in Anaheim, we made a large investment and bought a home in Yorba Linda for a better life for my family. Quality of life is important to us.

When searching for a home in Yorba Linda, the first thing that we noticed while looking for our home was that we loved that we could see the stars at night. That was the one thing that really stood out to us that set our home apart from our home in Anaheim. WE COULD SEE THE STARS AT NIGHT! We have serious concerns about the aesthetics of the proposed Cielo Vista Project and one of them is that if these houses are built we will no longer enjoy our Dark Skies that we love. The Cielo Vista Draft Environmental Impact Report clearly states that there is no light or glare currently generated in this area. The sheer amount of ambient light that this project, as well as the Esperanza Hills project, will diminish our night sky views. In no portion of the Cielo Vista Draft Environmental Impact Report does it address the impact that the amount of ambient light from these homes will have. The DEIR states "there would be for the most part no potential issues for light spill" but, has ZERO factual support to back up this summary conclusion. Where is the empirical data to support the developer's claims?

1

In reviewing the Cielo Vista Draft Environmental Impact Report, it appears that there are further gaping holes and lack of information supplied by the developer. The wildlife in the area in nearby Chino Hills State Park will most certainly be affected by the introduction of brighter LED style lights that will certainly cause a shift in the predator/prey balance. If coyotes, owls, bobcats and mountain lions can no longer hunt effectively because they do not have the cover of darkness, how does that affect our delicate ecosystem here on the edge of Chino Hills State Park. The developer of the proposed Cielo Vista Project does not address how this will affect the wildlife. If the predator/prey balance shifts will I see more predators in my backyard looking for food? How safe will my family be? How safe will my animals be? This is an imperative piece of information and, frankly, has not even been addressed in the Cielo Vista Draft Environmental Impact Report. Light intrusion and it's affects on nocturnal animals MUST be addressed by the County and the Developer.

2

Aesthetics are a key element to any development, however, it should be known that the proposed Cielo Vista development and its various plantings of vegetation will certainly create ladder fuels. Currently, there are no large street or shade trees in the areas as outlined by the DEIR. This makes a ladder fuel situation impossible once the houses are built. As the trees and shrubs that the developer plants mature and grow, this will allow the next fire that comes through the canyon to spread much more rapidly ... endangering my home. At no point in the Cielo Vista Draft Environmental Impact Report does the developer address possibility of creating a ladder fuel situation throughout their proposed development. This is a large concern for citizens of Yorba Linda, especially during Santa Ana Wind conditions.

3

It is very clear to me that the Cielo Vista Draft Environmental Impact Report makes many summary conclusions with no factual support. With a project that is this large and impacts not only the residents, but the wildlife, the County of Orange cannot approve the Cielo Vista project without requiring the developer to provide factual support on the environmental impact.

Best Regards,

A handwritten signature in black ink, appearing to read "Brian Gass". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Gass".

Brian Gass  
21180 Ridge Park Drive  
Yorba Linda, CA 92886



**LETTER: GASS****Brian Gass**

21180 Ridge Park Drive  
Yorba Linda, CA 92886  
(January 16, 2014)

**RESPONSE GASS-1**

The Draft EIR addressed lighting impacts in Section 4.1, *Aesthetics*. Operational lighting impacts are discussed on page 4.1-26. As discussed therein, it is acknowledged that the project site does not currently include any light sources. Thus, Project implementation would result in an increase in ambient light within the project site. The lighting associated with the Project would be typical of single-family residential uses, such as that generated by the residential uses to the north, south and west of the project site. Given the distance of the proposed residences from existing residences, there would be no significant issues related to light spill. All exterior lighting would be directed downward and “night sky friendly,” in compliance with the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting (PDF 1-9). Per the County requirements, all lights would be designed and located so that direct light rays would be confined to the premises. No lighting as part of the Project would be cast directly outward into open space areas. Based on these considerations, the Project would not create a new source of substantial light which would adversely affect day or nighttime views in the project area and as such, lighting impacts would be less than significant. To ensure that all Project lighting is implemented in a manner consistent with County Code requirements, Mitigation Measure 4.1-1 has been prescribed for the Project. This mitigation measure requires a demonstration of compliance with County Code Section 7-9-55.8 ensuring that the Project’s lighting plan provides downward directed “night sky friendly” lighting.

**RESPONSE GASS-2**

The Draft EIR addressed lighting impacts in Section 4.1, *Aesthetics*. Existing night lighting is widespread to the north, west and south, resulting from the project study area being adjacent to an urbanized setting. A discussion providing context to indirect impacts such as lighting can found on page 4.3-23. Indirect impacts are those that involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to the project site.

The Draft EIR notes that nighttime lighting impacts would be significant if they interfere with or intrude into sensitive land uses or native habitat that supports sensitive animal species, among other things. The analysis concludes that lighting impacts would be less than significant, noting that all exterior lighting would be directed downward and “night sky friendly,” in compliance with Orange County Code of Ordinances Section 7-9-55.8 (PDF 1-9). In accordance with the Section 7-9-55.8 and PDF 1-9, all light would be designed and located so that direct light rays would be confined to the premises and no lighting would be cast directly outward into open space areas. However, in addition to Project Design Feature 1-9, Mitigation Measure 4.1-1 on page 4.1-27 is provided to further ensure that lighting is designed to avoid spillover effects. The effects of night lighting on common wildlife is included in the analysis of indirect impacts found on page 4.3-27 of

Section 4.3, *Biological Resources*, of the Draft EIR. Please refer to Response CDFW-2 for further discussion of nighttime lighting.

While it is acknowledged that the common wildlife species currently utilizing habitats on the site would for the most part avoid the development envelope of the Project, these indirect impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region. Response CDFW-1 provides a discussion of the developed area of the project site in context with the size of Chino Hills State park. As discussed therein, the project study area is approximately 0.7 percent the size of Chino Hills State Park and the proposed development footprint (58.88 acres) is only approximately 0.5 percent. Based on the above, the predator/prey balance will not be substantially different than currently found in the project area. Accordingly, based on the information and analyses contained in the Draft EIR, no further analysis of lighting impacts is required.

### **RESPONSE GASS-3**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. This comment expresses concerns regarding the potential for fuel ladders from new, larger and mature trees planted by the Project. A fuel ladder is a firefighting term for live or dead vegetation that allows a fire to climb up from the landscape into the tree canopy. Common fuel ladders include tall grasses, shrubs, and tree branches, both living and dead. Wildland fire impacts are discussed under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR. As discussed therein, per project design feature (PDF) 7-13, the Project would incorporate a landscape plan that utilizes a plant palette consisting of fire resistant plants, native and appropriate non-native drought tolerant species in accordance with OCFA guidelines. The Project's plant palette would not include vegetation such as tall grasses and shrubs beneath or near larger trees, which could result in fuel ladders. The landscape plan would include fire-resistant plants in accordance with OCFA guidelines for very high fire hazard severity zones (VHFHSZ). Further, the Project would implement a fire protection plan (PDF-7-9) and include fuel modification/management zones to help suppress wildland fires in accordance with OCFA guidelines (PDF 7-12). As discussed under Impact Statement 4.7-5, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

**Letter: Hamilton**

**From:** Ron Hamilton [<mailto:ron@tuffermfg.com>]

**Sent:** Tuesday, January 14, 2014 8:52 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista

Dear Mr. Tippetts,

I'm writing to you as I would like to be added to the list of Yorba Linda residents that have serious reservations about this project and its impact on our city and our way of life. I hope that you would step in and support myself and all of the Yorba Linda residents that oppose this project going forward.

1

Sincerely,

**Ron Hamilton**



**LETTER: HAMILTON****Ron Hamilton**

(January 14, 2014)

**RESPONSE HAMILTON-1**

The role of County Planning Staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and project goals to provide recommendations on the disposition of a project to the decision-makers.

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## Letter: Holbrook

**From:** Holbrook Floyd [<mailto:f-holbrook@sbcglobal.net>]

**Sent:** Thursday, November 07, 2013 7:51 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

Mr. Tippetts,

It is my understanding that you are conducting an Environmental Impact Study for the Cielo Vista Project in Yorba Linda. As an OC planner, I am sure you will never make everyone happy. Positions of leadership are wonderful aren't they?

I hope that your analysis will include a "walk through" the area. When you do, I know the study will not favor the developer's plan. Why do I say that? Because, without more infrastructure (roads) the entrée project will put countless people's safety at risk.

As we all know, it's not a matter of if, but a matter of when the next fire will occur. If you have not seen the pictures of the November 15th fire that made our neighborhood look like a "war zone," then let me know and I will send them to you.

The addition of this number of homes, without more exit points is a DISASTER waiting to happen. Obviously, that is not what you or I would ever wish for.

As an California businessman, I do not want more government involvement and regulation. However, as an American citizen, I expect my government leaders to protect our communities and make sure that nobody puts us at risk. You cannot have an accident on the 91 and expect to get anywhere quickly. The same will hold true with this project. Add more traffic and not create any more exit points??? Even to a casual observer, that does not make sense.

Anyway, I do not want to send you a long, threatening or disrespectful letter, but rather a very simple email that says: **"...please come look at the site and ask yourself if you would make the same decision if you lived in this neighborhood."**

Thank you for your time and for your leadership,

Floyd Holbrook





**LETTER: HOLBROOK**

**Floyd Holbrook**  
(November 7, 2013)

**RESPONSE HOLBROOK-1**

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

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**Letter: Holzner**

**From:** [sdbphd@aol.com](mailto:sdbphd@aol.com) [<mailto:sdbphd@aol.com>]

**Sent:** Tuesday, January 14, 2014 4:22 PM

**To:** Tippetts, Ron

**Subject:** RE: Cielo Vista Project

Dear Sir,

As a long time Yorba Linda resident, I would like to add my voice to the concerns about traffic ingress/egress for the Cielo Vista Project. Please consider the traffic flow very carefully, particularly in a crisis situation.

During the 2008 Freeway Complex Fire, even Imperial Highway, a large several lane street, was heavy with traffic.

I urge you to reconsider the safety of a plan to put in 500 homes with so few avenues for access.

Thank You,

Stephanie Holzner

Yorba Linda Resident



**LETTER: HOLZNER**

**Stephanie Holzner**  
(January 14, 2014)

**RESPONSE HOLZNER-1**

Please refer to Topical Response 3 regarding emergency access. Also, Section 4.14, *Traffic/Transportation*, of the Draft EIR thoroughly analyzed traffic impacts associated with the Project, which proposes 112 single-family homes, not 500 as commenter suggests.

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## Letter: Horton

**From:** Jan Horton [<mailto:jan@horton4yl.com>]  
**Sent:** Wednesday, January 22, 2014 1:56 PM  
**To:** Tippetts, Ron  
**Subject:** Ceilo Vista Project in Yorba Linda - EIR Response

Please be advised that I oppose continuing with this project until the following conditions are met:

The plan of the entire area with the multiple property owners is vetted. Developing this area piece meal is poor planning and only will result in significant impacts on the City's ability to respond to disaster and the comfort of the existing homeowners.

1

Any project in this area, needs to include two ingress and egress points that do not rely solely on Via del Agua, Stonehaven and San Antonio. In 2008, we experienced the Freeway Complex Fire and that particular area had an impossible time evacuating the area. Avoiding loss of life during that disaster was only by the Grace of God. Adding additional homes to the already overloaded streets without a secondary outlet is poor planning. It appears the developers in the area are addressing traffic patterns for everyday life. I and the community are VERY concerned about the ability to safely evacuate in the next disaster. This area is adjacent to the State park that has become seeded with non-native, highly flammable vegetation. It is also riddled with Earthquake fault lines. It is not about if there will be another disaster, it is about When will there be another disaster.

2

You need to make sure that when planning for evacuation, a complete plan is in place including evacuation of large animals and residents with special needs. If the roads are clogged with cars descending, how do you expect emergency personnel to reach the animals or residents with Special needs? Does any of these plans have a method of identifying which homes house Seniors/ individuals with special needs or those with large animals? How will you keep lookie loos out of the area from the various access points. People were using Bastanchury road up the back way to access these disaster areas.

3

Please place this project on hold until all proposed projects including Esperanza Hills and other sites being considered for development are included in the analysis. Do not piece meal this project and allow the City of Yorba Linda to have a greater say in the development standards and planning.

4

Sincerely

Jan Horton





**LETTER: HORTON****Jan Horton**

(January 22, 2014)

**RESPONSE HORTON-1**

Please refer to Topical Response 1 regarding the separation of the Esperanza Hills and Cielo Vista Projects during the CEQA environmental review process, with Esperanza Hills being properly analyzed as a related project for purposes of Cielo Vista's cumulative impacts analysis. Also, please note that the Draft EIR evaluated the impacts of the Project along with other past, present, and probable future projects producing related or cumulative impacts, as is required by CEQA. (See Chapter 3.0, *Basis for Cumulative Analysis*.)

**RESPONSE HORTON-2**

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

**RESPONSE HORTON-3**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. The evacuation plans and procedures in place would apply to all residents and households within the project area. Each household would be responsible for being able to follow and implement evacuation procedures, as necessary.

**RESPONSE HORTON-4**

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impact purposes and in the Draft EIR's analysis of growth inducing impacts. Please note that the Draft EIR evaluated the impacts of the Project along with other past, present, and probable future projects producing related or cumulative impacts, as is required by CEQA. (see Chapter 3.0, *Basis for Cumulative Analysis*.)

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**Letter: Hosford**

January 4, 2014

Mr. Ron Tippets  
Planning Services Director  
300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Re: Cielo Vista Project

Dear Mr. Tippets:

I have reviewed the EIR for the Cielo Vista Development Project and have a number of concerns after attending the Community Open House. We appreciate the efforts of you and your staff to document the impact this development will have on our daily lives but there are a number of flaws in the assessments of traffic, public safety, emergency access, density and environmental impact to the community.

The Traffic/Transportation assessment 4.14 did not include the intersection of La Palma and Yorba Linda Blvd, which is a high traffic intersection due to congestion on the 91 freeway and motorists taking side streets to avoid the gridlock. In addition, the major flaw of the traffic assessment is that it did not take into account the evacuation of all residents in the event of a fire. With only one access road out of the development, it will be a deathtrap for residents when the next fire occurs. We experienced this situation first hand in 2008 and adding 450 more homes to the hillsides evacuation will be impossible. In fact, the access roads for ingress and egress into the developments are the property of the City of Yorba Linda, but our city is not a party to the approval of this project, which is a major concern to the residents of Yorba Linda since the City of Yorba Linda will ultimately be responsible for providing access to the development through Aspen Way or Via Agua, as these are city streets and will be under the purview of the city of Yorba Linda.

1

Public Safety should be a major concern of the Planning Committee, the County of Orange, and the City of Yorba Linda. The way in which this development and the sister development of Esperanza Hills are being submitted, is an outrage to the citizens of Yorba Linda. It is appalling to us as lifelong residents of the County of Orange, that this development can circumvent the City of Yorba Linda's authority by submission to the County. In essence, the City of Yorba Linda will be responsible for these residents in terms of public safety, so the County has the ability to approve these two development projects and walk away and leave the City of Yorba Linda liable for the protection and welfare of the inhabitants. When the next fire occurs, it will be impossible to evacuate all the residents in time to avoid fatalities as there will be an additional 1500 residents in the hills. We experienced this first hand in November 2008, when residents are evacuating, there was no emergency access for fire, ambulance, or police as the access roads are filled with cars exiting the hills. Without additional access roads that will be utilized by emergency vehicles, it will be impossible to gain access to San Antonio Road and Via Agua during a fire. Not to mention the gridlock on Yorba Linda Blvd, La Palma, and Fairmont.

2

The EIR does not address how an additional 119 homes will be serviced by the existing 1 fire engine and 3 fire fighters at station 32. The mitigation measures in 4.7-11 do not address the fire hazards or safety of the existing residents, only the fact that the existing one engine will be able to handle the needs of

3

the additional homes in Cielo Vista. It fails to mention the impact of the additional 350 homes being built in the sister development Esperanza Hills. Fire station 32 cannot handle the expansion of 450 homes and would require a secondary fire station to be built to support these developments near La Palma and Yorba Linda Blvd.

3 (cont)

Section 4.7 with Hazards and Hazardous Materials Mitigations 4.7.1-6 indicate that there is an extreme hazard due to the oil drilling and oil impact to the soil surrounding these hills. The grading of this area will cause significant harm to the air quality and the impact on the residents during this extensive grading process. Although, there are steps taken to mitigate the impact, it is not stringent enough to protect the residents from the health impact of breathing this contaminated air and pollution. Due to the Santa Ana Winds which blow through the canyon at speeds of over 30 miles an hour, there must be additional mitigation includes daily air quality readings and discontinuance of grading if the air quality is impacted. The SCQMD Rule 1166 should be monitored daily to ensure the project complies with the AQMD regulations and an AQMD assessor should be at the Cielo Vista site daily to take readings to ensure enforcement of satisfactory air quality. If the air quality does not comply with regulatory limits then the construction process must cease until the AQMD readings are compliant. In addition, if wind speeds are over 5 miles per hour on any day during the grading or construction period, the process should be halted until wind speeds decrease to prevent additional contamination to the surrounding areas. The AQMD assessor should validate this on a daily basis.

4

Another concern of this project is the density and zoning considerations. This property is zoned R1 and would require a zoning change to allow construction in the density indicated. I am opposed to this zoning change and want to keep the hills undeveloped. The impact on wildlife and vegetation will be severe. We want to protect Yorba Linda from the overdevelopment and overcrowding of surrounding areas. Protect the wildlife and open undeveloped space.

5

Respectfully,

Karen Hosford  
21155 Ridge Park Drive  
Yorba Linda, Ca

**LETTER: HOSFORD****Karen Hosford**

2115 Ridge Park Drive  
Yorba Linda, CA  
(January 4, 2014)

**RESPONSE HOSFORD-1**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway and beyond, including La Palma Avenue, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, the intersection of Yorba Linda Boulevard and La Palma Avenue, was appropriately not analyzed as a study area intersection in the Draft EIR. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

Also, please refer to Topical Response 3 regarding emergency access. The Project includes the development of 112 single family residences, not 450 as suggested by commenter. In addition, public services impacts, including maintenance of roadways, were addressed in Section 4.12, *Public Services*, of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, where appropriate.

**RESPONSE HOSFORD-2**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please note that the Draft EIR did evaluate the public service impacts, including fire, police, and schools, on the City of Yorba Linda (see Section 4.12, *Public Services*).

**RESPONSE HOSFORD-3**

The Draft EIR addressed public service impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, fire protection, prevention, and emergency medical services for the project site are provided by the OCFA. The closest OCFA fire stations to the project site that would provide fire protection and emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. In the event of wildfire or other

major emergency, the OCFA has mutual aid agreements with all fire agencies in the State and automatic aid agreements with all agencies in the County. Also, the OCFA has an agreement for service with the United States Forest Service (USFS). The USFS provides fire suppression and preparedness, hazardous fuels reduction, wildfire suppression, and national fire and emergency support. Under the California Fire Mutual Aid Agreement, CAL FIRE and federal agencies such as the USFS provide mutual aid for fires in federal lands and in areas designated as State Responsibility Areas (SRAs). The project area also has an automatic aid agreement with the City of Anaheim to provide the third engine responder. Thus, there would be more services available than just those within Station 32 or Station 10 to fight a wildfire.

Further, the Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires. As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. No new fire protection facilities would be necessary as a result of Project implementation. Nonetheless, to offset any incremental need for funding of capital improvements to maintain adequate fire protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees per the County of Orange, Code of Ordinances, Title 7 – Land Use and Building Regulations, Division 9 – Planning, Article 7 – Development Fees. To ensure that the Project pays its fair share funding of improvements regarding fire protection services, Mitigation Measure 4.12-1 has been prescribed for the Project requiring the Project Applicant to enter into a Secured Fire Protection Agreement with the OCFA. The OCFA determined that such an agreement will mitigate any additional fire service impacts resulting from the Project. (Appendix J, *Public Services and Utility Correspondence*, at 13.) Although the project site would be adequately served by existing resources, the Project's participation in the Agreement would ensure that the Project would participate in funding the expansion of capital improvements and equipment needed to provide adequate fire protection services to the project site.

The need for fire protection services in consideration of the Project and the Esperanza Hills Project are addressed in the "Cumulative Impacts" section on page 4.12-13 of the Draft EIR. As discussed therein, while new development projects could place burdens on fire protection and emergency medical services potentially resulting in significant impacts to service providers, compliance with the California Fire Code (CFC) and OCFA standard conditions, implementation of fire protection plans, where required, payment of fees and annual property taxes on a project-by-project basis would avoid potentially significant cumulative adverse impacts on fire protection and emergency medical services by providing the necessary equipment and staff to allow for maintenance of service response times. Consideration of new fire station facilities are made at the discretion of OCFA based on their applicable service standards and criteria. The Project's payment of development impact fees and annual property taxes from future new residents would provide the Project's fair share contribution towards future fire protection facilities, as necessary.

#### **RESPONSE HOSFORD-4**

As indicated in Table 4.2-8 on page 4.2-25, in Section 4.2, *Air Quality*, of the Draft EIR, fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors. Also, Mitigation Measure 4.7-1 requires the creation and submission of a Soil Management Plan (SMP) to the County's Public Works Department prior to the issuance of grading permits. The SMP shall include protocols for the screening of soil exhibiting impacts, stockpile management, and vapor suppression and dust control, among other things. Mitigation Measure 4.7-2

requires a Volatile Organic Compound (VOC) Mitigation Plan, in accordance with SCAQMD Rule 1166, to be prepared and implemented if VOC contaminated soils are encountered. The VOC Mitigation Plan will be reviewed and approved by the SCAQMD Executive Officer.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible and reducing particulate matter (PM) emissions below the applicable SCAQMD air quality localized significance threshold (see page 4.2-24 and 4.2-25 of the Draft EIR). In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities. As noted in Sections 4.7, *Hazards and Hazardous Materials*, and 4.2, *Air Quality*, the Project will not create a significant hazard through the release of hazardous materials into the environment or a significant air quality impact. Therefore, no additional mitigation measures would be required.

#### **RESPONSE HOSFORD-5**

Land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. On pages 4.9-18 and 4.9-19, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. Nonetheless, the commenter’s statement of opposition to the Project, including the requested zoning change, is acknowledged and will be provided to the decision makers for review and consideration as part of the decisionmaking process.

Also, the Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

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## **Letter: Houshan**

**From:** iyad houshan [<mailto:ihoushan@hotmail.com>]

**Sent:** Wednesday, January 08, 2014 2:41 AM

**To:** Tippetts, Ron

**Cc:** iyad houshan

**Subject:** Draft of EIR

I am a new resident in Yorba Linda, I purchased my home at 21562 Saddle Ridge way November of 2012. Since I moved in, I heard all the " Fire" stories, it seems to have a lasted effect on the neighborhood and the City, everyone has a story to tell about that November 15, 2008 fire. The stories are so impactful it reminded me of the 9-11 stories I still hear when I go to New York City.

I am very concerned that the new development will add HAZARD of fire and congestion that can hinder fire fighting efforts in the event of a fire. I am intending to spend the rest of my life in this current home. Adding 500 homes will increase the chance of a fire similar to the 2008 fire, the current congested roads that did not support evacuation in the 2008 fire will certainly not support it with hundreds of homes, cars and families added.

I don't wish to experience what my neighbors have gone through, I have now experienced first hand the Santa Anna Winds and realized how damaging they can be especially in the event of a fire, it takes minutes to destroy a neighborhood and peoples livelihoods.

Thank you,

Iyad Houshan

21562 Saddle Ridge Way

Yorba Linda, CA 92887



**LETTER: HOUSHAN****Iyad Houshan**

21562 Saddle Ridge Way

Yorba Linda, CA 92887

(January 8, 2014)

**RESPONSE HOUSHAN-1**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please see Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR for a discussion of wildfire impacts.

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## Letter: Joiner

**From:** Brent [<mailto:peetie1@roadrunner.com>]  
**Sent:** Sunday, January 05, 2014 9:17 AM  
**To:** Tippetts, Ron  
**Subject:** Cielo Vista's Draft Environmental Impact Report

Ron Tippetts,

Hello, my name is Brent Joiner and I have been a Yorba Linda resident for 43 years. I live near the Cielo Vista proposed project and I would like to make some comments/concerns about the impact this project will create to the city.

First, I would like to mention the traffic impact this project will create. In the environmental impact draft report 4.14, the draft specifically states: “ b. Existing Conditions (1) Regional and Local Access: Regional access for the project site is provided by a system of freeways, highways and local arterials. Most notably, the 91 freeway” Why didn’t this environmental impact report include Yorba Linda Blvd leading to the 91 freeway from this project site? This report actually only includes an “Intersection Analysis” of intersections located in the opposite direction from the freeway. I travel this route to and from the 91 freeway each day & I can tell you that traffic in this location is already jammed. I would also like to know how this report calculates how many extra vehicles will be on the streets? Each household usually has a spouse and 3 children. When these children grow up, they will likely or already are driving and that could ultimately increase the traffic by: 112 houses x 5 residents per house = 560 automobiles on the highways. Traffic of this level should have a planned dedicated road to ingress and egress from. Using existing residential streets for this overload in traffic is a failure of planning by the county. This is certainly unfair to make existing homeowners deal with traffic flows comparable to highway size proportions on existing residential streets.

The second comment is regarding the “Open spaces preserved in northern portion of site”. Why isn’t the “open spaces” being used throughout the project ? Instead, the builder is creating high density home building in the southern portion of the land. The report lists minimum lot sizes are 7,500 sqft, yet the average lot sizes in the neighboring areas are twice that. This will have is a significant financial impact to existing homeowners. This land is currently being used for hiking and bicycle riding and for the few remaining wildlife that call this area home. Pushing this open space to steep hilltops and unusable land which most of the public will not want to use, will diminish the outdoor activities that this area was known for.

Finally, I would like to mention the most concerning issue coming from this project, which is the potential loss of life by building residential homes in a High Fire Zone. This has to be one of the most blatant disregards for safety in the county’s history and those involved in this decision should be held responsible if a tragedy ever occurs on this site, due to fire. I witnessed the 2006 Yorba Linda fire in this area and I can tell you it was pure luck that lives weren’t lost. The egress on these residential streets and boulevard routes were at a complete standstill. To further create a more dangerous area by

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creating more congestion after knowing this fact, should be considered as a blatant act of disregard for safety and human life. | 4 (cont)

Thank you for your time,

Brent Joiner

**LETTER: JOINER****Brent Joiner**

(January 5, 2014)

**RESPONSE JOINER-1**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The selection of the intersections is discussed on page 4.14-5. All intersections along Yorba Linda Boulevard leading up to the 91 Freeway, as well as those to Imperial Highway, were assessed as potential study area intersections. Per the County of Orange CMP guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Where these thresholds are met, the intersection was included in the traffic analysis. As shown in Exhibit 4-3 and 4-4 in the Traffic Study, the Project would add only 23 AM and 15 PM peak hour trips, respectively, to southbound traffic on Yorba Linda Boulevard towards the 91 Freeway. This represents a fraction of the vehicles traveling the same road segment in 2012. Thus, the study area thresholds were not met for intersections south of the intersection of Yorba Linda Boulevard and Via Del Agua. Accordingly, intersections down to the 91 Freeway, south of the Via Del Agua/Yorba Linda Boulevard, were appropriately not analyzed as study area intersections in the Draft EIR. Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

**RESPONSE JOINER-2**

The Project's trip generation is discussed on page 4.14-23 of the Draft EIR. The trip generation rates are based upon data collected by the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, 2008*. The use of the ITE trip generation rates is standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange.

The Project's traffic impacts are analyzed under Impact Statement 4.14-1 beginning on page 4.14-21 of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE JOINER-3**

Land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. The project site is privately owned property, with the southern half of the property (Planning Area 1 – approximately 41 acres) designated for Suburban Residential (1B) land use by the County of Orange General Plan. This designation allows for a wide range of housing types, from estates on large lots to attached dwelling units (e.g., townhomes, condominiums, and clustered arrangements), and allows 0.5 to 18 du/ac (i.e., 1 unit/0.05 to 2 acres). The Project's proposed single-family residential uses are permitted under this land use designation. The existing General Plan designates approximately 43 acres of the project site as Open Space (5) (includes Planning Area 2 and the open space areas north of Planning Area 1 of the Project).

This designation provides for limited land uses that do not require a commitment of significant urban infrastructure and are consistent with the open space character of the area, such as agriculture; low-intensity high-technology; industrial; research and development; office and educational uses; and child care facilities. The Project's proposed single-family residential uses are not permitted under this zoning designation. The Project's proposed single-family residential uses are not permitted under this zoning designation. Thus, the Project Applicant is seeking a General Plan Amendment and Zone change for 6.4 acres in the northern portion of the site to allow the proposed residential uses in Planning Area 2. These requests are discretionary actions subject to approval by the County of Orange Board of Supervisors.

On pages 4.9-18 and 4.9-19, under the "Compatibility with Adjacent Neighborhoods" subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project's density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Please note that economic and social impacts are not, by themselves, environmental impacts that require analysis under CEQA. (CEQA Guidelines § 15382.)

The Draft EIR addressed recreational impacts in Section 4.13, *Recreation*. The existing onsite dirt access roads and trails are not currently maintained or operational facilities of the County of Orange or the City of Yorba Linda. The roads and trails are located on private property and are not currently designated for public use. Therefore, the loss of such trails is not considered to be a significant adverse impact as these are not public recreational facilities. Nonetheless, the Draft EIR acknowledges that the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map includes planned future trails through the Project's proposed open space area. The Project's proposed open space would accommodate these planned trails. Thus, the Project would not conflict with any of the contemplated trails through and near the project site as contemplated in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Nonetheless, Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents.

Also, the Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

#### **RESPONSE JOINER-4**

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



**Letter: Kamen**

**From:** [wynnk52@aol.com](mailto:wynnk52@aol.com) [<mailto:wynnk52@aol.com>]

**Sent:** Monday, January 06, 2014 2:34 PM

**To:** Tippetts, Ron

**Subject:** New Homes Proposed

Hello Ron,

The idea of building new homes North of Yorba Linda Blvd. is totally ridiculous. With the fire we had in 2008 many people couldn't leave their home in a timely manner. I know one family that couldn't even get out of her driveway because of the traffic backup on a street called Via Del Agua to leave her two already packed cars in the driveway because the fire moved so fast because of the heavy winds, not only her home completely burned down but her two cars also burned to the ground because she couldn't leave because of the traffic. This area will burn again in the future and absolutely no homes should be built.

Wynn Kamen



**LETTER: KAMEN**

**Wynn Kamen**  
(January 6, 2014)

**RESPONSE KAMEN-1**

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

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## **Letter: BKanne**

**From:** [hikerbob@aol.com](mailto:hikerbob@aol.com) [<mailto:hikerbob@aol.com>]

**Sent:** Tuesday, January 21, 2014 10:55 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista comments by Bob Kanne

Dear Mr. Tippetts,

I have been disappointed by the documentation of the Cielo Vista project. The information is not presented in a way that lends itself to informed public comment. There is a lot of data and verbage, but it is hard to find the useful and relevant information.

For example, one of the biggest impacts of this project is on the traffic usage of Via Del Agua, particularly its junction with Yorba Linda Blvd. But when I looked through the traffic section I could not find what I was looking for. There was no summary that helped me understand the impacts. And I could not find any information about traffic accident history at that intersection. When I asked about that at the public meeting, I was told that the Cielo Vista traffic engineer did not even attempt to find out the history of accidents at the intersection of Via Del Agua and YL Blvd!! I am shocked. Is it true that the traffic counts were done on just one day? If so, that is also shocking. How can you possibly draw conclusions about traffic impacts if the analysis is really so lacking in depth?

The remainder of my comments are about the recreation section of the proposal.

I have several concerns about the Recreation portion of the Cielo Vista DEIR.

### **INCONSISTENT WITH YORBA LINDA GENERAL PLAN**

The table on page 4.13-18 shows the project to be "Potentially Consistent" with the Yorba Linda General Plan. One of my main concerns is that county development standards are lower than the City of Yorba Linda. The applicant wishes to have this development eventually annexed to the city, so it should be built to city standards and the DEIR should spell out where the proposed development is inconsistent with city standards. Saying "Potentially Consistent" is vague wording that misleads the reader.

For example, the "Riding, Hiking, and Biking Trails Component Map" (Fig 4.13-2) shows a trail connecting trail 35a to the Planned Staging Area (large orange star). It follows northern half of the western boundary of the project area. Yet it seems that it would be impossible to build this trail because the first part of it (adjacent to lot 96) would be crossing sideways across a steep manufactured slope as shown in Figures 2-9 and 2-10. It appears that the grading plan (Figure 2-9) makes it impossible for this trail to be a reality unless part of the slope at least 6 feet wide is left in a level configuration suitable for a trail. The visual simulation of this area (Figure 4.1-6) also does not show the trail. Incidentally, the visual simulation also appears to be very deceiving regarding the appearance of the lot 96 area. The visual simulation shows a backyard wall/fence running diagonal to the project boundary whereas the Conceptual Fuel Modification diagram (Fig 4.7-2b) shows the property line of lot 96 running parallel to the project boundary, what should be directly away from the viewer in Fig 4.1-6. This leads me to believe that the "Planned Earthen Multipurpose Trails" shown in Fig 4.13-2 are not "consistent" with the city's general plan and may be impossible to build as a result of this project.

Here is another example from the Trails map (Fig 4.13-2). There is an existing Earthen Multipurpose Trail adjacent to the project which is correctly shown in yellow on the map as running along the eastern half of the southern boundary of the project area. There is an existing EMT along Via Del Agua from the project entrance to Via Del Puente that is correctly shown on the map in yellow. Fencepost to fencepost, these trails are 11 and 13 feet wide, respectively. The Trails Map (Fig 4.13-2) shows a Planned Earthen Multipurpose Trail (in purple) which connects these two existing trails (and also extends westward as trail 35b). Yet the proposed south entrance to the project specifically excludes the possibility of this connecting trail as shown in Figure 2-12 "Primary Entrance at Via Del Agua"!! The cross-section at the top of Figure 2-12 shows no Earthen Multipurpose Trail at all, which is inconsistent with the Trails Map! The cross-section shows two four-foot "walks" just four feet from the street, and it appears that both are standard paved sidewalks.

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Finally, Trail 35b is shown as a purple line (EMT) on the Trail Map (Fig 4.13-2) running east-west from Aspen Way to the eastern boundary of the property. But the grading plan seems to make it impossible to build this trail because the only place that this trail could begin is shown as private property (lots 111 and 112) or steep manufactured slope with no level area for a trail (see lower left corner of Fig 4.7-2b for example, or Fig 2-9).

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Although Mitigation Measure 4.13-2 (page 4.13-16) says that "the Project Applicant shall coordinate with the City" to "identify potential planned trail alignments" prior to grading, this is too vague given that the existing proposed grading plan seems to preclude the completion of any of the proposed trails on Trail Map 4.13-2.

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I do not understand why the last line of Mitigation Measure 4.13-2 says that trail alignments will be defined by the "City and/or County", but that the alignments shall be dedicated only to "the City".

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#### INADEQUATE MITIGATION OF PARKLAND ACQUISITION AND IMPROVEMENT

The key phrase is "fees shall be paid to the OC Parks" (middle of page 4.13-16 under Mitigation Measure 4.13-1). There is no way that fees paid to the County of Orange can properly mitigate the impacts of this project unless the money is transferred to the City (or Chino Hills State Park) to be spent on projects in our immediate area. Although the Mitigation Measure says "to the benefit of the northeastern Yorba Linda community near the project site", I do not see a discussion of how this could be accomplished through county processes.

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The document says on page 4.13-15 (middle paragraph) that the developer would rather pay fees than provide 1.43 acres of parkland (due to the topographic relief of the property and scarcity of flat land). The document also says that "the city is approximately 167 acres deficient in meeting its recommended standard of a total of 4 acres per 1,000 residents for mini, neighborhood, and community parks" (end of fourth paragraph page 4.13-6). Existing county parks at Featherly and Yorba Regional are over a mile away and require an admission fee of about five dollars, so improvements or acquisition for these parks would not be of direct benefit to the neighborhoods around Cielo Vista. The Esperanza Hills project proposes parks on county land, but they would be behind private gates and unavailable to existing residents or the new residents of Cielo Vista. It is absurd when the DEIR says that the 12.6 acres of parks proposed in Esperanza Hills would be accessible to Yorba Linda residents "by pedestrian, bicycle, or equestrian access from existing or proposed trails" (third paragraph on page 4.13-19). The primary users of parks are families with young children and they need to drive to community parks, which makes the Esperanza Hills proposed parks inaccessible since they can only be accessed by pedestrians with a walk of thousands of feet horizontally and hundreds of feet vertically.

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Those are the only parks under current or potential county control, so I do not see a way for parks mitigation money to be used by the county for the benefit of Cielo Vista families or residents near Cielo Vista. The parks money should be spent on existing city parks (one is .17 miles away, another .34 miles away), city park acquisitions, or Chino Hills State Park (.50 miles away).

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The document says that the “park most likely to be used by future Project residents is San Antonio Park”. I think that is factually incorrect. Although the 17 homes in the northern half of Cielo Vista are near San Antonio Park, the residents of the 95 homes in the southern half would actually have to go south to YL Blvd and drive directly past Arroyo Park to get to San Antonio Park. So I think that the future residents would have a greater impact on Arroyo Park than San Antonio, and that the second sentence on page 4.13-12 is incorrect.

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I look forward to major revisions of the proposal, or a denial. Sincerely, Bob Kanne 4825 Via Del Corral, Yorba Linda, CA 92887 [hikerbob@aol.com](mailto:hikerbob@aol.com)





**LETTER: BKANNE****Bob Kanne**

4825 Via Del Corral  
Yorba Linda, CA 92887  
(January 21, 2014)

**RESPONSE BKANNE-1**

The comment is noted. The analyses and conclusions in the Draft EIR are presented in a manner generally consistent with environmental analyses under CEQA, and presents information to ensure decisionmakers and the public are informed about any potential environmental impacts associated with the Project.

**RESPONSE BKANNE-2**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of the first occupancy permits for the Project (MM4.14-2 revised per Response City2-249). The addition of a traffic signal would alleviate the exiting deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level. This information is clearly presented in the Draft EIR. As noted on page 4.14-44 of the Draft EIR, "since the intersection of Via de Agua and Yorba Linda Boulevard would operate at a LOS "B" under future with Project conditions, traffic impacts under the Horizon Year (2035) would be less than significant."

**RESPONSE BKANNE-3**

Regarding accidents along Yorba Boulevard, Yorba Linda Boulevard is a six-lane divided roadway that is designated as a Major road west of Fairmont Avenue and as a primary Arterial highway east of Fairmont Avenue according to the County's Master Plan of Arterial Highways and the City's General Plan. The Draft EIR evaluated whether there would be any increase hazards due to the Project. The Draft EIR assessment of traffic hazards on pages 4.14-62 to 4.14-69 concluded that there are no existing hazardous design features such as sharp curves or dangerous intersections on-site or in the surrounding area. Also, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County (see PDF 14-1.) Moreover, enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur along this roadway. Thus, further analysis of accidents is not required in the EIR (per CEQA Guidelines Section 15145).

**RESPONSE BKANNE-4**

The AM and PM peak hour traffic volumes were not all conducted in one day. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. The counts were conducted in

accordance with standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange. The traffic counts are representative of typical weekday peak hour traffic conditions within the study area. The count data worksheets are provided in Appendix “3.1” of the Traffic Study (included as Appendix L of the Draft EIR).

Also, the use the ITE trip generation rates, as utilized in the Project’s traffic study, is standard industry practice for traffic studies conducted in the City of Yorba Linda and County of Orange.

#### **RESPONSE BKANNE-5**

An application for annexation can be filed with the Local Agency Formation Commission (LAFCO) either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Therefore, a property owner can petition LAFCO for annexation should the property owner desire annexation to the City.

With respect this Project, to ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, in the Draft EIR with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and -17 indicate that the Project will adhere to the City’s Residential Urban (RU) Zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU Zone’s key site development standards -- building height, setback and parking requirements. With respect to roadway design, Project Design Feature (PDF) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU Zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

Regarding the commenter’s reference to the project being “potentially consistent” with City standards, that terminology is used because the County cannot presume a City determination on project consistency. But, based on the analysis contained in the Draft EIR, the County believes that the parameters discussed can support a determination of consistency with City standards as discussed above.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

#### **RESPONSE BKANNE-6**

The Draft EIR addressed recreational impacts in Section 4.13, *Recreation*. The Draft EIR acknowledges that the City of Yorba Linda’s Riding, Hiking and Bikeway Trail Component Map includes planned future trails by the City through the Project’s proposed open space area. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. Thus, they are appropriately

not shown in the visual simulations included in Section 4.1, *Aesthetics*, or elsewhere in the Project's illustrations included in the Draft EIR.

Nonetheless, the Project's proposed open space and/or common areas could accommodate these planned trails. Thus, the Project would not conflict with any of the contemplated trails through and near the project site as contemplated in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents. Once the trail alignments are defined by the City and/or County, the alignments would be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

Also, as shown in Figure 4.7-2b, while the Zone B fuel modification area would extend to the western project boundary, the backyard property line of Lot 96 would not. Thus, there would be adequate area for a future trail along the site's western boundary in Planning Area 2. In addition, the visual simulation in Figure 4.1-6 correctly illustrates the backyard walls of the residences proposed in Planning Area 2. From this vantage (northeasterly view), while the walls may appear to be "diagonal" to the western project boundary, they are in fact nearly parallel to the western boundary and correctly located in this figure.

#### **RESPONSE BKANNE-7**

Please refer to Response BKanne-6, above, which notes, among other things, that the alignments of these trails is conceptual with precise alignments to be determined as detailed plans are prepared by the City.

#### **RESPONSE BKANNE-8**

As discussed on page 4.13-15 of the Draft EIR, Trail #35b is proposed in an area that would traverse along the Metropolitan Water District (MWD) easement located at the southern boundary within the project site. Thus, this trail would not conflict with the Project. This is not an area of steep manufactured slope and Lots 1-9 on the southern portion of Planning Area 1 do not extend to the southern project boundary. Thus, there would be adequate area for a future trail along the site's southern boundary in Planning Area 1.

#### **RESPONSE BKANNE-9**

Please refer to Responses BKanne2-6 to BKanne2-8 above, which explain how Mitigation Measure 4.13-2 ensures that all contemplated trails could be constructed through the project site. The Project applicant shall work with the City and County to identify potential trail alignments and, once alignments have been identified, they shall be dedicated to either the City or County.

#### **RESPONSE BKANNE-10**

Mitigation Measure 4.13-2 has been revised to indicate the trail alignments could be dedicated to the City or the County. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

### **Executive Summary**

**1. Page ES-36. Modify Mitigation Measure 4.13-2 with the following changes:**

**Mitigation Measure 4.13-2** Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

**Chapter 4.13, Recreation****1. Page 4.13-16. Modify Mitigation Measure 4.13-2 with the following changes:**

**Mitigation Measure 4.13-2** Prior to issuance of grading permits, the Project Applicant shall coordinate with the City of Yorba Linda Parks and Recreation ~~Department of Recreation and Community Services Department~~ and OC Parks in order to identify potential planned trail alignments through the project site, as identified in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Once the trail alignments are defined by the City and/or County, the alignments shall be dedicated by the Project Applicant, to the City or the County either in fee or by an access and maintenance easement.

**RESPONSE BKANNE-11**

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 in Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

**RESPONSE BKANNE-12**

Please refer to Response BKanNE-11.

Access to new local parks will be available to the residents of this Project and will address area-wide needs in cooperation with the City and other new development in the project area.

**RESPONSE BKANNE-13**

This comment provides recommendations for use of park fees. As stated in Mitigation Measure 4.13-1, "Such fees shall be utilized for improvements to an existing park or acquisition of land for a new park, or a combination of both to the benefit of the northeastern Yorba Linda community near the project site." This implies that the fees will benefit Cielo Vista families or residents near the Cielo Vista project site.

**RESPONSE BKANNE-14**

While it acknowledged that Arroyo Park would be used by Project residents, the Draft EIR identifies San Antonio Park as the park most likely to be used by Project residents in consideration that it is located within the same neighborhood as the Project and residents walking or biking to the park would not have to cross any arterial streets (Yorba Linda Boulevard). Furthermore, it is certainly the most likely park to be used for Planning Area 2 given the close proximity off Aspen Way. Also, with a future trail (Trail 35b) expected to be implemented by the City of Yorba Linda per its General Plan Riding, Hiking and Bikeway Trail Component Map, future Project residents in Planning Area 1 would have access to San Antonio Road, which leads up to San Antonio Park.

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Date: January 21, 2014

Ron Tippets  
300 North Flower Street  
Santa Ana, California 92702-4048  
Ron.Tippets@ocpw.ocgov.com

RE: Cielo Vista Project

Dear Mr. Tippets:

Outlined below are my comments on the Draft Environmental Impact Report (EIR No. 615) for the Cielo Vista Project dated November 2013.

### **Summary of Comments**

**This Draft Environmental Impact Report (DEIR) is totally inadequate at addressing the severe environmental impacts from the rezoning and development of the proposed Cielo Vista Project. All of these impacts need to be fully analyzed and avoidance migration strategies fully addressed.**

County representatives told us that both the Cielo Vista and Esperanza Hills DEIRs would address the combined impact of the two developments. That has not been done in this Cielo DEIR. Without an analysis of the combined impacts of these two projects, the County of Orange, City of Yorba Linda, and the various regulatory agencies responsible for protecting resident health and safety and avoiding irreparable environmental damage cannot adequately assess the environmental impacts of turning a natural area teeming with wildlife into relatively high-density housing. **This DEIR should be revised to include the combined impact of both Cielo Vista and Esperanza Hills developments.**

**Moreover, even without the combined impacts of the two projects being evaluated in this Draft EIR, the Report does not adequately address environmental impacts in several key areas. The most egregious of these are:**

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- Scenic Vista, Visual Character, and Visual Quality
- Scenic Resources
- Consistency with Air Quality Plan
- Compliance with Emissions Standards
- Sensitive receptor Exposure to Pollutants
- Odors
- Seismic and Geologic Stability Hazard
- Emergency Response Plan
- Wildland Fires
- Provision for Public Services
- Park and Recreation Facilities
- Circulation System
- Emergency Access

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Cont'd

**General Comments:**

**This project should never be built.** The enormous impact of this project on public safety, traffic, air quality, biological resources, geology and soils, greenhouse gas emissions, and increased exposure to hazardous materials cannot be ignored and should not be ignored.

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Additionally, the scope of the project, including the enormous amount of earth moving, rearrangement of the landscape to make a mountainous area flat enough for house to be built, and grading required to complete this project would significantly impact property

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owners directly behind or next to this property. The owners of Cielo Vista are asking you to ignore the substantial impact this earth rearranging will have on property owners abutting their property on three sides. **This massive earth moving and its environmental impacts cannot and should not be ignored.**

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The Cielo Vista Project is surrounded by the city of Yorba Linda **on three sides**. The project site is within the City of Yorba Linda Sphere of Influence. There is no other city that this project could join. **This land should be annexed into the city of Yorba Linda before it is developed.** All of the services that will be provided to the residents of any new development, including roads, schools, police, the fire department, libraries, and commercial businesses are located in the city of Yorba Linda yet the residents of this new development will not be equally financial responsible for these services. For example, Travis Ranch Elementary and Middle School is a joint use facility with the City of Yorba Linda, yet the residents of this proposed development would not financially support the City's obligation to this joint facility. **The residents of any new development will be using facilities in Yorba Linda that they will not pay for equally with their Yorba Linda neighbors right next door. This inequity should not be ignored.**

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Moreover, the proposed development is not congruous with the surrounding community. Homes in the surround community have lot sizes of about 15,000 square feet or greater. None are as small as 7500 square feet. The proposed homes in this Cielo Vista development are located on smaller pads than any of the surrounding community. The Yorba Linda General Plan for the Murdock Property is low use residential and is designed to have one dwelling unit on large lots up to one acre in size. These proposed Cielo Vistas homes are high density for the surrounding area and are not in keeping with our Yorba Linda community. **This attempt to avoid Yorba Linda's planning process cannot and should not be ignored.**

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The EIR states that the project will be completed on 47.7 gross acres in two planning areas. These numbers ignore that the actual project is 84 acres. The owners of Cielo Vista appear to be attempting to avoid several regulations, including air quality regulations, that require extensive remediation when the project is 50 acres or larger. They plan to build homes on pads that are half the size of the adjacent homes on Via del Corral and Via del Roca. This will result in approximately two homes being built for every existing home on Via del Corral and Via del Roca that is directly adjacent to the proposed development. **This attempt to avoid regulations by grading 47.7 acres of a 84-acre project, then cramming homes on lot sizes about half the size of lots in the adjacent community cannot and should not be ignored.**

9

**The owners of the Cielo Vista Project want to have “their cake and eat it, too.”** After years of drilling for oil and gas on this property, they now want to develop homes on top of old oil wells while maintain oil and gas production next to the new development. These oil and gas activities are suspected to be responsible for many recurring environmental impacts on the existing neighborhood. For example, unexplained oil and gas odors regularly emanate from this site. As recently as mid-December, during a mild Sana Ana event, our neighbors at 4835 Via del Corral noticed the strong odor of petroleum oil in their backyard downwind of the current oil and gas facilities. It was evident when standing on their master bedroom balcony as well as when exiting their family room sliding doors. When our neighbor tried to determine its origin, it appeared to be emanating from the Cielo Vista property. The petroleum oil odors were so strong that one of our neighbors acquired a headache from the odors and could not allow their 11-year-old children to play in their backyard. **The DEIR should complete a comprehensive study addressing oil and gas air emission in the adjacent community and propose appropriate mitigation measures.**

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Additionally, after 15 years of residence on Via del Corral, we have noticed recent, unexplained lifting of our driveway at 4825 Via del Corral that prevents us from opening our garage door, cracks in our hardscape that have become more plentiful over the past two years, unexplained cracks in our street that crisscross the entire street and formed within a month of the most recent street repaving. Also, an unexplained water leak that was not caused by a broken water pipe or other infrastructure malfunctions emanated from under the street at the bottom of Via del Corral and continued for more than one year. Residents suspected that this water may be the result of an undiscovered underground spring or along with the street cracks and other recent earth shifting, the water is a direct result of the oil and gas development above our properties. Both current and future residents can expect similar impacts on their properties if the county approves the rezoning of this property to joint use: Single Family Residential District and Joint Use Overlay. **The county should not subject more residents to the environmental damage, property damage, and health dangers of living next to oil and gas facilities. The DEIR should address the impact of oil and gas development on existing residential property, including the potential impact of earth movement and water leakage on existing and future residents.**

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The greatest hazard is to the safety of current and future residents during emergencies. This property lies near or on the Whittier Earthquake Fault, an offshoot of the San Andreas Fault. The Whittier fault has been active in the past 40 years and can be expected to be active in the future. On Wednesday evening, January 15, 2014, scientists at the California Institute of Technology were interviewed on the CBS evening news about the likelihood of a major earthquake in Southern California in the next 20 years. Their estimate was that it

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is 99.9% likely that Southern California will have a major event in the next 20 years. **It is unconscionable to build more homes near a known active fault that is tied to the San Andreas, the major fault expected to produce our next major earthquake. The DEIR should be revised to adequately determine the impact of building homes next to an active earthquake fault.**

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This property is located at the bottom of a canyon where Santa Ana winds blow at speed higher than most areas of Yorba Linda or the surrounding communities. Wind speeds can reach up to 75 miles per hour (mph) during the most severe Santa Ana events. For example, the After Action Report on the Freeway Complex Fire prepared by the Orange County Fire Authority states that sustained wind speeds at the start of the Freeway Complex Fire were 43 mph and gusts reached 61 mph. Also, an article in the Orange County Register dated April 9, 2009 stated that wind speed reached 75 mph in Yorba Linda during the Freeway Complex Fire. Even without construction upwind of our homes, these winds generate enough dust and particulate matter to cover plants, structures, and cars left outside during an event. Particulate matter seeps into homes leaving a layer of dust on inside surfaces and dirtying indoor air filters. The winds can be so strong that they knock over anything smaller than a car, including the large industrial-sized trashcans now being used in Yorba Linda. These winds are directly responsible for the **Freeway Complex Fire** spreading into the community of Yorba Linda, destroying or damaging more than 130 homes, including two that are adjacent to this proposed new development. **With the canyon upwind of this proposed development, these new homes would be directly in the path of the next fire.**

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**The next fire will happen and will endanger lives and property.** As I am writing these comments, every major station on television is showing the January 16, 2014 fire in the Glendora and Azusa hills. As I write, 1,709 acres have burned and at least five structures have been destroyed. Embers travel for miles causing spot fires and burning homes nowhere near the actual flame front. No fire resistant plantings will be able to stop the next fire during these high wind conditions. Property was lost during the Freeway Complex Fire because structures caught fire and the winds carried embers from these structures to other structures. **Building new homes will not, in fact, protect existing homes from the next fire. They will actually provide new fuel that could result in more damage in existing communities during the next fire. This fire hazard to new and existing residents should not be ignored. The DEIR should be revised to adequately address the danger to lives and property from inevitable wildfires.**

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Moreover, Via del Agua did not accommodate the emergency traffic during the Freeway Complex Fire and could not accommodate more homes during a future fire emergency.

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During the Freeway Complex Fire, vehicles were exiting onto Yorba Linda Boulevard in three traffic lanes coming out of Via del Agua, three lanes created by residents during the panic, but many at the top of the hill were still unable to exit the community for more than an hour. These three traffic lanes also left a very narrow lane for emergency vehicles to go up the hill. A light at Via del Agua and Yorba Linda Boulevard would not solve this problem. **Lives will be put in mortal danger during the next fire if new homes are built that can only leave the area during an emergency by Via del Agua. This road is not built to accommodate traffic from any new homes in these hills. The DEIR should be revised to show how Cielo Vista plans to mitigate the inadequate emergency evacuation infrastructure for their project and the surrounding community.**

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## Comments on Specific Sections of the EIR

### Executive Summary, Section 3: Environmental Impacts

**I respectfully disagree with the comment that the project would not result in any significant, unavoidable impacts.** I will address these impacts specifically in the following sections.

#### Table ES-1

### Scenic Vistas/Visual Character and Visual Quality

**The Cielo Vista developers claim that this project would not alter the views of and across the project site with the development of the proposed residential uses. This statement is absolutely incorrect.** This project is directly uphill of the streets Via del Aqua and Via del Roca and adjacent to Dorinda on the western border. At least 20 residences on these streets have impressive views of the local hills and canyons. Certainly the houses that are adjacent to the proposed development on Via del Agua, Via del Roca, and Dorinda would have their views of the natural area completely blocked by the new homes. Our home at 4825 Via del Aqua has impressive views from our second story of the natural hills up the street. One reason for building bay windows in homes such as ours is to take advantage of those views. If Cielo Vista is developed, the view outside our bay window would be of houses crammed together on small pads, incongruous with the surrounding community, instead of hills covered with grass, shrubs, trees, and wildlife. **This is a significant impact. We would completely lose all views north of our home. The DEIR**

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should address the loss of these natural scenic vistas and the destruction of the visual character and quality of our community.

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### Scenic Resources

By its very nature, building on a natural, undeveloped area, home to wildlife, including bunnies, roadrunners, quail, orioles, hawks, owls, and other large birds that frequent our community, would significantly impact the scenic resources. We moved to our home to enjoy the scenic views of the hills and chaparral native to our California semi-arid climate and to enjoy the wildlife that frequents our community. Our yard is visited by hawks, owls, roadrunners, quail, ducks, migrating orioles, towhees, hummingbirds, finches, bunnies, and coyotes, just to name a few of the variety of wildlife. **Building Cielo Vista would have a major impact on the Scenic View across this property that cannot be mitigated. Building Cielo Vista would destroy all of this scenic beauty and severally impact the lives of various wildlife species. The DEIR should adequately address the impact of this development on the wildlife in this area, including all migrating and residential birds, reptiles, and mammals as well as the native plant life.**

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### Emergency Response Plan

This project would most definitely affect the emergency response plan in the City of Yorba Linda. The Freeway Complex Fire amply demonstrated the inadequacy of the existing roads to handle traffic during an emergency. Adding more than 100 new homes to an area already unable to handle traffic during an emergency would endanger both the lives of new residents and those of current residents uphill of this development who expect the city street that they have paid for with their tax dollars to provide them an adequate exit during emergencies. The current ingress and egress from Cielo Vista is inadequate to meet the needs of both current and future residents during an emergency. **For the sake of public safety, this land should not be rezoned and development of over 100 new homes should not be approved. The DEIR should address the inadequate infrastructure needed for emergency evacuations and provide mitigation measures that sufficiently protect existing and future residents lives.**

18

### Park and Recreation Facilities

This is a county project surrounded by the city of Yorba Linda. **No new parks or recreational facilities are planned in this development.** Paying fees for county parks that these new residents will not use seems ridiculous. These residents will be using recreational facilities in the city of Yorba Linda. **Cielo Vista should be annexed into the**

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City of Yorba Linda to allow fees for parks and recreation to be collected by the city for maintaining city parks and recreational facilities these new residents will use. The DEIR should be revised to show the impact of building 112 new residences on Yorba Linda city parks and recreational facilities and provide sufficient financial resources and mitigation plans for the impact of these new homes.

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## Circulation System

Our **quiet city residential street will be inundated with construction traffic.** These roads are not designed as main thoroughfares for trucks and construction equipment. Who will pay for the extra police officers, crossing guards, road paving, etc. that will be required when this quiet residential street located in the city is taken over every morning by construction traffic? **Cielo Vista developers should be required to pay for the cost of increased construction traffic on our city streets. These payments should be made to the city of Yorba Linda where the expenses will be incurred. The DEIR should be revised to adequately address the impact of constant construction traffic on the safety and health of existing residents.**

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## Section 4.2: Air Quality

### (1)(b)(3) Wind Patterns and Project Location

The DEIR's explanation of local wind patterns at the Cielo Vista Project's location is extremely general and not at all applicable to the actual wind patterns. While the general wind patterns in the South Coast Air Basin may be accurately described, the wind patterns at the project site are totally misrepresented. For example, the DEIR states, "Winds are characteristically light, although the speed is somewhat greater during the dry summer months than during the rainy winter season." **The wind patterns at the project site are typically the opposite of this description. Winds are greatest during Santa Ana events in the winter as this project is located at the bottom of a canyon where wind speeds can be reach speeds greater than 60 mph. Cielo Vista developers should be required to study the actual local climate conditions rather than the general conditions for the entire South Coast Basin. The DEIR should be revised to include a study of local wind patterns at the project site.**

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## (1)(4)(b) Local Air Quality

While the project site is located in Source receptor Area 16 (North Orange County), the monitoring station for this area is located at the opposite end of North Orange County, in La Habra. The conditions in La Habra would not and do not represent the conditions in Yorba Linda, especially those located in a mountain and canyon area where pollutants can be trapped, oil development is currently underway, and future oil and gas development is planned. The wind conditions can generate local ROG, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> conditions not seen at the Pampas Lane monitoring station in Anaheim which is located in a relatively flat, residential and commercial area far from the hills and canyons of Yorba Linda. **Cielo Vista developers should monitor actual conditions in the area to determine how their development would impact actual local conditions. Relying on monitoring in La Habra and Anaheim is unacceptable. The DEIR should be revised to require local monitoring of local air quality for all pollutants, including ROG, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> and toxic air contaminants to determine actual concentration before project development and to determine the actual expected impacts from the Cielo Vista development both during construction and after completion.**

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As shown in Table 4.2-2 of the DEIR, the South Coast Air Basin is designated as nonattainment for state PM<sub>10</sub> standards and serious non-attainment for federal PM<sub>10</sub> standards. This project would generate significant PM<sub>10</sub> and PM<sub>2.5</sub>, especially if the developers are not required to meet the requirements for Large Operations pursuant to SCAQMD Rule 403. Relying on a generalized model, CalEEMod, developed for all small projects located in the South Coast Air Basin is not sufficient for describing the local impacts from this project. While Cielo Vista proposes to grade only 4 acres per day and thus used only the look up tables to determine local emissions from construction activities, this project is just under the threshold for using the table and is proposed to be developed at the same time as the much larger Esperanza Hills development. Given this fact and the special location of the project downwind of a canyon and upwind of adjacent homes, **the Cielo Vista developers should be required to meet the requirements of a large project and complete dispersion modeling to determine localized pollutant concentrations. This dispersion modeling should then be used to determine the required mitigation of air quality impacts. The DEIR should be revised to require the project to complete dispersion modeling of localized air pollutants and to suggest mitigation measures for impacts on local residents.**

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This is particularly relevant as the air quality impacts of Cielo Vista cannot be separated from those that will be generated by the proposed Esperanza Hills development. **As the South Coast Air Basin is in serious non-compliance with federal PM<sub>10</sub> standards,**

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**Cielo Vista should not add to the PM10 loading in the Basin by developing this land for residential use. At a minimum, Cielo Vista developers should be required to meet all the requirements of a Large Operation for the mitigation of Fugitive Dust Emissions pursuant to SCAQMD Rule 403.**

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Once again, **we cannot separate the air quality effects of Cielo Vista from Esperanza Hills. These two projects should be reviewed together and their effects mitigated together.** The environmental justice guidelines issued by the SCAQMD are designed to protect the health and safety of **local residents**. Cielo Vista's proximity to houses on three sides and its location downwind of a canyon and the proposed Esperanza Hills development makes it a unique situation that is extremely different from the Source Receptor Area (SRA) 23 in Riverside that was used to determine Localized Significance Thresholds (LST's). Even without using the more accurate dispersion modeling for determining localized pollutant effects, Table 4.2-7 clearly shows that Cielo Vista construction would generate daily emissions that are near or exceed the recommended daily maximums for PM10 and PM2.5. **Add to these projected emissions the emissions from Esperanza Hills and the combined projects may not meet LST's even after mitigation. The DEIR should be changed to require Cielo Vista developers to more accurately determine localized emissions using the recommended and more accurate localized dispersion modeling and mitigate any non-compliance using the measures for Large Operations, such as those required in Table 2 of the SCAQMD's Rule 403.**

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#### (5) Existing Project Site Air Quality Conditions

This project site is not vacant! It is the site of current oil and gas development and planned future oil and gas development. As described above, as recently as December, residents in the area detected strong oil odors emanating from the site. It is also located in a hill and canyon area that can trap pollutants locally or generate significant PM10 and PM 2.5 emissions during Santa Ana conditions. **The DEIR should be revised to require Cielo Vista developers to monitor actual local air quality conditions to determine the actual impact of their development on local air quality.**

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#### (2)(1)(b) Localized Construction Emissions

There is an environmental justice concern with this development. While the development operation would result in ROG, NOx, CO, SOx, PM10 and PM2.5 emissions from combustion associated with vehicles and construction equipment, fugitive dust from vehicular travel, landscape maintenance equipment, emissions from consumer products, and architectural

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coatings, the greatest concern should be from generation of fugitive dust emission from the actual grading and dirt moving. Residents live directly downwind of this construction. Winds are common in this area and will generate significant PM10 and Pm2.5. In fact, without even considering the local geography and the proposed constructions location relative to local residents, Cielo Vista recognizes that their development will exceed recommended local PM2.5 levels (Table 4.2-6). There is no way that this construction can occur so close to and downwind of local residents in a canyon area where winds are common and not significantly adversely affect local PM10 and PM2.5 conditions, resulting in health hazards for local residents with lung conditions, such as our son. **Cielo Vista should not be allowed to construct on this site until they can show that their development would not severely impact the health of local residents downwind of their property. The DEIR should be revised to require Cielo Vista to adequately determine the health impacts of fugitive dust emissions, especially during Santa Ana wind conditions, and recommend appropriate mitigation measures that protect the health of local residents.**

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Additionally, this project should not be looked at as the only one affecting the health and safety of local residents. As a larger development, Esperanza Hills, would generate even greater emissions in the local area, these combined emission, including PM10 and PM2.5 would significantly impact the health of local residents. **Neither Cielo Vista nor Esperanza Hills should be approved until the combined local health affects of emissions from these two developments are determined.**

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#### (2)(3)(d) Analysis of Project Impacts

Cielo Vista developers are claiming that they **project** they will only disturbing 47.7 acres of soil on a 84 acre site; thus, they are not subject to the mitigation measured required in the South Coast Air Quality Management District's rule 403, Fugitive Dust, for Large Operations. The unique features of this project's location (downwind of a canyon where wind speed can exceed 60 mph and upwind of an existing residential community) coupled with the size of the project being just under the Large Operation acreage of 50 acres and its proximity to the Esperanza Hills development that is well over 50 acres should require Cielo Vista to meet the particulate matter mitigation measures for large operations. This land is surrounded by homes on three sides, many directly downwind of the proposed development. Existing residents will be significantly impacted by any development on this property, let alone substantial earth moving on lands just under the Large Operations limit.

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My teenage son regularly walks and plays outdoors, both in our backyard and in our cul-de-sac, just downwind of this project. My son also has asthma. The amount of particulate

matter that this project will generate, especially during the frequent Santa Ana Wind conditions, will significantly affect my son's health and well-being. It is totally unreasonable to ask my son to stop using our property so that the Cielo Vista developers can first rezone and then build high-density housing in our neighborhood.

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**Cielo Vista developers should be required to meet all the requirements of a Large Operation, most specifically hiring a dust control supervisor and complying with the dust control measures required of Large Operations and outlined in Table 2, DUST CONTROL MEASURES For LARGE OPERATIONS, in SCAQMD's Rule 403.**

## Hazards and Hazardous Material

### Existing Conditions – Methane Gas (1)(b)(1)(a)

Methane gas is currently generated on this property and will be generated by oil and gas development. Oil and gas production is the unequivocal major source of methane gas on this site. To imply that biogenic sources are significant is ludicrous. In fact, Cielo Vista's own preliminary study detected potentially hazardous levels of methane gas on the site. Methane is a health hazard, is extremely flammable, and is a significant contributor to greenhouse gases. These properties make methane gas emissions from future, current, and former oil and gas development a significant concern. **The DEIR should be revised to include a complete study of actual and proposed methane gas emissions and measures to mitigate the health, safety, and environmental impacts of these emissions.**

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### Areas of Fire Hazard/Wildfire (1)(b)(2)

The DEIR suggests that Santa Ana Wind conditions occur only during the fall. This is not accurate. Santa Ana Winds blow during both fall and winter and occasionally in the spring. We are experiencing severe drought conditions in California. These conditions are becoming more frequent and with the unpredictability of climate change, can be expected to become the norm throughout California. Coupling these drought conditions with the more frequent Santa Ana Winds will likely lead to more frequent wildfires. The DEIR barely mentions the most recent Freeway Complex Fire that came roaring through Blue Gum Canyon upwind of Cielo Vista burning all the vegetation on the Cielo Vista site, and burning numerous homes adjacent to the proposed development and more than 100 homes in Yorba Linda. The fact that this fire was caused by man and not nature is irrelevant. The destruction caused by this fire cannot be ignored. **The DEIR should be**

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revised to include a study of the effects of building 112 new homes on the health and safety of current and future residents during a fire emergency.

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### Analysis of Project Impacts (2)(d)

This project site has had oil and gas development for more than 30 years. As with all oil and gas development in the Basin, abandoned wells and oil and hazardous material spills can and do lead to contaminated soils. The Cielo Vista project preliminary studies confirm that there is significant soil contamination from prior oil and gas development. New homes should not be built on the site of old wells without significant soil remediation. **The DEIR should be revised to require Cielo Vista developers to complete an extensive study of both surface and subsurface soils to determine the extent of hazardous material contamination before the project commences. Additionally, the DEIR should include proposed remediation of this contaminated soil.**

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### Wildland Fires

As discussed above, natural and manmade fires will occur on this project site. The proximity of this project site to Blue Gum Canyon, a natural funnel for winds in the area coupled with frequent Santa Ana Wind conditions make this particular project a unique site where no amount of fire retardant vegetation or specialized driveways will prevent homes from burning or releasing embers that will cause homes far away from the flame front to burn. **Property and future residents' lives will be put in the path of the next wildfire in this area. The DEIR should be revised to recognize the severe impact on the community of the Freeway Complex Fire and the inadequacy of emergency measures to protect both current and future residents. The DEIR should be revised to include adequate ingress and egress into both the existing community and the proposed project during an emergency, such as a wildfire.**

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### Summary

**This Draft Environmental Impact Report (DEIR) is totally inadequate at addressing the severe environmental impacts from the rezoning and development of the proposed Cielo Vista Project. All of these impacts need to be fully analyzed and avoidance migration strategies fully addressed.**

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**Additionally, this DEIR should be revised to include the combined impact of both Cielo Vista and Esperanza Hills developments.**

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**As outlined above, the DEIR should be revised to include further studies on the impacts of Scenic Vista, Visual Character, and Visual Quality, Scenic Resources, Consistency with Air Quality Plan, Compliance with Emissions Standards, Sensitive Receptor Exposure to Pollutants, Odors, Seismic and Geologic Stability Hazard, Emergency Response Plan, Wildland Fires, Provision for Public Services, Park and Recreation Facilities, Circulation System, and Emergency Access on the local environment.**

Very truly yours,

Diane Kanne

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**LETTER: DKANNE****Diane D. Kanne**

4825 Via Del Corral  
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(January 21, 2014)

**RESPONSE DKANNE-1**

This comment provides a general introduction to comments raised in this letter. Individual responses to this letter are provided below in Responses DKanne-2 to DKanne-35, below.

**RESPONSE DKANNE-2**

Contrary to the comment, the Draft EIR for the Cielo Vista Project did address the impacts of both the Cielo Vista and Esperanza Hills Projects. For each environmental issue analyzed in Chapter 4.0, *Environmental Impact Analysis*, a “Cumulative Impacts” subsection is included at the end of each section (i.e., within 4.1, *Aesthetics*, 4.2 *Air Quality*, etc.). Each of the “Cumulative Impacts” analyses subsections evaluates the cumulative impacts of the Cielo Vista Project along with the Esperanza Hill Project, as well as other cumulative projects identified in Chapter 3.0, *Basis for Cumulative Analysis*, in the Draft EIR.

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

**RESPONSE DKANNE-3**

This comment introduces specific environmental issues raised in this letter. Individual responses to this letter are provided below in Responses DKanne-2 to DKanne-35, below.

**RESPONSE DKANNE-4**

This comment provides general references to impacts related to public safety, traffic, air quality, biological resources, geology and soils, greenhouse gas emissions and hazardous materials. Each of these environmental issues were analyzed in the Draft EIR in their respective sections as follows: Section 4.12, *Public Services*; Section 4.14, *Traffic/Transportation*; Section 4.2, *Air Quality*; Section 4.2, *Biological Resources*; Section 4.5, *Geology and Soils*; Section 4.6, *Greenhouse Gas Emissions*; and Section 4.7, *Hazards and Hazardous Materials*. Each of these issues areas were concluded to have less than significant impacts after implementation of the prescribed mitigation measures, where necessary. “Where a general comment is made, a general response is sufficient.” (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 401.)

**RESPONSE DKANNE-5**

This comment provides general comments about earthmoving on the project site. The Draft EIR evaluated construction impacts associated with the Project, including from grading, throughout the Draft EIR. For example, construction and grading was analyzed in the context of air quality (Section 4.2), hazards and

hazardous materials (Section 4.7), and noise (Section 4.10), among others. The Draft EIR determined that impacts resulting from grading would be less than significant. The commenter does not provide any evidence that challenges the analysis or the conclusions in the Draft EIR. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

#### **RESPONSE DKANNE-6**

This comment states the project site should be annexed into the City of Yorba Linda. This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

#### **RESPONSE DKANNE-7**

The comment does not challenge the analysis or the conclusions contained in the Draft EIR with respect to the potential environmental impacts of the Project. The Draft EIR addressed public service impacts, including impacts on schools, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Contrary to the comment, the Project would pay development fees to support services to be provided to the Project, including fees to the Placentia-Yorba Linda Unified School District (PYLUSD), Orange County Sheriff's Department, Orange County Fire Authority (OCFA), Orange County Public Library (OCPL). With regard to school fees, pursuant to Senate Bill (SB) 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD constitutes full mitigation by the Legislature for Project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3.

#### **RESPONSE DKANNE-8**

The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre.

In association with the Low Density Residential designation, the Land Use Element states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

Contrary to the commenter's point, there is no attempt to avoid Yorba Linda's planning process. The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use

Element designation of “1B” Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County’s “1B” designation with a density of 1.3 dwelling units per gross acres being near the low end of the “1B” range.

However, the Project can become subject to the City’s planning process with an application for annexation being filed with the Local Agency Formation Commission (LAFCO) either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Therefore, a property owner can petition LAFCO for annexation should the property owner desire annexation to the City. In addition, it is acknowledged that the Draft EIR throughout Chapter 4.0 provided a consistency analysis of the Project with the applicable policies of the City of Yorba General Plan. Section 4.1, *Aesthetics*, provided a Project consistency analysis with the City’s Hillside Development Zoning Code Regulations (see pages 4.1-31 to 4.1-32) and Section 4.9, *Land Use and Planning*, provided a Project consistency analysis with the City’s zoning designation for the project site (see pages 4.9-16 to 4.9-17). As concluded in each of these analyses, the project would not substantially conflict with these City plans such that a significant physical impact on the environment would occur.

#### **RESPONSE DKANNE-9**

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. Applicable air quality regulations to the project are discussed under the “Regulatory Framework” sub-section beginning on page 4.2-1. As discussed in Section 4.2, operation- and construction-related impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Project was appropriately considered to be 47.7 acres because, while the project site is 84 acres, 36.3 acres will be preserved as open space and will not contribute to any significant environmental impacts. Thus, the Draft EIR analyzed the impacts associated with the development of the Project, which will occur on 47.7 acres and develop 112 single family residences. It is unclear which regulations commenter believes would be applicable to the Project if it were 50 acres or larger; see Response DKanne-23 for a discussion regarding SCAQMD Rule 403. Nevertheless, the proposed dwellings and associated infrastructure would occupy 47.7 acres.

The Draft EIR addressed the Project’s visual compatibility with surrounding neighborhoods in Section 4.1, *Aesthetics*. As discussed therein, impacts were concluded to be less than significant. In addition, land use and planning impacts were addressed in Section 4.9, *Land Use and Planning*, in the Draft EIR. On pages 4.9-18 and 4.9-19, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses.

#### **RESPONSE DKANNE-10**

As stated on page 2-28 in Chapter 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. This requirement is incorporated into project design feature PDF 7-1, which would be included in

the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as a condition of approval for the Project. A 1.8-acre parcel located in Planning Area 1 (also referred to as the "drilling pad") is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations if permitting and site planning were to be pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities and would be subject to Project-specific mitigation measures and conditions of approval. Therefore, preparation of a health risk assessment would not be meaningful as future drilling operational parameters are not known and speculative at this point. In addition, the Draft EIR beginning on page 4.2-29 in Section 4.2, *Air Quality*, addressed odor impacts from Project implementation. As discussed therein, odor impacts would be less than significant.

#### **RESPONSE DKANNE-11**

The County cannot speculate on existing conditions affecting properties outside of the project area. Nonetheless, geology and soils impacts were addressed in Section 4.5, *Geology and Soils*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level. In addition, please refer to Response DKanne-10, above, for a discussion of impacts related to potential future oil operations at the project site. Because continued or new oil and gas operations are not a part of the Project, it would not be appropriate for the Draft EIR to address the impacts of such activities on existing properties outside the project area.

#### **RESPONSE DKANNE-12**

Please refer to Topical Response 4 regarding geology and faulting, and to the discussion beginning on page 4.5-14 of the Draft EIR regarding the measures that will be incorporated into the Project in order to ensure that potentially significant impacts associated with seismic-related groundshaking would be reduced to a less than significant level.

#### **RESPONSE DKANNE-13**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The Fire Behavior Report utilized BehavePlus, a fire behavior prediction and fuel modeling system that is one of the most accurate methods for predicting wildland fire behavior. The



results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergency response and wildland fire impacts.

#### **RESPONSE DKANNE-14**

This comment asserts that new homes proposed by the Project would provide new fuels for wildland fires resulting in increased fire susceptibility for existing homes than under existing conditions. Contrary to the comment, as discussed under Response DKanne-13 above, the Fire Behavior Report assessed fire conditions under worst-case conditions (i.e., high winds) and provided fuel modification and fire planning design and landscape recommendations that are incorporated into the Fire Master Plan and Fuel Modification Plan to be implemented by the Project (see Figures 4.7-1 and 4.7-2, respectively, in the Draft EIR). With implementation of the prescribed mitigation measures and the PDFs prescribed for the Project (discussed in Section 4.7 of the Draft EIR), which are consistent with the applicable OCFA regulatory requirements, the Project would minimize to the maximum extent practical the potential for wildland fires. As noted in the Draft EIR, the OCFA, the agency responsible for fire protection in the area, has reviewed and approved the Fire Master Plan and Fuel Modification Plan. In addition, under existing conditions, no fuel modification exists on the project site, which exposes the existing single-family residential uses to the west and south of the site to substantial risks of wildland fires. Accordingly, with the Project's fuel modification features, the risk of wildland fires to the existing single-family residential uses to the west and south of the site would be reduced when compared to existing conditions.

#### **RESPONSE DKANNE-15**

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

#### **RESPONSE DKANNE-16**

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas, scenic resources, and visual quality and character. It is acknowledged that the Project would alter views of the project site from surrounding areas. However, the assessment of aesthetic impacts is based on the "Thresholds of Significance" discussed on page 4.1-6 of the Draft EIR utilizing the "Methodologies" presented on page 4.1-5 of the Draft EIR. As discussed on page 4.1-5, the discussion on visual impacts typically includes analysis of views by the general public from public places, as opposed to private residences. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493 [EIR properly focused the impact analysis on public views].) Based on the "thresholds of significance," which are consistent with those provided in the State's CEQA Guidelines, impacts were concluded to be less than significant with site, design, building design/building materials, open space/landscape plan, and lighting features (see project design features PDF 1-1 to 1-9) to be included as part of the Project. These features will be included in the Project's Mitigation Monitoring and Reporting Program (MMRP) and adopted as conditions of approval for the Project.

In addition, on pages 4.9-18 and 4.9-19 in Section 4.9, *Land Use and Planning*, in the Draft EIR, under the “Compatibility with Adjacent Neighborhoods” subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project’s density with surrounding land uses, the Project would be generally compatible with existing off-site land uses.

#### **RESPONSE DKANNE-17**

The commenter generally states that the Draft EIR should address potential impacts to wildlife, including migrating and residential birds, reptiles, and mammals, as well as native plants. The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27 and impacts to wildlife movement and migratory species begin evaluation on page 4.3-40. As discussed therein, impacts were concluded to be less than significant with implementation of prescribed Mitigation Measures 4.3-1 to 4.3-3.

The Draft EIR also addressed potential impacts on scenic resources in Section 4.1, *Aesthetics*, of the Draft EIR. Discussion of impacts to scenic views begins on page 4.1-11. As discussed therein, impacts were concluded to be less than significant. Please refer to Response DKanne-16 for a discussion of aesthetic impacts.

#### **RESPONSE DKANNE-18**

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

#### **RESPONSE DKANNE-19**

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project’s residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project’s open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that Project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

Therefore, no changes are required in the Draft EIR in response to this comment.

#### **RESPONSE DKANNE-20**

Construction traffic impacts are addressed on page 4.14-22 in Section 4.14, *Traffic/Transportation*, in the Draft EIR. In addition, construction-related traffic to school routes and access is addressed in Section 4.12,

Public Services of the Draft EIR. As discussed in Section 4.12, potentially significant construction related traffic impacts regarding school routes and access would be reduced to a less than significant level with implementation of prescribed mitigation measures (Mitigation Measures 4.12-4 to 4.12-7). Also, the construction employee trips associated with the Project would be minor (approximately 40 inbound and 40 outbound per day) and would not substantially affect the performance of the circulation system during peak traffic periods. The Project grading plan proposes that grading quantities would balance and that no import or export of soil would be required, with the exception of the potential removal and export of contaminated soil from the on-site oil operations. As such, haul truck trips associated with export/import of soils would be limited, if any at all. Finally, with respect to heavy machinery, delivery would not occur on a daily basis, but rather periodically. As discussed In Section 4.14, construction traffic impacts would be reduced a less than significant level with implementation of the prescribed Mitigation Measure 4.14-1. The Project would be responsible for paying for the cost of implementation of the prescribed mitigation measures. Short-term construction traffic noise is also addressed in Section 4.10, Noise, of the Draft EIR beginning on page 4.10-14 under Impact Statement 4.10-1. As discussed therein, construction traffic noise impacts would be less than significant.

#### **RESPONSE DKANNE-21**

As the commenter notes, the discussion on existing setting is general in nature. However, mitigation measures applicable to the project apply regardless of the site-specific wind condition considered, i.e. extreme conditions (Santa Ana - NE wind) or the predominate conditions (onshore – southwest wind). The Project would be required to comply with SCAQMD Rule 403, which prohibits airborne dust traveling off-site during grading activities, and requires special dust control measures such as work stoppage, covering of stockpiles or applying additional water or soil stabilizers in the event of high-wind conditions (>25 mph).

#### **RESPONSE DKANNE-22**

Current SCAQMD CEQA methodology identifies Source Receptor Area (SRA) 16 as the most representative monitoring station for the project site.<sup>5</sup> SCAQMD CEQA methodology allows for use of the closest monitoring station to represent background concentrations and also does not require on-site monitoring for such a project.<sup>6</sup> Accordingly, the localized construction impact analysis in the Draft EIR is consistent with SCAQMD methodology and is therefore a valid assessment of such impacts.

#### **RESPONSE DKANNE-23**

The CalEEMod model represents the latest emissions calculations methodology developed by the SCAQMD, CARB and EPA. This model is currently recommended by the SCAQMD for all CEQA projects in the region. The SCAQMD Localized Significance Threshold methodology allows for use of look up tables instead of dispersion modeling for projects which will disturb less than five acres per day. As indicated in Section 4.2, Air Quality of the Draft EIR, although the project is larger than five acres, construction activities would not disturb more than five acres per day. Mass rate look-up thresholds developed under the SCAQMD LST methodology are meant for screening purposes which are conservative in nature. As mentioned in the SCAQMD LST Methodology (Page 4-1): "Screening procedures are by design conservative, that is, the predicted impacts tend to overestimate the actual impacts. If the predicted impacts are acceptable using the

<sup>5</sup> South Coast Air Quality Management District. *Final Localized Significance Threshold Methodology*. July 2008.

<sup>6</sup> *Ibid*.

LST approach presented here, then a more detailed evaluation is not necessary.” Because the conservative LST method used demonstrated that the project would not result in unacceptable localized impacts (i.e. construction emissions are below LST screening thresholds on the look-up tables), additional analysis (dispersion modeling) is not necessary.

The Project would disturb less than 50 acres and as such does not meet the definition of a large project under SCAQMD Rule 403. Once final grading plans are developed and if the Project were to meet the definition of a large project, then applicable portions of SCAQMD Rule 403, Table 2 would apply to the Project. Such requirements include submitting notification to the SCAQMD; maintaining daily records to document specific dust control actions; installing and maintaining project signage, and identifying a dust control supervisor.

Please refer to Response SCAQMD-3 for a discussion of cumulative construction impacts, including those with the Esperanza Hills Project.

#### **RESPONSE DKANNE-24**

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts. With regard to PM10 nonattainment, the thresholds used to evaluate localized air quality impacts are based on a 10.4 ug/m<sup>3</sup> 24-hour PM10 concentration increase. This threshold was developed by the SCAQMD under the LST program which uses a different methodology for nonattainment pollutants. Under this methodology, the SCAQMD uses a change in concentration threshold for PM10 listed in Rule 1303, Table A-2.<sup>7</sup> Therefore, the localized PM10 threshold used in the Draft EIR takes into consideration the nonattainment status of the region.

Please refer to Response DKanne-23 for a discussion of fugitive dust impacts and compliance with Rule 403.

#### **RESPONSE DKANNE-25**

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR’s analysis of growth inducing impacts. Please refer to Response DKanne-23 for a discussion of localized construction impacts to nearby residents and compliance with Rule 403.

The commenter is incorrect that SRA 23 (Riverside County) was used to evaluate localized air quality impacts. As indicated in Chapter 4.2, *Air Quality*, of the Draft EIR, page 4.2-18, SRA 16 (North Orange County) was used in the analysis.

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<sup>7</sup> South Coast Air Quality Management District. *Final PM2.5 Calculation Methodology and PM2.5 Significance Thresholds*. Page 4. October 2006.

**RESPONSE DKANNE-26**

Please refer to Response DKanne-22 regarding local air quality conditions and monitoring and Response DKanne-10 regarding on-site oil and gas activities.

**RESPONSE DKANNE-27**

As indicated in Table 4.2-8 on page 4.2-25, in Section 4.2, *Air Quality*, of the Draft EIR, fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. It should be noted that SCAQMD Rule 403 does not allow visible plumes of dust to be emitted from the site during construction activities or permit airborne dust to travel off-site during grading activities. In addition Rule 403 requires special dust control measures in the event of high-wind conditions (>25 mph). Such measures include work stoppage, covering of stockpiles or applying additional water or soil stabilizers to prevent dust plumes from travelling off-site. Therefore, no additional mitigation measures would be required.

**RESPONSE DKANNE-28**

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

**RESPONSE DKANNE-29**

In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents. As indicated in Response DKanne-23, if the Project is classified as a large project under SCAQMD Rule 403, additional requirements such as maintaining daily records to document specific dust control actions; installing and maintaining project signage, and identifying a dust control supervisor, would be required.

**RESPONSE DKANNE-30**

Please refer to Response DKanne-10 for a discussion of oil related activities. As discussed therein, no oil related activities are proposed by the Project. Also, Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise

occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

## Executive Summary

### 1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

## Section 4.7, Hazards and Hazardous Materials

### 1. Page 4.7-24 Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

## **RESPONSE DKANNE-31**

Please refer to Responses DKanne-13, DKanne-14, and DKanne-21 above for a discussion of wildland fire impacts and climactic conditions. Also, please refer to Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR which discusses potential wildfire impacts associated with the Project.

**RESPONSE DKANNE-32**

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells, including remediation for surface or sub-surface contaminated soil. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development. The commenter's concern over the potential for spillage will also be addressed through the closure and capping requirements imposed by the state Department of Oil, Gas and Geothermal Resources and the County.

Therefore, no changes are required in the Draft EIR in response to this comment.

**RESPONSE DKANNE-33**

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

**RESPONSE DKANNE-34**

This comment provides a general conclusion to Comments DKanne-1 to DKanne-33 raised in this letter. The commenter suggests that the Draft EIR needs to address the environmental issues raised in this letter. As discussed above, the Draft EIR fully and appropriately evaluates the Project's potential environmental impacts on the referenced environmental issues and includes information sufficient to allow the decisionmakers to intelligently take account of environmental consequences. (State CEQA Guidelines Section 15151.) Moreover, as discussed above, the impact conclusions contained in the Draft EIR are supported by substantial evidence, which the commenter does not specifically challenge or provide any evidence to the contrary. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; State CEQA Guidelines Section 15384.)

**RESPONSE DKANNE-35**

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

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**Letter: Katzmann**

**From:** S. Katzmann [<mailto:s.squared@att.net>]

**Sent:** Saturday, January 11, 2014 9:06 PM

**To:** Tippetts, Ron

**Subject:** Comments on the Draft EIR for Esperanza Hills and Cielo Vista in Yorba Linda

To Whom It May Concern:

My wife and I live on Heatheridge Drive - near the proposed sites for both the Cielo Vista and Esperanza Hills proposed housing projects. We've lived here for 16 years. Although our house was spared, the Freeway fire five years ago destroyed eight houses on our street and nearby Cardiff. We barely escaped with a few of our possessions. The evacuation was frightening. This was because there were too many vehicles trying to escape the flames at the same time. In fact, the fire was coming down the hill towards us on Stonehaven drive as we were sitting in traffic trying to get out to Yorba Linda blvd. It is insane to think that anyone would consider increasing the number of homes here, in high fire danger area (as rated by the insurance industry), without first considering additional fire egress availability for the current residents of the area.

We hope that if these projects allowed to proceed, that they proceed with added traffic handling capabilities as a primary requirement.

Please also consider all of our concerns listed in the attached document.

Sincerely,

Mr. & Mrs. S. Katzmann

Yorba Linda Residents

Risks	Benefits
Increased property damage & loss from fires	The developer profits (money)
Potential injuries or death due to fires	Increased OC County property tax base (money)
More traffic congestion during fire evacuations - inadequate egress routes	Increased customer base for local businesses (money)
Increased traffic accidents	
Increased work commute times for residents	
Police, Fire & Paramedic resources spread thinner	
More frequent and longer lasting electrical power outages	
More stringent water conservation restrictions	
Increased State requirement to provide affordable lower-income housing	
Construction traffic, debris, and damaged city roads and infrastructure	
Construction adverse impacts on noise level, air quality, and environment	
More school classroom crowding = higher student-to-teacher ratios	
More crime	
Reduced Yorba Linda aesthetic appeal - natural surroundings gone	
Less "Land of Gracious Living"	
Frustrated Yorba Linda residents	
Yorba Linda refuses to incorporate the County land	

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## FACTS:

- Due to a lack of planning and resources, the disastrous November 2008 fire destroyed eight homes and damaged several others in our neighborhood, before any firefighting resources arrived on scene. Some of our neighbors did not evacuate and risked their lives by staying and fighting the fires with garden hoses.
- The area being considered for the new homes is an extremely high fire-risk area, especially during Santa Ana wind conditions (like in 2008).
- Our evacuation during the '08 fire was too close for comfort. As fire approached us from the hillsides east of Stonehaven/Via Del Agua, our evacuation traffic was blocked from entering YL blvd for some time. Until someone (no police presence) physically stepped out into YL blvd and stopped the traffic to let our side street proceed. There have been no added or improved traffic routes since the fire.
- The fire destroyed eight of our neighbors homes on Heatheridge/Cardiff. Two properties were never rebuilt and remain as eyesores and neighborhood blight. The city has since done nothing to force owners to improve these lots.
- Electrical power in our area has gone out 3 or 4 times in the past 13 years for an hour or more (in one case more than 8 hours). Not aware of any permanent repairs or preparation for increased demand? In contrast, the power never went out for any length of time when we lived on the west side of San Antonio for 12 years prior to our current location.

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**LETTER: KATZMANN****Mr. and Mrs. S. Katzmänn**

(January 11, 2014)

**RESPONSE KATZMANN-1**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. The Draft EIR also specifically analyzed traffic impacts resulting from the Project, and concluded that all impacts would be less than significant (see Section 4.14, *Traffic/Transportation*).

**RESPONSE KATZMANN-2**

This comment provides general references to environmental impacts related to public services (i.e., fire, police), utilities, water supply, land use and planning, construction traffic, construction noise, construction air quality, schools, and aesthetics. These environmental issues were analyzed in the Draft EIR in their respective sections as follows: Section 4.12, *Public Services* (i.e., fire, police, schools); Section 4.15, *Utilities and Service Systems* (water supply); Section 4.14, *Traffic/Transportation*; Section 4.9, *Noise*; Section 4.2, *Air Quality*; and Section 4.1, *Aesthetics*. The comment does not provide any evidentiary support for the assertions provided therein. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Each of these issues areas were concluded to have less than significant impacts after implementation of the prescribed mitigation measures, where necessary. In addition, the Project is not proposing affordable housing. Also, with regard to issues at properties off the project site, such as those pertaining to damaged houses from a past fire or power outages, the County cannot speculate as to the circumstance that pertain to these issues, which are beyond the scope of the EIR.

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Jan. 3, 2014

Letter: Keuilian

TO: OC Planning  
Attention: Ron Tippetts

This letter is in response to the community open house meeting that was held on December 16, 2013 regarding the Cielo Vista Project. Our family lives on San Antonio Road which will be directly impacted by the additional traffic that this proposed new development will create. We are greatly concerned with the process by which this important decision is being made. Anybody who has been on San Antonio Road knows that this two way street is already congested with cars. Most mornings there is a considerable wait just to be able to back out of our driveways. We have been to several Yorba Linda City Council Meetings as well as the community open house meeting. There seems to be a common theme occurring in that the citizens of Yorba Linda are not being heard or respected. To be more specific, the Draft EIR does not logically address the concerns that we have with regard to additional traffic flow down San Antonio Road as well as evacuation plans for the next fire. **These proposed new single family homes do not become more important than the existing homes and family's that will be negatively impacted by this development, regardless of the financial gain to the City of Yorba Linda.** I would like to be informed as to what other roads are being considered as a means to access this new housing development as well as a more realistic emergency evacuation plan for the next fire. If you have not heard this loud and clear by now, we do not plan on standing by and allowing our neighborhood to become a freeway.

1

Keuilian Family  
email [katszsz@aol.com](mailto:katszsz@aol.com)



**LETTER: KEUILIAN**

**Keuilian Family**  
(January 3, 2014)

**RESPONSE KEUILIAN-1**

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

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**Letter: Kirby1**

**Cielo Vista Project – Proposed Single-Family Residential Development  
Community Open House  
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

**You may submit your comments** to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippetts, Project Planner, **by January 7, 2014.**

Mail: P.O. Box 4048  
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: [Ron.Tippetts@ocpw.ocgov.com](mailto:Ron.Tippetts@ocpw.ocgov.com)

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics	LOOKS NICE NOW BUT THIS DEVELOPER COULD SELL OFF HIS RIGHTS TO DEVELOP AND WHO KNOWS WHAT WE REALLY GOT DOWN THE ROAD	1
Air Quality		
Biological Resources		
Cultural Resources	GATED COMMUNITY? How Do I Drive IN?	2
Greenhouse Gas/Climate Change		
Geology and Soils	EARTH MOVEMENT FOR TWO YEARS	3
Hazards/Hazardous Materials	OIL WELLS?	4
Hydrology/Water Quality		
Land Use/Planning	OPEN LAND MUCH OF WHICH IS NON-MAINTAINED - THE IMPROVED OPEN LAND IS NOT ACCESSIBLE TO PEOPLE IN CARS OUTSIDE THE DEVELOPMENT	5
Noise		
Population and Housing	Does NOT Fit Original PLAN OF DEVELOPMENT WITH CLUSTERING OF HOMES	6
Public Services	NONE	
Recreation	NOT AVAILABLE TO RESIDENTS DOWN THE HILL VIA AUTOMOBILE	7
Traffic/Transportation	TRAFFIC STUDY DID NOT INCLUDE MASS EVACUATION SITUATION	
Utilities	NO WATER IN THE LAST FIRE	
Alternatives	BRAVO NEW INGRESS / EGRESS ROAD RESIDEN EXISTING SAN ANTONIO & JAGUA & STONETOWN WHICH COULD NOT EVACUATE EXISTING RESIDENTS IN 2008 FIRE!	8

2. What specific comments do you have regarding the proposed Cielo Vista project?

- TOO Big For EXISTING INFRASTRUCTURE  
OF ROADS, CHAINED EMERGENCY ROADS  
WILL NOT SUFFICE IN TRUE EMERGENCY WITH  
SMOKE, CHAOS, WINDS, FIRE, DARK  
WHO WILL MAINTAIN? WHO WILL OPEN  
GATES IN EMERGENCY? LAST TIME NOBODY  
WAS THERE, SOME WILL DIE  
IN NEXT FIRE.

9

Please provide your name and contact information below:

Name:

SCOTT KIRBY

Email:

SMKIRBY@CISCO.COM

Address:

4785 VIA DE LA ROCA  
YORBA LINDA, CA  
92887

If you are mailing your comments, please fold the paper in half and place first class postage in the upper right corner before dropping in the mail box. **Please submit your comments** as soon as possible, but **no later than** the close of the Draft EIR public comment period on **January 7, 2014, 5:00 p.m.**

OC Public Works  
OC Planning Services  
300 North Flower Street  
P. O. Box 4048  
Santa Ana, CA 92702-4048

ATTN: Mr. Ron Tippetts, Project Planner

Rene Sarmorei  
714 667 3217

**LETTER: KIRBY1****Scott Kirby**

4785 Via De La Roca  
Yorba Linda, CA 92887

**RESPONSE KIRBY1-1**

Whatever project the County approves for development on the property runs with the land. Thus, if the property is sold before the Project is built; the new property owner can only build out what was approved. If the new owner seeks to build a different project that would require a new project application and a separate process which will evaluate whether or not the new project is approved with review subject to compliance with CEQA and public input.

**RESPONSE KIRBY1-2**

Neither the access to Planning Area 1 from Via Del Agua nor the access to Planning Area 2 from Aspen Way will be gated. No access gates are planned for the Project.

**RESPONSE KIRBY1-3**

Geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

If commenter is referring to grading impacts, such impacts were analyzed throughout the Draft EIR and were determined to be less than significant.

**RESPONSE KIRBY1-4**

New oil wells are not planned as part of the proposed Project.

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped prior to grading activities. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards which would include protections against methane seepage and other fire hazards, including oil seepage.

**RESPONSE KIRBY1-5**

Approximately 36 acres of the project site between the two planning areas is planned to be retained as permanent open space. Future ownership of this area can be by the Project's homeowner's association, a

non-profit agency, or a public agency. Because ownership also typically includes responsibility for maintenance and liability, public access to the open space would typically be greater under the terms of public ownership and most restricted with private ownership. Other factors yet to be considered which can affect access include the purpose for the open space. Open space for habitat restoration would be most limiting of public access as compared to the area accommodating a passive park which would allow for more public access.

What is known today is that the project site is traversed by an earthen multipurpose City trail in an east-west direction as contained in the City's Trail Study Recommendation. This trail can be accommodated as shown on Figure 4.13-2 on page 4.13-13 of Draft EIR Section 4.13, *Recreation*. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City. This is the extent of recreational trail planning as affecting the project site.

#### **RESPONSE KIRBY1-6**

Both the County General Plan and City General Plan allow for clustering of homes on the project site.

In association with City's Low Density Residential designation, the Land Use Element states on page LU-45 that "clustering may occur at greater intensities to compensate for topographical constraints." The Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. This reasonable clustering allows for the future single family homes to be compatible with the design and intensity of adjacent subdivisions. The clustering avoids development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

The Project is proposed in the unincorporated sphere of influence area where the County's General Plan Land Use Element designation of "1B" Suburban Residential allows for clustering given its broad density range of 0.5 to 18 dwelling units per acre. The Project is consistent with the County's "1B" designation with a density of 1.3 dwelling units per gross acres being near the low end of the "1B" range.

#### **RESPONSE KIRBY1-7**

As stated on page 4.13-18 of Section 4.13, *Recreation*, the Project's residents will likely use local parks located in the City. Therefore, the Project is committing to pay fees at the City rate of 4 acres of local parks per 1,000 residents as noted on page 4.13-18. The fee payment is being proposed because the Project's open space area has significant relief which would require substantial alteration to create a flat local park pad as noted on page 4.13-15. However, the feasibility of a local park site east of the existing city limit can be evaluated as between the County and City through a combination of fees and land acquisition. Because it is unlikely that Project residents will use a County local park for recreation needs as there are none in the area, the County anticipates on working with the City on a facilities agreement to address local park needs in the area.

That being said, it would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan Update. Mitigation Measure 4.13-1 on page 4.13-16 of Section 4.13 addresses local park planning, acquisition, and

improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

**RESPONSE KIRBY1-8**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

**RESPONSE KIRBY1-9**

The Draft EIR addressed traffic impacts, including existing infrastructure and intersections, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As required by PDF 14-1, site access and circulation would be reviewed by the Orange County Public Works Road Division to ensure that all local streets meet the minimum street design and size standards of the City of Yorba Linda and Orange County. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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## **Letter: Kirby2**

**From:** Scott Kirby [[mailto:scotty\\_kirby@yahoo.com](mailto:scotty_kirby@yahoo.com)]

**Sent:** Wednesday, January 15, 2014 2:38 PM

**To:** Tippetts, Ron

**Cc:** Spitzer, Todd [HOA]

**Subject:** Comments on draft EIR for Cielo Vista and Esperanza Hills Development proposals Yorba Linda, CA

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

*My name is Scott Kirby and I have lived at 4785 via de la Roca in Yorba Linda for over 15 years.*

*When the freeway complex fires hit Yorba Linda I was out of town and received a call from a friend that "Yorba Linda was on fire". It was mid morning. My son was still home in Yorba Linda at my house. He was working the night shift at UPS so I knew that he would be sleeping.*

*I woke him up on his cell phone and asked him about the fires. He of course knew nothing and heard nothing from anyone else about it. I asked him to look out the window. He did and saw a large amount of smoke coming over the hill towards our cul de sac. I told him to hang up and go check it out and call me back.*

*Five minutes later he called back out of breath and asked me what I wanted out of the house because it was surely going to burn down. I asked him if he had talked to the crowds of police and firemen in the area that surely were there. He said that NOBODY was there. I told him to grab some pictures / videos and leave immediately which he tried to do.*

*By the time he got his car onto Via Agua the road was blocked with exiting residents as they could not manage to get off of Agua onto Yorba Linda Blvd because of all the traffic. With the chaos there was no Police or Fire Dept. staff directing any traffic anywhere. Finally my son drove on the other side of the road to get off the hill. I cannot imagine the fatality rate when the next fire hits those same hills now occupied higher up with 500 more homes and the same egress and ingress streets in place. This is a death warrant for whoever purchases those homes.*

*At the same time, my neighbor on the cul de sac was sitting in his living room with friends. He saw the same fire coming over the same hill. He went to get his camera to take a picture of the fire. By the time he returned the fire was almost on top of them having moved a quarter mile in just a minute. He dropped the camera and told everyone to get out of the house and into their cars in the driveway. With their hands on their cars and loading, the fire was on top of them having blown over the house. They immediately abandoned plans to drive and ran screaming down the street. Their two cars are shown in the driveway attached here.*

*His house was destroyed as was one other directly next to my property. Only the actions of my next door neighbor who stayed to fight and 10 other neighbors who came into my yard saved my house after fighting fires in the yard for hours with water from my pool. We never saw a fireman or policeman.*

*Some 114 houses burned down that day in Yorba Linda...many because the water pipelines providing water to the hydrants were destroyed and there was no water higher up.*

2

*I don't see how anyone that approves this scale of project on existing streets in those hills will be able to live with themselves. It is not a question of whether a fire will ever hit those hills. It has happened and will happen again. Orange County Fire Authority and responders were and will continue to be helpless in fighting fires in that area when the wind blows like it did that day.*

3

*Sincerely,*

*Scott Kirby*

*4785 via de la Roca*

*Yorba Linda, CA*



**LETTER: KIRBY2**

4785 Via De La Roca  
Yorba Linda, CA 92887  
(January 15, 2014)

**RESPONSE KIRBY2-1**

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

**RESPONSE KIRBY2-2**

Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

**RESPONSE KIRBY2-3**

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

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## Letter: Kirby3

**From:** Scott Kirby [[mailto:scotty\\_kirby@yahoo.com](mailto:scotty_kirby@yahoo.com)]

**Sent:** Wednesday, January 15, 2014 2:41 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Draft EIR comments

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

**Date:** Monday, August 6, 2012 3:54 PM

**To:** "[Channary.Leng@ocpw.ocgov.com](mailto:Channary.Leng@ocpw.ocgov.com)" <[Channary.Leng@ocpw.ocgov.com](mailto:Channary.Leng@ocpw.ocgov.com)>

**Cc:** rebelwoof <[rebelwoof@att.net](mailto:rebelwoof@att.net)>

**Subject:** Cielo Vista Environmental Impact Report Submission: Written Comment form

Ms. Channary Leng

OC Public Works

OC Planning

300 North Flower Street

Santa Ana, CA 92702 92702-4048

Subject: Draft Environmental Impact Report for Cielo Vista Project

### **Written Public Comments for the Scoping Meeting for the Draft Environmental Impact Report for the Cielo Vista Project are due to the County of Orange NLT August 6, 2012**

*Please leave this form in the box provided at the Scoping Meeting or deliver or mail it to: Ms. Channary Lang, OC Public Works/OC Planning, 300 N. Flower Street, Santa Ana, California 92702-4048. This form can simply be folded and placed in a mailbox. Please remember to add postage. Alternatively, you may e-mail your comments to Channary Lang at: [Channary.Leng@ocpw.ocgov.com](mailto:Channary.Leng@ocpw.ocgov.com)*

Dear Ms. Leng;

The following are my comments regarding the Cielo Vista Project under the County of Orange jurisdiction in Yorba Linda. Please include them in your EIR study:

1. Any approval of the plans submitted by the developer for Cielo Vista and approved by the County of Orange should include a death certificate for some future resident of that development. One ingress and one egress point for up to 500 homeowners and their families will without a doubt lead to deaths in the next fire similar to the Freeway Complex fire already experienced in 2008. I live in this area, and the evacuation of existing residents on existing streets onto Yorba Linda Blvd was backed up and three abreast on a two lane street during those fires.

2. Any proposal by the developer should be reviewed in context with both the Cielo Vista Project of 100 plus homes and the Esperanza Hills proposal of homes which is directly attached and would use the same streets , ingress and egress, as well as the same fire and water safety concerns.	2
3. The proposal submitted by the developer includes no schools and would dump 500 homes full of children into the schools that are maxed out at the bottom of that hill (Travis Ranch Elementary and Middle School).	3
4.The proposal includes “open space” that already exists but does not make any provision for landscaping or maintenance or water of the same open space. What we learned in the freeway complex fire was that the open space in hidden hills as provided by that developer, was actually the perfect kindle for that fire and led directly to the destruction of many homes in that area. (114 homes burned in Yorba Linda during that fire. It is not a question of IF there will be a fire again in this area, but when. So it is incumbent on the County of Orange to make sure that all means of protection of residents and property is accounted for by the developer who’s interest is strictly monetary and will provide the minimum of safety tools to get his proposal approved and developed.	4
5. The proposal includes the covering of an open spring and creek with some sort of bridge at the ingress point off of Via Agua/Stonehaven. This is a collection point for wildlife as well as for mudslides. Please see attached pictures of mud slides and fire damaged home that backs up to that very location.	5

**LETTER: KIRBY3**

4785 Via De La Roca  
Yorba Linda, CA 92887  
(January 15, 2014)

**RESPONSE KIRBY3-1**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please note that the Project proposes 112 single family homes, not 500.

**RESPONSE KIRBY3-2**

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

**RESPONSE KIRBY3-3**

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, the Project, which proposes 112 single family residences, is anticipated to result in an additional 26 students at Travis Ranch School (elementary), 14 at Travis Ranch School (middle school), and 20 at Yorba Linda High School. Pursuant to SB 50 (Government Code 65995), the Project Applicant would pay fees to mitigate the impact of these additional students. Thus, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE KIRBY3-4**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The analysis describes the fuel modification zones required for the Project, which would include fire-resistant plant species approved by the OCFA. As noted in the Draft EIR, a Fire Master Plan and Fuel Modification Plan were developed and reviewed by the OCFA. Please also refer to Topical Response 3 regarding emergency access.

**RESPONSE KIRBY3-5**

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27. As discussed therein, after significant research and site surveys to determine what animal and plant species were present at the project site, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed hydrology and erosion impacts in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. Creek A, the creek to which the commenter refers, was analyzed in the Draft EIR. A debris basin is proposed at the easterly property boundary within Planning Area 1, which would de-bulk approximately 636 acres of offsite undeveloped tributary storm flows. Clear flows would then leave the basin and be conveyed through the site via a proposed 8'x7' RCB at Stonehaven Drive with a transition inlet to allow open flow into the system and prevent upstream ponding. The proposed development would be designed to allow for onsite flows to be directed towards proposed local streets and then intercepted by proposed catch basins. Once the storm flows are within the proposed storm drain system, flows would be conveyed to water quality facilities as required and then ultimately to the proposed 8'x7' RCB, prior to leaving the project boundary, and joining the existing downstream facility in Stonehaven Drive. The Project's drainage plan presented in Section 4.8 of the Draft EIR, with revisions incorporated into Chapter 3.0 of this Final EIR, would serve to minimize flooding and mudflow hazards during major storm events. Per the analysis in Section 4.8, impacts were concluded to be less than significant with incorporation of the project design features, as well as compliance to applicable regulatory requirements.

## **Letter: Kloman**

**From:** Jim Kloman [<mailto:JKloman@brfa.com>]

**Sent:** Thursday, December 26, 2013 8:44 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista's Environmental-Impact

Dear Ron,

My concern is the impact of all the extra cars on Stonehaven Dr. As it is as many as 8-12 cars line up at the light on Stonehaven to the Yorba Linda light. When you edouble th, triple and quadruple the number of cars more than a traffic jam will exist. People that live on the Stonehaven or bring their children to the pre-school on the corner will not be able to get in and out of their own driveway.

I think it is paramount that the developer should be required to build additional roads to get these cars for the new home owners out of these developments some other way then using existing streets.

As you should be aware that during the fire that went through this area Yorba Linda Blvd. wqas impossible to get to for the existing home owners and any addition homes would make thigs worse and more than likely a death trap for which you would be responsible and charge.

### **Jim Kloman**

President/Owner

**Brenner-Fiedler & Associates, Inc. - ISO 9001:2008**

Phone: 951-299-4100 x-219

Fax: 562-404-7975

Email: [JKloman@brfa.com](mailto:JKloman@brfa.com)

Online ordering and account viewing: [www.brfa.com](http://www.brfa.com)



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**LETTER: KLOMAN****Jim Kloman**

(December 26, 2013)

**RESPONSE KLOMAN-1**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. The California Environmental Quality Act (CEQA) encourages agencies to have thresholds to determine when projects would have the potential to cause an impact. The lead agency (County of Orange) and the adjacent City of Yorba Linda both have established traffic study guidelines that dictate when a project's off-site traffic impact is considered to be significant for CEQA purposes. Per the County of Orange Congestion Management Program (CMP) guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more of a DEFICIENT intersection as compared to the No Project condition is considered significantly impacted and mitigation measures are required to reduce the project's impact to a level of insignificance. This is more stringent than the City of Yorba Linda's traffic study guidelines, which recommend the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. The Project is anticipated to contribute fewer than 50 peak hour trips to the intersection of Stonehaven and Yorba Linda Boulevard and the addition of Project traffic was found to also change the ICU value by less than 1% (or 0.01). As such, the County of Orange and City of Yorba Linda staff agreed (via the scoping process) that focused intersection level operation analysis is not needed for this intersection, consistent with the County's CMP and the City's traffic study guidelines.

Regardless, the access to Yorba Linda Boulevard and associated traffic patterns will change from what the commenter observes with the implementation of the Project and signalization of Via del Agua and Yorba Linda Boulevard per the Draft EIR's prescribed Mitigation Measure 4.14-2. The proposed Project access point is far closer in proximity to Yorba Linda Boulevard from Via del Agua than to Yorba Linda Boulevard via Stonehaven. Although existing residents have been observed to travel north to Stonehaven to utilize the signalized intersection at Stonehaven and Yorba Linda Boulevard, this behavior is anticipated to decrease as the Project intends to signalize the intersection of Via del Agua at Yorba Linda Boulevard, making that intersection the most logical access point to Yorba Linda Boulevard from the project site. With the proposed signalization of Via del Agua and Yorba Linda Boulevard, it will be more efficient for vehicles exiting from the Project to utilize the intersection of Via del Agua and Yorba Linda Boulevard to make either a left or right turn. In effect, residents will likely choose to take the shortest path and adjust travel patterns accordingly. Accordingly, the vehicle queue lengths at the intersections of Via Del Agua and Yorba Linda Boulevard, as well as the intersection of Stonehaven Road and Yorba Linda Boulevard are not anticipated to be substantially impacted by the Project.

**RESPONSE KLOMAN-2**

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

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January 22, 2014

Mr. Ron Tippetts  
OC Planning Services  
County of Orange

**Re: Response to Draft EIR on Cielo Vista Project**

Dear Ron:

Thank you for the opportunity to submit our responses to the above Draft EIR. I am a resident of City of Yorba Linda.

One major consideration that has not been mentioned in the previous open house, public meetings... is that the additional traffic generated by the proposed development should call for a "Traffic Calming" study in an effort to slow down the traffic, especially down-hill direction on both Via Del Aqua and Stonehaven Dr.. Mitigations from similar studies include landscaped raised median, neighborhood traffic circles, diagonal diverters, half street closure, stop signs, traffic humps, chokers, ... Some of the mitigation measures may involve on-street parking restrictions and possibly street closures. Therefore, it is imperative that an in-depth neighborhood public workshop program be developed to solicit residents' input for the final traffic calming study recommendations.

Further, the proposed development should also consider widening the intersection of Yorba Linda Blvd. and Via Del Aqua to accommodate added traffic due to the development. Via Del Aqua should have a landscaped raised median and an outbound right turn lane and a left turn lane. Northbound Yorba Linda Blvd. should be widened to accommodate a new right turn lane and a continuous bike lane. Southbound Yorba Linda Blvd. has a vertical and horizontal curve approaching Via Del Aqua. It is critical that southbound left turn traffic shall not be allowed to back up onto the southbound through lane due to the limited sight distance. Therefore, the southbound left turn lane should also be lengthened to ensure that such a problem will not occur.

We appreciate your consideration of our responses and all your hard work on this project.

Sincerely,

**TRAFFIC CONTROL ENGINEERING, INC.**

David Kuan, T.E.,P.E.

2687 Saturn St.  
Brea, Ca 92821

TEL (714) 447-6077  
FAX (714) 447-6081



**LETTER: KUAN**

Traffic Controlling Engineering, Inc.  
**David Kuan, T.E., P.E.**  
2687 Saturn Street  
Brea, CA 92821

**RESPONSE KUAN-1**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Through the scoping process, the City of Yorba Linda did not request that traffic calming be addressed as part of the traffic study. Furthermore, the Project's traffic alone does not warrant a traffic calming analysis as the Project is anticipated to contribute less than 100 peak hour trips to Via del Agua. As demonstrated in the Project's traffic study, the addition of Project traffic is not anticipated to result in any deficiencies, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard which is currently operating at deficient LOS during the peak hours. The Draft EIR prescribed Mitigation Measure 4.14-2 requiring a traffic signal to be installed at this intersection, which would improve the operating condition at this intersection to an acceptable level based on City and County standards. It is important to recognize that traffic calming measures are intended to slow vehicles and consequently also result in reduced traffic capacity.

**RESPONSE KUAN-2**

Contrary to the commenter's suggestions, with the Draft EIR's prescribed Mitigation Measure 4.14-2 to install a traffic signal at the intersection of Via Del Agua at Yorba Linda Boulevard, the intersection of Via Del Agua at Yorba Linda Boulevard is anticipated to operate at LOS "B" during the peak hours under Horizon Year 2035 traffic conditions. As peak hour capacity and associated LOS are anticipated to far exceed the County and City of Yorba Linda's standard of LOS "D" or better, widening of the intersection or otherwise improving the median is not necessary.

Further, the future long-range Year 2035 traffic analysis for the intersection of Via Del Agua and Yorba Linda Boulevard indicates that 35 to 96 vehicles will make an eastbound left turn movement during the peak hour conditions. Standard industry practice for transportation engineers is to provide 1 foot of storage for each vehicle anticipated during the peak hour conditions. Using a conservative application of this rule, the peak hour storage demand for the intersection of Via Del Agua and Yorba Linda Boulevard is calculated at 96 feet. Today, the eastbound left turn pocket length is approximately 100 feet, not including the transition, and is therefore adequate to accommodate the Year 2035 peak hour eastbound left turn movements.

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**Letter: Levine**

**From:** Maureen A. Hatchell Levine [<mailto:maureenlevine@klplaw.com>]

**Sent:** Monday, January 13, 2014 6:14 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project Above Yorba Linda

Hello Mr. Tippetts,

My name is Maureen Levine, and I am a 27-year resident of Yorba Linda. I live in the older part of Yorba Linda, near Imperial and Kellogg, not close to the hills where the Cielo Vista project is proposed.

Nevertheless, I have very strong concerns about burdening the hills with more housing. I know that whenever new projects are proposed in an area, existing residents feel threatened and do not want further crowding in their area. However, in this situation it is not just a selfish concern over space and ethics. The hills in general are very susceptible to wildfire, and we experienced the devastation of a substantial amount of land near the subject area in the 2008 fires. I have read Supervisor Spitzer's letter to residents, and he is correct that the County should be assured that the development should be allowed only after the county is convinced that living up in those hill would be safe for the residents of the new homes.

However, I go a step further and ask that the County also consider the safety of the existing residents, who did not have sufficient egress to evacuate at the time of the fires, and did not have sufficient water. And water pressure. Supposedly the water issue has been resolved, but was it resolved with an eye for all these additional homes? Further, if the egress was already insufficient for the existing homes, one can only imagine the life-threatening situation with thousands more residents trying to evacuate.

Additionally, aside from safety, what about the mental health that space promotes? I know we live in a capitalistic democracy, and we all benefit from it. However, government officials do not have to cow-tow to developers every time developers lick their chops over a lucrative opportunity. One of the most appealing aspects of Yorba Linda is that it has preserved space throughout all the

years, and to the people to whom space is important, that is extremely valuable, and the main reason those people want to live in Yorba Linda. Yet Yorba Linda residents are continually threatened by high density development, developers from out of the area proposing high density, using the value of the spacious environment the residents have fostered, to maximize developer profits without contributing to the value of the area; instead detracting from property values by inflicting crowding.

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Cont'd

Please do not give in to developer influence. As an objective entity, the government must fully review the impact of this proposed development with eyes wide open. The developer certainly cannot be trusted to fully disclose any danger it has discovered about putting the development in the hills. The citizens are counting on you to fully weigh the pros and cons, not as a token gesture, but in a genuine effort to determine whether this development should be allowed.

And another issue: isn't this land county land? So where does the developer get off burdening the City of Yorba Linda with county residents' use of Yorba Linda infrastructure? Too many developers have been allowed to exceed low density requirement without contributing any valuable offset to the City of Yorba Linda.

3

Thank you for considering the foregoing.

Maureen Levine



**LETTER: LEVINE**

**Maureen Levine**  
(January 13, 2014)

**RESPONSE LEVINE-1**

Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events. Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure.

**RESPONSE LEVINE-2**

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and project goals to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

**RESPONSE LEVINE-3**

This and other new community type projects in the unincorporated area are essentially required to pay for themselves and not burden adjacent jurisdictions and existing residents. Future residents of the Project areas will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. As for service facilities, Draft EIR Chapter 4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12.13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Project related infrastructure including streets, connections to City streets, as well as water and sewer lines are paid for by the developer. Street maintenance is provided for by the County General Fund.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on adjacent jurisdictions and existing residents.

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**Letter: Lopez/Martin**

**From:** Venessa Lopez [<mailto:vw2000@sbcbglobal.net>]

**Sent:** Tuesday, January 21, 2014 6:46 PM

**To:** Tippetts, Ron

**Subject:** Urgent!!

To Ron Tippetts and

whom this may concern,

This is a matter of life and death. It's important that the County of Orange and developers of the Cielo Vista Project know, and be aware that I represent the homeowners that live on and near my street, approximately 50+ taxpayers. The homeowners that live on Alder Ave. (adjacent to San Antonio Blvd.) we are **OPPOSED** to this project for many significant reasons. The first and most obvious is the impact on the reemerging wildlife in that is still in recovery process due to the fires that devastated that area in November of 2008. These are the last hills that remain in Orange County and need to be preserved for that very reason. These indigenous animals may not be on the endangered list now, but they will be extinct to this area if you continue to build and develop homes in and on their habitat.

During the "open house" with the Ceilo Vista developers on January 16<sup>th</sup> they acknowledged that they are going to preserve a very small area on the west side of the development for a bird sanctuary, and in the same breath explained how they would have to remove the trees, bushes and plants in that area, in order to plant the new bushes and plants they want the birds and other wildlife to nest and reside in. I feel that this is a fine example of the doubletalk that they have used to get the permits for building approved, and the County has for some reason forsaken us and signed off on these permits for no benefit to

the city and the taxpayers who are already living here. In fact it's to the detriment of the existing homeowners and wildlife.

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The developers want to utilize our water resources! They want to add an additional 500 homes to a existing water reserve in the midst of a drought that may last decades! We are currently being asked to cut back on our daily water usage by 20% a day! How is adding an additional 500 homes to tap from our water reserve going to help to accomplish this? In addition to the Ceilo Vista development there are two more developments that will be encroaching upon all our reserves in addition to that post the completion of the 1<sup>st</sup> development, why would the County of Orange approve these developments without taking any and all these aspects into consideration?

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These developments are large in scale and do not fit in to the community. The proposed project is on such a grand scale that it will impact our already overcrowded schools and existing shopping centers. It will potentially impact local traffic as well as increasing the risk of fire / safety hazards.

4

During the fire in Nov. of 2008 we almost lost our home and all of our belongings because we had left town that morning with only an overnight bag. The only reason our house was not burned and a complete loss was because our neighbors stayed and fought the flames armed only with garden hoses and shovels, and it's by the grace of God that no lives were lost in that process. There was no help in my neighborhood from the local fire dept. that is located at the end of San Antonio! There was no help from law enforcement who were virtually absent with the exception of the two officers that were posted at he end of San Antonio Ave., they were there keeping the home owners

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from returning to their homes to rescue their loved ones, pets and prized possessions. Since this time there has only been a few sheriffs added to increase the protection of our community, not enough to make a significant difference in the event of a real emergency.

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Cont'd

My husband and I spent the better part of the day trying to get home to rescue our dog, and the freeway system was so impacted we were stuck in a traffic gridlock for better than eight hours and we were unable to return home until the next day. During that time we were exposed to toxic fumes and I am still experiencing respiratory problems. The closest we got to home was approximately 15 to 20 miles! We had to check into a hotel for that night and the closest room that was available was in Anaheim, near Disneyland! This was due to all the evacuations that had occurred.

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In the event of another fire, or an earthquake or some other unforeseen catastrophic event, the safe evacuation of all the people who live here and are going to be living here pending the completion of these projects will be impossible. Lives will be lost so that the developers can make money! Not if but when the next fire occurs. It's wrong for so many reasons. We implore you to stop these developments and please save our lives and Save our Hills!

8

Sincerely,

Venessa Lopez & Wayne Martin

4610 Alder Ave.

Yorba Linda, Ca. 92886



**LETTER: LOPEZ/MARTIN****Venessa Lopez and Wayne Martin**

4610 Alder Avenue  
Yorba Linda, CA 92886  
(January 21, 2014)

**RESPONSE LOPEZ/MARTIN-1**

The Draft EIR addressed impacts on biological resources in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. Impacts to common wildlife species are discussed on page 4.3-27. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The analysis in Section 4.3 accounted for the fact that the area was previously subject to wildfires that affected the flora and fauna, and utilized that information in its analysis. The commenter has not provided any evidence that contradicts the analysis or conclusions contained in Section 4.3. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Contrary to the comment, the Project Applicant has never contemplated a bird sanctuary as part of the Project.

Also, this comment's stated opposition to the Project as currently opposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

**RESPONSE LOPEZ/MARTIN-2**

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below. As noted in the Draft EIR, the YLWD has two sources of water: (1) water imported from the Metropolitan Water District of Southern California and (2) groundwater from the Lower Santa Ana Basin. With these two sources, YLWD would be capable of meeting the water demands of its customers in normal, single dry, and multiple dry years between 2015 and 2035.<sup>8</sup> Moreover, the Project does not represent a significant increase in service demand. Please note that the Project proposes 112 single family residences, not 500.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions

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<sup>8</sup> Yorba Linda Water District Final 2010 Urban Water Management Plan.

depending on the severity of drought conditions.<sup>9</sup> The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant. Furthermore, the analysis includes an analysis of cumulative water supply impacts with the Esperanza Hills Project under Impact Statement 4.15-7 beginning on page 4.15-26 of the Draft EIR. As discussed therein, cumulative water supply impacts would be less than significant. Please also refer to Topical Response 2 regarding the Project’s water supply infrastructure.

Also, groundwater supplies and recharge impacts are addressed in Section 4.8, *Hydrology and Water Quality*. As discussed therein, additional impervious surfaces created by the Project would not result in a substantial change in groundwater infiltration rates and there would be no lowering of the local groundwater table as a result of the Project. Thus, impacts related to groundwater supplies would be less than significant.

Please also refer to Topical Response 2, which discusses water supply.

### **RESPONSE LOPEZ/MARTIN-3**

Please refer to Response Lopez/Martin-2, above.

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<sup>9</sup> Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.



**RESPONSE LOPEZ/MARTIN-4**

At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes.

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts, including the potential for school overcrowding, the potential for increased local traffic, and the potential for increased hazards is that the Project's impacts are less than significant, or less than significant with mitigation.

**RESPONSE LOPEZ/MARTIN-5**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergency access. Also, the Draft EIR addressed public services impacts, including police and fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts to both fire protection and police services were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE LOPEZ/MARTIN-6**

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

**RESPONSE LOPEZ/MARTIN-7**

This is comment on a personal experience during the 2008 Freeway Complex Fire and is noted by the County. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE LOPEZ/MARTIN-8**

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

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## **Letter: Macheel**

January 10, 2014

Orange County Planning services

Attention: Ron Tippetts

Subject: Response to Cielo Vista Draft EIR

We have reviewed the document as best we are able, considering the size and the amount of information.

We would like to start by saying that we are not anti-development. The homes we live in, were obviously once open land. It is difficult to say that once we have ours, it is time to stop development.

That said, there are things about Cielo Vista and proposed other developments in the adjacent area that do raise a large degree of concern in our minds.

There are two main areas of the EIR that are of special concern. They are:

### **Section 5.7 Hazards and Hazardous Materials**

#### **Section 5.14 Transportation and Traffic.**

## **5.7 HAZARDS AND HAZARDOUS MATERIALS**

### **5.7.9 Community Evacuation Planning**

The key premise of this section seems to be that the majority of residents will dutifully follow an evacuation plan. Further, this plan will be initiated early enough to support a structured and orderly evacuation. As was noted in the general comments in this document, this did not go well with the Freeway fire. Residents will naturally want to stay at their homes, assessing what might be done to protect them. We find it improbable that residents will now leave their homes early, before they have some ability to assess the risk to their property and to themselves. In the event that the fire does become more threatening and it does seem prudent to leave, there will very likely be the same situation, but with significantly more persons attempting to leave (do to the added number now included in the area of concern). This evacuation will again be attempted using a very limited number of egress options. Having seen that process happen first-hand, we feel that this issue is not as easily passed over as is implied in this study. Additionally, If we read the document correctly, these plans are still "in-process", so it is difficult to really evaluate the potential for being effective.

### 5.7.5 Project Impacts Prior To Mitigation

#### Section g.

This discussion suggests that Emergency Ingress/Egress Plans for Evacuation have been incorporated into the circulation design of the project. Have any real-world simulations been done showing that these plans have some credibility? That would, of course, include a **realistic** assessment of the time residents would **actually** have when they try to evacuate.

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Throughout this section, the Home Owners Association bears a significant responsibility to ensure that all the planned mitigations are done properly and kept maintained. Having had some experience with HOAs, they do not always function in the orderly and strictly proper manner that will be needed. Is there a requirement that the HOA report to some Agency on the status of their mitigation efforts/programs?

#### i. Project Emergency plan

Again, it is noted that allowance for adequate time will be key in formulating an effective evacuation plan, so that roads do not become congested. Looking ahead to the later section on traffic, we find that the plans for egress are still quite indefinite, and those proposed options do not really address the traffic flow leaving the streets such as Via Del Agua onto Yorba Linda Blvd.

Further, it is noted that if alternative measures, other than evacuation are required, the ***Proposed Projects residents would receive an alert and the community's pre-planned and practiced emergency response would be initiated.*** We find that level of community involvement prior to an emergency, difficult to imagine. Is it realistic to assume that this Community will hold **practice evacuation drills**? What system would be in place outside the community that would monitor this "readiness"?

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A key intersection that will be crucial in any evacuation is that of Via Del Agua and Yorba Linda Blvd. We personally witnessed the incredible congestion there during the Freeway fire, since we live very near that intersection. As noted in the Traffic Section, the actual eventual outcome for that area is not determinate because of the uncertainty of the implementation of a traffic signal and other mitigations. However, even assuming that something will be done to improve access to Yorba Linda Blvd, it is difficult to see how this much larger traffic load will transfer smoothly to Yorba Linda Blvd. Even without this large additional traffic load, it was virtually impossible to get onto Yorba Linda Blvd. during the Freeway fire due to the congestion on Yorba Linda Blvd.

### 5.14 Transportation and Traffic

As noted in **5.14.1.5 Existing Level of Service Results**, the intersection 10, Yorba Linda at Via Del Agua receives an **F** rating in the AM.

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As noted in **5.14.3.4.d. Peak Hour Intersection Capacity Analysis section 1) Existing Plus Option 1, Project Traffic Conditions**, at both the AM and PM hours will degrade to LOS F status.

In section **5.14.4.4.e Area-Wide improvements**, a proposed mitigation would be the installation of a three-phase traffic signal at Yorba Linda Blvd and Via Del Agua. This study totally ignores a situation that will severely impact traffic flow from the homes (including ours) that are on Via Del Cerro. There is also one home on Via Del Puente affected as well. These homes normally access Yorba Linda Blvd by going West on Via Del Puente to Via Del Agua, then making a left turn onto Via Del Agua proceeding to Yorba Linda Blvd. The proposed traffic solution will create either a solid line of cars waiting for the light to change to access Yorba Linda Blvd, or solid traffic flow when the light is green. In addition, this will be aggravated by traffic entering Via Del Agua heading North from Yorba Linda Blvd. While the traffic study personnel may not consider the fact that 20-30 or so impacted homes are significant, we residents do. Unfortunately this situation is likely to negatively impact our home prices significantly, as well. In an emergency it would virtually ensure that there would be no exiting the tract via Via Del Agua.

4  
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Looking at **5.14.4.5 Option 2 Project Analysis**, once again Via Del Agua is a level F in the AM and E in the PM. Once again, the traffic signal is indicated as the mitigation. The concerns with that solution are, of course, the same as with Option 1.

#### **5.14.4 Mitigation Measures**

As noted, the Mitigations are “recommended” measures. There is no assurance they will be implemented.

#### **Other Traffic Concerns**

One issue that we were not able to find addressed, is the school-related traffic. Presently, when children are being taken to and from Travis Ranch School, there is a significant amount of congestion. This often involves parents going out of their way to make U turns and various other maneuvers to attempt to negotiate this busy area. The change in traffic flow due to the “surges” in traffic due to the high-load traffic signals, will likely severely worsen this problem. Also the simple addition of a large number of parents/students will have a major impact as well. This is a problem that is presently being “struggled with” every day. We have not seen any mitigation plans to address this problem and prevent it from getting significantly worse.

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#### **SUMMARY**

In summary, the build-out and eventual sale of this proposed tract of homes will have a significant and negative effect on many homes. The largest impact is likely to be to those homes that front, or require access to Via Del Agua. This impact causes two areas of concern. First, there is a clear increase in the chance of homes lost or damaged by fire in the event of another situation such as the Freeway Fire. This is due to the traffic congestion on Via Del Agua making fire-fighters access to homes along that route difficult or impossible. In addition, the safety of the residents themselves may be jeopardized by the inability to readily exit their neighborhoods.

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Secondly, this development will have a very detrimental effect on everyday living to a large number of existing residents. We believe representatives of the County should be sensitive to these effects on their constituents, and would appreciate their honest evaluation of the impact this, and other proposed projects will have on this community.

Thank you,

Gary and Jacquelynn Macheel  
5040 Via Del Cerro  
Yorba Linda, CA.

PS:

We would like to offer a suggestion to the preparers of this report and reports to follow. The practice of omitting the full paragraph description number with each referenced paragraph (number or letter), makes referencing sections very difficult. For example, on page 5-553, we have sections d. e. and f. If we as the reader want to reference something in one of those sections, we must go back page by page until we finally trace down the rest of the reference. In this case we have to go back to page 543 to see that it relates to section 5.14, then we must note that it is 5.14.1. Further research leads us to page 548 where we find it is 5.14.1.4, which now allows us to note that there are no new paragraphs in between. We then conclude that those of interest must be section 5.14.1.4 d e or f. It is true that there are page numbers associated with these paragraphs. It seems to us, that these numbers would tend to change often with revisions. That would make it difficult to use them as long-term references.

**LETTER: MACHEEL****Gary and Jacquelynn Macheel**

5040 Via Del Cerro  
Yorba Linca, CA  
(January 10, 2014)

**RESPONSE MACHEEL-1**

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

**RESPONSE MACHEEL-2**

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

**RESPONSE MACHEEL-3**

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

**RESPONSE MACHEEL-4**

This comment states that there is no assurance that the mitigation measures will be implemented. Under CEQA, a lead agency adopts mitigation measures described in the EIR and those measures must be enforceable through conditions of approval, contracts, or other means that are legally binding. (CEQA Guidelines, § 15126.4(a)(2).) This requirement is designed to ensure that mitigation measures will actually implemented. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As indicated in this comment, the Draft EIR has prescribed a mitigation measure to install a traffic signal at the intersection of Yorba Linda Boulevard and Via Del Agua. Under existing conditions, the intersection operates at a level of service (LOS) F. This LOS level is indicative of extreme intersection delays with intersection capacity exceeded, as shown in Table 4.14-2 on page 4.14-14 of the Draft EIR. The Draft EIR contains substantial evidence to support that under future conditions with the Project and installation of the traffic signal, the intersection would operate at LOS B. This LOS is indicative of short traffic delays and an acceptable performing intersection based on City and County traffic standards. With a LOS B, it would be expected that even during AM peak hour traffic, during "green light" traffic signal cycles that left turns could be made onto Via Del Agua from Via Del Puente without significant delay. Also, please refer to Topical Response 3 regarding emergency access.

**RESPONSE MACHEEL-5**

Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analyses. As concluded in Section 4.14, construction-related and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE MACHEEL-6**

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



## **Letter: Magsaysay**

Ron and Judith Magsaysay  
21230 Twin Oak  
Yorba Linda, CA 92886  
714.801.6757

January 20, 2014

Cielo Vista Project – EIR Comments

### **Hazards/Hazardous Materials:**

Our first and foremost concern is for the safety of residents during a fire emergency in this area. Wild land fires follow a pattern and this area is an historical fire corridor. These homes are right in the line of future fires. The developer states that these new homes will be “hardened and fire-safe.” As a 32 year veteran firefighter, engineer, captain and brush fire crew supervisor with LA County Fire Department, I can state unequivocally, that no matter what a developer states, you cannot fireproof a home. Any exposed wood or glass window will make a home susceptible to fire. A burning bush near a structure can raise enough heat to cause glass to break or wood to burn, allowing fire to enter.

1

The evacuation plans will not work. During the 2008 fire, traffic was backed up San Antonio for ¾ mile. Additional homes will only create more congestion, especially during an evacuation. There is no way for San Antonio to support the number of evacuees. The developer stated that the sheriff will control the intersections to avoid back-up. With so few (6?) officers on duty, how long will it take to get additional officers out to control the impacted intersections for traffic to flow? It is our concern that by the time the intersections are controlled, lives may be lost due to the backup.

2

On San Antonio the homes are on the east side of the street and the fire hydrants are on the west side of the street. With hoses stretched across San Antonio, the evacuation route is lost. Also, with fire engines along the street, there will not be sufficient room for San Antonio to serve as a main road of egress.

3

During the 2008 fire, the 91 Fwy. was closed, resulting in no space for evacuated traffic to move. With the proposed plan, there is no way to lessen traffic on YL Blvd., Imperial or La Palma. Y. L. Blvd and Imperial are the only ways out of the city. Additional cars will only exacerbate the problem.

4

We were fortunate that the 2008 fire took place on a Saturday. During a weekday fire, Bryant Ranch, St. Francis, Travis Ranch, Fairmont and Y.L. High School evacuations would greatly impact traffic flow and egress.

High pressure gas line runs directly behind our property. With extensive movement and vibration of earth and the possibility of the pipes getting disturbed or bumped, we are fearful of a San Bruno type explosion/disaster. We are aware of the danger of this high pressure line. The EIR does not sufficiently address this danger.

5

During the 2008 fires, the oil wells on this property were compromised. The vapor exhaust systems failed and flammable vapors were released into the atmosphere and were burning.

6

Around these oil pumps, there are above ground oil lines which will be disturbed, increasing potential danger to homes, people and wildlife. That danger is not sufficiently addressed within the current EIR.

#### Air Quality:

With lengthy land grading and construction, the air quality will suffer for an extended period of time. Particulate matter will cover our homes, yards, plants, animals, streets, cars, etc. and enter our respiratory system as well as that of the local wildlife. When our kids were small and construction pollution was still evident around us, one-third of the kids on this cul-de-sac had asthma. Will our asthma count go back up due to the pollutants and particulate matter with this lengthy process?

7

With the protracted drought, we know that water will be restricted and rationed for everyone. Will there be sufficient water to tamp down the dirt and dust? We are concerned that the builders will also have to lessen their water usage for this purpose. The developer says that watering down will mitigate. Will there be sufficient water to tamp down the dirt and dust? Will their use impact our water use? They will be creating a mess on our city streets.

8

Diesel exhaust and other greenhouse gas emissions will be extreme due to massive amt. of earth moving equipment. According to the EIR, over 200,000 cubic yards of earth will be moved directly behind our home. 1.5 million cubic yards will be moved throughout Cielo Vista alone and we are concerned about the cumulative effect as Esperanza Hills and other developments come into play, with even more particulate matter and greenhouse gas emissions.

9

#### Noise:

Being adjacent to the project, we will have constant noise from tractors, earthmovers and power equipment.

10

#### Aesthetics:

Property value and enjoyment of nature will be greatly diminished due to loss of our unobstructed views of natural hillsides with all of their accompanying sights, sounds and smells. This project will be an aesthetically negative experience from start through and after completion. Viewing a 100+ acre construction site over several years will negatively impact the local peaceful aesthetic....including sights, sounds and odors.

11

#### Biological Resources

This area serves as a wildlife corridor, regardless of the fact that the city and or county never formally designated it with the title of "wildlife corridor." Therefore, we urgently request that the County of Orange and/or any authority with the power to do so, designate the entire area (formerly known as the Murdoch Property) as a wildlife corridor to be protected and preserved as such. We see the wide variety of wildlife; deer, coyote, raccoons, rabbits, squirrels, opossum, hawks, owls, numerous variety of hummingbirds, woodpeckers, egrets, heron, geese, lizards, snakes, tarantulas, bobcats, and yes,

12

occasionally mountain lions. A family of mountain goats has lived or hung out nearby. Least Bell's Vireo, labeled federally and at state level as endangered, will be disrupted by the noise and pollution if it survives construction. All of these creatures will be disturbed and displaced. If they survive, they will be forced all the way back to the Chino Hills State Park, where they will have less access to water supplies as well as less land for survival. Currently, many animals creep down to the ravine/culvert below us for life saving water which they won't be able to access. This corridor serves as an ecological escape or overflow valve that construction will close off.

12  
Cont'd

Hydrology/Water Quality:

During construction, the runoff will overly impact our flood control system with dirt, dust, oils and diesel pollutants which will flow directly to the ocean.

13

The natural water run-off that feeds the Blue Mud Canyon aquifer will be altered, even with the proposed mitigation.

14

Geology and Soils:

The loss of vast amounts of topsoil and subsequent soil erosion is a major concern. We will be highly impacted by extensive runoff, pollutants, and overloading of existing drainage systems.

15

Cultural Resources:

Our local schools and public library will need to absorb the added student population. Travis Ranch (K-8) currently uses 28 portable classrooms in addition to its permanent structures. Its K-5 school is currently 88 students over capacity. Yorba Linda Middle School and Yorba Linda High School are close to capacity now and may exceed capacity as the elementary schools feed into them.

16

While the new homeowners will be able to access any and all of our parks, fields, community centers, the new park within the development can only be accessed by foot, bike or horse due to it being located behind gates.

17

Traffic/Transportation:

Mitigation Measure 4.12-5 states that construction vehicles shall not haul past Travis Ranch School during school arrival and dismissal times. We are concerned that this may not address all of the varying schedules between the elementary, middle school grades and the "Early Bird" and "Lator Gator" kinder students. There are 4 different start times: 7:59 a.m., 8:35 a.m., 8:46 a.m., and 10:15 a.m. Then the dismissals include 1:55 p.m. 1:37 p.m. and 2:52 p.m., and 3:35 p.m. Please see the Travis Ranch School's website as there are different times for early dismissal days (Wednesdays) and for minimum days.

18

This project will dramatically alter the open space and wild landscape which we all sought when moving into this area. Please respect the city of Yorba Linda's no ridgeline building and lower density policies as you make recommendations to the Board of Supervisors regarding this and other future projects as this county land is surrounded by Yorba Linda and may very well become part of our city.

19

We are hopeful that the many safety and environmental concerns raised with the development of this last remaining parcel of open land here in the Yorba Linda area will result in the protection of this natural resource.

Respectfully,

Ron and Judith Magsaysay  
jrsay2@gmail.com  
714.801.6757

Handwritten signatures of Ron and Judith Magsaysay in blue ink. The signature for Ron is on the left, and the signature for Judith is on the right.

**LETTER: MAGSAYSAY****Ron and Judith Magsaysay**

21230 Twin Oak  
Yorba Linda, CA 92886  
(January 20, 2014)

**RESPONSE MAGSAYSAY-1**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed Mitigation Measures 4.7-7 to 4.7-11, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Also, while the County concurs that no home is “fireproof,” the Project’s PDFs and prescribed mitigation measures recognize the site is within a very high fire hazard severity zone (VHFHSZ) and require the installation of numerous fire protection features that would minimize the potential for a structural fire. Please also refer to Topical Response 3 regarding emergency access.

**RESPONSE MAGSAYSAY-2**

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

**RESPONSE MAGSAYSAY-3**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE MAGSAYSAY-4**

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE MAGSAYSAY-5**

Potential impacts regarding gas lines are addressed on page 4.7-23 in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed therein, within the project site is a natural gas easement maintained by the Southern California Gas Company. No residential uses are proposed directly adjacent to the easement. Regardless, the Project Applicant would coordinate directly with the Southern California Gas Company to ensure no conflicts would occur during construction or long-term operation of the Project. As such, no impacts regarding conflicts with existing natural gas lines/easements would occur with Project implementation.

**RESPONSE MAGSAYSAY-6**

Prior to construction of the Project, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped which would ensure proper sealing of wells to prevent the escape of flammable vapors. The potential for wells being compromised will no longer be a concern as the wells will be closed and capped and would no longer be operating. Project Design

Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, provides the requirements for closure and abandonment of oil wells, including remediation for surface or sub-surface contaminated soil. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards.

Before grading and construction begin on the project site, oil wells would have been closed and capped so there will be no operational oil wells or oil storage areas within the residential development.

#### **RESPONSE MAGSAYSAY-7**

The Draft EIR addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors. Section 4.2-3 on page 4.2-29 of the Draft EIR provides an analysis of whether the implementation of the Project would expose potential sensitive receptors including existing residences located in close proximity to the project site and concludes that a less than significant impact would occur in this regard.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been proposed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents.

#### **RESPONSE MAGSAYSAY-8**

Please refer to Response Magsaysay-7 for a discussion of fugitive dust control measures. Alternative fugitive dust control measures which do not use water may include covering stock piles with tarps, chemical soil stabilizers and covering exposed areas with vegetation. In addition, the Project would be required to comply with SCAQMD Rule 403 which does not allow for dirt to be tracked out onto public streets.

Also, the Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions

depending on the severity of drought conditions.<sup>10</sup> The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

#### **RESPONSE MAGSAYSAY-9**

Diesel particulate emissions resulting from construction activities were addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix G of the Draft EIR. Greenhouse gas emissions, were addressed in Section 4.6, *Greenhouse Gases*, of the Draft EIR. Both of these sections include an assessment of cumulative impacts at the conclusion of the section. As indicated in these sections, construction criteria pollutant emissions and greenhouse gas emissions would result in less than significant impacts, with construction-related impacts being reduced to a less than significant level after implementation of the prescribed mitigation measures. Please also refer to Response SCAQMD-3 for a discussion of cumulative construction air quality impacts with the Esperanza Hills Project.

#### **RESPONSE MAGSAYSAY-10**

The Draft EIR addressed construction noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant. Nonetheless, mitigation measures are prescribed to minimize construction noise at nearby sensitive residential land uses.

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<sup>10</sup> Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

**RESPONSE MAGSAYSAY-11**

The Draft EIR addressed the Project's visual compatibility with surrounding neighborhoods and aesthetic impacts in Section 4.1, *Aesthetics*. Section 4.1-1 of the Draft EIR provides a discussion of the Project's potential impacts on the scenic views from surrounding areas. As discussed therein, construction and operational impacts were concluded to be less than significant.

**RESPONSE MAGSAYSAY-12**

The Draft EIR addressed biological resources impacts in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. The wildlife movement function of the project site is described on page 4.3-23 of the Draft EIR. Because the project study area is bounded by residential development on the north, west and south, large mammal movement would be deterred as a result of the lack of suitable habitat except to the east of the project site.<sup>11</sup> Species such as raccoon, skunk, coyote, and birds that require less extensive movement pathway requirements or are adaptable to urban environments will likely move through the project site. The project study area does not connect two or more habitat patches because of the developed areas on three sides and consequently does not function as a regional wildlife movement corridor.

This comment states that the area serves as a wildlife corridor even though it has not been formally designated as such. The commenter does not provide any data, references or other evidence to support this conclusion aside from an account of personal observations of certain species in the area. A comment that consists almost exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines, § 15384.) Moreover, because of the diversity of jurisdictions and the mix of public and private properties, no single agency, including the County of Orange, has the authority to designate this area surrounding as a protected wildlife corridor. The Wildlife Corridor Conservation Authority (WCCA) was established to provide for the environmental protection, and maintenance of lands within the Puente-Chino Hills corridor area. Its goal is to assure that sufficient continuity of habitat can be preserved to maintain a functioning wildlife corridor between the Santa Ana Mountains and Whittier Hills. WCCA's governing board consists of representatives from the cities of Brea, Whittier, Diamond Bar, La Habra Heights, the Santa Monica Mountains Conservancy, California Department of Parks and Recreation, California Department of Fish and Game, Los Angeles County, and two public members. WCCA is aware of the importance of maintaining the viability of the regional Puente-Chino Hills corridor. WCCA provided a comment letter on the Project. Please refer to Responses WCCA-1 to WCCA-5 for WCCA's responses provided to each WCCA comment. The responses confirm that the Draft EIR's conclusion of less than significant impacts to wildlife corridors is correct, as discussed on page 4.3-40 of Section 4.3, *Biological Resources*, in the Draft EIR.

A discussion on the impacts to wildlife species is provided on page 4.3-27 of the Draft EIR, which concludes that impacts to common wildlife species are considered to be less than significant.

**RESPONSE MAGSAYSAY-13**

Hydrology and water quality impacts were addressed in Section 4.8, *Hydrology and Drainage*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section

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<sup>11</sup> The "project study area" is defined in Section 4.3, *Biological Resources*, of the Draft EIR to include 84.60-acres (83.90 acres on-site and 0.70 acre off-site) in unincorporated Orange County, California.



4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Construction-related water quality impacts are discussed under Impact Statement 4.8-1 beginning on page 4.8-22 of the Draft EIR. As discussed therein, compliance with regulatory requirements, including permitting coverage under the statewide NPDES Construction General Permit, would ensure that construction of the Project would not result in the exceedance of water quality standards during construction. Thus, construction-related impacts water quality impacts would be less than significant.

#### **RESPONSE MAGSAYSAY-14**

Impacts to groundwater supplies are discussed under Impact Statement 4.8-3 beginning on page 4.8-28 of the Draft EIR. As discussed therein, since the Project would not extract groundwater from the site or substantially interfere with groundwater recharge, less than significant impacts on groundwater supplies and groundwater hydrology would occur from Project implementation. No mitigation measures are necessary to address groundwater impacts since such impacts would be less than significant.

#### **RESPONSE MAGSAYSAY-15**

The Draft EIR addressed soil erosion and loss of topsoil impacts in Section 4.5, *Geology and Soils*, under Impact Statement 4.5-2 beginning on page 4.5-18 of the Draft EIR. In addition, hydrology and erosion impacts were also addressed in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The analysis under Impact Statement 4.8-1 beginning on page 4.8-23 includes an analysis of long-term operational water impacts that would occur with Project implementation. Also, an assessment of drainage impacts is provided under Impact Statement 4.8-2 beginning on page 4.8-25 of the Draft EIR. As discussed in these EIR sections, compliance with applicable regulatory requirements, as well as implementation of the project design features (PDFs) and best management practices (BMPs) identified in the Project's Water Quality Management Plan (WQMP) would ensure that operation of the Project would not significantly affect the beneficial uses of the receiving waters or result in a violation of water quality standards, and would minimize the potential for contributing additional sources of polluted runoff. Thus, water quality impacts would be less than significant. Also, the Project would be designed to maintain existing drainage patterns of the site and area. Post development runoff would be consistent with applicable regulatory requirements such that the post-project site would not result in significant hydrology impacts downstream such that flooding or erosion would occur on- or off-site. Furthermore, the Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage. Compliance with applicable regulatory requirements and implementation of the PDFs would ensure impacts regarding changes in drainage patterns and stormwater flows are less than significant.

#### **RESPONSE MAGSAYSAY-16**

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are

used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space.

As for additional library space to accommodate the Project, the incremental need for additional library facilities can be met through payment of a library development fee as required by Mitigation Measure 4.12-8, or pursuant to a facilities and equipment (books, technology) agreement pursuant to the proposed additional mitigation measure as provided below, which would address impacts to City of Yorba Linda library facilities, as necessary.

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

### Executive Summary

**1. Page ES-36. Add the following mitigation measure under “Libraries”:**

**Mitigation Measure 4.12-8(b)** Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

### Section 4.12, Public Services

**1. Page 4.12-16. Add the following mitigation measure under “Libraries”:**

**Mitigation Measure 4.12-8(b)** Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

### **RESPONSE MAGSAYSAY-17**

To the extent that the Project includes a public passive park in the proposed open space area, and the City-planned multi-purpose trails through the open space area are completed, they would be accessible to the local community because neither planning area is to be gated.

### **RESPONSE MAGSAYSAY-18**

It is acknowledged that varying schedules occur at Travis Ranch Elementary School. To ensure that the various arrival and dismissal times are accounted for, the project contractor would be required to maintain on-going communication during construction with the school administration at the Travis Ranch School per Mitigation Measure 4.12-4. This on-going communication would address the varying schedules at the elementary school.

**RESPONSE MAGSAYSAY-19**

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. The analysis includes an evaluation of impacts to scenic vistas and scenic resources, as well as consideration of impacts to ridgelines. Further, the analysis included an assessment of the Project's consistency with the City of Yorba Linda's Hillside Development Zoning Code Regulations pertaining to ridgelines. Section 4.9, *Land Use and Planning*, in the Draft EIR evaluates the Project's consistency with the City's applicable density-related policies. Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors. On pages 4.9-18 and 4.9-19, under the "Compatibility with Adjacent Neighborhoods" subsection, a density comparison analysis between the Project and surrounding residential uses is provided. As discussed therein, in consideration of the Project's density with surrounding land uses, the Project would be generally compatible with existing off-site land uses. Overall, Sections 4.1 and 4.9 conclude that the Project would result in less than significant impacts related to aesthetic and land use impacts, respectively.

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**Letter: Mahony**

**From:** Michael A. Mahony [<mailto:MMahony@Dynamic-Plumbing.com>]

**Sent:** Monday, January 13, 2014 1:53 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

**Importance:** High

Mr. Tippetts,

The statement that “the analysis of the Draft EIR would not result in any significant and unavoidable environmental impacts” is ludicrous. The fire dangers, dust and pollution are significant and putting the additional homes in the path of wildfires is grossly negligent and putting all of the existing families in harms way. It is avoidable by severely reducing the number of homes to be built or not building at all and making it a sanctuary.

1

During the most recent fires my family was STUCK in our car on Via del Aqua trying to escape, but could not because of the mass exodus taking place. Our car was licked by the flames on both sides of the road. There is absolutely no way to evacuate the existing homeowners on the roads, REGARDLESS OF WHAT YOUR TRAFFIC STUDIES REPORT states, as the proof is in the last attempted evacuation WHICH FAILED. Adding 1000 additional cars deeper into the hills utilizing the same exit roads WILL NOT WORK as it did not work without the proposed homes. Your studies are flawed and the County and City, along with all personnel IGNORING the recent events that were opposite of the reports will make each and all liable for the damage and destruction of property and lives.

2

I believe in property rights and ownership rights, however the original plan created years and years ago could not have foreseen the fire and congestion impacts. The plan should be changed immediately. It is not safe for the new residents, and increasing the already existing dangers to the existing residents. The county and city officials are making their decisions based on sheer greed for monies from the development without regard to public safety due to all the budget shortfalls existing at government level.

3

Michael A. Mahony, resident 13 years at 6030 Rockhampton Court, Yorba Linda



**LETTER: MAHONY****Michael A. Mahoney**

6030 Rockhampton Court  
Yorba Linda, CA  
(January 13, 2014)

**RESPONSE MAHONY-1**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access. The Draft EIR also addressed air quality impacts in Section 4.2, *Air Quality*, with supporting data in Appendix B of the Draft EIR. As discussed therein, air quality impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Also, this comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

**RESPONSE MAHONY-2**

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

**RESPONSE MAHONY-3**

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and developer interest to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

The County's decision-making process will consider the adequacy of fire protection through the Project proposed Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements. Project design features to be considered include those on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants.

The decision-makers will also consider the Draft EIR's conclusion that Aspen and San Antonio for Planning Area 2 and Del Agua for Planning Area 1, these roads will continue to operate at optimal Level of Service "A"

as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*. In evaluating this information in the Draft EIR, the County's decision-makers will decide whether Project changes are warranted which may result in a modified project.

Contrary to the commenter's point, the County will not make money from the Project. Future residents will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. There is no extra money left over from these sources, and by law, government cannot make a profit.



**Letter: Mak**

**From:** Lana Mak [<mailto:lanawmak@att.net>]

**Sent:** Monday, January 06, 2014 8:20 AM

**To:** Tippetts, Ron

**Subject:** San Antonio Road Yorba Linda

Dear Mr. Spitzer,

My home was on the path of the Freeway Complex fire in 2008. Six homes were destroyed on my block alone including my neighbors next to me and across from me. I was spared. I lived here since 1988.

The fire spread so fast that morning that I had very little time to evacuate. My neighbor and I had no warning to leave but when we saw orange flames towering the top of the hills across San Antonio we got as much as we can and tried to leave via San Antonio. We were able to leave because it was still fairly early about 1 PM. Cars were leaving, using San Antonio the only road out of our neighborhood. Traffic got much congested on San Antonio with dense smoke blowing making visibility minimum. I was lucky to get out early using a side street off San Antonio, Alder street which winds it way back to Yorba Linda Blvd.

I am writing to you to consider what it would be like if cars from **500 more houses tries to leave our neighborhood via San Antonio Road when another such fire sweeps through.**

**Please put our lives and safety first before any other considerations.**

**Thank You**

Lana Mak



**LETTER: MAK**

**Lana Mak**  
(January 6, 2014)

**RESPONSE MAK-1**

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

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## **Letter: Marshall**

**From:** Olynn [<mailto:olynn@roadrunner.com>]

**Sent:** Tuesday, January 21, 2014 2:49 PM

**To:** Tippetts, Ron; Spitzer, Todd [HOA]

**Subject:** Cielo Vista project

Ron & Todd,

Myself & many of our neighbors are concerned with the following:

The EIR that was done for the Cielo Vista project, is full of PHD, BA & BS experts, with their study and data. Like CPAs, it proves figures lie, and liars figure. I hope you are not expecting the homeowners to get technical, and respond to these elaborate figures? I am taking the practical approach, and with that I ask the following questions:

- |                                                                                                                                                                                    |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1) What benefit besides more traffic congestion, is Yorba Linda and/ or its current residents, receiving from this project? Please be specific.                                    | 1 |
| 2) Has a traffic study been done, when a reverse 911 evacuation is ordered?                                                                                                        | 2 |
| 3) If not, does that not place a huge question, on the traffic study methodology?                                                                                                  |   |
| 4) If not why, and be specific?                                                                                                                                                    |   |
| 5) Are not the residents of Yorba Linda ( that experienced this "mass exodus" during the complex fire ), the best judge of what should or should not be done, for their wellbeing? | 3 |
| 6) If not why? Please be specific.                                                                                                                                                 |   |

I look forward to your response.

Respectfully

**Olynn Marshall**

5010 via Alvarado



**LETTER: MARSHALL****Olynn Marshall**

5010 Via Alvarado

(January 21, 2014)

**RESPONSE MARSHALL-1**

Contrary to the commenter's observation of increased traffic congestion, with additional traffic attributable to the project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1 will continue to operate at optimal Level of Service "A" as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before project traffic would be added. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14 requires traffic signal installation at Via del Agua and Yorba Linda Boulevard in consultation with the City.

As for specific public benefit, beyond the payment of fees and taxes to support public services and implementation of mitigation measures (such as traffic improvements) identified throughout the Draft EIR, approximately 43% of the project site will be preserved in perpetuity as open space. Development will not occur in this area and there will be no direct maintenance and operations cost to adjacent homeowners.

**RESPONSE MARSHALL-2**

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

**RESPONSE MARSHALL-3**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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**Letter: Miller**

**LINDA AND DALLAS MILLER**

4550 Via Corzo

Yorba Linda, CA 92886 Phone: (714) 695-9778 email: [miller\\_linda@yahoo.com](mailto:miller_linda@yahoo.com)

January 13, 2014

OC Planning Services  
300 North Flower Street  
P.O. Box 4048  
Santa Ana, CA 92702-4048

Attention: Ron Tippetts, Project Planner

Dear Mr. Tippetts:

RE: CIELO VISTA PROJECT CONCERNS

I am writing to you to outline concerns that my husband, Dallas and I have with the above noted proposed project, currently being considered for the Yorba Linda area.

Sir, as you are well aware, this development along with the proposed Esperanza Hills development have embroiled the residents of Yorba Linda. The passion and determination shown by area residents is brought about due to the fact that we, experienced firsthand, the devastating fire of 2008. Unless you were there; panicked, terrified, trapped and desperate, you cannot possibly understand the full catastrophic impact these projects could have on our City.

I have a most interesting fire story that I would like to share with you, so that you can understand where I am coming from. My home is located on the corner of Via Corzo and Alder and my back hillside reaches down to San Antonio. On that fateful day, we were watching the fire creep toward our community from Corona on the television. At one point we went over to Dorinda to see the fires ravaging the Hidden Hills area. We determined right then that we needed to get back to the house to pack a few bags, our valuables and paperwork and get ready for evacuation.

We were afforded approximately 4 minutes before ash started to rain down. The sky went from sunny and blue to grey and orange and ominous peril enveloped our street. Neighbors were fleeing. We saw the hillside across San Antonio catch fire from our back windows and at that point, all level headedness left and we piled into our vehicles.

As I approached the three way stop sign at Alder and San Antonio, I saw the house located at 4660 San Antonio burst into flames. My son screamed. The fire jumped San Antonio and set the hillside beneath our home on fire. There were cars everywhere trying to get out to Yorba Linda Blvd and I made the choice to instead of going south on San Antonio, to go north, UP San Antonio and out the back way. Turns out this decision played a huge part in the fate dealt to us that day.

...../2

You see, one block up on San Antonio we came upon a loaded horse trailer on their way down. I slowed to scream at the driver to turn around as she was driving straight into the flames. She took my advice. But in her panic got stuck making the u turn, now blocking all traffic from going up or coming down San Antonio. The first vehicle that was trying to make his way up San Antonio when it was blocked, immediately turned west onto Alder and south onto my street, Via Corzo. The house next door to me, 4580 Via Corzo was now ablaze and the driver of that vehicle, Mr. Mark Tayler, made a decision that saved our home. Mr. Taylor was in the Yorba Linda area hanging Christmas lights for friends. He was in his company vehicle. He happened to work for OC Fire Prevention. He had firefighting equipment in his truck; including a fire hose and respirator. There was a hydrant on our property. He didn't hesitate and the rest is a miracle.

Four homes in the immediate area of our home burned; three of them to the ground. Mr. Taylor shared with us how scared he was. Two hours into the fight, he realized that if his hose caught fire, he would be a goner. His life flashed before his eyes....but he stayed put, turning around and spraying the homes across the street when burning embers would land. Four hours passed before firefighters actually made their way up our street. And the only reason they were there - because Mr. Taylors wife was terrified he had perished (his cell phone died) and had OC Fire Authority ping his truck GPS to get a location. That location, my address, was passed on to the fire department who made their way to check on him. It was the first fire truck in the area. Not acceptable, but understandable, given the situation.

Mr. Tippetts, this Freeway Complex Fire was an anomaly. Triangle Complex Fire is the more appropriate name for this fire. Catastrophic. Fire in Corona, fire in Yorba Linda, fire in Anaheim Hills, fire in Brea, fire in Chino and fire in Diamond Bar. Tens of thousands of acres burned. Hundreds of buildings and homes lost. Resources including water and firefighters were stretched to their limits and inadequate. People trapped and panicked. What stands out in my memory so vividly was calling my sister in Kansas as we were fleeing. I was crying. I stammered out that we were surrounded by fire and trying to get out and that my home was likely burning. She said "Linda, follow your evacuation plan!! Follow your plan"! To which I responded "our plan is on fire, as is our back up plan, we're just trying to survive"! The silence that followed haunts me to this day.

In summary, here are our concerns:

1. The proposed Cielo Vista development is planned for a high risk fire area. While fire fighting and water issues will always be inadequate in the event of a catastrophe, the safety of the lives of the residents of Yorba Linda will be put in even more danger than what currently exists with the addition of traffic and population. The residents of this development will be further impacted, as there is only one proposed way in and out for them. As evidenced by my story, people panicked. And regardless of fire, earthquake, toxic train derailment; all the preparation in the world by fire and police will be for naught. All it takes is one horse trailer to block their exit.....

2. While Cielo Vista and Esperanza Hills are two separate projects, the Planning Commission must keep both projects in mind, as Esperanza Hills has only one egress and ingress and that has to go through the Cielo Vista area. How on earth can the Planning Commission think that it's acceptable for hundreds of homes to have to enter and exit through one little side street. It's preposterous on all levels, even with fire and earthquake danger aside.

2

3. Actual experience proves that "the best laid plans" cannot be relied upon and adding any new traffic patterns to the current infrastructure is like cramming a square peg into a round hole.

3

What's the solution? I'm not naive. I understand that development is progress. But progress should not be at the expense of others. If the developers want to proceed with these projects, then now is the time to force them to spend the money to upgrade the roadways that are going to be affected. Perhaps they'll have to cut back on their proposed number of lots to make way for wider and additional roadways. Force the Developers to figure out how to work with the terrain to allow the prospective residents of these developments better options for getting in and out. Should these developers not be willing or able to meet your demands, then shut them down. But they cannot be allowed to proceed as currently planned.

4

And as an aside, has anyone actually checked into whether or not homeowners insurance will be available for these new developments? AAA, Mercury, Allstate and Safeco will NOT write insurance on homes within 1500 feet of brush. That pretty much leaves only Non-Admitted Insurance Company options for these residents. If insurance companies see the danger and won't take the risk, why would Orange County?

5

Please Mr. Tippetts, listen to us. Hear us. Help us!

Kind regards,



Linda Miller

cc: Todd Spitzer, Orange County Supervisor  
Shane L. Silsby, Director - OC Public Works



**LETTER: MILLER****Linda and Dallas Miller**

4550 Via Corzo  
Yorba Linda, CA 92886  
(January 13, 2014)

**RESPONSE MILLER-1**

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

**RESPONSE MILLER-2**

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

**RESPONSE MILLER-3**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access. This comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR and therefore, no further response is required.

**RESPONSE MILLER-4**

Please refer to Response Miller-3 above regarding traffic and emergency access. Also, this comment's stated opposition to the Project as currently opposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

This and other new community type projects in the unincorporated area are essentially required to pay for themselves and not burden adjacent jurisdictions and existing residents. Future residents of the project areas will be paying property tax, sales tax, and vehicle license fees which are the primary sources of revenue for the County General Fund which supports the operation of public services. As for service facilities, Draft EIR Chapter 4.0 analyzes Project impacts upon the facilities described by the commenter. Facility fees are paid as required by mitigation measures to ensure adequate police facilities (development impact fee as discussed on page 4.12-13 of Section 4.12, *Public Services*, of the Draft EIR, or proposed mitigation measure requiring an agreement to provide new facilities), school facilities (Mitigation Measure 4.12-3 on page 4.12-15 of the Draft EIR) and fire protection (Mitigation Measure 4.12-1 on page 4.12.13 of the Draft EIR) facilities to accommodate the Project's 112 single family homes. Project related infrastructures including streets, connections to City streets as well as water and sewer lines are paid for by the developer. Street maintenance is provided for by the County General Fund.

In summary, the payment of taxes by future residents for service operations as well as developer facilities fees for new facilities is the approach of all jurisdictions in the County to minimize the impact of new development on adjacent jurisdictions and existing residents.

Other than a traffic signal at Via Del Agua and Yorba Linda Boulevard, the Project does not create traffic impacts which would warrant roadway improvements. With additional traffic attributable to the Project, Aspen Way and San Antonio Road for Planning Area 2 and Via Del Agua for Planning Area 1 will continue to operate at optimal Level of Service "A" as shown on in Table 4.14-8 on page 4.14-33 of Section 4.14, *Traffic/Transportation*, of the Draft EIR. The only exception to this is the intersection of Via Del Agua and Yorba Linda Boulevard which currently operates at an unacceptable Level of Service "F" during the AM peak period without a traffic signal even before Project traffic would be added. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14 requires traffic signal installation at Via Del Agua and Yorba Linda Boulevard in consultation with the City.

#### **RESPONSE MILLER-5**

County staff is unaware of an inability of homeowners in the developed residential areas along the City's existing open space fringe to obtain homeowners insurance. The Draft EIR includes Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements – with all of these mitigation measures addressing fire safety. Project design features are also included on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants. Therefore, the County believes that homeowners in this new community, like the existing open space fringe residential communities, will be able to obtain homeowners insurance. Additionally, and while the commenter's concerns will be provided to the decision makers for review and consideration as part of the decision making process, the possibility that homeowners' insurance will not be available is not an environmental impact requiring analysis or mitigation under CEQA.

Additionally, the Public Services and Facilities Element of the County General Plan places the 1B, Suburban Residential General Plan designation of the project area within the Insurance Services Office (ISO) rating of ISO 3 because the project site is within 0.3 and three miles of two Orange County Fire Authority fire stations, and no project structures will be located 1,000 feet or more from a fire hydrant. The Project consistency analysis at the top of page 4.12-19, of Section 4.12, *Public Services*, details the project features which will make the development "fire safe."

## **Letter: Monroe**

**From:** Bill and Diana Monroe [<mailto:billanddianamonroe@msn.com>]  
**Sent:** Thursday, December 12, 2013 10:28 PM  
**To:** Canning, Kevin  
**Subject:** Environ. Impact Rept.-Esperanza Hls/Cielo Vista Development

Hello Kevin,

We would like to comment on the Esperanza/Cielo Vista Developments.

We witnessed and were affected by the 2008 Freeway Fire, and we wouldn't wish that nightmare on anyone. There are two exit streets leading out of our tract and everyone was praying that their cars would not explode, while they dangerously waited with their families, in bumper to bumper traffic and with flames encompassing them, to reach the bottom of the hill. But, of course, once they got to the bottom of the hill, the streets were so overcrowded that they did not move for what seemed like an eternity. Even fire trucks could not access our development, and many, many other developments in our hills, due to the traffic caused by the mandatory evacuation.

1

As you are aware, approx 125 homes in the area burned to the ground. The home across the street from ours burned to the ground and a home behind us burned to the ground, and many additional homes experienced tremendous fire damage. We personally suffered over \$100,000 in damages. And yet, developers and the County of Orange are turning a blind eye and deaf ear on that very serious and costly disaster. They still are attempting to push and shove it down our throats<sup>1</sup>. Their only interest is the income/revenue a 500 plus development would produce. They would build approximately 500 homes in the hills in some of the same area that was affected by that fire.

2

In addition, we, who live here, cannot even begin to imagine or conceive of how the developers, The City of Yorba and the County of Orange could even remotely consider proceeding with developing these homes, if they seriously take into consideration the risk they would put residences in by building additional homes on the hillsides, knowing full-well that there is a huge concern for the limited ingress and egress should another fire or earthquake hit that area...and they will! Earthquakes are just as concerning and potentially dangerous, as they have the potential to cause fires, which could also force evacuation.

3

And then there is, of course, the tremendous concern for the excessive traffic that would be added to an already overly-crowded area. That's all we need is additional traffic on our already congested surface streets and 91 freeway!!!!

We all know that developers build and then walk away and leave their mess behind. Again, they only are concerned about the money it would make for them, not how homeowners' quality of life would be affected or the fact that they intentionally are putting lives and homes at risk by cramming additional homes into an already crowded area, that does not have the ability to handle the

4

overcrowding and excess traffic it currently is experiencing -- let alone adding another 4,000 plus vehicles traveling the local streets and freeways on a daily basis.

4  
Cont'd

At what cost is enough, enough? Won't someone please stand up to these developers and governmental agencies before it is too late. What government entity or developer, in their right mind, would subject homeowners to this very real risk, and would ever approve and proceed with these developments, as it borders on insanity. Are they really ready to be hit with another huge lawsuit should this development be approved and then afterwards when another disaster hits the area. It is a tremendous liability and a potential disaster-in-the-making.

5

We are letting you know ahead of time that there would be a class action lawsuit filed should these projects proceed, as everyone involved in these projects is well-aware of the risk they are taking should they move forward with this insane proposal.

The Land of Gracious Living is becoming anything but...

***Bill and Diana Monroe***

***Successful Homebuyers Realty, Inc.***

***5220 Avenida De Kristine, Yorba Linda, CA 92887***



**LETTER: MONROE****Bill and Diana Monroe**

5220 Avenida De Kristine  
Yorba Linda, CA 92887  
(December 12, 2013)

**RESPONSE MONROE-1**

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

**RESPONSE MONROE-2**

The County's decision-making process will consider the adequacy of fire protection through the Project's proposed Mitigation Measures 4.7-7 through 4.7-11 on pages 4.7-34 and 4.7-35 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR addressing fuel modification, residential fire sprinklers, roadway design ensuring safe ingress and egress, and fire flow requirements and Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, addressing fire facility capital improvements. Project design features to be considered include those on page 4.7-35 addressing the preparation of a fire protection plan, fire resistant construction, smoke detectors, fire resistant landscaping, fuel modification, and spacing of fire hydrants.

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

**RESPONSE MONROE-3**

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

**RESPONSE MONROE-4**

This comment expresses concern regarding the traffic that would be added by the project. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE MONROE-5**

Please refer to Response Monroe-2.

The potential for litigation in response to Project approval, should the County approve the proposed Project, is acknowledged.

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**Letter: Murphy**

**Tippets, Ron**

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**From:** Carla Murphy <carmurf@pacbell.net>  
**Sent:** Friday, December 13, 2013 2:39 PM  
**To:** Tippets, Ron; Canning, Kevin  
**Subject:** new development

My family and I are very much opposed to the additional homes and development. We are original owners and were at our current address when the fires hit and it was extremely stressful to wonder if my husband had been able to get out. I took the first group of children and pets and took nothing from my home. The streets were totally stopped and blocked and it was by the grace of God that the fire did not overtake all those that were sitting still on San Antonio Road. This is going to be a huge increase in traffic and in an emergency I can not even imagine what would have happened with 112-340 additional homeowners trying to get out. For this reason we are opposed to this new construction. There are already additional homes being occupied near Fairmont which is the only upward access.  
Thank you.

Carla and Mark Murphy and family  
21295 Clear Haven Dr.  
Yorba Linda CA92886



**LETTER: MURPHY**

**Carla and Mark Murphy and Family**

21295 Clear Haven Drive

Yorba Linda, CA 92886

(December 13, 2013)

**RESPONSE MURPHY-1**

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

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## **Letter: Nakayama**

**From:** Ted Nakayama [<mailto:tednakayama@me.com>]

**Sent:** Monday, January 06, 2014 9:06 AM

**To:** Tippetts, Ron

**Cc:** Bridgett ♥

**Subject:** Cielo Vista Project Draft Environmental Impact Report comment

Dear Mr. Tippetts,

My name is Ted Nakayama and we live at 4465 San Antonio Road, Yorba Linda CA 92886.

We are one of the homes that were lost in the Freeway Complex fire on Nov. 15<sup>th</sup>, 2008.

We strongly vote against adding these new homes at Cielo Vista Project for the main reason of San Antonio Road cannot absorb additional traffic coming down the street to get out to Yorba Linda Blvd.

It is hard enough now to turn on San Antonio Road now with so many cars coming down the hill to get to Yorba Linda Blvd on normal days during traffic hours.

I, myself thought I was going to die stuck on San Antonio Road on that day of the fire. As fire approached behind the east side homes of San Antonio, I made a right on San Antonio from our drive way to try to escape via Yorba Linda Blvd. As I approached Alder which is the first stop sign before Yorba Linda Blvd, I realized the traffic is completely back up on San Antonio because Yorba Linda Blvd was backed up and not moving. I sat still in the traffic in dark smoke around me, I saw a fire on the left side of the Street hop over the cars in front of me and landed on the hill on the right side of the San Antonio and ignited and fire raced up the hill toward the houses on the top of the hill. I imagined myself getting burned to death right there, I made a split second decision to turn the car around and go back up San Antonio Rd and I was able to escape from Fairmont St. At that time I realized a few of the cars behind me followed me out as well.

There is no way San Antonio can handle additional 500 + homes which could easily have 1000 more cars without causing major traffic on the street.

Next time we have another fire in the area like the one we had, someone will die getting stuck on San Antonio Road because they cannot get out.

Yorba Linda Blvd. will become a parking lot and therefore no one from San Antonio could get out and traffic will be backed up all the way to Aspen.

Last fire happened on Saturday. Can you imagine what could happen on weekday during rush hours and 1000 more cars from the new development try to get out at the same time?

If the development must happen, developer needs to figure out a way to make Esperanza Rd the only access Road to the new development. Esperanza Road never ever have any traffic and it is a straight shot to Imperial Hwy to hop on the freeway which makes it an easy route to escape in case of another fire.

Thank you for listening my story and I am available anytime if you would like to speak to me.

Sincerely,

Ted Nakayama

4465 San Antonio Road

Yorba Linda, Ca 92886



**LETTER: NAKAYAMA**

Ted Nakayama  
4465 San Antonio Road  
Yorba Linda, CA 92886  
(January 6, 2014)

**RESPONSE NAKAYAMA-1**

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

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## Letter: Newman

Mr. Tippetts

Draft EIR – Cielo Vista Project

Comment request: 1/22/2014

### **This project should not be built as described in the Draft EIR.**

**This EIR needs to be combined with all the adjoining projects proposed in the nearby area.** It is obvious that the developers are trying to pull a fast one over the local residents in staggering the request submittals and rushing comments during the holiday period. This creates a trust issue. All the projects need to be reviewed together as one combined environmental impact.

1

We are hearing that there are multiple developments of 500 homes. This area cannot absorb them for reasons stated by this memo and comments from the general population living in the area.

It will negatively affect my family's life style and my neighbors as well.

2

**Prices of our San Antonio property will decrease** and I will have difficulty selling, now that this development is being proposed, as well as others planned.

San Antonio Road is already heavily travelled and making the traffic light in one or two cycles is impossible on school / work mornings.

3

**There continues to be excessive speed on San Antonio and high traffic noise.** I cannot open my front windows without the constant sound of traffic traversing up and down the street and interrupting conversation and television viewing. Therefore instead of naturally cooling our home, I turn on the Air Conditioner; another negative environmental impact.

4

Backing out of our driveway continues to be a challenge for the 14 homes along San Antonio and nothing is mentioned in the EIR about traffic control mediation for San Antonio, except add to the problem with more homes and cars.

5

Yorba Linda Blvd. in the evenings is highly congested leaving the 91 Freeway.

On weekends, we can hardly get to Costco, Savi Ranch, and Home Depot. Adding 500 homes doesn't help the traffic situation.

**San Antonio Rd. leads right into a Santa Ana driven fire and that will not change, due to the geographic terrain and wind tunnel effect in the canyon. Why are we adding more cars to an already congested exit from an emergency?** In the 2008 fire, I found the only way out was by going up to Fairmont, since flames were blowing across the road at the lower part. The smoke was so thick on San Antonio that it was like a heavy foggy day with intense fire and heat. I could not even see the median islands recently installed for speed control and had to turn around to get out. This is setting the residents up for a death wish.

6

During a fire, there was a discussion in one of the EIR review meetings about getting residents out and keeping residents from getting back in. This was a sheriff solution to moving traffic. We were lucky that the fire occurred in early afternoon on a Saturday. The scenario would be quite different had it occurred on a work and school day. Residents need to be able to retrieve their family, kids, and pets, so they need a safe way back in to do this. We were so lucky that there wasn't a loss of life. The thought process is incomplete on the proposed remediation.

6

Cont'd

On the day of the fire, the fire station was empty as they were miles away fighting the fire. All fire protection for our area was from outside the area. We were not given any fire help and I was left to fight off the fire myself as my neighbor's home burnt to the ground. There must have been over 50+ fire trucks that went up the street and none stopped to help us fight the fires on our properties. A few neighbors and I were up over 24 hours with garden hoses that had only a few pounds of pressure.

**The fire hydrants are on the wrong side of San Antonio Rd. to fight off a fire. If this is going to be an egress, then how are the cars going to travel over the fire hoses from the hydrants to the trucks?**

7

There is nothing in the EIR that discusses how San Antonio homes are to be protected, when cars, and now more cars, are going down the hill, and fire equipment is coming up the hill with fire hoses strung across the road to the hydrant.

I am also concerned about the loss of our wildlife population and natural rural settings, in addition to endangering protected birds found in the canyon area behind our home.

8

Travis Ranch Elementary and Middle School are already overcrowded in class rooms. Everyone has to drop off and pick up children, as the bus system was done away with years ago. This creates heavy traffic and contributes to pollution. Nothing is mentioned in the EIR about the additional school trips with new homes built.

9

The traffic study was very light. Was it done on only one day on a school holiday?

10

**The developers need to build roads directly to Fairmont and Esperanza Roads to:**

- 1) Provide travel away from the path of a fire with winds.**
- 2) Alleviate the traffic jams on Yorba Linda Blvd.**
- 3) Get the traffic off over crowded neighborhood residential roads.**

11

**The only one benefitting is the developer, who doesn't live in the area.**

Thanks for the opportunity to comment.

I can be reached by telephone if clarification is needed.

Ken Newman

4580 San Antonio Rd.  
Yorba Linda, CA 92886  
562-676-6176

**LETTER: NEWMAN****Ken Newman**

4580 San Antonio Road  
Yorba Linda, CA 92886  
(January 22, 2014)

**RESPONSE NEWMAN-1**

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

**RESPONSE NEWMAN-2**

The commenter should note that the area to the east of the City in the unincorporated County has been and is planned for suburban residential development and open space. This is an area located in the unincorporated County where the General Plan Land Use Element designation of "1B" allows for a residential density range of 0.5 to 18 dwelling units per acre. The City's General Plan Land Use Element designation for this area is Low Density residential allowing up to one dwelling unit per acre with a maximum of 536 dwelling units. Both General Plans envision this area for single family homes. To the extent that residential development is permitted, the hillside areas immediately east of the City are planned for development and will take on a different character from the present setting with a new single family community which is planned for compatibility with the existing homes in the area. Therefore, development of single family homes in this area, as permitted by the General Plans of the respective jurisdictions, should not have an adverse impact on existing residents as their neighbors will be the same as they themselves who purchased new homes in the eastern fringes of the City when those homes to the west of the project site were constructed.

Moreover, the Final EIR includes a new alternative – the Modified Planning Area 1 Only Alternative (Alternative 5) – which is consistent with the Yorba Linda General Plan, particularly the density restrictions. This alternative was determined to be the environmentally superior alternative, and may be adopted by the County Board of Supervisors.

Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

**RESPONSE NEWMAN-3**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the intersection of San Antonio Road and Yorba Linda Boulevard, the intersection currently operates at a level of service (LOS) A. This LOS level is indicative of little or no delays, as shown in Table 4.14-2 on page 4.14-14 of the Draft EIR. Under future conditions with the Project, the intersection would continue to operate at LOS A. Accordingly, less than significant impacts would occur at this intersection.

**RESPONSE NEWMAN-4**

The Draft EIR addressed operational traffic noise impacts in Section 4.10, *Noise*, with supporting data provided in Appendix I of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

**RESPONSE NEWMAN-5**

The Draft EIR addressed traffic impacts, including impacts along Yorba Linda Boulevard, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Also, through the scoping process, the City of Yorba Linda did not request that traffic calming be addressed as part of the traffic study. Furthermore, the Project's traffic alone does not warrant a traffic calming analysis as the Project is anticipated to contribute less than 100 peak hour trips to San Antonio Road. As demonstrated in the Project's traffic study, the addition of Project traffic is not anticipated to result in any deficiencies, with the exception of the intersection of Via del Agua at Yorba Linda Boulevard which is currently operating at deficient LOS during the peak hours. The Draft EIR prescribed Mitigation Measure 4.14-2 requiring a traffic signal to be installed at this intersection, which would improve the operating condition at this intersection to an acceptable level based on City and County standards. It is important to recognize that traffic calming measures are intended to slow vehicles and consequently also result in reduced traffic capacity.

**RESPONSE NEWMAN-6**

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

**RESPONSE NEWMAN-7**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE NEWMAN-8**

The Draft EIR addressed impacts on biological resources, including impacts to common and sensitive wildlife species, in Section 4.3, *Biological Resources*, with supporting data provided in Appendix C of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE NEWMAN-9**

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Also, the Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the

Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analysis. As concluded in Section 4.14, construction-related and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

In addition, the Draft EIR addressed operational air quality impacts in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant.

**RESPONSE NEWMAN-10**

Please refer to Response Newman-9, above.

**RESPONSE NEWMAN-11**

The Draft EIR addressed traffic impacts, including impacts on Yorba Linda Boulevard, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. As the study area intersections were found to operate at acceptable service levels, based on City and County standards, under future with Project conditions, no new roads beyond those proposed by the Project are necessary. Please also refer to Topical Response 3 regarding emergency access.

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**Letter: Paul**

January 21, 2014

Mr. Ron Tippets  
OC Planning Contract Planner  
300 N. Flower St.  
Santa Ana, California 92702-4048

**RE: Cielo Vista Project**

**Letter is 4 Pages including map & Notebook containing pictures, reports, articles, misc.**

The primary area of concern regarding any and all residential developments in any of the proposed developments (Cielo Vista, Esperanza Hills, Bridal Hills, and Yorba Linda LLC) is first and foremost – **PUBLIC SAFETY** and the very real risk of **LOSS OF LIFE** any additional homes would bring to the existing residents of Yorba Linda, as well as futures residents.

We feel it's important NOT to look at these developments as a standalone project, when they ALL will rely on the same streets and roads for evacuation. These proposed developments, cumulatively, would add over 500 new homes that will burden the same residential streets that proved over capacity in the 2008 Freeway Complex Fire for evacuations that were both chaotic and sporadic, since there was never an alert to evacuate "at once" put in place and that there were no pre-existing evacuation plans made by the city.

There are no new proposed streets for entering or exiting these projects, and the major arterial streets throughout the city are the same as in November of 2008 during the evacuations. **All of these proposed developments SIT BEHIND TWO SMALL RESIDENTIAL STREETS, at the very top of the hill, and require all future residents to enter and exit off of these two streets, in addition to the existing residents using them as well.**

The DEIR is required to specifically address how the existing, limited street system, will or will not function in another wildfire event. If the system will not function, and I see no reason to believe it would, either new streets need to be added or new homes should not be built.

In 2008, on a Saturday, the fires moved at an alarming rate, 100 feet per minute, and embers carried over a mile and a half during the firestorm, with random house's turning into infernos all at once throughout multiple neighborhoods. Thousands needed to evacuate immediately, many leaving with just the clothes they had on.

Schools, such as Bryant Ranch, Travis Elementary/Jr High, St. Francis Elementary, Kindercare, as well as a senior apartment complex, were affected by the fire in a very small window of time on that Saturday, November 15, 2008, as reported in the After Report by the city. At 10:57 reports of fire at Bryant Ranch Elementary (pg 46), and by 1:17 homes had already burned on streets off Stonehaven and emergency crews, upon arriving, called for help indicating homes burning and "large chunks dropping on houses" and people trapped (pg 49) At 1:33 Emergency response indicated fire at St Francis School. (Please refer to the map following this letter).

**Assuming the exact same conditions repeated itself on a WEEKDAY, instead of a SATURDAY, I would like the following questions to be addressed and answered, since this issue was NOT ADDRESSED in the EIR:**

- What would the evacuation procedure be for Bryant Ranch elementary (691 students), Travis Ranch Elementary/Jr High (1371 Students), St Francis of Assisi Catholic School (475 students), Kindercare (65 very small children all requiring car seats), and Vintage at Stonehaven (a senior low income apartment complex, 350 residents, most who do not drive, and may need extra physical assistance)
- How exactly would these 2,693 children be evacuated?
- Where will they go and who will take them home?
- Many of the small children need car seat type equipment, will such equipment be available? Will buses be available to service these many children at one time?
- How will communication to the parents of these children be handled?
- If the evacuation plan calls for only outgoing traffic, because Yorba Linda arterial streets cannot support any incoming traffic except for emergency vehicles, how would the city handle the thousands of parents desperately trying to get back INTO the evacuated neighborhoods to find, or get information about their child? And that's assuming just ONE parent is trying to get to their child.
- How would you avoid the incoming cars trying to get to the schools, when that was not an issue on Saturday, November 15, 2008?
- How would you avoid the probable chaos with people trying to exit the city as well as desperate parents trying to get INTO the city with emotions running even higher?
- How will the evacuation plan be implemented if the orders come immediately before school starts or immediately after, with hundreds of school age children walking to or from school?
- How long will it take to conduct the evacuations? What are the chances of delays occurring affecting any time estimates? What are the time scenarios for when a fire will reach housing? How much warning time will there be of an approaching fire? When will there be insufficient time to evacuate? Who will make the decision and will they have plans in place to know when it is too late to evacuate?
- If children are removed and taken to a different location, who would determine who the child could be released to? And if that person is allowed to take custody of that child?
- Who would help the seniors living in the low cost apartment complex evacuate?
- If there are wildfires burning in other areas in the County or elsewhere in California, will there be Firefighting and Sheriff Personnel available to assist in evacuations?

**FIRES OR EARTHQUAKES - OR FIRES FROM EARTHQUAKES and how it relates to Gas Lines that are adjacent to the proposed development with only two ingress and egress points:**

- If there is a mandatory evacuation in the neighborhood of the proposed development from a wildfire, or fire resulting from an earthquake, what would the evacuation route be if one, of the only two ingress or egress openings, are blocked and unable to be accessed, either by fire, quake damage, or possible gas explosion?

4

**The State of California is now under a drought emergency plan declared by the Governor. Because of mandatory requirements to reduce water use, I am asking the following:**

- The EIR does not take into consideration reduced rainfall, water supply and reduced water usage due to drought conditions. Since dry hillsides played a part contributing the firestorm in November 2008, due to city's mandatory restriction against watering slopes for fear of further land movement, the EIR needs to fully analyze what impacts reduced rainfall and water supplies will have on vegetation, both inside and outside of buffer areas.
- How will reduced mandatory water usage impact any wildfires, small or large? Does dryer slopes result in how a fire reacts? Or how fast it spreads?
- How will the reduced rainfall impact water supply to fight fires?
- What measures will be put in place during a mandatory water use reduction usage to prevent the occurrence and spread of wildfires?

5

The DIER is remarkably insufficient in addressing these and other related wildfire prevention, wildfire fighting, and evacuation challenges. It needs to be revised and recirculated.

Danny and Kim Paul  
4820 Stonehaven Drive  
Yorba Linda, Ca 92887  
714-244-5341  
Kimjpaul@aol.com



**LETTER: PAUL****Danny and Kim Paul**

4820 Stonehaven Drive  
Yorba Linda, CA 92887  
(January 21, 2014)

**RESPONSE PAUL-1**

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

**RESPONSE PAUL-2**

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

**RESPONSE PAUL-3**

This comment includes numerous evacuation and fire-related questions pertaining to off-site areas and facilities. These questions do not constitute comments on the analysis contained in the Draft EIR, which require clarification or revised analysis in the Draft EIR. Thus, no further response is necessary. Nonetheless, it is acknowledged that each school, senior complex, and the like, have their evacuation procedures that are not related to the Project. Please refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE PAUL-4**

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

**RESPONSE PAUL-5**

The Draft EIR addressed water supply impacts in Section 4.15, *Utilities and Service Systems*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, water supply impacts would be less than significant. The analysis in the Draft EIR acknowledges the potential for multiple dry year scenarios. While it is speculative to predict the severity of future drought conditions, the Yorba Linda Water District (YLWD) has a Water Conservation Ordinance in place to impose water restrictions during drought conditions, as described below.

It is acknowledged that California has experienced several years of drought-level conditions, including a drought on the Colorado River. Governor Brown in January 2014 declared a State of Emergency due to Drought Conditions, which prompted the Metropolitan Water District of Southern California (MWD) to declare a Water Supply Alert condition to its 26 member agencies and the 19 million people they serve in six counties. YLWD has a Water Conservation Ordinance that would impose various water use restrictions



depending on the severity of drought conditions.<sup>12</sup> The ordinance consists of permanent year-round restrictions, focused on the prevention of water waste, and four “Water Supply Shortage” stages. These stages would have increasing restrictions on water use in order to allow YLWD to meet all health and safety guidelines in the face of water shortages. While the permanent restrictions would be in effect all the time, the YLWD would change from stage to stage based on MWD’s declared “water condition alert.” As the wholesaler of imported water, MWD not only directly affects approximately 50% of YLWD’s water supply, but as they provide “replenishment water” to the Orange County Ground basin, MWD Alert stages also affect the groundwater half of YLWD’s water supply.

As MWD changes Alert stages, the YLWD will automatically change its Water Supply Shortage Stage. The YLWD Board of Directors may also change the Stage in the event of a local supply restriction that may or may not cause MWD to change its Alert stage. All Stages include the Permanent Water Restrictions. The stages are summarized below:

- **Stage 0:** No specific restrictions. Permanent restrictions remain in effect.
- **Stage 1:** Minimum Water Shortage - Reduce Usage by up to 10%.
- **Stage 2:** Moderate Water Shortage- Reduce Usage by 10%-20%.
- **Stage 3:** Severe Water Shortage- Reduce Usage by 20%-35%.
- **Stage 4:** Critical Water Shortage- Reduce Usage by more than 35%.

Based on YLWD’s water supply forecasts provided in its Urban Water Management Plan (UWMP), as discussed in Section 4.15 of the Draft EIR, and with implementation of YLWD policies and water conservation efforts during drought conditions, water supply impacts would be less than significant.

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<sup>12</sup> Yorba Linda Water District website, <https://www.ylwd.com/> Accessed September 12, 2014.

## **Letter: Pecora**

**From:** Wayne Pecora [<mailto:mrpeck2001@yahoo.com>]

**Sent:** Tuesday, January 14, 2014 6:58 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista project Draft Environmental Impact Report (DEIR)

Please accept this communication outlining my wife's, and my total opposition to the building of these two housing developments.

We've lived in Yorba Linda for over 12 years and reside in the area directly impacted by this proposed expansion and development. We lived here during the recent Freeway Fire and can personally attest to the fact that it was very hard to evacuate our neighborhood. Traffic was impossible on the feeder roads onto Yorba Linda Boulevard, and that road was a virtual parking lot. What would happen with hundreds (thousands) of additional cars?

1

In addition, our ongoing and current water pressure continues to fluctuate on a daily basis and appears to be much less than when we moved here. What is the potential negative impact on our water supply with the hundred of additional homes and thousands of additional residents? Could we fight the next fire?

2

Also, what's the potential negative impact on the environment, the lifestyle of current residents and their safety?

3

There continues to be significant, positive property development in Yorba Linda. But the location of these homes would make the complete survival of their residents in the next fire very doubtful. I believe their development would also greatly expand and increase the risk to my family, my neighbors and our properties in the next natural disaster --> wildfire, earthquake, ??

Please join the vast majority of residents in this area and oppose the development of these houses in this part of Orange County.

Regards,

Wayne & Lois Pecora

6000 Rockhampton CT

Yorba Linda, CA 92887





**LETTER: PECORA****Wayne and Lois Pecora**

6000 Rockhampton Court

(January 14, 2014)

**RESPONSE PECORA-1**

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

**RESPONSE PECORA-2**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

**RESPONSE PECORA-3**

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts is that the Project's impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will create a negative impact on the environment and thereby on lifestyle and public safety when Project impacts as defined by CEQA will be less than significant. Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

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## Letter: Ramocinski

**From:** [docramo@aol.com](mailto:docramo@aol.com) [<mailto:docramo@aol.com>]

**Sent:** Monday, January 20, 2014 2:22 PM

**To:** Tippetts, Ron

**Subject:** Cielo Sage EIR

OC Planning,

attn. Ron Tippetts

1. I feel the soils and Geo Technical area failed to address the eminent position of the development to the active Whittier Fault.

1

This fault has produced recent earthquakes with millions in damages. Are you sure building as close as you recommend will be safe?

Moving tens of thousands cubic yards of dirt.....and less than significant impact...REALLY!!!

2

2. On the supply of utilities, especially water, I feel extremely strong that before any certificate of occupancy is issued, the ENTIRE water system should be tested and certified to its ability to meet the current acceptable Cal Fire standard of Appendix B.

This testing should take place with YLWD, OCFA, COUNTY REPRESENTATION, and OUTSIDE INDEPENDENT AGENCY!!!

3

No occupancy until this critical test is verified.....PERIOD.

Given the past history of the Hidden Hills failed water system during the Freeway Complex Fire and lack of ever meeting the minimum standard prior to the fire, and multiple developers, this should be obvious for public safety.

Even after the Freeway Complex Fire, permits were issued to build and occupy, the system still failed to meet water availability studies.

3. Lastly the DEIR fails to address potential liability if the project causes unforeseen losses due to faulty analysis in the DEIR

Will the county bear the consequences?

4

Will the City of Yorba Linda if the area is annexed?

Ultimately it will be the residents of the project and the citizens of this community.

We don't need this exposure.

Thank You

David Ramocinski

22865 Hidden Hills Rd.

Yorba Linda, Ca



**LETTER: RAMOCINSKI****David Ramocinski**

22865 Hidden Hills Road  
Yorba Linda, CA  
(January 20, 2014)

**RESPONSE RAMOCINSKI-1**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE RAMOCINSKI-2**

The Draft EIR addressed geology and soil impacts in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding geology/soils.

**RESPONSE RAMOCINSKI-3**

Please refer to Topical Response 2 for a detailed discussion of the Project's water supply infrastructure. This comment also states that before any certificate of occupancy is issued, the entire water system should be tested and certified to its ability to meet the current acceptable standards. The proposed water system would be tested by the YLWD and OCFA as required by applicable regulatory requirements prior to certificates of occupancy. These agencies would ensure the water system operates and meets the required fire flows to serve the Project. This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE RAMOCINSKI-4**

This is a comment on future liability due to future unforeseen losses. The County cannot speculate as to the circumstance that may pertain to these issues, which are beyond the scope of the EIR. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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## Letter: Rehmeier

From: Sharon & Ted Rehmeier  
4795 Via De La Roca  
Yorba Linda, CA 92887-1816  
Home: (714) 777-6818; Cell: (714) 323-4101  
Email: [ssrehmeier@gmail.com](mailto:ssrehmeier@gmail.com)

Date: January 20, 2014

**SUBJECT: CIELO VISTA DRAFT EIR—SECTION 4.12 PUBLIC SERVICES**

### **OVERVIEW:**

- The Public Services section—Section 4.12-- of the Cielo Vista DEIR falls far short of providing a thorough, objective analysis of the proposed Project's likely impacts on public services and public safety. Anyone who lived in Yorba Linda during the 2008 "Freeway Complex Fire" knows all too well that **public safety in hillside areas** is not just a theoretical concern. It's a very tangible issue that **has real impacts on real people in our community**. In light of Yorba Linda's heightened sensitivity to this issue, it is especially disappointing that **the DEIR fails to meaningfully evaluate and fully disclose the potential threats associated with this high-risk development located in Very High Wildfire Hazard Severity Zone (VHFHSZ)**.
- Overall, the Cielo Vista DEIR lacks a genuine quantitative analysis of public services and instead relies on generalities, unsubstantiated assumptions and vague mitigation measures. Whereas public safety impacts can be readily quantified in terms that the general public and the County's decision makers can clearly understand, the DEIR fails to do this. Specifically, the DEIR avoids quantitatively answering the critical question, **"How will the response feasibility of public safety agencies—notably, Orange County Fire Authority and Orange County Sheriff Department—be impacted by this Project for evacuating residents living in close proximity to the Project during wildfire events and earthquakes?"**

The well documented data on the 2008 Freeway Complex Wildfire that swept through the entire Project area—as well as that of the other proposed Project, Esperanza Hills-- shows that the Wildfire destroyed 76 homes within a half a mile of the Project site. Gigantic walls of flames, seen in a multitude of photographs and videos from that 2008 wildfire are forever embedded in ours and our neighbors' memories. Memories are still vivid of the intense heat, the wind-blown debris, smoke, ash, and soot, as flaming embers rained down on adjacent Yorba Linda neighborhoods at 60 mph, the rate the fast moving Santa Anas traveled that Saturday, Nov. 15, 2008.

## QUESTIONS:

- **How will public service agencies-- OCFA and OCSD-- be impacted when the next Wildfire or Earthquake occurs?** As pointed out by OCFA at the 5<sup>th</sup> Anniversary of the Freeway Fire, "It's not a question of 'IF' it will occur, but 'WHEN'!" 3
- How can Orange County's Planning Commission and Board of Supervisors make a responsible decision on this project without getting an answer to this basic question, and understanding the degree to which the project would put existing residents in jeopardy? 4
- How will the response time and effectiveness of OCFA and OCSD be impacted by the addition of more residents in the Project area as earthquakes and Wildfires driven by 60 mph Santa Anas whip through the Project yet again? This information needs to be collected and scrutinized. 5

In addition to failing to provide a quantitative assessment of *future* response times, the DEIR even **fails to provide good baseline data indicating existing response times for these agencies.** Without the analysis of this data--which should be readily available from public records---it makes it impossible to understand potential impacts on the existing homes, plus the addition of the Project's proposed 112 houses. 6

The **four most significant concerns** regarding the Public Services section of the DEIR are summarized as follows:

**1. *Wildfire service impacts are understated.*** Although the DEIR correctly acknowledges that Cielo Vista is a high-risk project by virtue of its location within a Very High Wildfire Severity Zone – VHFHSZ), its unsupportable conclusions regarding potential impacts to fire safety and fire protection services seem to ignore the project's VHFHSZ status. In particular, the following deficiencies in the DEIR's analysis of fire protection services are noted: 7

- a. The DEIR (page 4.12-3) indicates that the OCFA guidelines for development within VHFHSZ's are currently being revised and are identified as "Expired" on the OCFA website. Yet, the DEIR fails to explain when these guidelines will be updated, pending their adoption, and what they are likely to say about how the development can safely proceed in the meantime, pending their adoption.. 8
- b. The DEIR (page 4.12-5) indicates that **OCFA's goal for response time is to have the first engine on the scene within seven minutes and 20 seconds from the** 9



receipt of a call. The DEIR then states that the response travel time to Cielo Vista is estimated at three minutes. This is an incorrect and misleading comparison. Travel time and response time are two very different things. While an engine might be able respond within three minutes under ordinary circumstances, but when it most matters – **during an extraordinary event such as the Freeway Complex Fire of 2008– response times may far exceed the goal of seven minutes and 20 seconds (although it’s impossible for a reader of the DEIR to know, since the DEIR neglects to discuss response times during a major fire event).**

9

Cont’d

Also on page 4.12-5, the DEIR indicates that the fire stations that would serve the proposed project respond to approximately four service calls per day “on average,” presumably implying that these stations have plenty of capacity to respond to additional calls from the proposed project. Again, however, it’s not the “average” circumstance that is the most significant concern. **The real issue that needs to be evaluated (and which the DEIR fails to evaluate) is how this project would alter OCFA’s response times during a major wildfire.** Frequently, in a wildfire situation, there are multiple wildfires, and with OCFA and OCPD participating in mutual aid agreements, especially with surrounding area Fire Departments, how does that impact our local public service personnel who might otherwise be available to serve the Yorba Linda Project area? With mutual aid agreements among cities and counties, local **firefighters** can easily be called elsewhere during a major wildfire, especially since Santa Ana wind conditions drive wildfires as fast as the wind itself can blow. In effect, during a major wildfire the proposed project would be “competing” with existing residents for fire protection resources, with the potential for significantly worsened response times, as demonstrated in the Nov. 15, 2008 Freeway Complex Wildfire. What happens to the residents of this 112 house Project if they either can’t or won’t “shelter in place”? Who will be there to aid them? **The DEIR’s failure to evaluate response times during a major wildfire event is a fatal flaw in the overall document.**

10

Furthermore, with regard to access to the hillside during a wildfire, there would need to be serious changes to Via Del Agua and Stonehaven, far beyond simply adding a traffic signal at Via Del Agua and Yorba Linda Blvd. With major egress/ingress to the Project at the intersection of Stonehaven and Via Del Agua, evacuation from the Project, and Esperanza Hills, plus emergency egress from Hidden Hills in an emergency situation, will be life threatening. During the 2008 wildfire, traffic evacuated existing homes down Stonehaven and Via Del Agua to Yorba Linda Blvd., and they evacuated with

11

<p>three cars abreast on the winding, narrow two-lane roads. There were no Fire responders until Sunday night, November 16, 2008, 36 hours later, well after the fire was over. They were checking gas leaks on properties adjacent to our neighbor's home which had burned to the ground and his gas line too. What are the issues with methane gas leaks if it's being collected and transported out of the area? How does this impact public health and safety? But even if a fire truck had tried to access Via Del Agua or Stonehaven during the height of the flaming inferno, it couldn't have done so because of the traffic pouring downhill 3 abreast. To "shelter in place" in supposedly "fire safe" houses is not an acceptable alternative for this Project, given the project's location within this Very High Risk Fire Hazard Zone subject to the Whittier Earthquake Fault line. Who is going to "make" someone stay and shelter in place? What happens if they stay, and then become afraid and then try to evacuate? What's going to happen? Who will be there to help?</p>	<p>11 Cont'd</p>
	<p>12</p>
	<p>13</p>
<p>c. On page 4.12-10, the DEIR states that "the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services <u>on a daily or annual basis.</u>" Again, it's not the average impact of the course of year that really matters, but the impacts during a major event lasting perhaps just a few hours. How do concurrent multiple wildfires in the County or in Southern California impact the response effectiveness, as well as evacuation scenarios? The need to alter response times during an extraordinary event is the real "incremental" impact of this project, and the DEIR fails to adequately address this fundamental issue. Example: It took nearly 36 hours after the Nov. 15, 2008 Freeway Complex Wildfire before any OCFA trucks or personnel came to check for damaged gas lines or other major fire-related issues in four house cul de sac adjacent to the Project—this in spite of the fact that on of the two fire stations cited in the DEIR is located just a short distance from the County hillside Project. What are the problems of fighting wildfires with multiple regional wildfires, and what is the effect of this issue on the effectiveness of OCFA and OCPD personnel?</p>	<p>14</p>
	<p>15</p>
<p>d. The DEIR (pages 4.12-11 and 4.12-12) discusses the OCFA's Freeway Complex Wildfire After Action Report (released in 2009), but does not fully explain how the recommendations from this report have (or have not) been implemented. From the DEIR's rather disjointed discussion of this report, it's unclear how its recommendations may help to minimize damage incurred during the next major</p>	<p>16</p>

wildfire event. As OCFA officials pointed out at the Yorba Linda City Event commemorating the 5<sup>th</sup> Anniversary of the 2008 Freeway Complex Wildfire, “It’s not a question of ‘if’ but ‘when’ the next wildfire roars through” this County Hillside. There is historical documentation of the hill being a wildfire prone area. See [www.hillsforeveryone.org](http://www.hillsforeveryone.org) for the historical fire study records for this Project area (published in 2012): “A 100 YEAR HISTORY OF WILDFIRES NEAR CHINO HILLS STATE PARK” (ATTACHMENT A) states on p. 1: “Though fires are a natural part of the ecosystem, there is nothing natural about the size and frequency of the fires destroying our wildlands year after year.” This fire study focuses on the period from 1914-2011, and the published data (pp.24-33) shows that only 2 fires were caused by lightning; all the rest in the 100 year history were caused by man.

16  
Cont’d

- e. On page 4.12-11, the DEIR makes the claim that “existing single-family residences to the west and south of the Project site would gain increased protection from the spread of wildfire [presumably due to the proposed project acting as a barrier between existing development and wildland areas]. As such, the Project would reduce the threat of wildland fires to people and structures in the project vicinity and thus lessen the potential demand for fire services needed in the event of a wildland fire.” **This argument is not substantiated by evidence, and it ignores spreading mechanisms, such as embers igniting vegetation.** It needs further analysis before being presented as a key conclusion of the DEIR. We note that during the Freeway Complex Wildfire, damage to structures was not limited to homes on the edge of the urban/wildland interface. Some homes in “interior” locations (several blocks from wildland areas) were lost. In fact, 76 houses burned within a ½ mile of the proposed Cielo Vista Project site. Furthermore, with five active oil wells, one abandoned oil well, and one inactive well, the potential for methane gas explosions runs high in this Project. Also an active earthquake fault—the Whittier Fault line-- runs through the Project, and the impact of this and the issues of Fracking off Dorinda Rd. and San Antonio Rd., close to the Project, need further study. Further studies are needed on adding additional houses to a known and VERY HIGH RISK WILDFIRE ZONE! Who will provide homeowners’ insurance for the folks who might unwittingly buy into this Project?

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- f. Page 4.12-11 also refers to OCFA’s **mutual aid agreements** as a means of increasing response capacity to a major wildfire event. However, virtually all fire

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protection agencies in California have mutual aid agreements. While they can be an important part of a local agency’s overall capacity to respond to fires, they do not specifically address the unique impacts associated with a high risk project such as Cielo Vista. What will be the effect locally when our local personnel are going elsewhere to fight multiple wildfires under regional and Southern California mutual aid agreements?

19  
Cont’d

- g. The DEIR (on page 4.12-13) presents a total of only two mitigation measures related to fire protection services, and these are very generic. (4.12-1 and 4.12-2 are mitigation measures that could be offered for almost any project anywhere in Orange County. They do not reflect the unique risks associated with this project’s VHFHSZ status. (4.12-1) states that “Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the project site.” How does this mitigate any potential risks to this Project to existing homeowners or to future home buyers? Mitigation (4.12-2) states: “All new traffic signals on public access ways and electric operating gates installed for the Project shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.”

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These are both very vague mitigations for a Project located in a very HIGH RISK WILDFIRE ZONE with a known earthquake fault line down the middle, and the potential for methane gas explosions.

- h. Elsewhere (page 4.12-9), though not specifically listed as a mitigation measure, the DEIR describes several Project Design Features (PDF’s) that are presumably intended to mitigate the project’s VHFHSZ status. While these PDF’s are laudable and may reduce damage during a major wildfire, they do not address the underlying risk of a major wildfire event in this sensitive location or the resulting risk that wildfire emergency response times will be impacted due to the Project’s additional demands on OCFA resources. “Sheltering in Place” housing might work, but ONLY if the residents don’t exit into the burning inferno, deciding at the last minute that the fire is too scary and decide to leave. What happens if something goes wrong and they have overgrown vegetation, or they have wooden patio furniture or large umbrellas or tents in their backyard patio? With Santa Ana winds driving embers and flaming debris, there is no way any house in

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this Project could truly be “fire safe.” There is no mitigation because of the dangerous location of the Project in a VERY HIGH RISK WILDFIRE ZONE.

21  
Cont’d

2. ***Police protection impacts are not adequately analyzed.*** The DEIR’s analysis of police protection impacts is vague and fails to quantitatively measure the degree to which the proposed project would affect OCSD’s response times. The DEIR (page 4.12-7) indicates that the OCSD has the following goals for response times: Priority One Calls in 5 minutes, Priority Two Calls in 12 minutes and Priority Three Calls in 20 minutes. The DEIR then makes the following vague statement regarding existing response times: “While response times fluctuate, the Department is generally meeting its response time goals for the City. The Police Services Chief reports to the City Manager regularly on the success of meeting these response time goals.” If the Police Services Chief is regularly reporting to the City manager, actual data on response times must exist. Why are these data not provided in the DEIR? Without an accurate understanding of baseline conditions, how can the DEIR preparers make the conclusions (page 4.12-13) that existing response times are “adequate” and that “response times would not be substantially changed such that response time objectives are compromised in any manner”? It’s also odd that the correspondence from OCSD (Appendix J of the DEIR) regarding this project was dated July 2012, or approximately 6 months before OCSD became the law enforcement agency for Yorba Linda. As such, the information provided obviously does not reflect current conditions and is of questionable value as the basis for the DEIR’s conclusions. How could OCSD report on response times for a city which it did not serve at that time? Updated information is needed.

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3. ***School overcrowding is acknowledged but not addressed.*** The DEIR (page 4.12-7) acknowledges that the K-5 portion of Travis Ranch School is overcrowded (with current enrollment exceeding capacity by 16%). With the addition of K-5 students generated by the proposed project, the DEIR forecasts (page 4.12-14) that the overcrowded condition would be exacerbated, with the result that enrollment would exceed capacity by 21%. The DEIR further acknowledges there are “no plans for new facilities or expansion of existing facilities.” Although the DEIR indicates that Travis Ranch School is slated for modernization, it also clearly acknowledges that such modernization would be dependent on “State funding availability” and that “modernization of the schools does not necessarily mean that capacity will be increased.” The proposed mitigation measure (payment of SB 50 mitigation fees) is of little consolation, since there is no guarantee that these fees would actually be guaranteed by State funding or spent to provide the needed expansion of Travis Ranch School. Furthermore, these are one time developer

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fees. This mitigation is not guaranteed at all, but very “iffy” and totally dependent upon the alignment of the stars and the State Representatives and Governor funding expansions at the local school sites impacted by this Project. School enrollment fluctuates, and the DEIR proposes an improper deferral of mitigation for schools for major negative school impacts.

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4. ***Cumulative impacts analysis is inadequate.*** As with the rest of the Public Services section, the cumulative impacts discussion is lacking in substance and quantitative analysis. Notably, the project-specific discussions on fire and police services seemed to be based largely on correspondence with OCFA and OCSD (Appendix J of the DEIR). However, this correspondence was focused on the proposed project itself and did not address the substantial list of cumulative projects. How did the DEIR preparers make conclusions regarding cumulative impacts if the affected agencies did not specifically provide input regarding the cumulative projects? Furthermore, this Project should be considered by OC Planning and the City of Yorba Linda as one single Planning Package, along with Esperanza Hills, and the potential development of another 48 unit housing development called Bridal Hills that depends on access through Esperanza Hills. There may be other developments that feed off of these projects as well in the hillside area. Any and all developments proposed for the Project location is in HIGH RISK WILDFIRE ZONE and face the risks of potential oil well fires, which are far more dangerous and cause major harm to the environment and air quality. Many local homeowners, adjacent to the Project, cannot get adequate insurance on their existing homes because of the danger of policy cancellation because they live in a HIGH RISK WILDFIRE ZONE. If the potential buyers cannot get insurance for their houses, who will pay for the insurance gaps? Will people of Yorba Linda and/or Orange County end up paying for gaps caused by insurance companies failing to provide any or adequate coverage to potential home buyers in the Project or cancellation of insurance because of the risks involved with living in a HIGH RISK WILDFIRE ZONE. Shouldn't the potential dollar impact on the County and City because of lack of insurance issues be considered an impact on public services?

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In the absence of a more comprehensive and even-handed analysis of these issues, it would be unconscionable and irresponsible for the County's Planning Commission and the Orange County Board of Supervisors to approve this project.

**LETTER: REHMEYER****Sharon and Ted Rehmeyer**

4795 Via De La Roca  
Yorba Linda, CA 92887  
(January 20, 2014)

**RESPONSE REHMEYER-1**

This comment provides general comments on the Draft EIR regarding impact conclusions presented in the Draft EIR Public Services section. The commenter does not provide any data, references or other evidence to support this conclusion. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4<sup>th</sup> 556, 580; CEQA Guidelines § 15384.) Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE REHMEYER-2**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-3**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-4**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-5**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-6**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-7**

This comment provides general comments on the analysis of fire protection services includes in Section 4.12, *Public Services*, of the Draft EIR. The comment also introduces specific comments on the fire protection analysis, which are discussed in responses Rehmeyer-8 to Rehmeyer-21, below. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE REHMEYER-8**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-9**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-10**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-11**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-12**

Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

**Executive Summary****1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:**

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

**Section 4.7, Hazards and Hazardous Materials**



**1. Page 4.7-24. Modify Mitigation Measure 4.7-6 with the following changes:**

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

**RESPONSE REHMEYER-13**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-14**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-15**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-16**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-17**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

**RESPONSE REHMEYER-18**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access and wildland fire impacts.

As stated on page 2-14 in Section 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Also, the oil drilling pad is currently inactive and there are no proposed plans or pending applications to conduct drilling

at the site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities.

This comment raises concerns regarding fracking and potential associated impacts at the project site. As stated above, there are no plans now or in the foreseeable future to reinstate drilling at the site or to pursue fracking. Furthermore, no known fracking activities have occurred on the project site.

Please refer to Response Rehmeier-12, above, for a discussion of methane-related impacts.

#### **RESPONSE REHMEYER-19**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

#### **RESPONSE REHMEYER-20**

As indicated on page 4.12-13, compliance with the applicable regulatory requirements and implementation of the project design features (PDFs) and prescribed mitigation measures would ensure that the Project would not adversely affect fire protection services and all potentially significant impacts in this regard would be reduced to a less than significant level. Thus, not only would Mitigation Measure 4.12-1 and 4.12-2 help to reduce the significance of potential fire-related impacts, but also the PDFs (see PDFs 7-9 to 7-14) that have been incorporated into the Project would prevent the occurrence and/or minimize the significance of potential fire related impacts. A mitigation plan is sufficient for purposes of CEQA if it identifies methods that will be used to mitigate the impact and sets out standards that the agency commits to meet. (*North Coast Rivers Alliance v. Marin Mun. Water Dist. (2013) 216 Cal.App.4th 614, 647.*) Furthermore, OCFA regulatory requirements for projects in a VHFHSZ would be implemented by the Project, which are reflected in the Project's Fire Master Plan and Conceptual Fuel Modification Plans, where applicable (see PDFs 7-9 and 7-12). A detailed description of the fire-related PDFs, including the fire protection plan and fuel modification zones, to be implemented as part of the Project is included in Section 4.7 in the Draft EIR.

Please refer to Response Rehmeier-12, above, for a discussion of methane-related impacts.

#### **RESPONSE REHMEYER-21**

Please refer to Topical Response 3 regarding emergency access and wildland fire impacts.

#### **RESPONSE REHMEYER-22**

Also, this comment requests clarification on the extent of impacts regarding responses OCSD time objectives. As described on page 4.12-7 of the Draft EIR, the OCSD prioritizes calls for service, with Priority One being the highest (life threatening emergency). It is the goal of each patrol officer to respond to Priority One Calls in 5 minutes, Priority Two Calls<sup>13</sup> in 12 minutes and Priority Three Calls<sup>14</sup> in 20 minutes. Police services in

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<sup>13</sup> Requires immediate response and may not be assigned Code 3 (lights and siren) response. Includes crimes which have just occurred and the suspect has left the area and the victim is not in any further danger; any incident with potential of quickly escalating to a crime against person, i.e., family disturbance, custody disputes where all parties are present; bomb threats; any incident where a delay in response could impede further investigation, i.e., deceased person or situation involving delicate evidence; alarm calls; or similar circumstances.

the local project vicinity were recently evaluated as part of the contract for OCSD police services between the City and OCSD, with staff provided to meet response time objectives. The Project would add up to 112 new residences (up to approximately 358 residents), which is an incremental increase (0.5%) relative to the City's population of approximately 67,000 people. The OCSD's patrol routes would be modified to include the project site. As discussed on page 4.12-13 of the Draft EIR, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added further ensure impacts to police services are less than significant. This mitigation measure requires that prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site. The proposed mitigation measure is shown in Response LAFCO-8. In consideration of the Project's incremental population increase to OCSD's service area and the payment of development impacts by the Project, there would not be a "substantial" change in OCSD response times resulting from Project implementation. That is, the change would not be such that response time objectives would not be met with the Project, compared to without the Project.

#### **RESPONSE REHMEYER-23**

In order to address the need for additional school facilities resulting from Project implementation, SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." The fees, which are paid before building permit issuance, are used by the Placentia-Yorba Linda Unified School District to provide needed classroom and other facility space necessitated by the Project. This Project impact fee is due and payable at the issuance of building permits. Payment is not dependent on any involvement by the state.

#### **RESPONSE REHMEYER-24**

Please refer to Response Rehmeier-23.

With respect to the commenter's point that there is a deferral of mitigation, as stated in Response Rehmeier-23, SB 50's fee payment requirement (see Government Code 65995) provides full mitigation for school impacts upon payment of the school impact fee as declared by the Legislature. As such, there is no deferral of mitigation.

#### **RESPONSE REHMEYER-25**

The cumulative impact analysis is based on the requirements set forth in Section 15130, *Discussion of Cumulative Impacts*, in the CEQA Guidelines. The context for analyzing cumulative impacts is described in Chapter 3.0, *Basis for Cumulative Analysis*, of the Draft EIR. As discussed therein, CEQA *Guidelines* Section 15130(b) indicates that the analysis of cumulative impacts shall reflect the severity of the impacts and the

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<sup>14</sup> Requires immediate response unless assigned a priority 1 or 2 call. Includes calls where the informant is to be contacted for a report only; most routine situations where there is an informant; suspicious person, loud parties or similar disturbances.

likelihood of occurrence, but the discussion need not provide the same level of detail as is provided for the impacts attributable to the project alone. A lead agency is not required to provide evidence supporting every fact underlying the EIR's evaluation of cumulative impacts nor is an exhaustive analysis required. (*Ass'n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th, 1383, 1404.) Instead, the discussion of cumulative impacts is guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of the other projects which do not contribute to the cumulative impact. Moreover, an EIR need not follow any particular format as long as it contains the information required by CEQA and CEQA Guidelines. (CEQA Guidelines § 15160.) CEQA does not require a specific format for an EIR's analysis of cumulative impacts nor does it specify that the analysis be set forth in any particular place in the EIR. (See *Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411, fn 7 [stating that the analysis may be set forth either in a section on cumulative impacts or elsewhere in the EIR].) While the discussions of cumulative impacts for each public service discussed in Section 4.12 of the Draft EIR do not specifically state a "Threshold Statement," the analyses of cumulative impacts assume that potential impacts associated with the related projects being evaluated would be subject to the same or similar thresholds of significance used to evaluate project-specific impacts, which are already listed in Section 4.12. Based on these thresholds, the EIR provided a cumulative assessment of public service-related impacts.

#### **RESPONSE REHMEYER-26**

This comment states that this Project should be considered by Orange County Planning and the City of Yorba Linda as one single planning package along with Esperanza Hills and the potential development of another 48-unit housing development called Bridal Hills that depends on access through Esperanza Hills. The County disagrees for the reasons set forth in Response HFE1-2, which discusses a similar claim in the context of the two part *Laurel Heights* test. The facts surrounding development at Bridal Hills are arguably even stronger than Esperanza Hills (discussed in Response HFE1-2) because while the Esperanza Hills Project was the subject of a separate development application that was approved by the County Board of Supervisors on June 2, 2015, any development at Bridal Hills or Yorba Linda Land is speculative at this point as no applications are pending. Please also refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the DRAFT EIR's analysis of growth inducing impacts.

#### **RESPONSE REHMEYER-27**

Please refer to Response Rehmeier-18, above, for a discussion of oil-related operations and impacts associated with the Project.

In addition, the County cannot speculate on the ability of property owners to obtain homeowners insurance, which is beyond the scope of the Draft EIR. Because the comments pertaining to insurance coverage do not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**Letter: Rikel**

**From:** Chris R [<mailto:cdrikel7@gmail.com>]

**Sent:** Wednesday, January 22, 2014 5:13 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

Mr Tippetts,

I am a Yorba Linda resident and writing you with great concerns about the Cielo Vista project that is being proposed in the hills near Yorba Linda. I have lived in Yorba Linda for over 20 years and was in the city during the 2008 Freeway Complex Fire, witnessing the destruction it brought to Yorba Linda and all the surrounding territories. Specifically the North East area of Yorba Linda and the neighboring hills. This is the general area that is being proposed for this development.

I am urging the County of Orange to deny the project from progressing any further until the County can assure all Yorba Linda Resident's safety will not be adversely impacted by the project.

Chris Rikel



**LETTER: RIKEL**

**Chris Rikel**

(January 22, 2014)

**RESPONSE RIKEL-1**

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

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**Letter: Ruge**

**From:** Debra Ruge [<mailto:druge@ph.lacounty.gov>]

**Sent:** Monday, January 06, 2014 10:27 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Environmental Impact

Hello Mr. Tippetts,

I am contacting you to express my concern about the proposed Cielo Vista housing development. I live on Dunrobin Way in Yorba Linda which can only be reached via Stonehaven or Via Del Agua roads. I was at this address during the 2008 Freeway Fire and experienced firsthand the challenge of evacuating at the same time that fire vehicles were attempting to go to the homes. I concur with the recent environmental –impact report that states that the intersection at Via Del Agua and Yorba Linda Blvd. would be adversely affected by increased traffic from the proposed houses. I am concerned that not only will this intersection be affected, but the intersection of Stonehaven and Yorba Linda Blvd. as well. In addition, traffic on Yorba Linda Blvd. would be at a standstill with the additional residents based on the experience during the Freeway Fire as residents must use Yorba Linda Blvd. to evacuate the area. I ask that you take these safety concerns very seriously.

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Thank you for your consideration,

Debra Ruge

Director, Medical Therapy Program

California Children's Services, Children's Medical Services

Los Angeles County Department of Public Health

9320 Telstar Avenue, Suite 226

El Monte, CA 91731

[druge@ph.lacounty.gov](mailto:druge@ph.lacounty.gov)



**LETTER: RUGE**

**Debra Ruge**

Dunrobin Way  
Yorba Linda, CA  
(January 6, 2014)

**RESPONSE RUGE-1**

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

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**Letter: Schlotterbeck**

*Melanie Schlotterbeck*  
*19042 Alamo Ln*  
*Yorba Linda, CA 92886*  
*714-779-7561*

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January 22, 2014

Via E-Mail

Orange County Planning  
Attn: Ron Tippetts  
300 N. Flower Street  
Santa Ana, CA 92702-4048

Re: Cielo Vista Project Draft Environmental Impact Report

Dear Mr. Tippetts:

As a resident of Yorba Linda I would like to submit the following comments and attachments on the Cielo Vista Draft Environmental Impact Report (DEIR). The project's DEIR must be recirculated to provide more complete investigation as it relates to geology.

Understanding the existing geologic conditions for the Cielo Vista site is critically important to knowing the safety of the site as it relates to this proposed development. There is a unique confluence of geologic circumstances: liquefaction, seismic risk (earthquakes), landslides, and expansive soils on this site. These conditions need further review and investigation. The project proponent must conduct extensive trenching and boring on the site to understand the existing conditions. This investigation has not been done. Therefore, the DEIR must be recirculated.

Additionally, this analysis in and of itself requires its own environmental impact review under the California Environmental Quality Act due to the impacts.

I submit into the record photos from the neighboring Esperanza Hills property, where similar investigations were already completed for that property's DEIR. **(See Attachments 1, 2, and 3)**

Sincerely,

*Melanie Schlotterbeck*

Melanie Schlotterbeck

CC: Todd Spitzer

Attachments: 1, 2 and 3 – Photos of Esperanza Hills



**LETTER: SCHLOTTERBECK****Melanie Schlotterbeck**

19042 Alamo Lane  
Yorba Linda, CA 92886  
(January 22, 2014)

**RESPONSE SCHLOTTERBECK-1**

Please refer to Topical Response 4 regarding geology and faulting. In addition, please refer to Response POHH-REED-6 for a discussion of implementing Mitigation Measure 4.5-1 that requires further geotechnical investigations.

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## **Letter: Schock**

**From:** Mark Schock [<mailto:mschock74@earthlink.net>]

**Sent:** Tuesday, January 21, 2014 4:52 PM

**To:** Tippetts, Ron; Canning, Kevin

**Cc:** Lindsey, Tom; Gene Hernandez; [anderhd@roadrunner.com](mailto:anderhd@roadrunner.com); Mark Schwing; [maalders@yorba-linda.org](mailto:maalders@yorba-linda.org); Steve Harris; David Brantley; [cyoung@yorba-linda.org](mailto:cyoung@yorba-linda.org)

**Subject:** Public Comments - Esperanza Hills DEIR

Mr. Ron Tippetts (Cielo Vista)

Orange County Planning Services

300 N. Flower St.

P.O. Box 4048

Santa Ana, CA 92702-4048

Mr. Kevin Canning (Esperanza Hills)

Orange County Planning Services

300 N. Flower St.

P.O. Box 4048

Santa Ana, CA 92702-4048

January 21, 2014

**Public Response to Esperanza Hills DEIR and Request for Time Extension and** a Request that this Public Comment also be attached to the **Cielo Vista DEIR**

Mr. Tippetts & Mr. Canning

Immediately after the Freeway Complex Fire, I made a Public Records Request for copies of any security camera footage **captured during the fire** from the Metropolitan Water District's Santiago Tower. **The MWD Santiago Tower security camera directly overlooks the canyon where the Cielo Vista and Esperanza Hills developments are proposed to be built.** During the fire, the security camera was remotely operated by personnel from the MWD Deimer Plant, and was panned from the top (at Hidden Hills) of the Canyon, to the bottom, where the new developments are proposed to be built. This video footage shows in real time, the devastating speed and intensity of the fire where it raced down the canyon where the proposed **Esperanza Hills and Cielo Vista Projects**, will be built if approved. The viewing of the MWD Santiago Tower Freeway Complex Fire Videos, will most assuredly give anyone

responsible for reviewing or approving Esperanza Hills or Cielo Vista Project plans, a much greater insight into whether or not the proposed development plans are adequate as currently presented. The video appears to show that the **ENTIRE CANYON burned in approximately 37 MINUTES**. The video is fully date and time stamped.

Please see the attached e-mail that I had sent to the County for the NOP Public Comment Process for Esperanza Hills describing the MWD Video and my comments that it should be reviewed by all parties involved in the preparation and review of the Esperanza Hills DEIR process, as well as the DEIR process for Cielo Vista. Also see the attached e-mail from Kevin Canning acknowledging receipt of my public comments.

I attended the **Esperanza Hills Open House Meeting on January 16, 2014**. I asked to see the hard copy of the DEIR so that I could ensure that my public comments were included in the formal package. Much to my surprise, my letter was nowhere to be found in the document. I asked the developer's staff person to confirm that my letter had somehow not been included in the document. She confirmed that my letter had not been included in the document, and said that it must have been a printing error. I checked the County's website to see if my letter had been included in the electronic version of the document. My letter had also not been included in the electronic version posted on the County's website.

At the end of the meeting, I approached **Mr. Michael Huff, of Dudek** who was the **Fire Protection & Urban Forestry Practice Manager** hired by the developer to ask if he had reviewed my public comments or the MWD Video as part of his preparation of the **Fire preparedness and Fire Evacuation** portion of the DEIR. **Mr. Huff indicated that he had not seen my public comments nor the MWD Video and was unaware of their existence.** Mr. Huff said that **he would very much like to get a copy of the video so that he could compare it with his computer fire simulations upon which he had based his DEIR report.** After all, why depend solely on computer fire simulations when an actual dated and time stamped video of the Freeway Complex Fire in the canyon where the Esperanza Hills development is proposed to be built exists. Mr. Huff could not explain why the developer had not provided him with my public comments.

Please see the above e-mail from Kathy Crum of the Developer's staff. In her e-mail, she stated that my public comments were "somehow" not included in Appendix B of the DEIR. **She went on to say that my comments were considered in the preparation of the DEIR.** This seems very hard to believe. **I find it very unfortunate and of great concern** that Mr. Huff of Dudek had no knowledge of my public comments or the video, that the developer evidently did not provide Mr. Huff with that information, and finally, that my public comments were not published in the DEIR document in a timely manner for review by the public, OCFA and the Sheriff's Department prior to the preparation of those agencies' formal responses to the DEIR.

Because Mr. Huff of Dudek indicated that he would very much like to obtain a copy of the MWD Video so that he could compare it with his computer fire simulations upon which he had based his Fire Preparedness and Fire Evacuation portion of the Esperanza Hills DEIR, I request the following:

- That the Esperanza Hills Developer be required to formally document that the current Esperanza Hills DEIR as presented to the public did not consider the MWD Santiago Tower Security Video Footage during its preparation of the Fire Preparedness and Fire Evacuation portions of the document.
- That the developer formally document that my original NOP Public Comment e-mail had been omitted from the DEIR until yesterday which precluded all reviewing agencies and members of the public from having access to its contents and knowledge of the existence of the MWD Video Footage. This information, along my original NOP Public Comment e-mail should be immediately sent to all entities and individuals who had previously been sent HARD and ELECTRONIC copies of the DEIR.
- That the Esperanza Hills DEIR process be extended for an ADDITIONAL 30 DAYS to allow Mr. Huff of Dudek and the developer to obtain and review the MWD Video to see if it would have any impact on the final preparation of the Fire Preparedness and Fire Evacuation portion of the DEIR.
- That the Esperanza Hills DEIR process be extended for an ADDITIONAL 45 DAYS after that to allow a reasonable period of time for responding agencies and members of the public to review and comment on the new revised information.
- That the **MWD Video be added to the electronic copies and County website postings of the Esperanza Hills DEIR and the Cielo Vista DEIR** to facilitate public access to the video footage as well as additional public comment on the issue.

Before any County of Orange employees or appointed or elected officials, begin their review, or approval, of any and all documents related to the proposed Esperanza Hills and Cielo Vista projects, I strongly recommend that all parties be required to view the Metropolitan Water District Santiago Tower Security Camera Video taken during the November 15, 2008 Freeway Complex Fire.

Based on my telephone conversation with Mr. Tippetts this afternoon, I will provide each of your respective offices with both **full and edited copies of the MWD Video Footage** and hard copies of this correspondence tomorrow. The edited copy of the MWD Video Footage is approximately 142MB in file size and approximately 33 minutes in length. The edited version starts as the fire appears at the top of the canyon at Hidden Hills, and essentially has been edited to eliminate those portions of the video where the security camera's view was obscured by smoke.

**Please attach this Public Comment Letter to BOTH the Esperanza Hills and Cielo Vista DEIR's** as the importance of the MWD Video directly applies to both proposed developments.

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Mark Schock

4955 Fairwood Circle

Yorba Linda, CA 92887

**LETTER: SCHOCK****Mark Schock**

4955 Fairwood Circle  
Yorba Linda, CA 92887  
(January 21, 2014)

**RESPONSE SCHOCK-1**

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

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

**RESPONSE SCHOCK-2**

This comment includes comments pertaining to the Esperanza Hills Project that are not applicable to the Cielo Vista Project. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE SCHOCK-3**

This comment requests the County review the footage of the Freeway Complex Fire from the Metropolitan Water District's Santiago Tower. This comment is noted by the County and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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## **Letter: Schumann1**

To: Ron Tippets, Planner, Current & Environmental Planning Section, OC Planning Services

From: Edward Schumann

Re: Cielo Vista Project, Draft EIR #615

Date: Jan. 16, 2014

The purpose of this letter is to comment on the Cielo Vista Project, Draft EIR #615. As a concerned Yorba Linda resident I am opposed to the Project and believe the Draft EIR does not adequately address important issues and reaches incorrect and erroneous conclusions. My specific comments follow:

### **Aesthetics**

One of CEQA's stated purposes is "to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities" (§ 21001, subd. (b)), and aesthetic issues are among those that are "properly studied in an EIR" (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492; *National Parks & Conservation Assn. v. County of Riverside* (1991) 71 Cal.App.4th 1341, 1360). As relevant here, the Guidelines give content to the concept of aesthetics by including the following questions in the checklist of a project's potential environmental effects: "Would the project have a substantial adverse effect on a scenic vista?" and "Would the project substantially degrade the existing visual character or quality of the site and its surroundings?" (Guidelines, Appendix G, questions I(a) and I(c).)

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The Project and it's neighboring Esperanza Hills Project effectively destroy the last open scenic space between Yorba Linda and Chino Hills State Park. (The DEIR gives short shrift to the cumulative impact of the adjoining projects.) In its less than 50 acres, the Project will grade some 660,000 cubic yards of hillside. Figures 4.1-2 - 4.1-7 to the DEIR show existing views but the proposed views fail to take into account the cumulative visual impact with the Esperanza Hills Project.

Likewise, the DEIR erroneously concludes the Project will affect the view of only a few existing homes and will not substantially degrade the existing visual character of the area. As shown in the attached photographs, the area currently consists of rolling hills and scenic vistas. The area is visible from most of the homes in the Casino Ridge area, as well as from the homes to the south and west of the Project area. There is no mitigation for the destruction of the visual character of the area. The DEIR must address and analyze the degradation of the scenic landscape and aesthetic quality of the area.

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Yorba Linda's Land Use Element (LUE) requires hillside area density to account for slope severity and stability, topographic conditions and natural resources protection, and to preserve open space areas and natural drainage areas. Per the County's LUE, development in hillside areas is bound by the same constraints both to preserve the natural terrain and contours, as feasible, which is also addressed in the County's Resource Element.

The Yorba Linda Municipal Code (18.30.040 - Standards and guidelines) provides these Site Design Principles:

1. Most of the hillside sites are highly visible from distant locations. Therefore, views of the site from the neighborhood and other off-site locations should be given careful consideration.
2. Massive grading and single retaining walls in excess of six (6) feet in height should be avoided in order to preserve a more natural slope appearance.
3. The buildings located near hillside rims have higher visibility. The buildings should be partially screened with landscaping to minimize the "wall" effect.
4. Significant trees and other vegetation, which contribute to the aesthetics of the site and surrounding area, should be preserved.
5. Natural hillsides and ridgelines should be preserved to the extent feasible. The usual impacts of grading should be softened through designs which incorporate slope undulation, blending and other features to reflect the natural terrain.

Additionally, any residential tract or individual residential unit development within hillside areas, **shall conform** to the following standards:

1. Ridgelines shall be preserved in their natural state to the degree possible.
2. Streets, both public and private, shall be developed below the crest of a natural ridgeline.
3. Building pads shall not be located so as to be on the crest of a natural ridgeline.
4. Any construction shall be done in a manner so as a dwelling, roofline or any component part of the construction shall be superimposed against another land mass and shall not be visible against a horizon or the sky when viewed from the canyon floor.



5. Tract and parcel maps for the purposes of residential construction shall include a variety of house styles, heights, roof elements and other design features.

6. Natural earth tones and materials shall be used; use of bright colors, including stark white, shall be discouraged.

7. Terraces, terrace drains, down-drains and other similar structures, shall incorporate the use of natural rock or other man-made design feature that has the appearance of a natural material.

8. Any manufactured slope shall be contoured in a manner to appear to have a natural grade.

Finally, the Code provides that, for any proposed residential development that is determined to be viewed from any point within Chino Hills State Park, the grading and landscaping plans shall include, for each lot so determined to be viewed, specific measures, including height limits, setbacks, landscaping, berms and/or other measures which will assure that any structure built on the lot will not be viewed from Chino Hills State Park.

The Draft EIR fails to recognize or address these multiple requirements. The Project proposes to destroy natural hillsides and ridges via massive grading. The building pads for Planning Area 1 flatten a natural ridgeline and replace it with densely packed homes.

Planning Area 2 abuts homes just east of San Antonio Road. Each of those homes are on lots of over an acre. In contrast, the 17 residences in Planning Area 2 all fall within only 6.4 acres. The DEIR gives no consideration to this failure to maintain the rural quality of the surrounding area.

OrangeCounty.net City Guide describes Yorba Linda as follows:

"In 2005 CNN ranked Yorba Linda 21st among the best places in the U.S. to live in their 'Great American Towns' quest. With a population over 68,000, Yorba Linda is best known as a residential community of single-family homes situated on sizable lots.

Yorba Linda's commitment to equestrian activities has helped set it apart from other communities with its [sic] three state-of-the-art equestrian arenas. It also boasts 100 miles of equestrian, biking and walking trails."

The OC Register likewise describes Yorba Linda as "primarily a residential community of single-family homes built on large lots." "Yorba Linda is well known for its equestrian community. Many of the large

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lots have their own stables and riders can often be seen along the streets moving between the city's 100 miles of trails."

The Project aesthetically fails to conform to these existing conditions and the DEIR fails to address the divergence with the character of the local community.

### **Air Quality**

The DEIR does not adequately address the generation of dust and other particulates as soil is disturbed (including soil contaminated with hazardous substances from oilfield operations and methane deposits) during construction. Such particulates could cause or exacerbate asthma and reactive airway syndrome for downwind residents.

One significant health risk not addressed in the DEIR is soil disturbance during site preparation resulting in the airborne dispersal of coccidioidomycosis (aka "Valley Fever") spores. These spores frequently contaminate soils in arid areas of California. The resulting disease, which produces flu-like symptoms lasting one to several weeks in most cases, is endemic to inland valleys in California. Since the symptoms are usually transient and resemble many other common illnesses, many cases are not recognized or diagnosed. Disseminated disease, which develops in about 1/1000 recognized cases, can spread to many organ systems, manifesting in a variety of ways including lung disease and meningitis. Dissemination is more likely among Blacks, Asians and individuals who are immuno-suppressed. Although coccidioidomycosis is endemic to Los Angeles County and the incidence has increased sharply in the past five years, it is unknown whether the spores are found in soils in the Project area. This should be analyzed and determined in the DEIR with appropriate mitigation measures required.

The California Dept. of Public Health (CDPH) received reports of 18,776 statewide cases of coccidioidomycosis with estimated symptom onset dates from 2001 through 2008. Annual rates of coccidioidomycosis increased by 91.3 percent from 2001 (4.25 per 100,000) to 2006 (8.13 per 100,000) and decreased by 25.3 percent from 2006 to 2008 (6.07 per 100,000). During the surveillance period, 265 (1.4 percent) cases were reported to have died with coccidioidomycosis. (Epidemiologic Summaries of Selected General Communicable Diseases in California, 2001-2008.)

The DEIR also does not address dispersal into the atmosphere of toxic or carcinogenic components of petroleum from currently operating wells and facilities.

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The DEIR further fails to consider release of methane creating potential for explosions. Drilling and other oilfield related operations in the past may facilitate increased migration and leakage of methane through ground fissures and faults and through old shafts and wellheads where it can then build up to explosive concentrations in buildings. Methane gas is a colorless, odorless, tasteless gas that is less dense than air. It is formed as the by-product of organic decomposition and is of concern because of its flammability and explosive potential, particularly in the manmade enclosed spaces. In California, the sensitivity to methane gas increased dramatically with an explosion and fire in the Fairfax district in 1985. This occurred when methane gas built up in the basement of a department store and exploded. The methane was traced to oil contamination in an abandoned portion of an old oil field—the Salt Lake Field.

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The danger can be greatly reduced or prevented by venting the methane and installing alarms. Such mitigation is not discussed in the DEIR. The Orange County Fire Authority Fire Prevention Division Informational Bulletin 05-03 (Combustible Soil Gas Hazard Mitigation for Existing Homes Undergoing Expansion in Yorba Linda) noted that the City of Yorba Linda has adopted an amendment to the local fire code that enables the city to enforce measures requiring methane soil gas hazards to be investigated and mitigated. The DEIR fails to address the conditions and necessary mitigation measures. (See, [http://www.ocfa.org/\\_uploads/pdf/ib-05-03.pdf](http://www.ocfa.org/_uploads/pdf/ib-05-03.pdf) )

A Union of Concerned Scientists 2006 study analyzed air pollution caused by construction equipment and quantified its effect on California's public health and economy. The report noted that construction equipment is operating in cities and towns throughout California, releasing harmful NOx and PM emissions into the air and raising the risk of exposure to these pollutants for residents who live and work near construction sites. The likelihood of people living or working close to construction sites is highest in densely populated urban areas, but the suburbs are not free of risk from construction equipment pollution. Many projects in these areas, including new commercial and residential developments, require extensive use of construction equipment for land clearing and grading operations.

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The analysis found that the economic and health damage caused by construction equipment pollution in California is staggering. More than 1,000 premature deaths per year can be attributed to these emissions, along with more than 1,000 hospitalizations for cardiovascular and respiratory illness, and more than 30,000 asthma attacks and other respiratory symptoms. Hundreds of thousands of lost work days and school absences equate to more than \$60 million in annual economic losses. In addition,

Californians collectively experience millions of days each year when air pollution restricts their activities. Overall, construction equipment pollution costs the state more than nine billion dollars every year. Construction equipment pollution is therefore a health concern for all Californians.

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The DEIR does not address the public health issues from air pollution arising from construction equipment and operations. The DEIR must also include a cumulative impact analysis of such issues.

### **Geology & Soils**

As the Yorba Linda City's Safety Element points out, slope stability is a serious geologic problem in the northern and eastern portions of the City. This area is underlain by siltstone and interbedded sandstone of the Puente Formation and are often the most prone to landsliding and other forms of slope failure. Slope stability needs to be fully addressed in the DEIR.

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the identification, excavation and disposal of contaminated soils is not meaningfully addressed in the DEIR. The Project site has long been used for oil production and the DEIR acknowledges the abandonment of oil service material (including an unidentified 55 gallon drum of unknown contents and origin) but fails to evaluate the existing conditions and likely environmental impacts associated with the Project as required by CEQA. The DEIR fails to analyze and identify appropriate mitigation measures. The level of contamination is not properly evaluated and the various methods of soil reclamation and disposal of contaminated soil are not addressed.

13

Yorba Linda Municipal Code 15.36.700 requires leak testing of abandoned wells processed through the Orange County Fire Authority with the leak test report prepared by a state licensed geotechnical or civil engineer or state-registered environmental assessor, class II. The Code provides that a well shall be considered leaking if the leak test report indicates the meter read is greater than the lower explosive limit which is set at 500 parts per million. An approved leak test report is only valid for 12 months from City acceptance. The DEIR provides no leak test data and fails to report any historic or current conditions or to analyze future performance..

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### **Greenhouse Gases**

Even if methane (see above) is "safely" vented to the atmosphere, it is also a potent greenhouse gas. Direct health effects linked to such greenhouse effects are negligible in isolation, but cumulatively contribute to the global burden of greenhouse gases with far reaching effects on the physical environment and human health. This element is not addressed in the DEIR.

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## Hazards & Hazardous Materials

Yorba Linda is subject to wildfires due to the steep terrain, highly flammable vegetation of adjacent Chino Hills and the high winds (Santa Ana winds) that correspond with seasonal dry periods. Major fires have threatened the City in the past. High wildfire hazard areas include the northern and eastern portions of the City.

Since 1980, the Yorba Linda area has experienced 25 separate wildland fires, burning a total of 82,734 acres; single events range from one to nearly 20,000 acres. Until the recent Freeway Complex Fire, the most notable and devastating of these were the 1982 Gypsum Incident (19,986 acres), the 1980 Owl Incident (18,332 acres), the 1980 Carbon Canyon Incident (14,613 acres) and the 2006 Sierra Peak Incident (10,506 acres). The commonality of each of these larger fires is the Santa Ana Wind and the effect it has on vegetation and fire behavior. The Santa Ana Canyon funnels the wind, increasing its speed and magnifying the effects on the available fuel bed. The frequency of fire in this area has allowed non-native vegetation of volatile grasses and weeds to become the dominate fuel type.

On November 15, 2008, Yorba Linda experienced the Freeway Complex Fire. The Orange County Fire Authority's preliminary report (December 2, 2008) on the fire indicated that the fire consumed 30,305 acres; destroyed 187 residential structures (including multi-family residential buildings) and damaged 127 residential structures. Four commercial properties were destroyed or damaged, along with 43 outbuildings. My home was one of those destroyed.

As you will note from my experiences, we live in a rural community. Most resident have animals, many have horses, chickens, goats and other livestock. This results in much more confusion and logistic difficulties in evacuating for a fire. Local vets evacuated during the 2008 fire and left no emergency facilities available. That contributed to the death of our dog the night our house burned down.

This is my story:

It was a hot day for November 2008, not unlike the first weeks of 2014. The Santa Anas were blowing hard, hot and dry. A heavy chain rattled against my barn as I fed the horses that Saturday morning. My wife, Tam, left about 8:30 for a class in Lemon Heights.

As I started the weekend chores, I saw the smoke to the east and went to the back fence to have a look. We live on a hillside property - about 2 1/2 acres, all told. The house and landscaped yard sat on a pad at the top. Our 2 stall barn was on a small pad just lower than that. A steep hill then falls away to the 'lower 40' - a flat piece of land that runs to the edge of our property. We have a small riding arena and hay shed down there. A small creek runs just beyond our property line, paralleling it. Beyond that is the Cielo Vista property and other open land and the Chino Hills State Park.

The next door neighbor, Nick, was standing by his back fence too and we chatted a while as we watched the smoke. I remember one of us commenting that one of these days the land back there needed to burn. It was so dense you couldn't even bushwhack through it. We discussed that we were safe from any fire. Between the cleared arena area was our hillside. Our hillside was bare with drought resistant ground cover near the top; Nick had his planted in freeway daisy or some type of drought resistant plant. Also the fire was both east and south. Since the wind was a hard easterly, the fire would run down along the 91, not north toward us.

Still, you don't take chances. Our other adjacent neighbor, Joyce, was loading her horses to ship them farther away from the danger area. I hooked our trailer to my pickup and took the 2 horses down to the arena and turned 'em out.

By 10 or so, the smoke became thicker; I went back to the house and called Tam to come home but the students don't take phones into her classes. She'd be gone til noon. I called some friends who live in Hidden Hills. John was at work but Lisa and the kids along with her neighbor and her kids were out and could not get home due to the evacuation and chaotic traffic. I told them to come over "where it's safe" until they could get back home. They agreed and headed over.

Meanwhile, I went back down and helped Joyce with her animals. In addition to several horses, she had some goats and pot-bellied pigs, dogs, a cat..... The horses had been moved out and the rest of the menagerie was being loaded up when the pigs got free. While restricted to her own arena, the big fellows gave several of us a good run before they all got loaded... a pretty funny scene all in all. By that time, it was clear that the fire was coming our way. I started the water sprinklers we use to keep the dust down in the arena and turned on the automatic sprinklers around the house. I went back up to the house. Tam had arrived and was talking to Lisa and clan and watching the fire coverage on TV. I told them they'd better not stay and needed to get moving. I told Tam to load the dogs and call

our friends Ken and Jana and see if we can dump the animals there until it's safe, then get loaded and get over there. I'd follow with the horses.

We scattered and I went down and got the horses in our trailer. As I helped Joyce with the last of hers, we saw the flames cresting the closest hill. Time to go. By the time I got up to San Antonio, the traffic was jammed and the fire was right behind me, blasting through the little canyon like a furnace. Traffic was virtually stopped going down San Antonio and houses were burning on either side of the street. I turned and headed up San Antonio, threading the trailer through the downhill traffic trying to use both lanes. It was probably 1 pm but was like night up along the hills... the smoke dense as flames licked along the ridgeline to the northeast. I was able to circle around to Fairmont and parked in the Methodist Church parking lot to wait for Tam. Where the hell was she?!

She had grabbed things out of the safe, a change of clothes for each of us, and the 3 dogs and went down San Antonio. She saw kids running down the street carrying their pets.... traffic snarled trying to get down to YL Blvd.... and houses on fire to the left as the flames jumped across the street. (And to this day, I have not heard the end of the fact that I left the Element almost on empty and Tam was certain she was going to run out of gas and be pushed to the side and left....She got down to the Chevron station and cursed me until she made it to our rendezvous. Now we wonder, is it safer to keep cars fueled up knowing they pose a heightened fire danger or keep limited fuel with the attendant danger of not having enough to get out.)

In the parking lot, we traded cars and put the dogs in the truck with Tam. I headed back home. I managed to get up San Antonio through the still heavy downhill traffic. When I pulled into our cul-de-sac, I saw Joyce & Todd's house on fire. A fire dept. pickup truck was parked in the middle of the cul-de-sac and a single fireman stood alongside. He asked if that house was mine and I said, no, and pointed out mine. He said he was sorry but mine was 'gone too'. "But it looks fine." I said. He explained that the fire was in the attic and there were no resources available to do anything. It seems everyone had been sent to Hidden Hills, again assuming the fire would not turn north. There was no one coming to help us. This poses the question for future fires - what are the chances of fire personnel being called to another area - Cielo Vista, Esperanza Hills, Hidden Hills - and again leaving us without sufficient protection?

He offered to go in with me ("We have maybe 5 minutes.") and grab a few things. Let me digress a moment here. Both of Tam's parents died that summer within about 2 months of each other. We had

recently cleared out their Las Vegas home to sell it and had brought back what we wanted to keep. Our dining room had been cleared out and was full of crates, boxes and furniture. For our part, we had about 20 years of collected goods in the house including a pretty nice art collection (a Goya series, a very nice Gorman litho, an original Steadman drawing, a few original works by minor artists and a couple of really nice bronzes). Tam teaches Japanese tea ceremony, so she had a LOT of Japanese ceramics, utensils, scrolls and the like, in and around a bedroom I had converted into a tea room. I had a collection of Japanese tea bowls from the famous kilns from across Japan. I also was working as an independent contractor and had a home office upstairs. The garage contained a wine cellar with about 200 bottles of aging cabs. We also love books and could probably have started a used bookstore with our inventory... or a nice house fire. Tam also had an office upstairs. She is also an accomplished pianist. She had a Steinway concert grand piano and a Yamaha baby grand.

So when you are offered 5 minutes to 'grab a few things', your mind kinda goes blank. The fireman suggested my computer. Good idea. We sprinted upstairs but when we got there my office was full of smoke and he wouldn't let me go in. He asked where it was and crawled in after I gave directions. He came out with the (desktop) unit. (Later I realized he had pulled all the cables including the one to my external hard drive. So much for data.) By this time, not only was the wind still howling, rattling the windows, but all of the smoke alarms were screaming their high pitched whistle, and the upstairs was filling with smoke. "We can't stay", the fireman warned. That eliminated saving anything from the offices or bedrooms.

We went down and I grabbed some family photos and our wedding album (I did want to see Tam again, after all..) My tea bowl collection was in a display case and I tossed some into an empty box. And that was about it. A second fireman came in and they told me to get out. As we left, we passed our 48" flat screen TV sitting on a table. "Want this?" one asked. He grabbed it and the next thing I knew he was trying to shove it into my Mini Cooper (in the garage). "Just put it in the yard." I suggested. Through force of habit, I guess, I grabbed my tennis bag and pulled the Mini out to the street. I took a third car from the garage and then shuttled them a few blocks away. I came back and, at that point, all I could do was watch and take some pictures as my house burned.

At some point a fire truck arrived. They stayed a while, mostly trying to keep the fires contained and then left saying they had to try to save some homes. They left a hose attached to the fire hydrant (ironically) directly across the street from our house. By this time it was late afternoon, a male from each of the five houses on our cul-de-sac (except for Todd next door who was out of town) was there



and we took turns on the hose, keeping the fires contained, wetting down the adjacent houses and, occasionally, putting out the random tree fire. There was not sufficient fire department personnel to protect the surrounding homes.

The end - until the next one.

The Cielo Vista Project proposes to add over 100 homes. The adjoining Esperanza Hills Project would add another 340 homes. The projects cannot be considered in isolation due to their cumulative impact on all environmental matters including and especially public safety. The After Action Report on the Freeway Complex Fire by the OC Fire Authority noted that traffic became gridlocked as residents tried to flee while emergency vehicles attempted to gain access. As noted above, San Antonio Drive was almost impassable as homes burned on each side of the street. Access by Via del Agua was similarly clogged. The major artery of Yorba Linda Blvd. was inadequate to divert the evacuating vehicles.

The DEIR uses the unrealistic and unsupported figure of 1.5 vehicles per home. Ours is an affluent community with multiple vehicles per home. Even at 1.5 vehicles per home, the Project would add over 150 vehicles to the already overburdened exit routes and when considered with the adjoining project, some 700 additional vehicles would make the exit routes virtually impassable during an emergency. Even at the volume of traffic which existed in 2008, one stalled car on San Antonio could easily have resulted in many lost lives. Without major changes to the traffic infrastructure surrounding the Project, the lack of consideration of public safety is irresponsible.

Edward Schumann  
4310 Willow Tree Ln  
Yorba Linda



**LETTER: SCHUMANN1****Edward Schumann**

4310 Willow Tree Lane  
Yorba Linda  
(January 16, 2014)

**RESPONSE SCHUMANN1-1**

The Draft EIR addressed aesthetics impacts in Section 4.1, *Aesthetics*. This comment states the Project would effectively destroy the last open scenic space between Yorba Linda and Chino Hills State Park. This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. In addition, the comment states that Figures 4.1-2 to 4.1-7 do not include the Esperanza Hills Project. The visual simulations were appropriately prepared for inclusion into the “project-specific” analysis of the Aesthetics section. Cumulative aesthetic impacts are addressed under Impact Statement 4.1-4 beginning on page 4.1-33 of the Draft EIR. As discussed therein, cumulative visual impacts with the Esperanza Hills Project were concluded to be less than significant.

**RESPONSE SCHUMANN1-2**

The Draft EIR in sub-section b, Existing Conditions, on page 4.1-2 acknowledges that the site is currently undeveloped and consists of moderate to steeply sloping hillsides, with photographic illustrations of the project site. The visual impact assessment beginning on page 4.1-8 under Impact Statement 4.1-1 includes visual simulations from vantages considered generally representative and similar to views from nearby single-family residential uses, including views from Casino Ridge (see Figure 4.1-7), from the south (see Figure 4.1-2), and views from the west (see Figures 4.1-3 to 4.1-6). The visual simulations are used to provide an assessment of the aesthetics impacts resulting from Project implementation.

**RESPONSE SCHUMANN1-3**

Page 4.1-2 of Section 4.1, *Aesthetics*, in the Draft EIR references the City’s Hillside Development Zoning Code Regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and -32. This consistency analysis concludes that the Project’s open space area and concentration of the development envelope in two planning areas would ensure that intermediate and long range views of hillside locales and visually prominent ridgelines and canyon would not be altered, including preservation of the primary east-west canyon within the central open space portion of the project site.

Consistency with the retaining wall criteria of the City’s Hillside Development Zoning Code Regulations is addressed in Table 4.1-3 on page 4.1-31. The retaining wall criteria associated with grading is stated to be six (6) feet, with additional height to be avoided in order to preserve a more natural slope character. As stated in Table 4.1-3, retaining wall heights above 6 feet will be used only when needed to ensure manufactured slope stability with wall features landscaped and adjacent grading to be blended in furtherance of restoring a more natural slope appearance to ensure that the character and quality of the site affected by such slopes can be minimized, as feasible.

**RESPONSE SCHUMANN1-4**

Please refer to Response Schumann1-3.

**RESPONSE SCHUMANN1-5**

The Draft EIR addressed aesthetic impacts in Section 4.1, *Aesthetics*. At 112 dwelling units, the proposed Project's density is 1.3 dwelling units per acre of single family homes (with an open space area of 36 acres) is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the proposed project would be compatible with the adjacent single family homes. Therefore, at an overall density of 1.3 dwelling units per acre, the homes in Planning Area 2 would be compatible with the homes in the City subdivisions west of Planning Area 2 which the commenter states without specific information as being on lots "over an acre."

The commenter should note that both the County General Plan and the City General Plan permit clustering to preserve topographically constrained and open space areas such that actual lot sizes are allowed to be smaller than the arithmetic one dwelling unit per acre as identified in the City General Plan Land Use designation of Low Density Residential.

**RESPONSE SCHUMANN1-6**

Construction-related air quality impacts were addressed in Section 4.2, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix B of the Draft EIR.

As indicated in Table 4.2-8 on page 4.2-25 of the Draft EIR, fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) during construction activities would be less than the health protective thresholds established by the SCAQMD and CARB. As a result, fugitive dust emissions would result in less than significant impacts to nearby sensitive receptors.

Also, as specified in the Draft EIR, Mitigation Measures 4.2-1 and 4.2-2 have been prescribed to control fugitive dust emissions, to the extent feasible. In response to a City comment (see Response CITY2-98), applicable requirements of SCAQMD Rule 403 have also been included under Mitigation Measure 4.2-3 to control fugitive dust and impacts to nearby residents.

Handling of potentially contaminated soil was addressed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed under Impact Statement 4.7-2 beginning on page 4.7-20, a Soils Management Plan (SMP) and a Health and Safety Plan (HASP) would be implemented by the Project when handling suspected contaminated soils. These plans would establish the protocol for the safe handling and disposal of impacted soils that could be potentially encountered during construction activities. Additional soil testing would be implemented to ensure soils are accurately characterized prior to excavation and earth moving activities. Mitigation Measures 4.7-1 to 4.7-3 require these plans to be prepared and implemented during construction activities. As concluded under Impact Statement 4.7-2, with implementation of the applicable

project design features (PDFs), the prescribed mitigation measures and compliance with applicable regulatory requirements, all potentially significant impacts regarding the Project's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level.

Also, Section 4.7 of the Draft EIR addressed hazards associated with methane. Specifically, methane impacts are addressed on page 4.7-22 of the Draft EIR and Mitigation Measure 4.7-6 has been prescribed to ensure potential impacts associated with methane gas are reduced to a less than significant level. Mitigation Measure 4.7-6 requires a qualified environmental consultant to prepare a combustible gas/methane assessment study for the OCFA for review and approval, prior to issuance of a grading permit. Based on the results of the study, methane mitigation measures would be implemented by the Project, as necessary to ensure methane gases do not pose significant hazards to people or the environment. Mitigation Measure 4.7-6 further prescribes measures such as vapor barriers or sealed utility conduits to reduce the potential for fire danger during construction and also reduce the potential for any health hazards from methane gas which could otherwise occur to future residents of the Project, as well as surrounding residential areas. The implementation of Mitigation Measure 4.7-6 would ensure that methane within the project site does not result in public health or safety issues. To ensure Mitigation Measure 4.7-6 is implemented to applicable OCFA requirements, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

## Executive Summary

### 1. Page ES-27. Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

## Section 4.7, Hazards and Hazardous Materials

### 1. Page 4.3240. Modify Mitigation Measure 4.7-6 with the following changes:

**Mitigation Measure 4.7-6** Prior to grading activities and concurrent with decommissioning of the on-site oil facilities, the Project Applicant shall retain a qualified environmental consultant/California registered engineer and/or geologist with demonstrated proficiency in the subject of soil gas investigation and mitigation to prepare a combustible gas/methane assessment study to the OCFA for review and approval, prior to grading

activities. The study shall be prepared to meet the combustible soil gas hazard mitigation requirements set forth in OCFA's Combustible Soil Gas Hazard Mitigation Guideline C-03. Prior to conducting the gas/methane assessment study, the site drill locations shall be pre-approved by the OCFA as to ensure approval of the report. Based on the results of the study, methane mitigation measures, which may include, but are not limited to, the use of vapor barriers and/or sealed utility conduits, and other mitigation measures shall be identified in a mitigation plan for implementation during construction and operation of the Project. The mitigation plan shall be subject to review and approval by the OCFA prior to grading activities.

#### **RESPONSE SCHUMANN1-7**

Please refer to Response Schumann1-6, above. With regard to concerns of Valley Fever spores, the Project implements fugitive dust reduction measures consistent with South Coast Air Quality Management District requirements (see Rule 403) which will limit the travel of potential spores off-site. Rule 403 establishes fugitive dust limits to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions. This rule requires implementation of best management practices (including construction equipment maintenance and upkeep) for fugitive dust control. With these fugitive dust reduction measures to be implemented by the Project, risk of Valley Fever would be less than significant. Section 4.2, *Air Quality*, in the Draft EIR provides a discussion of the Project's construction-related fugitive dust-related impacts. As discussed therein, impacts would be less than significant with implementation of the prescribed mitigation measures.

#### **RESPONSE SCHUMANN1-8**

As stated on page 2-28 in Chapter 2.0, *Project Description*, of the Draft EIR, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. A 1.8-acre parcel located in Planning Area 1 (also referred to as the "drilling pad") is proposed to be zoned R-1(O) and can be designated for continued oil operations including consolidation of wells relocated from the rest of the project site and slant drilling of new wells below ground. However, the Project is not proposing new oil wells and as such, would not drill new wells. The drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations with permitting and site planning to be pursued by the oil operators. Thus, the oil drilling pad would be developed for future oil operations as a separate project should the oil operators choose to relocate to this area of the project site. Although drilling operations may be performed at the drilling pad in the future, there are no known or foreseeable plans to reinstate drilling at the pad. Furthermore, in the event drilling at the pad is proposed in the future, it would be an independent project that would require separate environmental review prior to consideration of approval of any drilling activities. Therefore, preparation of a health risk assessment and analysis of any potential odor impacts would not be meaningful as future drilling operational parameters are not known and are speculative at this point.

#### **RESPONSE SCHUMANN1-9**

Please refer to Response Schumann1-7, above.

**RESPONSE SCHUMANN1-10**

The localized air quality thresholds used in Section 4.2, *Air Quality*, of the Draft EIR are health-protective thresholds established by the SCAQMD, CARB and EPA. These pollutant standards take into account sensitive populations such as children, elderly and people with respiratory problems. Potential health impacts resulting from criteria pollutant exposure are provided on pages 4.2-10 through 4.2-13 of the Draft EIR. Localized criteria pollutant impacts were addressed on page 4.2-25 which demonstrated that localized criteria pollutant concentrations would remain below SCAQMD health-protective thresholds. Please also refer to Response SCAQMD-3 for a discussion of cumulative construction impacts.

**RESPONSE SCHUMANN1-11**

The Draft EIR addressed geology and soil impacts, including slope stability, in Section 4.5, *Geology and Soils*, with supporting data provided in Appendix E of the Draft EIR. Slope stability impacts are discussed under Impact Statement 4.5-1 on page 4.5-15. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding geology/soils.

**RESPONSE SCHUMANN1-12**

The grading plan for the site assumes that nearly all of Planning Area 1 would be graded to accommodate the proposed residential and supporting infrastructure uses. The locations of the existing oil wells are within the grading footprint areas of Planning Area 1. Thus, it is anticipated that the majority extent of contaminated soils, if any, is included within the grading quantities for the Project. It would be speculative to estimate the extent of any underlying soil contamination based on the analysis conducted in Section 4.7, *Hazards and Hazardous Materials*. As discussed therein, while the Phase II Subsurface Investigation report concluded that the soils tested on the site, including those near the oil facilities, do not contain chemicals of concern (COCs) that exceed applicable health risk screening levels, the Draft EIR conservatively concludes that there is nonetheless still the potential for the Project to encounter impacted soils during soil-disturbing/grading activities associated with Project construction. As such, a Soils Management Plan (SMP) has been prepared for the Project that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. The SMP is required by Mitigation Measure 4.7-1 and included in Appendix G of the Draft EIR. Furthermore, Mitigation Measures 4.7-2 and 4.7-3 are prescribed to address potentially encountered contaminated soils during construction activities.

**RESPONSE SCHUMANN1-13**

The referenced Yorba Linda Municipal Code Section 15.36.700 in this comment pertains to a Site Plan and Design Review approval being sought from the City of Yorba Linda Planning Commission and/or the Community Development Director. The Project does not require Site Plan and Design Review from the City of Yorba Linda and as such, this Municipal Code section is not applicable to the Project. However, all existing on-site oil wells and production facilities would be abandoned or re-abandoned, with leak testing provided, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange.

**RESPONSE SCHUMANN1-14**

The Draft EIR addressed greenhouse gas impacts in Section 4.6, *Greenhouse Gas Emissions*, with supporting data provided in Appendix F of the Draft EIR. Cumulative greenhouse gas emissions impacts, inclusive of all

greenhouse gases (methane included), are discussed under Impact Statement 4.6-3 beginning on page 4.6-26 of the Draft EIR. The analysis acknowledges that, “On a global scale, no single project alone will measurably contribute to a noticeable incremental change in global average temperature. Therefore, GHG impacts to global climate change are inherently cumulative.” The cumulative GHG impact analysis recognizes that the project would be consistent with applicable GHG plans to reduce GHG emissions and would not exceed applicable SCAQMD GHG thresholds. Further, as discussed therein, since the Project would result in less than significant impacts based on AB 32 derived thresholds, the Project would not have cumulatively considerable GHG impacts.

**RESPONSE SCHUMANN1-15**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding emergence response and wildland fire impacts.

**RESPONSE SCHUMANN1-16**

Please refer to Topical Response 3 regarding emergence response and wildland fire impacts.

**RESPONSE SCHUMANN1-17**

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

**RESPONSE SCHUMANN1-18**

Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE SCHUMANN1-19**

Contrary to the comment, the Draft EIR does not assume a specific number of vehicles per household. Please refer to Topical Response 3 for a detailed evaluation of the Project’s fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.



**Letter: Schumann2**

**From:** Ed & Tam Schumann [<mailto:tam.ed.schumann@gmail.com>]

**Sent:** Tuesday, January 21, 2014 6:54 PM

**To:** Tippetts, Ron

**Cc:** Spitzer, Todd [HOA]

**Subject:** Cielo Vista Project DRAFT EIR No. 615

**TO: Mr. Ron Tippetts**

**Orange County Planning**

**300 North Flower Street**

**Santa Ana, CA 92702-4048**

**Cc: The Honorable Todd Spitzer, OC Supervisor, Third District**

**FROM: Edward L. Schumann**

**DATE: JANUARY 21, 2014**

**SUBJECT: Cielo Vista Project DRAFT EIR No. 615**

This article from Voice of OC, provides a nice response to the DEIR which fails to take into account the issues raised in Ms. Sefton's article.

1

## **Community Editorial: Heed the ‘Sustainable Communities Strategy’**

**By GLORIA SEFTON | Posted: Tuesday, January 21, 2014 8:15 am**

At first blush, the Madrona housing proposal in Brea might look like any other. It's a 162-unit development of single-family homes that will sit on 367 acres.

But it represents a tipping point.

And it's only one of many similar proposals that are pushing development boundaries all over Orange County.

As the Brea City Council opens hearings on Madrona on Tuesday, council members and the public should see the project for what it actually is: more sprawl development.

It's on virgin hillside land abutting Chino Hills State Park on the fringes of Brea. It runs counter to the Sustainable Communities Strategy that Orange County — and Brea itself — adopted in April 2012.

What is the Sustainable Communities Strategy?

It flows from California's landmark greenhouse gas reduction law, which requires cuts in greenhouse gas emissions to 1990 levels by the year 2020. The Southern California Association of Governments, in response to the law, set greenhouse gas transportation reduction targets for the region at 9% by 2020 and 16% by 2035, and in a multiyear effort involving stakeholders across the region, established the Sustainable Communities Strategy.

The Strategy lays out many ways to reduce vehicle miles driven to achieve the mandated greenhouse gas reductions and at the same time build livable, vibrant and sustainable communities for Orange County — even in the face of expected population growth of 4 million over the next 25 years.

*([Click here](#) to read the Sustainable Communities Strategy.)*

These “smart land-use strategies” encourage maximizing use of existing facilities and avoiding or limiting impacts to open space that contain important natural resources and habitat. The strategies also support “infill” housing and redevelopment, mixed-use development and walkability of communities, improving the jobs to housing ratio and promoting land-use patterns that offer alternatives to single-occupant auto use. These strategies also have the benefit of reducing pollution and improving health.

The Sustainable Communities Strategy doesn't propose a wholesale change to Southern California's developed areas; existing stable residential neighborhoods are expected to remain the way they are today. Rather, the strategy promotes new ways of developing new neighborhoods and revitalizing old ones to give Orange County residents a variety of lifestyle choices.

But Madrona doesn't fit the bill for any of these modern planning strategies. It's dangerous too. The tract would be situated on hills prone to landslides and smack in the middle of a historic wildland fire corridor. Surely Madrona violates the fundamental principle of protecting natural habitat and resources that are critical for environmental and public health. It will destroy more than 1,300 oak and walnut trees and bulldoze virgin land.

Likewise, Cielo Vista and Esperanza Hills, also in the binge of proposals under consideration, fail to make the grade. Those tracts are on virtually undeveloped county land that Yorba Linda is anticipated to annex. Cielo Vista proposes 112 homes on 84 hillside acres that support natural habitat. Esperanza Hills proposes 340 homes on 469 hillside acres bordering a state park.

Adding more to the list, Mission Viejo recently approved Skyridge, a development next to natural habitat on previously unincorporated county parcels that will be annexed to Mission Viejo, expanding its boundaries. And SaddleCrest, though currently in litigation, is an isolated tract in unincorporated rural Trabuco Canyon on undeveloped land far from services and transportation hubs and without current infrastructure. If SaddleCrest's approval stands, we can expect more developments like it in the canyon areas.

All of these development proposals fly in the face of sustainable development strategies. And they are being made against a backdrop of burning Southern California hillsides and an official state declaration of drought emergency. It would be reckless to ignore the fact that these developments will require vast amounts of water where virtually no water is being used today.

Climate change is occurring, and it's having severe negative impacts that cannot be denied. If we're serious about greenhouse gas reduction and, importantly, sustainability and protection of resources and quality of life for the next generations, projects like Madrona, Cielo Vista and Esperanza Hills should not go forward.

Instead of blithely approving these outmoded development plans, it's time for elected officials — the ones with authority to say yes or no to these projects — to scrutinize them according to the sustainable development tenets that the region signed on to. Will these officials have the courage and foresight to reject these proposals, or is the Sustainable Communities Strategy just a meaningless document?

Local jurisdictions can use creative tools, like transferring development rights to appropriate locations elsewhere, to keep the valuable and sensitive open space undisturbed while providing economic fairness to landowners and developers. Many California cities and counties are already doing this.

We have virtually no chance of meeting our target greenhouse gas reductions or creating a desirable, livable Orange County for the long term if land-use decisions are going to be made with little or no regard for the adopted strategies of building sustainable communities and reducing vehicle miles driven. Rather, our precious open space will be consumed forever and we'll be living in isolated island communities, far from work or services, traveling long distances on traffic-choked highways and dealing more and more with the negative impacts of climate change.

That would be a colossal failure on our part.

[Gloria Sefton](#) is a Voice of OC Community Editorial Board member and a co-founder of the Saddleback Canyons Conservancy.



**LETTER: SCHUMANN2****Edward Schumann**

4310 Willow Tree Lane  
Yorba Linda  
(January 21, 2014)

**RESPONSE SCHUMANN2-1**

This comment references an article written by Gloria Sefton from Voice of OC, which references the Cielo Vista Project, amongst others, and provides her opinions of the various development proposals in regards to SCAG's Sustainable Communities Strategies (SCS). This article is noted by the County and will be provided to the decision makers for review and consideration as part of the decision making process. This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. However, it is noted that SCAG's SCS targets are not project-specific and are achieved through region-wide vehicle miles traveled (VMT) reduction measures. These VMT reduction goals contained in the SCS may be achieved through other means such as mass transit or transit oriented development within the region. A discussion of the Orange County Council of Governments (OCCOG) SCS has been added to the Draft EIR (see below). As discussed therein, the Project would not conflict with the SCS. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

**Section 4.6, Greenhouse Gas Emissions****1. Page 4.6-26. Add the following text below the 1st paragraph in the discussion of "Consistency with Applicable GHG Plans":**

Further, as discussed previously, SB 375 was enacted to reduce GHG emissions by requiring MPOs to develop an SCS as part of their RTP. As a result, SCAG has included an SCS element to their RTP which encompasses the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Riverside. SB 375 also allows for subregional council of governments to develop a subregional SCS. The Orange County Council of Governments (OCCOG) has developed a subregional SCS specific to Orange County.

The OCCOG subregional SCS contains goals (VMT reduction) identical to the regional SCAG SCS. However, goals of the SCS are not project specific. As stated in the OCCOG subregional SCS, "no subregional GHG emissions reduction targets were set by CARB or SCAG. GHG emission reduction targets are only calculated at the regional level." Therefore, the SCS does not target specific projects, but reductions will be achieved on a regional level.

In order to achieve VMT and GHG reduction goals, the SCS contains several VMT reduction measures which may not be project specific. Such measures include transportation system efficiency improvements and transit oriented development. As these VMT reduction measures are more regional in nature, the Project would not be able to implement such measures. Therefore, the Project would not conflict with goals of the SCS.

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## **Letter: Sedita**

**From:** Robert Sedita [<mailto:rsedita@sbcglobal.net>]

**Sent:** Monday, January 13, 2014 3:22 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

Mr. Ron Tippetts

Orange County Public Works

Mr. Tippetts:

I am writing you today to express my concern over the proposed Cielo Vista Project in Yorba Linda. I have lived in the track of homes entered thru Via Del Agua for approximately 25 years and have seen the continued growth of Yorba Linda and the effect such growth has had on the existing infrastructure, safety and quality of life within Yorba Linda.

I have two primary concerns relative to this project. Firstly, the traffic situation that currently exists at the uncontrolled intersection of Via Del Agua and Yorba Linda Blvd. has continually deteriorated with the addition of more homes in the area. This is especially true during school hours, when parents dropping off their children at Travis Ranch School use Via Del Agua as a turn-around get onto Yorba Linda Blvd., and approach the school from the north rather than deal with the congestion at the school when approaching from the south. This routinely backs traffic up and it is not uncommon to have over a dozen vehicles waiting to make left turns out of Via Del Agua. This level of traffic waiting at the stop sign and the high volume of traffic already moving on Yorba Linda Blvd. during this time of day, results in substantial delays for residents attempting to exit the track. Additionally, pedestrian traffic is also impacted. Many residents walk in this area as do many parents and grandparents with small children and/or infants in strollers. The amount of traffic already using Via Del Agua is significant and crossing at the corners is somewhat hazardous for these pedestrians. I have witnessed several incidents wherein drivers were traveling in excess of the residential limit and have cut-off pedestrians attempting to cross Via Del Agua. The addition of these homes would exasperate these already significant problems.

Secondly, I was at home during the Freeway Complex Fire and witness how rapidly a wind driven fire can spread. We lost three homes in our track. The problem was not so much the hillsides, but rather the landscaping and the homes that fed the fire into our track. We did not see a fire truck for 3 days in our track. The construction of these homes bordering the Chino State Park property is a recipe for disaster.

I respectfully request that the County reconsider allowing the construction of these homes. Such construction would have an adverse effect on the traffic flow, public safety and quality of life that attracted many of us to Orange County in the past.

Respectfully,

R. Sedita





**LETTER: SEDITA****Robert Sedita**

(January 13, 2014)

**RESPONSE SEDITA-1**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of building permits for the Project. The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level. Further, the traffic signal would provide designated crossings for pedestrians at this intersection.

**RESPONSE SEDITA-2**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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**Letter: Shidler**

**From:** Mark Shidler [<mailto:msrshidler@msn.com>]

**Sent:** Friday, January 17, 2014 3:11 PM

**To:** Tippetts, Ron

**Subject:** Objection to Cielo Vista Project and Esperanza Hills Project

Good Afternoon,

I am a long time Yorba Linda resident, living here since 1994. I moved here because my family and I craved the low density and rural feel, Yorba Linda offered. My family was quite content with the “Land of Gracious Living” until we were stuck in the major traffic jam, caused by the Freeway Complex Fire evacuations. We genuinely feared for our lives as the fire came towards us. As a result of the fire we lost our back yard and almost our house. Thanks to the fire fighters infra- red technology, the embers that started burning in the frame of our house were discovered and cut out. I have no doubt our house would have been lost.

The streets here in our track couldn’t handle the amount of cars already trying to escape the blaze. Adding more homes and cars is only going to make it worse and next time, it could cost lives.

The developer and the OC planning staff, need to be honest and not just ram this thru.

The Fire Authority has concerns , as does the OC Sheriffs Dept. about public safety. These projects must not endanger anyone and as it stands there aren’t adequate routes to escape quickly. There needs to be enough water to fight future fires. The only reason my house was saved was because the water pumping station was damaged from the fire and the fire dept. came back.

Everyone of my neighbors is against this project as am I. These projects need to be rejected and put down permanently. They do not benefit our community.

I urge you to not let these projects proceed.

I want this on the record.

Sincerely,

Sheryl A Shidler



**LETTER: SHIDLER**

**Sheryl A. Shidler**  
(January 17, 2014)

**RESPONSE SHIDLER-1**

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

**RESPONSE SHIDLER-2**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, an important component of minimizing the risks associated with wildland fires is the availability of adequate fire flow. The minimum fire flow requirement to the project site is 1,000 gallons per minute (gpm) at 20 pounds per square inch (PSI). The ability of the water service provider to provide water supply to the project site is discussed in Section 4.15, *Utilities and Service Systems*, of the Draft EIR. As discussed therein, with implementation of the prescribed mitigation measures, adequate water supply would be available to serve the project site, including minimum fire flow requirements. Please also refer to Topical Response 2 regarding the Project's water supply infrastructure. To ensure that adequate fire flows are provided to the project site, per correspondence with the OCFA, Mitigation Measure 4.7-11 has been prescribed which requires a service letter from the water agency (Yorba Linda Water District) serving the project area to be submitted and approved by the OCFA water liaison prior to the issuance of building permits, that describes the water supply system, pump system, and fire flow and lists the design features to ensure fire flow during a major wildfire incident thereby reducing fire hazard impacts to less than significant. As concluded in Section 4.7 of the Draft EIR, wildland fire impacts, which considered water supply to combat a wildland fire, were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project.

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## Letter: Sinner

From: Barbara Sinner [<mailto:barbsinner@gmail.com>]

Sent: Sunday, January 05, 2014 9:50 PM

To: Tippetts, Ron

Subject: Cielo Vista and Esperanza Hills

Dear Ron,

I am strongly opposed to these two proposed developments being accessed by utilizing San Antonio or Via Del Aqua. I lost my home in the Freeway Complex Fire. I live on San Antonio with a fire station and a police station at the bottom of my street. My home never received a drop of water from a Fireman, and when police were notified of looters on my property, they did not respond. I remember the horrifying gridlock that day I escaped. I remember driving through the thickest cloud of black smoke, hoping there wouldn't be a car in front of that cloud, and that I wouldn't die in my car on San Antonio.

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Yorba Linda lost 135 homes that day. The new developers claim that their additional homes will create a fire break. I think we already had hundreds of homes that did not create a fire break. No so called "fire break" can withstand 50 mph gusts carrying burning embers. The developers claim that their new houses will be burn proof. Anyone remember the Titanic????

The developers claim that people won't evacuate and stay in their homes because they have been told their new houses are burn proof. Let's see, I don't see Grandma whose babysitting her grand kids calmly watching a DVD and cranking up the A/C. I don't see a dad calling his 16 yr old daughter at home and instructing her on how to use the garden hose to put out the fire on the bushes. I don't see horse owners bringing their horses indoors until the fire passes. It is second nature to run, not to stay. People will not stay at home comfortable with the belief that their home is fire proof, they will run. And they will all run at the same time in the same direction, because they have no other way out, A proposed 500 home cul de sac in a well documented fire area is ludicrous!!

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Please know that I and others will continue to fight these proposed projects.

Barbara Sinner





**LETTER: SINNER****Barbara Sinner**

(January 5, 2014)

**RESPONSE SINNER-1**

Please refer to Topical Response 3 regarding emergency access. Also, the Draft EIR addressed public services impacts, including police and fire protection services, in Section 4.12, *Public Services*, with supporting information provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

**RESPONSE SINNER-2**

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

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**Letter: Spellman**

***Lizette and David Spellman***

***4460 San Antonio Rd***

***Yorba Linda, CA 92886***

***(714) 970-1420***

***[Lizette18@sbcglobal.net](mailto:Lizette18@sbcglobal.net)***

**January 19, 2014**

Mr. Ron Tippets

**ORANGE COUNTY PLANNING**

300 North Flower Street

Santa Ana, California 92702

**SUBJECT: Response to Cielo Vista Project DRAFT EIR No. 615, Geology – Section 4.5**

The Draft EIR acknowledges four major geological risks present on the project site:

- a. The presence of the Whittier fault and trace lines, although the locations used for site planning were “inferred”. (Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Page 2);
- b. Several “large-scale” landslides are indentified at the northwestern portion of the subject site”. (Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Page 2);
- c. expansive soils are present;
- d. liquefaction is possible;

The DEIR statement that with proper geotechnical investigation, all of these risks can be minimized is not supported by substantial evidence.

All four of the above listed conditions are likely to have significant impacts on the site plan. For example, a significant number of planned homes fall within the 1000’ wide Whittier fault zone in areas that could be undevelopable.

Additionally, depending upon the amount of remedial grading required to mitigate landslide formations, significant offsite grading may be required to the east on the Esperanza Hills property. (Appendix E, PSE Geotechnical Evaluation, 6/8/06, Section 4.5.)

Appendix E, LGC Geotechnical Feasibility Study, 3/1/13, Introduction makes reference to “subsurface geotechnical evaluation of the site is currently in-progress”....this information was not found.

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Mitigation Measure 4.5-1 proposes to require a final site specific geotechnical investigation prior to issuance of grading permits. The final site specific geotechnical investigation should be completed prior to approval of the EIR. Identification of impacts must be analyzed in the Draft EIR and all reasonable avoidance and mitigation options must also be analyzed in the document.

3

Cont'd

Any other approach constitutes improper deferral under the California Environmental Quality Act.

4

**LETTER: SPELLMAN**

**Lizette and David Spellman**

4460 San Antonio Road  
Yorba Linda, CA 92886  
(January 19, 2014)

**RESPONSE SPELLMAN-1**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE SPELLMAN-2**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE SPELLMAN-3**

Please refer to Topical Response 4 regarding geology and faulting.

**RESPONSE SPELLMAN-4**

Please refer to Topical Response 4 regarding geology and faulting.

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**Letter: Stansberry**

From: Valerie Stansberry [<mailto:Truthrule7@aol.com>]

Sent: Wednesday, January 22, 2014 8:48 AM

To: Tippetts, Ron

Subject: Corliss Vista & Esperanza Hills

Dear Ron, my husband and I have been residents in Yorba Linda for thirty years. The appealing semi small town atmosphere has been Yorba Linda's appeal and trademark. Unlike South Orange County, you don't have to wait through a traffic signal three times to cross. Also, witnessing and being part of the last fire, all residents will conclude that the evacuation did not work in our best interest. It will only get worse. Let's leave our beautiful city which attracts people just because of the quaintness and less congestion. Please stop the building!! Sincerely, Ron & Valerie Stansberry





**LETTER: STANSBERRY****Ron and Valerie Stansberry**

(January 22, 2014)

**RESPONSE STANSBERRY-1**

The role of County planning staff is to neither advocate for nor oppose a development project, but to objectively analyze and balance public sentiment, planning and technical considerations, and a project's goals to provide recommendations on the disposition of a project to the decision-makers. When the County decides the disposition of the proposed Project, the Project analysis contained in the Draft EIR, the Project documents including the vesting tentative tract map and the area plan as well as community input will be considered in the decision-making process.

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

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**Letter: Steverding**

**From:** Olivia Steverding [<mailto:steverdingassoc@sbcglobal.net>]

**Sent:** Friday, January 10, 2014 1:03 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Responses

My name is John Steverding and my wife is Olivia we live at 4760 Stirlingbirdge Circle Yorba Linda, CA for 25 years. Our cull de sac empty's on to Stonehaven a few houses from Via Del Agua.

On the day of the fires in November of 2008 we were viewing the fire on a hill top close to our street. As the fire approached we prepared to evacuate, the wind was extreme and the fire was moving very fast, within 10 minutes it traveled over a mile and was upon us. The fire was over 30 feet tall and the air was as dark as midnight.

As we approached Stonehaven the street was packed with cars and fire surrounded us. We never expected to see our home again, cars were being abandoned and some were running down the street, there was no other way out and it took forever to get onto Yorba Linda Blvd. Now picture that and add 500 new auto's to the scenario, and when the second development is completed add another 1,000 vehicles.

I cannot even believe that a new development that empties on to Via Del Agua is going to be considered. On top of that, the project could go on 5 to 7 years of earth moving and contaminating the air, with God knows what.

If this project goes through as designed I'll think about moving from the "Land of Gracious Living" it won't be gracious anymore.

I am sure that you are aware of the earthquake faults within these developments.

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**LETTER: STEVERDING**

**Olivia and John Steverding**  
(January 10, 2014)

**RESPONSE STEVERDING-1**

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

**RESPONSE STEVERDING-2**

The Draft EIR addressed air quality impacts, including construction and operational impacts, in Section 4.2, *Air Quality*, with supporting data provided in Appendix B of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

Please also refer to Topical Response 4 regarding geology and faulting.

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## **Letter: Stull**

**From:** tlstull [<mailto:tlstull@pacbell.net>]

**Sent:** Wednesday, January 22, 2014 2:30 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

Dear Mr. Tippetts,

I writing regarding the Cielo Vista project. I strongly oppose this project due to the negative impacts that it will impose on the air quality, the increased traffic, and the harm it will do the environment.

The harm and negative impacts it will have on the current resident's quality of life is significant.

Further, it will cause irreversible harm to the environment and sensitive populations that reside in the vicinity.

Please do not allow this project to proceed.

Sincerely,

Theresa Stull

Yorba Linda Resident





**LETTER: STULL****Theresa Stull**

(January 22, 2014)

**RESPONSE STULL-1**

Chapter 4.0 of the Draft EIR contains the environmental setting, project and cumulative impact analyses, mitigation measures and conclusions regarding the level of significance after mitigation for the categories of impacts required to be analyzed by CEQA. The conclusion for all of categories of impacts is that the Project's impacts are less than significant, or less than significant with mitigation. Therefore, the commenter is not correct in stating that the Project will create air quality, traffic, and general environmental impact when project impacts as defined by CEQA will be less than significant. Additionally, and although potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), with project design being compatible with adjacent and nearby single family homes, the value of the existing homes should not be substantially affected.

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## **Letter: Thaete**

**From:** David & Tricia Thaete [<mailto:badandee@ca.rr.com>]

**Sent:** Tuesday, January 14, 2014 9:58 PM

**To:** Tippetts, Ron

**Subject:** Ceilo Vista and Esperanza Hills

**Importance:** High

Mr. Tippetts: this email serves as my notice of opposition to the Ceilo Vista and Esperanza Hills projects. As a resident of Yorba Linda in the neighborhood below and adjacent to these projects, and having personally experienced the ravishing fires 5 years ago, including the inept actions of our emergency response agencies, I am convinced that these projects would only serve to increase the level of danger that my family and our fellow neighbors would be exposed to in the event of another catastrophic event, like the fires five years ago, or an earthquake. Primarily, with the number of residential units planned, and the ingress/egress planned to accommodate these units, there has been a complete lack of good planning practices and good judgment applied to support these projects.

Please put me on record as opposing these projects.

Sincerely,

David Thaete

21570 Dunrobin Way

Yorba Linda, CA 92887



**LETTER: THAETE**

**David Thaete**

21570 Dunrobin Way  
Yorba Linda, CA 92887  
(January 14, 2014)

**RESPONSE THAETE-1**

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

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## Letter: Thayer

From: Dale Thayer [<mailto:dalethayer@me.com>]

Sent: Wednesday, January 22, 2014 6:01 PM

To: Tippetts, Ron

Subject: Cielo Vista Project

Mr. Tippetts

Mr. Tod Spitzer

My name is Dale Thayer and I live at 4660 San Antonio Rd. I attended the meeting on the 16th of January but was not able to make a comment due to the late hour that the meeting ran to. I will keep my comments brief and to the point.

I lost my home and nearly my wife and son during the fire of 2008. If you look up my address you will see that we are the first house as you go up San Antonio. Even being that close to Yorba Linda Blvd. my wife was not able to exit down San Antonio due to heavy smoke and fire. She had to turn around amidst several other vehicles doing the same thing to travel up San Antonio to Fairmont and out. With additional traffic created by the new development coming the same way it's not incorrect to state that there will be life lost in the case of a similar event.

My second statement is this: One of the proposed exit routes is to build a road practically in my back yard in the gas easement area from the development to San Antonio. All I want from each of you is your estimate of how much this will lower my property value. I did ask the developer after the meeting on the 16th and he admitted that he could not answer me. In other words, "substantially" and I think you will agree. That being the case how is it right to allow one man or developer the right to build in such a way that another mans property is devalued?

I informed the developer that evening that if this plan were to go forward I will be seeking legal action against all involved in this action and those approving this action which would include all public agencies. His comment to me before he walked away was "let's get together and work something out". I trust that the decision makers in this action will consider the damage this will do not only to me but several of my neighbors not to mention the endangerment of future residents to this community.

Please be men of integrity in your decision making.

Sincerely,

Dale Thayer  
4660 San Antonio Rd.  
Yorba Linda, CA





**LETTER: THAYER****Dale Thayer**

4660 San Antonio Road  
Yorba Linda, CA  
(January 22, 2014)

**RESPONSE THAYER-1**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE THAYER-2**

This comment states that the proximity of the proposed exit route to the commenter's property will substantially lower his property value. The potential economic impacts on individual homeowners are beyond the scope of CEQA (see CEQA Guidelines section 15131(a)), particularly given that the Project's density and design is compatible with adjacent and nearby single family homes. At 112 dwelling units, the key to the Project is its density of 1.3 dwelling units per acre of single family homes with an open space area of 36 acres which is compatible with the adjacent neighborhoods to the north, west and south which were built pursuant to the City's General Plan designation of up to one dwelling unit per acre. Additionally, the Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Also, the Project proposes a range of lot sizes from a minimum of 7,500 square feet, with an average lot size of approximately 15,000 square feet per the Project's Draft Area Plan. With this range of lot sizes, the Project would be compatible with the adjacent single family homes.

**RESPONSE THAYER-3**

This comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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## **Letter: Unland**

**From:** James Unland [<mailto:jmunland49@att.net>]

**Sent:** Monday, January 06, 2014 8:19 AM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Development

As a property owner immediately adjacent to the proposed Cielo Vista development in Yorba Linda, I write to express my strong opposition to the development. Putting a large development in a fire prone area is not only a danger to the new residents, it is a danger and risk to the existing residents. Developers cannot mediate this risk, no matter what their PowerPoint slides will say.

I lived through the Freeway Complex fire. I remember trying to evacuate the area only to find gridlock on Stonehaven, and more importantly, Yorba Linda Blvd-we were trapped. There is no way a builder can promise to mediate the risk of surface street gridlock. Promising development exits into two streets running into YL Blvd, to evacuate the 500 homes, does not do anything but increase the gridlock.

Fire will come again. We must intelligently plan for that eventuality. Putting a new development squat in the middle of the fire area is just not intelligent.

Open space is at a premium in Orange County. The higher purpose of the land should be for open space, not developer's pockets.

Very Respectfully,

Jim Unland

4765 Stirlingbridge Circle

Yorba Linda, CA 92887

[jmunland49@att.net](mailto:jmunland49@att.net)

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**LETTER: UNLAND****Jim Unland**

4765 Stirlingbridge Circle  
Yorba Linda, CA 92887  
(January 6, 2014)

**RESPONSE UNLAND-1**

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

**RESPONSE UNLAND-2**

Approximately 36 acres or 43% of the project site between the two planning areas is planned to be retained as permanent open space. Future ownership of this area can be by the Project's homeowner's association, a non-profit agency, or a public agency. Development will not occur in this area and there will be no direct maintenance and operations cost to adjacent homeowners.

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## **Letter: Wallace**

**From:** Scott Wallace [<mailto:scottwallace@votaw.com>]

**Sent:** Thursday, November 21, 2013 3:41 PM

**To:** Tippetts, Ron

**Subject:** Cielo Vista Project

I am writing in opposition to the Cielo Vista Project. I live on Allonby Circle which is the street right off of Stonehaven. We are at the bottom of Stonehaven and hear the traffic coming down the hill to Yorba Linda Blvd all day and night. It can be substantial at specific times of the day. During the fire evacuation, I am told there was tremendous traffic trying to get off of the hill. Adding the Cielo project will add significantly to the challenge of evacuation.

Yorba Linda Blvd is a main road which has increased in traffic tremendously over the past 10 years we have lived here. More traffic in this area will negatively affect our "Gracious Living" in Yorba Linda.

I have lived in Orange County since 1963, so I witnessed amazing growth. For me, in this case it is not so much the growth - it's the access to it and the added specific traffic over very few roads. I can only imagine the number of construction trucks up and down Stonehaven, let alone the continuous added traffic that will come when other direct routes to Yorba Linda Blvd will back up and the choice is made to use Stonehaven.

Please consider stopping this project

Scott Wallace





**LETTER: WALLACE****Scott Wallace**

(November 21, 2014)

**RESPONSE WALLACE-1**

The Draft EIR addressed traffic impacts, including impacts during both construction and operation of the Project, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, construction and operational traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access. Also, the comment's statement of opposition to the Project because of added traffic is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

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## **Letter: Wilkerson**

**From:** Brian Wilkerson [<mailto:wilkerns@pacbell.net>]

**Sent:** Tuesday, January 07, 2014 8:37 PM

**To:** Tippetts, Ron

**Subject:**

Dear Supervisor Spitzer,

I've lived in Yorba Linda for over 25 years, and I recently retired from the Orange County Sheriff's Department. I believe all my neighbors and I oppose the proposed housing development that would go in our neighborhood ( Cielo Vista and Esperanza Hills). The reasons are simple, increased traffic in our neighborhood and additional fire hazard. I ask that if you haven't, please look at the area that is proposed for this new development and the proposed ingress and egress for all the additional traffic. It will cause a bottle neck effect, affecting the quality of life for all of us that live here. Also, the fire in 2008 showed us first hand how vulnerable we are to fire storms, and how fire resources were stretched to the breaking point. My street went hours before we saw a fire truck, when it did arrive the fire had already passed taking many houses with it. Additionally, water pressure was not effective to fight the fire.

I realize that you and the other Supervisors must make decisions based on all the information available to you, including input from the developers and the residents. I hope you will give the residents that must live with this decision, proper consideration.

thank you,

Brian Wilkerson

4605 Alder Ave

Yorba Linda Ca, 92886



**LETTER: WILKERSON**

**Brian Wilkerson**

4605 Alder Avenue  
Yorba Linda, CA 92886  
(January 7, 2014)

**RESPONSE WILKERSON-1**

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

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**Letter: Unknown**

**Cielo Vista Project – Proposed Single-Family Residential Development  
Community Open House  
Comment Form**

The County of Orange welcomes your comments on the environmental review process. Your comments will assist us in better understanding your concerns regarding the proposed Project.

**You may submit your comments** to County staff at the Community Open House on December 16, 2013, or if you prefer, you can mail, FAX, hand deliver, or e-mail your comments to OC Planning, attention Ron Tippets, Project Planner, by **January 7, 2014**.

Mail: P.O. Box 4048  
Santa Ana, CA 92702-4048

Hand Delivery: 300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, CA 92702-4048

Fax: (714) 796-0307

E-mail: [Ron.Tippets@ocpw.ocgov.com](mailto:Ron.Tippets@ocpw.ocgov.com)

Telephone: (714) 667-8856

1. What specific comments do you have on the issues analyzed in the Draft EIR?

Aesthetics \_\_\_\_\_

Air Quality \_\_\_\_\_

Biological Resources \_\_\_\_\_

Cultural Resources \_\_\_\_\_

Greenhouse Gas/Climate Change \_\_\_\_\_

Geology and Soils \_\_\_\_\_

Hazards/Hazardous Materials \_\_\_\_\_

Hydrology/Water Quality \_\_\_\_\_

Land Use/Planning \_\_\_\_\_

Noise \_\_\_\_\_

Population and Housing \_\_\_\_\_

Public Services \_\_\_\_\_

Recreation \_\_\_\_\_

Traffic/Transportation \_\_\_\_\_

Utilities \_\_\_\_\_

Alternatives \_\_\_\_\_

*See all verbal issues  
down here!  
If this  
happens, I  
saw*

*Didn't have enough Fire & Police when the fires came through! Holding more homes is a disaster waiting to happen!*

*Via Del Arroyo Signal will not Help! Fires & more Traffic, 2 ways in is not enough*

*Put a road in The Back hills, Put more Schools & Fire Dept.*

[illegible]

Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OC Public Works  
OC Planning Services  
300 North Flower Street  
P. O. Box 4048  
Santa Ana, CA 92702-4048**

**ATTN: Mr. Ron Tippetts, Project Planner**



**LETTER: UNKNOWN****Name Unknown**

No Date

**RESPONSE UNKNOWN-1**

The Draft EIR addressed public service impacts, including police and fire services, in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures.

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. Please also refer to Topical Response 3 regarding emergency access.

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