



The Preserve at San Juan

THE PRESERVE AT SAN JUAN

Final Environmental Impact Report – EIR No. 618

SCH # 2006051110

December 2017

OC Public Works, OC Development Services/Planning

300 North Flower Street

Santa Ana, CA 92703-5000

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CHAPTER 1

Introduction

1.1 Introduction

This Final Environmental Impact Report (FEIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Preserve at San Juan project (project).

According to CEQA Guidelines Section 15132, the FEIR shall consist of:

- (a) The Draft EIR or a revision of the Draft;
- (b) Comments and recommendations received on the Draft Environmental Impact Report (Draft EIR) EIR, either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began May 24, 2017 and ended on July 7, 2017. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Local CEQA Procedures Manual, and represents the independent judgment of the lead agency, the County of Orange. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.2 Format of the Final EIR

The following chapters are contained within this document:

Chapter 1, Introduction. This chapter describes CEQA requirements and the content of the Final EIR.

Chapter 2, Response to Comments. This chapter provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Chapter 3, Revisions to the Draft EIR. This chapter contains revisions made to the Draft EIR as a result of the comments received by agencies and organizations as described in Chapter 3, and/or errors and omissions discovered subsequent to release of the Draft EIR for public review.

The County of Orange has determined that none of this material constitutes significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft EIR, and does not present any new substantive information. None of this new material indicates that the project would result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Chapter 4, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Section 21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in this Final EIR and has been included as Chapter 4.0.

1.3 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be *“on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible ... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”*

CEQA Guidelines Section 15204(c) further advises, *“Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”* Section 15204 (d) also states, *“Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.”* Section 15204 (e) states, *“This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”*

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the FEIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA.

CHAPTER 2

Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency, the County of Orange, to evaluate comments on environmental issues received from public agencies, organizations, and interested parties who reviewed the Draft EIR and prepare written responses. This section provides all written responses received on the Draft EIR and the County of Orange's responses to each comment of each comment letter. Comment letters and specific comments are numbered for reference purposes.

The following is a list of public agencies, organizations, and interested parties that submitted comments on the Draft EIR during and after the public review period. The comment letters received on the Draft EIR and responses to those comments are provided on the following pages. As allowed by State CEQA Guidelines Section 15088(a), the County decided to accept late comments.

Letter Number	Agency/Organization/Name	Comment Date
Agencies		
1	State Clearinghouse and Planning Unit	May 24, 2017
2	US Fish and Wildlife Service	July 7, 2017
3	US Forest Service	July 7, 2017
4	California Department of Fish and Wildlife	July 5, 2017
5	California Department of Transportation	June 13, 2017
6	Cal Fire – Riverside Unit	June 19, 2017
7	South Coast Air Quality Management District	June 22, 2017
8	Orange County Local Agency Formation Commission	July 5, 2017
9	Orange County Fire Authority	June 20, 2017
10	Riverside County Planning Department	July 14, 2017*
11	Bowie, Arneson, Wiles & Giannone on behalf of Capistrano Unified School District	July 5, 2017
Native American Tribes		
12	Rincon Band of Luiseno Indians	May 30, 2017
13	Viejas Band of Kumeyaay Indians	June 14, 2017
Interested Organizations		
14	California Cultural Resource Preservation Alliance	July 7, 2017
15	Endangered Habitats League	July 25, 2017*
16	Sea and Sage Audubon Society	July 31, 2017**
17	Shute, Mihaly & Weinberger, LLP	July 31, 2017*
18	Sierra Club, Santa Margarita Group	July 6, 2017
19	California Native Plant Society, Orange County Chapter	August 17, 2017*
Interested Persons		
20	Rivers Morrell	May 31, 2017
21	Heather Rice	July 7, 2017
22	Joel Robinson	July 7, 2017
23	John Smith	July 7, 2017

*Indicates letters that were received after the close of the public comment period on July 7, 2017.

**Indicates letter was not dated. The date listed represents the date the letter was received by the County.



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

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED

JUL 12 2017

COUNTY OF ORANGE

July 10, 2017

Ilene Lundfelt
Orange County
300 N. Flower Street, 3rd Floor
Santa Ana, CA 92703

Subject: The Preserve at San Juan
SCH#: 2006051110

Dear Ilene Lundfelt:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 7, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006051110
Project Title The Preserve at San Juan
Lead Agency Orange County

Type EIR Draft EIR

Description The project applicant, the Preserve at San Juan, LLC, proposes to develop 72 single family residential lots under a proposed RR 1A GP LUD and proposed AR zoning. The project would include large areas of open space, and would be developed in two phases.
Phase 1 would develop 43 single family residences and phase 2 would develop 29 single family residences. The total project area of both phases includes 584.1 acres, and the project proposes improvements on 169.5 of those acres. The remaining 414.6 acres (71% of the project area) would remain undeveloped open space.

Lead Agency Contact

Name Ilene Lundfelt
Agency Orange County
Phone 714-867-9697 **Fax**
email
Address 300 N. Flower Street, 3rd Floor
City Santa Ana **State** CA **Zip** 92703

Project Location

County Orange, Riverside
City Lake Elsinore
Region
Lat / Long 33° 38' 38.37" N / 117° 26' 16.51" W
Cross Streets Ortega Highway and Long Canyon Road
Parcel No. 125-120-32, 125-120-37
Township 5 **Range** 5W **Section** 17-20 **Base**

Proximity to:

Highways SR-74
Airports
Railways
Waterways
Schools
Land Use Open Space and General Agricultural

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

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

Date Received 05/24/2017 **Start of Review** 05/24/2017 **End of Review** 07/07/2017

Letter 1: State Clearinghouse

Comment 1: This comment indicates that the State Clearinghouse submitted the Draft EIR to selected State agencies for review and that the comment period for the Draft EIR that began on May 24, 2017 and concluded on July 7, 2017.

Response 1: The comment does not address any concerns about the adequacy of the Draft EIR. The NOC that is attached to the comment acknowledge that the County has complied with the State Clearinghouse review requirements for draft environmental documents.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



In Reply Refer To:
FWS-OR-14B0015-17CPA0160

July 7, 2017
Sent via email

Mr. Kevin Shannon
Orange County Public Works
Development Services and Planning
300 N. Flower Street
Santa Ana, California 92703
kevin.shannon@ocpw.ocgov.com

Subject: Draft Environmental Impact Report for the Preserve at San Juan Project, Orange and Riverside Counties, California

Dear Mr. Shannon:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Preserve at San Juan Project (Project) received May 26, 2017. The project details provided herein are based on the information provided in the DEIR and associated documents.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act. We offer the following specific comments and recommendations to assist Orange County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources.

The Project is a proposed residential development in Orange and Riverside Counties, California, on private inholdings within the boundaries of the Cleveland National Forest. The Project includes the development of 72 single-family residential lots on 75.5 acres, development of 24.5 acres of vineyards, a fuel modification zone of at least 170 feet, and improvements to Elsinore Valley Municipal Water District infrastructure. The proposed project would involve 169.5 acres of direct impacts, including landscaping, vineyards and fuel modification zones, while 414.6 acres would be retained as dedicated open space. The project site and associated open space areas are heavily dominated by chamise chaparral, but also include 40.9 acres of coast live oak woodland, 4.4 acres of coast live oak forest, and 0.2 acre of southern willow scrub. Within these areas, 14.4 acres of coast live oak woodland and less than 0.1 acre of southern willow scrub will be directly impacted.

The Service offers the following comments to assist Orange County Public Works in avoiding, minimizing, and adequately mitigating potential project-related impacts on biological resources:

1. The DEIR does not consider several potential indirect effects of the project. First, the construction of residences will increase traffic into the area. This could result in additional impacts to numerous species due to road mortality and additional wildfire ignitions. Second, the DEIR indicates on page 3.8-11 that operation of the vineyards could include application of rodenticides. However, the DEIR does not consider the potential impact of rodenticides on species such as raptors, bobcats (*Lynx rufus*) and mountain lions (*Puma concolor*) due to consumption of poisoned rodents. Third, the increased presence of people and their pets could result in additional depredation permits for mountain lions from the California Department of Fish and Wildlife. Impacts to mountain lions are of particular concern given the inbreeding and low genetic diversity associated with this species in the Santa Ana Mountains.¹ Fourth, impacts on surrounding open space due to increased recreation and human intrusion (i.e., noise and lights) associated with new residents are not considered for the entire project. These effects and potential measures to minimize or avoid those effects should be included in the Final Environmental Impact Report (FEIR). For mountain lions and other species, such measures could include public education, fencing of roadways, and avoidance of rodenticide use. 2

2. While the DEIR considers the potential impacts due to fuel modification zones, we recommend additional coordination with the Cleveland National Forest and other applicable agencies to determine if additional fuel break development will be necessary, both inside and outside the project area. Any additional fuel break development should be described and analyzed in the FEIR. 3

3. As part of the proposed mitigation, we recommend specifying that an endowment or other funding mechanism will be provided to protect and manage preserved open space areas consistent with a site-specific habitat management plan. The plan should address: enforcement of the terms of the conservation easement or deed restriction, restrictions on recreational use, control of unauthorized access (e.g., maintenance of signs, fencing, or gates), removal of nonnative plants and trash, and other management actions, as applicable to the site. 4

We appreciate the opportunity to comment on the subject DEIR. If you have any questions regarding these comments, please contact Jesse Bennett of this office at 760-431-9440, extension 305.

Sincerely,

for: Karen A. Goebel
Assistant Field Supervisor

¹ Gustafson K.D., Vickers T.W., Boyce W.M., and Ernest H.B. 2017. A single migrant enhances the genetic diversity of an inbred puma population. R. Soc. open sci. 4: 170115. <http://dx.doi.org/10.1098/rsos.170115>

Letter 2: U.S. Fish and Wildlife Service

Comment 1: This comment states that the U.S. Fish and Wildlife Service (USFWS) has reviewed the Draft EIR and describes its legal responsibility for biological resources and describes the proposed project. In addition, the comment states that the letter provides comments to assist the County in avoiding and minimizing potential impacts.

Response 1: Comment provides the basis for the USFWS letter and is general in nature. The comment does not reference a specific section of the Draft EIR; therefore, no further response is required or provided.

Comment 2: This comment states that the Draft EIR does not consider several potential indirect effects of the project, including: road mortalities to wildlife species, traffic caused wildfire ignitions, potential application of rodenticides and their impacts to wildlife species, and increase of people and pets intruding into open space areas resulting in additional mountain lion depredation permits. The comment also states that the EIR should include discussion of these effects and potential measures to minimize or avoid those effects that include public education, fencing of roadways, and avoidance of rodenticide use.

Response 2: Section 3.4, Biological Resources of the Draft EIR provides an evaluation of potential indirect impacts of the proposed project including effects associated with the urban/wildlife interface. As described, the proposed project includes Project Design Features (PDFs) and best management practices (BMPs) to minimize edge effects. The Project Description Section 2.7.1 Residential and Hardscape Elements states that open space would be concentrated in the western and northern portions of the project site to create a buffer between the proposed residential uses and the adjacent Cleveland National Forest lands; which would provide space between natural open space areas and the residential uses, and would reduce or avoid potential environmental edge effects of development. Project Design Features PDF-1 and PDF-2 provides large blocks of open space, adjacent to existing large blocks of open space, and PDF-20 provides for minimization of nighttime light levels, and ensuring that lighting is shielded from open space and off-site locations. In addition, as shown in Figures 2-6 and 2-7 of the Draft EIR, the development area would be enclosed by a 5-foot 6-inch high tubular steel fence that would separate the development and natural open space areas, and keep residential activities within the gated area. Furthermore, each residential lot would be walled or fenced off to prevent residential uses encroaching into natural open space areas.

Regarding the potential for wildfire, the proposed project includes substantial wildland interface planning that include Orange County Fire Authority (OCFA) approved Fire Master Plan, Fuel Modification Zones, and a specific plant palette that was selected for implementation in potential wildfire locations, which is detailed in Section 2.7.3, Landscape Elements and Vineyards, of the Draft EIR. To reduce the potential to vehicular caused wildfires, roadside fuel modification would be implemented as detailed on page 2-23 of the Draft EIR, and have been approved by the OCFA and complies with the California Fire Code, the Orange County Fire Code, and the Riverside County Fire Code (page 2-23 of the Draft EIR).

Regarding traffic-caused road mortalities, Ortega Highway is an existing roadway that supports a consistent stream of traffic; and Long Canyon Road supports local traffic to and from Ortega Highway. The existing traffic and any traffic-related wildlife mortality resulting from current conditions is the baseline setting and is not affiliated with the proposed project. The roadkill information from the California Roadkill Observation System (CROS 2017) was reviewed for medium and large mammal species, which have large territories or movement patterns, and thus are species that are most likely to be affected by increased traffic and potential animal-vehicle collisions. Species reviewed included mountain lion (*Puma concolor*), bobcat (*Lynx rufus*), mule deer (*Odocoileus hemionus*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and gray fox (*Urocyon cinereoargenteus*). Of these species, there are only a few mortalities that have been documented as a result of animal-vehicle collisions within the vicinity of the project site along the stretch of Ortega Highway that passes through the Cleveland National Forest.

These documented mortalities included one bobcat and one mule deer recorded in 2015, both of which were approximately 1.75 miles south of the project site on Ortega Highway. In addition, two coyote mortalities were recorded in 2000 and 2003, both of which were approximately 4 to 4.5 miles southwest of the project site on Ortega Highway; and one striped skunk was recorded in 2000 more than 8 miles southwest of the project site on Ortega Highway. This data provides a representative sample of the frequency and distribution of animal-vehicle collisions within the area, and identifies that wildlife mortality from vehicle collisions in the project location is an infrequent occurrence.

Although no vehicle/mountain lion roadkill data was available from CROS, research documentation (Vickers 2015) identifies mountain lion occurrences in the regional vicinity of the project site, and identified that 6 vehicle/mountain lion collisions were documented over a 32-year period; all of which occurred approximately 6 miles southwest of the project site on Ortega Highway. This concentrated location of mountain lion mortalities may be due to the topographic features and large drainage (San Juan Creek) that make this area more conducive for regional wildlife movement, and is not related to the wildlife movement areas associated with the project site (refer to Figure 3.4-7 in the Draft EIR). Overall, few traffic-related wildlife mortalities result from current conditions on Ortega Highway.

The project would install a northbound acceleration lane and a turn lane, and a southbound deceleration lane on Ortega Highway at the intersection of Long Canyon (in cooperation with Caltrans). These roadway improvements would occur within the existing paved right-of-way and would allow traffic to slow at the intersection, avoid any potential wildlife crossings, and safely merge into and out of Ortega Highway traffic; thus, reducing the potential for, and significance of, road-related mortality to wildlife.

It is acknowledged that the project would contribute incrementally to daily traffic along Ortega Highway and Long Canyon Road from construction and operation of the 72 residences. The traffic along these roadways, is and would continue to be, a typical existing condition of arterial roadways. The change in traffic volume due to the proposed project's traffic is would represent a small, marginal increase above existing traffic volumes in the area. The Draft EIR Section 3.15, Transportation and Traffic, and the Traffic Impact Analysis (included as Appendix J of the Draft EIR), details that Ortega Highway's existing Average Daily Traffic (ADT) westbound volume is approximately 12,400. The project would generate

690 daily trips, of which approximately 65 percent (or 449 ADT) would travel southwest and west on Ortega Highway, which would result in a 3.6 percent increase in ADT. The existing east and northeast bound ADT on Ortega Highway is 11,900 ADT, and 35 percent (242 ADT) of the project daily traffic volume would travel east and northeast on Ortega Highway, which would result in 2.0 percent increase in daily traffic volume. During the peak hours, the project would generate 55 a.m. peak hour trips and 73 p.m. peak hour trips. Of these trips in the a.m. peak hour, the most would be 14 trips that would travel and northeast east of Ortega Highway and 26 trips that would travel southwest and west on Ortega Highway. In the p.m. peak hour, the most trips would be 29 trips east on Ortega Highway and 18 trips southwest and west on Ortega Highway.

As documented, the instances of wildlife mortality that occur from vehicle strikes in the existing condition are limited, and none were identified in close proximity to the project site. The combination of the proposed improvements to the Ortega Highway and Long Canyon Road intersection, that would allow slowing for turns, safe merging, and wildlife avoidance, and the small increase in daily trip volumes along the existing highly traveled roadways, would result in an incrementally small potential increase in impacts to wildlife by roadway collisions, which would be less than significant.

Regarding onsite roadways, as shown in Figures 2-6 and 2-7 of the Draft EIR, the development area would be enclosed by a 5-foot 6-inch high tubular steel fence that would deter many wildlife species, reduce the potential for wildlife to occur on project roadways and the potential for road mortality. In addition, onsite roadways would be developed to rural street standards and vehicle speeds would be limited, which would allow drivers to slow, or stop to avoid wildlife in the roadway. Homeowners will be educated about the natural resources within the area, and the importance of speed limits and watching out for wildlife that may be crossing the roads (Mitigation Measure MM 3.4-1). Furthermore, the proposed retention of open space on the project site would provide for wildlife movement around the developed portions of the project site precluding the necessity of wildlife to cross Ortega Highway.

Thus, the project's features would minimize the potential for, and thus the significance of, road-related mortality to wildlife. Although vehicle collision is a source of wildlife mortality, the occurrence in the project area is limited, and studies show that road kills generally have minimal effects on population size as wildlife typically avoid roadways due to the noise (Forman and Alexander, 1998; Spellerberg, 1998). Overall, implementation of the Project Design Features along with the minimal increase in traffic from the project would not result in a substantial increase in wildlife mortality from road collisions. As a result, indirect impacts related to traffic-caused road mortalities would be less than significant.

Regarding the potential indirect effect related to potential application of rodenticides, Mitigation Measure MM 3.4-2 has been revised to prohibit the use of rodenticides during construction and for operation of the vineyards (refer to Chapter 3.4, Biological Resources). The prohibition of rodenticide use will be included in the project's Covenants, Conditions, and Restrictions (CC&Rs), as required by Mitigation Measure MM 3.4-2. In addition, the Draft EIR describes on page 3.4-49 that the project would limit and cluster the area of development and incorporate BMPs (e.g., vegetated bioswales and infiltration basins), as required in association with compliance with the Clean Water Act Section 401 Water Quality Certification, County of Orange, and/or County of Riverside in order to reduce the level of toxins introduced into the

environment. The proposed project would incorporate control measures to ensure pollutants leaving the site does not occur (included as Project Design Features PDF-13, PDF-14, and PDF-17). Furthermore, the areas of mature coast live oak woodland and forest that provide habitat for rodents and foraging opportunities for raptors bobcats and mountain lions would be buffered from the development areas by open space and fuel modification zones, as included by Project Design Features PSF-1, PDF-2, PDF-3, PDF-10, which would reduce the potential for these indirect impacts.

Additionally, the Draft EIR describes the potential effects from the increase of residents and their pets on pages 3.4-49 and 3.4-50, and states that to minimize indirect effects to wildlife and other resources from unauthorized public access, domestic animal predation, and illegal trespass or dumping, the proposed project would incorporate physical barriers including native landscaping, rocks/boulders, fencing, and other appropriate mechanisms, such as signage. Also, Mitigation Measure MM 3.4-1 would implement Environmental Awareness Programs, which will provide biological training to construction workers to identify any sensitive wildlife species and implements a Resident Environmental Awareness Program that would provide awareness to residents of the sensitive wildlife species in the project area. In addition, the 200-foot of fuel modification buffers and proposed large lot sizes would provide distance to minimize the potential for indirect effects related to noise. Furthermore, Project Design Feature PDF-20 states that “night sky friendly” light fixtures shall be used, lighting will be pointed away from open space and offsite areas, and ambient light levels will be minimized to the maximum extent practicable.

Furthermore, on pages 3.4-49 and 3.4-50, the Draft EIR provides an analysis of the project’s consistency with the Western Riverside MSHCP’s guidelines pertaining to the Urban/Wildlands Interface. Although the discussion within this section is specifically addressing the requirements of the MSHCP, the Project Description Features and BMPs addressed for minimizing edge effects along the Urban/Wildlands Interface apply to the entirety of the proposed project, and not just to those portions of the project within Riverside County that are subject that to the MSHCP. Thus, the Draft EIR provides the requested analysis, and has described Project Design Features and the mitigation measures, that would reduce the potential indirect impacts of the proposed project to biological resources to a less than significant level.

Comment 3: This comment states that coordination with the Cleveland National Forest and other applicable agencies is recommended to determine if additional fuel break development will be necessary.

Response 3: The project site is under the jurisdiction of the OCFA for fire protection and planning services, and as described in the previous response the project includes substantial wildland interface planning that includes OCFA approved Fuel Modification Zones that complies with the California Fire Code, the Orange County Fire Code, and the Riverside County Fire Code (page 2-23 of the Draft EIR). However, the County’s project review process has included coordination with the Cleveland National Forest and a comment letter from the Cleveland National Forest Trabuco Ranger District is included as Comment Letter 3.

Comment 4: This comment states that it is recommended that mitigation include an endowment or other funding mechanism to protect and manage preserved open space areas consistent with a site-specific habitat management plan that should address: enforcement of the terms of the conservation easement or

deed restriction, restrictions on recreational use, control of unauthorized access (e.g., maintenance of signs, fencing, or gates), removal of nonnative plants and trash, and other management actions, as applicable to the site.

Response 4: The project proposes to retain 414.6 acres or 71 percent of the project site in open space. Project Design Feature PDF-1 (refer to Draft EIR Chapter 2, Table 2-4) includes offering the currently private lands to the U.S. Forest Service (USFS), based on the adjacency of USFS lands. The open space area would be retained in its existing condition; and the open space areas do not include the fuel modification zones, which are identified as developed acreage in the Draft EIR. The project also includes physical barriers including native landscaping, rocks/boulders, fencing, signage, other barrier mechanisms, and an education program to control unauthorized public access, which will be implemented and maintained by the project's Home Owners Association (HOA) pursuant to the project's CC&Rs. The retention of this open space is consistent with the objectives of the project description (refer to Draft EIR Chapter 2, Section 2.4). In addition, Project Design Features are included in the Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation as part of the project (refer to Draft EIR Chapter 1, Table 1-5). If the offer is accepted by the U.S. Forest Service, the open space area lands would be incorporated into and managed as part of the Cleveland National Forest. The U.S. Forest Service was contacted regarding the offer and stated that they will consider accepting the donation after the project is approved. If the offer is not accepted, the open space area lands would be delineated and placed within an open space easement for permanent preservation pursuant to the requirements of the California Department of Fish and Wildlife (CDFW). Maintenance of the open space easement would be the responsibility of the HOA and would be funded by the HOA fees paid by homeowners.

Additional mitigation, such as a habitat management plan for the unimpacted open space area is unnecessary, as the open space area would not be modified by the proposed project; and because the Project Design Features and mitigation measures would reduce impacts to a less than significant level, as described in Section 3.4 Biological Resources of the Draft EIR.



File Code: 1560
Date: July 7, 2017

Kevin Shannon, Contract Planner
OC Public Works
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703

Dear Mr. Shannon:

Thank you for the opportunity to provide comments on the Preserve at San Juan Residential Development Project Draft Environmental Impact Report ("DEIR").

Given that the proposed Preserve at San Juan Residential Development Project is located adjacent to, and in fact, entirely within the Congressionally-designated boundaries of the Cleveland National Forest, our 2005 Land Management Plan ("LMP") should have been referenced within the DEIR Section 3.10 "Land Use and Planning". The proposed increase of population density on these lands would accelerate certain ongoing challenges that our LMP directs us to remedy. Conflicts that this project creates with our LMP should be investigated and disclosed as part of this analysis. Some important themes are urbanization, fire, recreation, and aesthetic values.

1

Urbanization

Additional interface between developed private lands and National Forest boundaries increases boundary management challenges including addressing occupancy trespass, clearly posting boundaries, and retaining clear title to NFS lands. The remediation of major encroachments adjacent to subdivisions is an ongoing challenge for the Forest. Moreover, some development proposals include proponent expectations that NFS lands can be used to provide urban support as private land options for development are exhausted, such as the accommodation of infrastructure (e.g., road construction, water tanks/water transmission lines, utility lines, etc.) or providing defensible space to protect homes from wildfire. Subdivisions must be established with the clear understanding that this is not generally a viable option; private lands should be targeted for these purposes. We are, however, aware that the proponent has submitted a proposal for Special Use Permits that would authorize certain uses or improvements of infrastructure (roads and utility lines) across NFS land. All such proposals are subject to Forest Service screening criteria, and environmental analysis under NEPA. To date, screening and analysis have not been performed, and a decision to authorize has not been made.

2

Another ongoing challenge associated with urbanization is the complex problem of National Forest access. For example, traditional points of public and administrative access to the CNF have been lost as private land is subdivided. New landowners are often reluctant to accommodate access across their land. At the same time, residents living adjacent to NFS lands want convenient access, often resulting in the development of unplanned roads and trails directly out of subdivisions. Unauthorized motorized vehicle use occurs and tends to be more of a management challenge on National Forest lands near private developments. The following items should be incorporated to minimize encroachment:

3

- Survey and post the private property boundary line, within the project area, where it abuts NFS lands.
- Take appropriate developmental measures to reduce or eliminate encroachment into NFS lands by



pedestrian, bicycle, and motorized traffic on unauthorized routes. Residents should be discouraged from accessing NFS lands directly from the development.



Fire

Increased development adjacent to the CNF not only increases the potential for fire to consume structures, it can also increase the likelihood of human-caused wildfires, which is something that does not appear to have been sufficiently addressed. Overly frequent, human-caused fires in the Santa Ana Mountains is an issue that harms native ecosystems, wildlife, and watershed function, all of which are core values of this part of the CNF and unincorporated Orange County. Over 90% of wildfires in southern California are human-caused, and the addition of 72 single-family residences in the Wildland Urban Interface creates multiple new ignition sources for wildfires that could spread into NFS lands and adjacent existing neighborhoods – particularly those that already border the wildlands.

4

We agree with the inclusion of defensible space and fuels treatments on private lands as a required feature of the Proposed Project. We support smart development such as buffer zones between private and NFS lands, as well as fire safe/shelter in place community designs. For new developments, it is critical that a minimum setback of 100 feet be required for the construction of structures adjacent to NFS lands in all areas – but in some cases is it prudent to increase that distance. The need for defensible space can extend beyond the 100 foot minimum, especially along steep slopes. Along with the above-mentioned issue of infrastructure, it is important to understand that it should not be assumed that the Cleveland National Forest will be augmenting fuels treatments adjacent to new developments.

We also wish to caution against the planting of species that are non-natives to southern California in new developments – even for drought tolerance and fire protection. Developments using non-natives often become a vector for the spread of invasive species in to adjacent NFS lands. This exacerbates an ongoing management issue for the CNF, particularly when coupled with the numerous fire starts in these communities that are moving native plant communities towards type conversion.

5

A “Wildland Fire Protection” section should be added to Public Services section 3.13. The USDA Forest Service provides wildland fire emergency and fire prevention (Pre-Fire Management) services to all lands within the congressional boundaries of the Cleveland National Forest, with support from Orange County Fire Authority and Riverside County Fire Department.

The Cleveland National Forest provides these services, in the project vicinity, through the El Cariso Fire Station located at 32353 Ortega Highway, approximately 1.5 miles from the project site.

Orange County Fire Authority and Riverside County Fire Department provide wildland fire support services, in the project vicinity, through the following stations located within 10 miles of the project site:

6

Orange County Fire Authority

- Fire Station No. 56, located at 56 Sendero Way in San Juan Capistrano, approximately 15 miles from the project site;
- Fire Station No. 7, located on 31865 Del Obispo Street in San Juan Capistrano, approximately 18 miles from the project site.

Riverside County Fire Department

- Riverside County Fire Station 74 is located at 35420 Calle Grande in Lake Elsinore, approximately 6.7 miles from the project site.
- Riverside County Fire Station 85 is located at 29405 Grand Avenue in Lake Elsinore, approximately 9.2 miles from the project site.
- Riverside County Fire Station 11 is located at 33020 Maiden Lane in Lake Elsinore, approximately 8.4 miles from the project site.

Recreation

The following errors were identified in Section 3.14.

- Main Divide Trail is not a hiking trail. It is a level 2 dirt road and is named North Main Divide Road. It should be eliminated from listing as a trail.
- Los Pinos Trail is located on North Main Divide Road, not Long Canyon Road.
- Trabuco Trail should be added, as it shares the same trailhead with Los Pinos Trail.
- San Juan Loop Trail should be listed.
- Chiquito Trail does not have a trailhead, but can be accessed by the San Juan Loop Trail, which has its own trailhead, or by the San Juan Trail.

7

Aesthetics

Scenic integrity is important to a high quality forest experience. We appreciate that, although visual impacts cannot be completely eliminated, mitigation measures are in place that will reduce impacts. We strongly support efforts to continue to minimize visual impacts through color scheme requirements, paint light reflectivity values, vegetation placement, and topography. Native vegetation should be used for hiding structures and facilities, decoration, and fire/drought tolerant landscaping. It is important that this development does not become a vector for spreading non-native species into NFS lands.

8

Conclusion

We request that every reasonable effort is made to maintain development solely on private lands, and neither provide nor imply a reliance on the NFS lands for infrastructure or vegetation management needs. Moreover, that impacts to the Cleveland National Forest, in whose Congressionally-designated boundaries this proposed development is located, be given intensive analysis using the LMP as a guide – all impacts from such development must be avoided, minimized, or mitigated.

9

We appreciate the opportunity to work together with the County of Orange to address the impacts of adjacent development on the Cleveland National Forest. Please let us know if we can assist you with further information to help you conduct this analysis by contacting Jake Rodriguez, Recreation & Lands Officer, at (951)736-1811 or jfrodriquez@fs.fed.us.

Sincerely,



DARRELL VANCE
District Ranger

Letter 3: US Forest Service Cleveland National Forest Trabuco Ranger District

Comment 1: This comment states that because the project site is adjacent to the boundaries of the Cleveland National Forest, the 2005 Land Management Plan for the forest should be referenced in the Draft EIR Land Use and Planning section, and that increase of population would accelerate challenges related to urbanization, fire, recreation, and aesthetic values.

Response 1: Section 3.2, Agriculture and Forest Resources, of the Draft EIR describes the project's location and the nearby Cleveland National Forest lands. As described on page 3.2-2, the project site is located on private "in-holding" land within the Elsinore Place geographical unit as defined by the Cleveland National Forest Land Management Plan (USFS 2005). However, these private lands within the Cleveland National Forest are not subject to the regulations of the Land Management Plan. The Land Management Plan applies only to National Forest System (NFS) lands; and private land is governed by county general plans, which is detailed in the Draft Supplemental Environmental Impact Statement (EIS) Southern California National Forests Land Management Plan Amendment (USDA 2013).

The County has evaluated the increase in population that would result from the proposed project and its potential impacts related to fire, recreation, and aesthetic values, which are evaluated in the following sections of the Draft EIR: 3.8, Hazards and Hazardous Materials; 3.13, Public Services; 3.14, Recreation; and 3.1, Aesthetics.

Comment 2: This comment states that additional interface between developed lands and forest areas increases boundary management challenges, such as encroachments. Additionally, development proposals should not include forest land to provide urban support, and that private lands should be targeted for urban support purposes. The comment also states that the project proponent has submitted a proposal for Special Use Permits that would authorize improvements on forest land, and that all such proposals are subject to Forest Service screening criteria and environmental analysis under the National Environmental Protection Act (NEPA). The comment also notes that to date this screening and analysis has not been performed.

Response 2: Phase 2 (north parcel) would be accessed from Long Canyon Road via an existing 0.73-acre off-site roadway that is currently used per an existing U.S. Forest Service road use permit. The project proposes to improve the existing dirt road, by paving it and installing stop signs, stop bars, and stop legends at the intersection of Long Canyon Road for exiting vehicles. The entrance to the project site would be gated, which would limit access and vehicular trips on the roadway to only residents and their guests. Access to private lands is established by statute. Section 1323(a) of the Alaska National Interest Lands Conservation Act (ANILCA, PL 96-487), which is a federal law passed in 1980 by the U.S. Congress that provides access to non-federal lands through the boundaries of the National Forest; and Section 5 of the U.S. Wilderness Act (PL 88-577) directs that non-federal landowners "be given such rights as may be necessary to assure adequate access" to their lands (USDA 2013). In addition, the Roadless Area Conservation Rule (RACR) provides an exception to the prohibition on road construction when a road is needed pursuant to reserved or outstanding rights. No other portion of the proposed project

would be located on forest land and no other improvements, such as infrastructure needs or fuel modification zones would be located on forest land.

The County concurs with the comment that additional permitting and environmental analysis pursuant to NEPA would be required to obtain U.S. Forest Service approval for improvements to existing off-site roadways that are required for implementation of Phase 2 (north parcel) of the project. Thus, NEPA documentation would be required prior to commencement of Phase 2 of the project. The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 3: This comment states that another ongoing challenge associated with urbanization, is the unplanned roads, unauthorized motorized vehicle use, and trails resulting from subdivisions. The comment further states that the project applicant should survey and post the private land boundary, and take measures to reduce or eliminate encroachment into forest lands to minimize encroachment.

Response 3: Although the comment does not provide any specific concern or question regarding the adequacy of the Draft EIR, the following information is provided in response to the concern conveyed in the comment. As described in Section 2.0, Project Description, the project includes features to minimize impacts related to unauthorized public access and illegal trespass or dumping on the open space areas of the project site, and the adjacent forest lands. The proposed project would incorporate physical barriers including native landscaping, rocks/boulders, signage, and other appropriate barrier mechanisms at the boundary of the development area of the project site that would reduce or eliminate encroachment into forest lands. Also, as shown in Figures 2-6 and 2-7 of the Draft EIR, the entire development area would be enclosed by a 5-foot 6-inch high tubular steel fence that would separate the development and natural open space areas, and keep residential activities within the fenced area. Also, each separate residential lot would be surrounded on three sides by walls or fencing (the fourth side being the street). Additionally, the project includes fuel modification landscaping that would extend approximately 200 feet from residential properties, which would separate the developed and open space areas and would prevent residential uses from encroaching into natural open space. Thus, consistent with this comment, the project would minimize encroachment by fencing the private land boundary and providing other measure to minimize encroachment.

Comment 4: This comment states that increased development near the Cleveland National Forest increases the likelihood of human-caused wildfires, and that the addition of 72 single-family residences creates new ignition sources. The comment states that the U.S. Forest Service agrees with the inclusion of defensible space and fuel modification zones within the project development area, and that minimum setbacks of 100 feet is required, and that it should not be assumed that the forest area would augment fuel treatment areas adjacent to developments.

Response 4: To reduce the potential for human caused fires, the project includes fire-safe planning. Project Design Features related to fire protection includes a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with *OFCA's Guideline C-05, Vegetation Management Technical Design for New Construction Fuel Modification*

Plans and Maintenance Program, which have been reviewed and approved by OCTA. The proposed project does not assume that forest area would be used to augment fuel treatment areas. As described in Project Description Section 2.0 of the Draft EIR, all of the fuel modification zones and other landscaped areas are included in the development footprint. Pages 2-21 through 2-24 of the Draft EIR, describes that the three Fuel Modification Zones that have been approved by the OCFA. As described, Fuel Modification Zone B would be the primary zone, and would extend a minimum of 150 feet from the edge of the residential lots, which is consistent with the comment that 100-foot minimum can be exceeded.

Comment 5: This comment cautions against the planting of non-native vegetation in new developments because they often become a vector for the spread of invasive species, and it exacerbates an ongoing vegetation management issue related to invasive species.

Response 5: The proposed project includes 34.5-acres of on-site vineyards, which would be non-native plantings. The vineyards are provided for aesthetic value, to mitigate wildfire hazards, and would not be invasive species. The vineyards are included in Fuel Modification Zone B, and would be buffered from open space and U.S. Forest Service lands by Fuel Modification Zone C, which would be a minimum of 50-feet wide. The project's conceptual landscape plan includes predominantly native species (PDF-10) and avoids the use of invasive plants (PDF-4). The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 6: This comment states that a wildland fire protection section should be added to the Public Services Section of the Draft EIR, and provides a list of U.S. Forest Service, OCFA, and Riverside County Fire Department station locations in the vicinity of the project site.

Response 6: The information requested by this comment is already included in Section 3.13, Public Services the Draft EIR in the Fire Protection and Emergency Services discussion. The OCFA and Riverside County Fire Department stations listed by this comment are described on page 3.13-1 and the El Cariso Fire Station is specifically described on page 3.13-2.

In addition, the analysis related to the existing fire departments' ability to serve the proposed project is provided on pages 3.13-8 through 3.13-11, which describes that Mitigation Measure MM 3.13-1 would be implemented to ensure that OCFA would provide design approval of project plans before the issuance of grading permits, and that impacts would be less than significant with mitigation. The project impacts related to wildland fires are provided on pages 3.8-15 through 3.8-18 of the Draft EIR, which describes that with implementation of the proposed Project Design Features that includes a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program*, and Mitigation Measure MM 3.13-1, impacts related to fire protection and wildland fires would be reduced to a less than significant level.

Comment 7: This comment states that the Draft EIR includes errors related to hiking trails that are in the vicinity of the project site, and provides a list of suggested revisions.

Response 7: Pursuant to this comment, Section 3.14, Recreation of the Draft EIR has been revised. These changes are shown in Chapter 3, Revisions to the Draft EIR.

Comment 8: This comment states that scenic integrity is important to high quality forest experiences and that it is appreciated that although visual impacts cannot be completely eliminated, mitigation measures are in place to reduce impacts. The comment states support for color scheme requirements, paint light reflectivity values, and vegetation placement. The comment also states that native vegetation should be used, so that the project does not spread non-native species into forest lands.

Response 8: The County notes support for the proposed aesthetic related Project Design Features and mitigation measures. In regard to non-native vegetation, Response 5 describes the project use and limitations on non-native vegetation. In addition, Project Description Sections 2.7.3 and 2.7.4, and PDF-4 states that the project would not include invasive plant species.

Comment 9: This comment requests every reasonable effort to maintain the project development on private lands, and not rely on forest service lands for infrastructure or vegetation management needs. The comment also states that the project must be given intensive analysis using the Cleveland National Forest Land Management Plan to guide impacts. In addition, the comment expresses appreciation for the opportunity to comment and work with the County to address the impacts related to the forest.

Response 9: As described in the previous responses the project development would be located on private inholding lands that would buffer the existing U.S. forest lands with fuel modification zones and open space. However, the project includes improvements to an existing permitted access road that would lead to the secondary (exit only) gated entry of Phase 2 (north parcel). Also, as described above, because the project is located on private lands it is not subject to the regulations within the Land Management Plan. As described previously in Response 2, the County concurs that the project would need additional permitting by responsible agencies and environmental documentation pursuant to NEPA for implementation of specific project features, and will continue coordination with the U.S. Forest Service regarding this project.

State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 5, 2017

Ms. Ilene Lundfelt
 Orange County Public Works
 Development Services and Planning
 300 N. Flower Street
 Santa Ana, CA 92703
 ilene.lundfelt@ocpw.ocgov.com

Subject: Comments on the Draft Environmental Impact Report for The Preserve at San Juan Project, Orange County, CA (SCH# 2006051110)

Dear Ms. Lundfelt:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced The Preserve at San Juan Draft Environmental Impact Report (DEIR), dated May 2017. The Department provided comments on the Notice of Preparation (NOP) for the project in a letter dated December 1, 2014.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program (NCCP). The County of Orange (County) is signatory to the Implementing Agreement of the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP). The County is not signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

The Preserve at San Juan Project is a proposed residential development in Orange and Riverside counties, California, adjacent to the Cleveland National Forest to the east, in the Santa Ana Mountains. It involves the development of 72 single-family residential lots on primarily undeveloped land, with minimum residential lot sizes of 1 acre. The project area includes development of 75.5 acres and open space dedication of 507.8 acres, for a total of 583.3 acres. The proposed project includes off-site improvements to Long Canyon Road, development of 24.5 acres of vineyards, a fuel modification zone of at least 170 feet, and on-site and off-site improvements to Elsinore Valley Municipal Water District infrastructure. The new on-site water distribution facilities would include a 12-inch distribution line that would be constructed throughout the developed portions of the project site, and installation of 715,000- and 525,000-gallon water storage tanks.

Chamise chaparral is the dominant habitat type within the project area. California species of special concern (SSC) observed on site include coast range newt (*Taricha torosa torosa*), coast horned lizard (*Phrynosoma coronatum*), northern red-diamond rattlesnake (*Crotalus ruber*), and

northern harrier (*Circus hudsonius*). White-tailed kite (*Elanus leucurus*), a Fully Protected Species under Fish and Game Code § 3511, was also observed. Sixteen individuals of Coulter's matilija poppy (*Romneya coulter*; California Rare Plant Rank 4.2) were recorded during the initial Biological Resources Assessment (BRA) in 2008. The portion of the project area in Riverside County is within Core Area B of the MSHCP. Core Area B provides both live-in and linkage habitat for mountain lion (*Puma concolor*).

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

1. The DEIR concludes that impacts to many biological resources, including SSC/Fully Protected Species observed on site, SSC with potential to occur within the project area, and other species, are less than significant in part because these species' habitats are conserved under the MSCHP (pages 3.4-27 through 3.4-32). The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit in Western Riverside County. Only a portion of the project site is in the MSHCP area. The MSHCP was not developed or designed to address impacts in Orange County and does not provide take coverage for species or habitat impacts in Orange County. Further, the County is not signatory to the MSHCP and therefore is not a permittee with take coverage under the MSHCP. The County cannot rely on MSHCP coverage for impacts to species covered by the MSHCP. The Department finds it is not appropriate to consider MSHCP conserved open spaces as part of the analysis of project impacts, particularly with regard to SSC. Therefore, the Department recommends that the final EIR's analysis of impacts to biological resources, including SCC and Fully Protected Species, be assessed without consideration of MSCHP conserved open space. If additional mitigation is found to be warranted to bring impacts below significant with mitigation, the Department recommends that the County consider MSCHP policies and procedures in identifying additional mitigation measures.
2. In order to participate in the MSHCP, the County would need to act as a Participating Special Entity (PSE). If the County chooses to act as a PSE and obtain take through the MSHCP then the following MSHCP policies and procedures will apply to this project: Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP Section 6.1.2); Protection of the Narrow Endemic Plant Species (MSHCP Section 6.1.3); and Urban/Wildland Interface Guidelines (MSHCP section 6.1.4). Additionally, the Department would remind the County that road improvements to Long Canyon Road and connection to Ortega Highway are not covered activities under the MSCHP.
3. The August 25, 2008, BRA was updated December 31, 2013. Since that time, southern California habitats, including those present within the BRA's 745-acres study area, have experienced variable climatic conditions from extreme drought (2012-2017) to heavy rains (2017). After long periods of drought followed by rain, seasonal and focused survey results may differ from those conducted during dry periods, as seeds that have been dormant during drier periods may germinate. Based on these conditions and the information provided in the BRA, it is unclear that the project would result in less than significant impacts to all sensitive biological resources, including sensitive plant species; therefore, the Department concludes that the given baseline is inappropriate to the procedural and substantive requirements of CEQA. In order to meet those requirements, the BRA should include site-specific surveys conducted at the appropriate times of year to actually detect species, and

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should not be done opportunistically. Seasonal variations in use by wildlife in the project area should be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, should be included in the impact analysis.



4. Additionally, because of the potential for Coulter's matilija poppy to occur in greater numbers after this year's rainy season, pre-construction surveys for sensitive plant species conducted no sooner than 3 days prior to commencement of construction activities should be included as a mitigation measure or measures in the Mitigation Monitoring and Reporting Plan (MMRP) of the final EIR. This measure(s) should include a designated representative at the County or their designee to oversee restorations, commitment to a timeframe to when restorations would occur, a proposed restoration plan/Habitat Mitigation and Monitoring Plan, and relocation plans. The final EIR should also include a thorough discussion as to the effectiveness of the measure at compensating for permanent impacts and disturbance.

6

5. The BRA states that, "regional movement in an east-west direction is possible within open space areas to the north and to the south of the project's impact footprint for more secretive wildlife species, such as mountain lion, if they are deterred by the rural residential development and do not want to use the wildlife corridors provided through the study area. Therefore, impacts to wildlife movement are considered less than significant." (Page 101) The Department disagrees with this analysis and with the conclusion that impacts to mammal species are less than significant (DEIR page 3.4-31), particularly in the case of mountain lions.

Due to its adjacency to the Cleveland National Forest and conserved open space, the project increases the risk of mortality to mountain lions. Lions in the Santa Ana Mountains have an annual survival rate of 56%, which is lower than hunted populations. California permits the killing of mountain lions to protect livestock, pets, and people via depredation permits. Other mortalities are attributed to vehicle hits, poisoning either intentionally or unintentionally (from the use of rodenticides), disease, fires, and illegal killings. The risks to mountain lions make urban and exurban (rural residential) areas a significant barrier to gene flow in mountain lion populations, especially in the Santa Ana Mountains (Ernest *et al.* 2003, Vickers *et al.* 2015). Territories near urban areas are relatively small and isolated, and the resultant inbreeding threatens the long-term viability of the Santa Ana Mountains lion population (Ernest *et al.* 2003). Given the risk of inbreeding, the small population size, and the lion population's vulnerability to deadly interactions in rural residential areas, the Department concludes that the impacts to this species as a result of the project are significant without mitigation. Therefore, the MMRP in the final EIR should be amended to include a mitigation measure or measures that reduce impacts of the project on local mountain lion populations. The mitigation measure(s) should include the following elements:

7

- a. incorporation of wildlife fencing along Long Canyon Road, per the Western Riverside MSHCP and Urban Wildlife Guidelines fencing requirements;
- b. development and implementation of public education programs to facilitate a better understanding by the public, specifically the residents of The Preserve, of mountain lion interactions. To reduce the number of depredation permits issued, the program should include advice and support for building outdoor pet enclosures that are mountain lion and bobcat proof, as well as general safety guidance for pet owners and residents. The



measure should identify the entity that will be responsible for incorporating this education into any applicable homeowner's association Declaration of Covenants, Conditions, and Restrictions; and

- c. there are several places in the project site that are porous to wildlife movement into the developed area. Mitigation measures or Project Design Features should be developed that inhibit wildlife movement where hazards such as rodenticides may be encountered (see Comment 7) or risk of depredation will be increased.
6. The Department is unclear whether impacts to biological resources as a result from road improvements to Long Canyon Road and increased traffic flow from Ortega Highway (State Route 74) were analyzed in the DEIR. In addition to edge effects, we are concerned that increased traffic flow could also result in increased potential of road kill of sensitive species (as identified in the DEIR) and mountain lions (see Comment 4). The final EIR should include a discussion of direct, indirect, and cumulative impacts of traffic and road improvements on biological resources, with particular focus on road kill. We also recommend that a mitigation measure or measures be included in the MMRP of the final EIR that incorporate wildlife features such as under/over crossings, wildlife fencing, and/or reporting of road kill that would be made available to the Department. Culverts should be sized and designed to accommodate wildlife movement, including mountain lions. 8
 7. The DEIR states that, "Operation of the vineyards could require the use of fertilizers, pesticides, insecticides, and rodenticides" (page 3.8-11). The environmental analysis does not clearly define whether rodenticides and other chemicals used on vineyards were considered as a potential significant impact to biological resources, particularly with regard to raptors and larger mammalian species (i.e., bobcat and mountain lion). Given the proximity to the Cleveland National Forest and conserved open space, the Department discourages the use of rodenticides and encourages the use of non-chemical practices for rodent control (e.g., a 5-gallon bucket filled with partially with water). We recommend that the final EIR include a thorough discussion of the potential impact of rodenticides and other chemicals associated with vineyard maintenance on biological resources, including indirect impacts to wildlife in adjacent open space. The final EIR should also include a mitigation measure or measures that bring this impact below significant with mitigation, if applicable. The mitigation measure(s) should identify the entity that will be responsible for incorporating this guidance into any applicable homeowner's association Declaration of Covenants, Conditions, and Restrictions. 9
 8. With respect to defensible space, please ensure that the final EIR fully describes and identifies the location, acreage, and composition of defensible space *within* the proposed project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with Riverside County Fire (or other applicable agency) regulations/requirements. The County, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands. The Department requests that the final EIR include a thorough discussion of the following elements:
 - a. if fuel modification zones are being proposed as mitigation to offset impacts associated with the project; and10

b. if conserved open space is also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

9. Project Design Feature PDF-1 states that, "open space within the Preserve accounts for 414.6 acres or approximately 71 percent of the project site, which will be offered for dedication to the U.S. Forest Service" (USFS; page 2-28). The DEIR does not elaborate as to whether the USFS has committed to this plan, or whether there are processes in place to find an alternate conservation agent should the USFS not be able to complete this transaction. Therefore, the Department recommends that the final EIR provide further guidance regarding the assurances regarding the dedication of conserved open space.

Additionally, compared to any other currently available mechanism, conservation easements are statutorily created for the purpose of protecting habitat and construed in favor of conservation purposes. The Department considers conservation easements the superior instrument for this purpose because they create an interest in property that can be held by a third party, are permanent (e.g. run with the land and are binding and enforceable on all future landowners), and offer special protections in condemnation proceedings. Therefore, the Department also recommends the County pursue a conservation easement with regard to land dedication, in order to provide relatively greater certainty that long-term management of open space lands is consistent with conservation purposes.

10. The proposed project would impact 6.53 acres of Department jurisdictional streambed and associated riparian habitat (BRA, page 33). Mitigation Measure 3.4-6 states that the project applicant shall provide on- and/or off-site replacement and/or enhancement of existing Department jurisdictional waters. It further states that on- and/or off-site replacement of habitat will be at a ratio no less than 1:1 for unvegetated/upland areas and 2:1 for areas supporting riparian vegetation. For the Department, final mitigation requirements for these impacts will be determined through the Streambed Alteration Agreement process, and may be greater than those proposed in the DEIR.

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

Sincerely,



Gail K. Sevens
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<https://doi:10.1371/journal.pone.0131490>

Letter 4: California Department of Fish and Wildlife

Comment 1: This comment states that the CDFW has reviewed the Draft EIR, provided comments to the Notice of Preparation (NOP), describes its legal responsibility for biological resources, and describes the proposed project.

Response 1: Comment provides the basis for the letter and is general in nature. The comment does not reference a specific section of the Draft EIR; therefore, no further response is required or provided.

Comment 2: This comment states that chamise chaparral is the dominant habitat type in the project area, describes several special status wildlife and plant species, and states that a portion of the project area in Riverside County is within Core Area B of the Western Riverside County Multiple Habitat Species Conservation Plan (MSHCP), which provides linkage and habitat for mountain lions.

Response 2: Comment is general in nature and provides information about habitat in the project area that is consistent with the information in the Biological Resources Assessment that was prepared for the project (included as Appendix C1 of the Draft EIR) and as included in Section 3.4, Biological Resources of the Draft EIR. Chamise chaparral is described on pages 3.4-2, 3.4-5, and 3.4-42 of the Draft EIR. Coulter's matilija poppy is described and evaluated on pages 3.4-7, 3.4-10, 3.4-21, 3.4-27, and 3.4-48. The coast range newt is described and evaluated on pages 3.4-5, 3.4-12, 3.4-12, 3.4-28, 3.4-29, 3.4-32; and protected by Mitigation Measures MM 3.4-1 through 3.4-3. The coast horned lizard and northern red-diamond rattlesnake are described and evaluated on pages 3.4-6, 3.4-12, 3.4-13, 3.4-28, 3.4-30; and protected by Mitigation Measures MM 3.4-1 through 3.4-3. The northern harrier and White-tailed kite are described and evaluated on pages 3.4-6, 3.4-12, 3.4-14, 3.4-28, 3.4-30; and protected by Mitigation Measure 3.4-3. In addition, the mountain lion is described on pages 3.4-12 and 3.4-20 of the Draft EIR, where it also describes that the Riverside County areas adjacent to the project site are within the southeast portion of Core B of the MSHCP, which provides both live-in and linkage habitat for this mammal, and likely provides linkage area for other mammals such as bobcat. The comment does not provide a specific concern about the analysis within the Draft EIR, and no further response is required or provided.

Comment 3: This comment states that the Draft EIR concludes that impacts to many biological resources are less than significant in part because the species habitats are conserved under the MSHCP; however, only a portion of the project area is located within the MSHCP, and the MSHCP does not provide coverage in Orange County and is restricted to Riverside County. The comment states that it is not appropriate to rely on MSHCP coverage for mitigation of biological resources, and that the EIR should be assessed without consideration of the MSHCP, then consider MSHCP when identifying additional mitigation.

Response 3: The Draft EIR correctly identifies that a *portion* of the biological resources study area is within the MSHCP area, and provides a specific analysis related to that *portion* of the project area, the proposed activities in that area, potential impacts related to those activities, and specific mitigation (MM 3.4-8) related to MSHCP species of concern and policies, which is contained within pages 3.4-46 through 3.4-51 of the Biological Resources Section of the Draft EIR, and in Section 3.9 (pages 68 through 78) and

Section 4.6 (pages 90 through 110) of the Biological Resources Assessment (Appendix C1 of the Draft EIR).

However, the Draft EIR analysis does not solely rely on the MSHCP to mitigate impacts to sensitive species and habitats. The biological resources analysis within Impact discussions 3.4-1 through 3.4-5, located from page 3.4-27 through 3.4-46 of the Draft EIR does not analyze biological resources solely in the context of the MSHCP. The only areas evaluated in the context of the MSHCP are the on and off-site Riverside County areas that would be disturbed by the proposed project. For those areas, the EIR has provided an analysis, which determined that the proposed project, with implementation of the proposed Project Design Features and Mitigation Measures, would be consistent with the MSHCP.

For special-status plant and wildlife species within the Orange County portion of the project (i.e., not within Riverside County and not within the MSHCP), these species were analyzed in light of project proposed open space areas (which included suitable habitat for the species to persist) to be avoided and preserved by the project, potential impacts to the species from the proposed project, and regional populations of the species maintaining self-perpetuating levels. Based on these analyses, impacts were either determined to be less than significant, or mitigation was prescribed for those impacts that were potentially significant. As described within these discussions, Project Design Features (including PDF-1, PDF-2, PDF-13, PDF-14, PDF-17, PDF-20) and mitigation measures would reduce impacts to biological resources to a less than significant level. This mitigation includes: MM 3.4-1 that implements an Environmental Awareness Program; MM 3.4-2 implements BMPs for construction activities; MM 3.4-3 through MM 3.4-5 that protects sensitive species pursuant to CDFW and USFWS requirements and approvals; MM 3.4-6 that mitigates potential impacts to jurisdictional waters through coordination with the CDFW, Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers; and MM 3.4-7 that protects nesting birds pursuant to the Migratory Bird Treaty Act (MBTA). Therefore, the Draft EIR considers the MSHCP within the applicable jurisdiction, and where appropriate, provides consideration of the MSHCP's potential to mitigate impacts, in addition to the Project Design Features and Mitigation Measures that would be implemented for the project.

Comment 4: This comment states that to participate in the MSHCP the County would need to act as a Participating Entity, lists the MSHCP policies related to the project, and then states that the road improvements at Long Canyon Road and Ortega Highway are not covered activities in the MSHCP.

Response 4: Ortega Highway is part of the state highway system and is under the jurisdiction of Caltrans. The project improvements along Ortega Highway at Long Canyon Road would be within the existing right-of-way and would be coordinated with Caltrans, as described on page 2-17 of the Draft EIR. In addition, as shown on Figure 10 of the Biological Resources Assessment (Appendix C1 of the Draft EIR) the intersection of Ortega Highway and Long Canyon Road is located within Public/Quasi-Public Conserved Lands of the MSHCP. The MSHCP states that roadway widening and reconstruction, including grading shoulders, culverts, curbs, gutters, sidewalks are covered activities within Public/Quasi-Public Conserved Lands (MSHCP Section 7).

Additionally, Section 3.4, Biological Resources of the Draft EIR, describes that the Orange County portion of the biological resource study area is located within the Southern Subregion Natural Communities Conservation Plan (SSNCCP); and the Riverside County portions of the study area are within the MSHCP. Implementation of the MSHCP in unincorporated Riverside County areas is the responsibility of the Riverside County, state, and federal governments.

Also, as described previously in Response 3, the Draft EIR analysis does not rely on the MSHCP to mitigate impacts to biological resources. Implementation of the Project Design Features and mitigation measures that would be implemented by wildlife protection agencies and water resource agencies would reduce impacts to biological resources to a less than significant level, and the County of Orange is not proposing to participate in this out-of-agency habitat conservation plan for the proposed project.

Comment 5: This comment states that the Biological Resource Assessment was updated December 31, 2013, and that since that time climatic changes that include drought and rain; and that therefore, the given baseline is inappropriate to the procedural and substantive requirements of CEQA. The comment also states that site-specific surveys should be conducted at the appropriate times of the year, seasonal variations should be addressed, and more recent focused species-specific surveys should be conducted and included in the impact analysis.

Response 5: Page 3-3 of the Draft EIR provides a description of the Environmental Setting/Baseline for the Draft EIR. CEQA Guidelines Section 15125 states that *“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to gain an understanding of the significant effects of the proposed project and its alternatives.”*

Two Notice of Preparations and Initial Studies were published for the proposed Preserve at San Juan Project. A Notice of Preparation/Initial Study was prepared and distributed on September 26, 2013. In addition, a revised Notice of Preparation/Initial Study was circulated on October 16, 2014 in response to changes to the project description regarding the number of residential units and wastewater treatment systems, which occurred in response to the findings of wastewater related technical studies that were completed for the proposed project. The changes to the project, and related revised Notice of Preparation/Initial Study in 2014 were not related to biological resources, and the baseline for biology is consistent with the biological surveys and studies of the proposed project that occurred from 2012 through 2013. As detailed in the Biological Resources Assessment (Appendix C1 of the Draft EIR), the onsite surveys were conducted during the appropriate time of year and time of day (e.g., in accordance with the appropriate blooming period for special-status plants, and in accordance with agency-approved survey protocols [e.g., focused fairy shrimp surveys]). Therefore, the baseline conditions relevant to biological resources are appropriate pursuant to CEQA.

In addition, site surveys from 2004, 2005, 2006, 2008, and 2010 were cited to provide additional background information and species occurrence data. Overall, site specific biological surveys pursuant to CDFW guidelines provide data ranging over 9 years (2004-2013), and a range of climatic conditions. The Biological Resource Assessment (included in Appendix C of the Draft EIR) describes that sensitive plant surveys were conducted in accordance with the CNPS botanical survey guidelines, during the blooming periods of 2005, 2006, 2008, 2012, and 2013; and that field investigations for specific sensitive species, such as fairy shrimp were completed for both wet and dry seasons and submitted to the USFWS Carlsbad office. Therefore, in addition to the surveys being done pursuant to CEQA's baseline requirements, the extent of the surveys that were conducted pursuant to USFS, CDFW, and CNPS methodology provides an accurate accounting of the potential sensitive wildlife and plant species that could occur within the development areas of the project site.

In general, sensitive wildlife and plant species are more prevalent during wetter years. California experienced an extreme drought between 2014 to 2017. However, drought conditions did not exist during time of the 2012 and 2013 field surveys (LA Times 2017), and the project's mitigation is based on these surveys (as well as data provided by the previously conducted surveys from 2004, 2005, 2006, 2008, and 2010). Therefore, the surveys conducted between 2004 and 2013 were done during wetter and non-drought years, and represent conservative conditions; when potential sensitive wildlife and plant species are more likely to be present.

In addition, because wildlife species are mobile and sensitive wildlife species could be present prior to project construction, Mitigation Measure MM 3.4-3 requires a pre-construction survey, an onsite biological monitor that would identify biological resources, and coordination with CDFW prior to relocating any special-status wildlife species. These measures would ensure that any sensitive species or habitat that may exist at the time the project is implemented would be protected from significant impacts. Furthermore, the comment does not provide any substantial evidence into the record to substantiate that additional surveys, during a drought period would result in findings that are substantially different, and therefore, result in significant new impacts to biological resources than the previous surveys.

Comment 6: This comment states that the potential for Coulter's matilija poppy to occur is greater to occur after a rainy season, and that preconstruction surveys for sensitive plant species should be conducted within 3 days of commencing construction activities, and should be included in the project's Mitigation Monitoring and Reporting Program (MMRP). The comment also states that a County representative or designee should oversee the restoration with a restoration plan, and that the FEIR should include a discussion of the effectiveness of the implementation measures.

Response 6: As described in the previous response, sensitive plant surveys were conducted in accordance with the CNPS botanical survey guidelines during blooming periods. Section 3.4, Biological Resources of the Draft EIR and the Biological Resources Assessment (Appendix C1 of the Draft EIR) describes that Coulter's matilija poppy has previously been observed at one location within the northeast corner of the Phase 1 (south parcel) during 2006 surveys, which is proposed to remain in open space, and not adjacent to the proposed development. However, none were observed during the sensitive plant surveys conducted in 2012-2013. The area in which this species was previously found was dominated by a dense layer of

Spanish broom (*Spartium junceum*); thus, it is suspected that this non-native broom may have outcompeted the Coulter's matilija poppy and that it no longer occurs on-site.

Coulter's matilija poppy is a perennial rhizomatous herb. Surveys were conducted during the appropriate blooming period for this conspicuous species, and even if this species was not blooming at the time of focused surveys, it would have been detectable if present, since it is a perennial herb. Regardless, if this species is still present on-site, this species is a California Native Plant Society (CNPS) Rank 4.2 species, and is considered a Watch List species by the CNPS and no official protection is provided under this listing. As such, impacts would be considered less than significant. Furthermore, as shown on the Figures 2-10 and 2-11 of the Draft EIR, the project proposes to incorporate Coulter's matilija poppy into the Conceptual Landscape Plan for the project. Thus, a local population of Coulter's matilija poppy is planned for the site, and impacts to Coulter's matilija poppy would be less than significant.

Comment 7: This comment states that the CDFW disagrees with the Draft EIR conclusion that impacts to regional movement of mammal species would be less than significant. The comment states that due to the project location next to the Cleveland National Forest impacts related to mountain lions would be significant, and mitigation should be included that involves wildlife fencing along Long Canyon Road, public education programs, and Project Design Features to inhibit wildlife movement in the development areas where wildlife hazards could exist.

Response 7: As described in Section 2.0, Project Design of the Draft EIR, the project is located on private land, and proposes to retain 414.6 acres or 71 percent of the project site in open space. Project Design Feature PDF-1 includes offering the currently private land to the U.S. Forest Service. The open space area would be retained in its existing condition; and the open space areas do not include the fuel modification zones, which are identified as developed acreage in the Draft EIR and provide additional vegetated buffer for wildlife movement. Per PDF-2, the proposed open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road to create a buffer between the residential uses and the Cleveland National Forest lands. Providing this land adjacent to the Cleveland National Forest to public agencies to protect, which would also buffer the proposed low density residential development, would retain a large area for regional wildlife movement.

As described by the Biological Resources Assessment (Appendix C1 of the Draft EIR) the open space areas provided by the project would facilitate regional wildlife movement through and in between the proposed development areas in east-west and northwest-southeast directions within the open space area north of Long Canyon Road and along Long Canyon Creek, respectively (shown on Figure 3.4-7 of the Draft EIR). In addition, regional movement around the project footprint would exist in north-south and east-west directions via the open space areas that include drainages and natural vegetation that convey wildlife movement. As described on page 101 of the Biological Resources Assessment, these movement areas around the project development areas are expected to facilitate regional wildlife movement for secretive wildlife species, such as mountain lion, if they are deterred by the rural residential development and do not want to use the wildlife corridors through the open space and creek areas in between the development areas. Therefore, it was determined that impacts to wildlife movement, including mountain

lions, would be less than significant. Also, as described in Section 2.0, Project Design of the Draft EIR, the project includes physical barriers including: 5 foot-6-inch high tubular steel fence, native landscaping, rocks/boulders, other similar barrier mechanisms, and signage that would separate the development and natural open space areas, and keep residential activities within the gated area, and inhibit wildlife movement through the proposed development area. Furthermore, each residential lot would be walled or fenced off to prevent residential uses encroaching into natural open space areas and an education program to control unauthorized public access into open space areas will be implemented and maintained by the project's HOA pursuant to the project's CC&Rs. Thus, the project includes many of the features recommended by this comment, and would provide open space and habitat for regional movement of wildlife species.

The proposed project does not involve improvements to Long Canyon Road. The roadway is under the jurisdiction of the U.S. Forest Service and Federal Highway Administration, and was improved in 2016 by these agencies to provide a paved width of 24-feet with a curb and gutter. The project applicant, nor the County of Orange has the jurisdiction to implement fencing along Long Canyon Road.

Comment 8: This comment states that it is unclear whether road improvements to Long Canyon Road and increase traffic flow from Ortega Highway were analyzed in the Draft EIR. The comment further states that the EIR should include a discussion of direct, and indirect impacts related to road improvements and biological resources with a focus on road kill, and that mitigation measures should be included to incorporate wildlife crossings and fencing.

Response 8: The project does not involve improvements to Long Canyon Road. As described in the previous response Long Canyon road was improved in 2016 under the direction of the U.S. Forest Service and Federal Highway Administration. The project does include improvements to project driveways that connect to Long Canyon Road and improvements to Ortega Highway at Long Canyon Road. These improvements would occur within the north and south project driveways to Phase 1 and Phase 2 and the existing Ortega highway right of way, and not to Long Canyon Road. Thus, improvements to roadways would not result in modification of existing habitat or direct impacts to biological resources.

Regarding indirect impacts related to increased traffic that would result from the proposed project, the project area would be enclosed by a 5-foot 6-inch-high tubular steel fence that would deter many wildlife species that could be subject to road mortality from onsite vehicles. Onsite roadways would be developed to rural street standards and vehicle speeds would be limited, which would allow drivers to slow, or stop to avoid wildlife in the roadway. In addition, homeowners would be educated about the natural resources within their area, and the importance of vehicle speed limits and watching out for wildlife that could cross the roads (MM 3.4-1). As described previously in Response 7, the proposed retention of open space on the project site would provide for wildlife movement around the developed portions of the project site and the existing roadways, including Long Canyon Road and Ortega Highway; thus, the project would not result in the necessity of wildlife to cross roadways, which could result in road kill.

In addition, as discussed in Response USFWS-2, few instances of wildlife mortality occur from vehicle strikes in the existing condition while a consistent stream of traffic currently exists on Ortega Highway

and Long Canyon Road supports local traffic to and from Ortega Highway. The existing traffic and any traffic-related wildlife mortality resulting from current conditions is the baseline setting and is not related to the proposed project. The roadkill information from the California Roadkill Observation System (CROS 2017) identified that there are only a few mortalities that have been documented as a result of animal-vehicle collisions along the stretch of Ortega Highway that passes through the Cleveland National Forest. The documented mortalities included one bobcat and one mule deer recorded in 2015, both of which were approximately 1.75 miles south of the project site on Ortega Highway. In addition, two coyote mortalities were recorded in 2000 and 2003, both of which were approximately 4 to 4.5 miles southwest of the project site on Ortega Highway; and one striped skunk was recorded in 2000 more than 8 miles southwest of the project site on Ortega Highway. This data provides a representative sample of the frequency and distribution of animal-vehicle collisions within the area, and identifies that wildlife mortality from vehicle collisions in the project location is an infrequent occurrence.

Although no vehicle/mountain lion roadkill data was available from CROS, research documentation (Vickers 2015) identifies mountain lion occurrences in the regional vicinity of the project site, and identified that 6 vehicle/mountain lion collisions were documented over a 32-year period; all of which occurred approximately 6 miles southwest of the project site on Ortega Highway. This concentrated location of mountain lion mortalities may be due to the topographic features and large drainage (San Juan Creek) that make this area more conducive for regional wildlife movement, and is not related to the wildlife movement areas associated with the project site (refer to Figure 3.4-7 in the Draft EIR). Overall, few traffic-related wildlife mortalities result from current conditions on Ortega Highway.

As described in Section 3.15, Transportation and Traffic of the Draft EIR, the existing Level of Service (LOS) at the intersection of Long Canyon Road and Ortega Highway is LOS C in the a.m. peak hour and LOS D in the p.m. peak hour. The project would generate 690 daily trips, which would result in a 3.6 percent increase in ADT westbound on Ortega Highway, and a 2 percent increase in ADT eastbound on Ortega Highway. The project would install a northbound acceleration lane and a turn lane, and a southbound deceleration lane on Ortega Highway at the intersection of Long Canyon (in cooperation with Caltrans). These roadway improvements would occur within the existing paved right-of-way and would allow traffic to slow at the intersection, avoid any potential wildlife crossings, and safely merge into and out of Ortega Highway traffic. These project features would minimize the potential for, and thus the significance of, road-related mortality to wildlife. Furthermore, although vehicle collision is a source of wildlife mortality, studies show that road kills generally have minimal effects on population size and wildlife typically avoid roadways due to the noise (Forman and Alexander, 1998; Spellerberg, 1998).

Overall, a limited number of wildlife mortalities currently occur from vehicle collisions. With implementation of the proposed project features, the minimal increase in traffic from the project would result in an incrementally small potential increase in the potential for wildlife mortality from road collisions, which would be a less than significant impact. Therefore, indirect impacts related to traffic-caused road mortalities from implementation of the project would be less than significant.

Comment 9: This comment states that it is not clear whether rodenticides and other chemicals would be used on vineyards, and if the impacts on raptors or mammal species from use of rodenticides or chemicals

have been evaluated in the EIR. The comment states that the CDFW encourages the use of non-chemical rodent control practices. Additionally, the comment states that the EIR should include a discussion of these impacts and mitigation measures that identify responsible parties.

Response 9: As described in Response 2 to the USFWS letter, Mitigation Measure MM 3.4-2 has been revised to prohibit the use of rodenticides during construction and for operation of the vineyards. The prohibition of rodenticide use will be included in the project's CC&Rs, as required by Mitigation Measure MM 3.4-2. In addition, the Draft EIR (page 3.4-49), describes that the project would limit and cluster the area of development and incorporate BMPs (e.g., vegetated bioswales and infiltration basins), as required in association with compliance with the Clean Water Act Section 401 Water Quality Certification, County of Orange, and/or County of Riverside in order to reduce the level of toxins introduced into the environment. The proposed project would incorporate control measures to ensure pollutants leaving the site is does not occur (included as Project Design Features PDF-13, PDF-14, and PDF-17). Furthermore, the areas of mature coast live oak woodland and forest that provide habitat for rodents and foraging opportunities for raptors bobcats and mountain lions would be buffered from the development areas by open space and fuel modification zones, as included by Project Design Features PSF-1, PDF-2, PDF-3, PDF-10, which would reduce the potential for impacts.

Comment 10: This comment requests that the EIR fully describe defensible space within the project footprint, and ensure that they comply with the Riverside County Fire regulations. The comment states that defensible space should be located within the project footprint, and not within open space areas. The comment also requests the EIR include a discussion of fuel modification zones, and states that if open space is used as defensible space, it would have lower conservation values due to the vegetation management that defensible space requires.

Response 10: As described in Project Description Section 2.7.3 of the Draft EIR, the development areas (as identified in Table 2-1) include all of the project landscaping and the fuel modification zones. The project includes an extensive defensible space plan, included as a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program*, which has been approved by OCFA and is included as Appendix G of the Draft EIR. In addition, page 2-23 of the Draft EIR describes that the project is compliant with Riverside County fire requirements pursuant to Chapter 8.32 of the County's Municipal Code, which adopts an amended Uniform Fire Code.

A thorough description of the proposed fuel modification zones is provided on pages 2-21 through 2-24 of the Draft EIR. The Draft EIR also includes discussion of the effects of implementation of these plans in Section 3.8, Hazards and Hazardous Materials, under Impact 3.8-4, which describes that implementation of the Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) would reduce potential impacts related to wildfire to a less than significant level. Furthermore, as described in Section 2.0, Project Description, all of the fuel modification zones and other landscaped areas are included in the development footprint. The areas proposed for open space within the project footprint would be retained in their existing condition, and do not include fuel modification areas.

Comment 11: This comment states that the Draft EIR does not elaborate if the U.S. Forest Service has committed to accept the 416.6-acres open space that is offered in Project Description Feature PDF-1, or if an alternative conservation agent process is in place. The comment asks for further guidance regarding assurances related to the provision of open space. The comment also states that conservation easements are statutorily created for the purpose of protecting habitat and the CDFW considers them a superior instrument for conservation and recommends the County pursue a conservation easement for the proposed project.

Response 11: The project proposes to retain 414.6 acres or 71 percent of the project site in open space. Project Design Feature PDF-1 (refer to Draft EIR Chapter 2, Table 2-4) includes offering the currently private lands to the U.S. Forest Service. The U.S. Forest Service was contacted regarding the offer and stated that they will consider accepting the donation after the project is approved. The open space area would be retained in its existing condition, and does not include the fuel modification zones, which are identified as developed acreage in the Draft EIR. The project also includes physical barriers including native landscaping, rocks/boulders, fencing, signage, other barrier mechanisms, and an education program to control unauthorized public access, which will be implemented and maintained by the project's HOA pursuant to the project's CC&Rs. In addition, these Project Design Features are included in the MMRP to ensure implementation as part of the project (refer to Draft EIR Chapter 1, Table 1-5). If accepted by the U.S. Forest Service, the lands would be managed as part of the Cleveland National Forest, as intended by the proposed project.

The open space areas would be delineated and placed within an open space easement for permanent preservation pursuant to the requirements of the California Department of Fish and Wildlife (CDFW). Should the area not be accepted and managed by the U.S. Forest Service as part of the Cleveland National Forest, maintenance of the open space easement would be the responsibility of the HOA. Additionally, the boundary between developed and open space areas would be delineated, and identified by fencing and the fuel modification zones; and the Project Design Features and mitigation measures would reduce impacts to a less than significant level, as described in Section 3.4, Biological Resources, of the Draft EIR.

Comment 12: This comment states that that as described in the Biological Resources Assessment, the proposed project would impact 6.53 acres of jurisdictional streambed. The comment also states that mitigation requirements would be determined through a Streambed Alternation Agreement process and may be greater than those provided in the Draft EIR.

Response 12: Mitigation Measure 3.4-6 on page 3.4-41 of the Draft EIR states that replacement and/or enhancement of jurisdictional waters and wetlands shall be mitigated at a *minimum* ratio of 1:1 for unvegetated/upland areas and 2:1 for areas supporting riparian vegetation, which would be coordinated subject to approval of the regulating agencies that include the U.S. Army Corps of Engineers, RWQCB, and CDFW. Thus, the Draft EIR mitigation measure acknowledges that mitigation requirements may be greater than 1:1 for unvegetated/upland areas and greater than 2:1 for areas supporting riparian vegetation

as determined through the regulatory permitting processes with the appropriate regulatory agencies (e.g., Streambed Alteration Agreement process with CDFW).

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Letter 5: Caltrans



*Make Conservation
 A California Way of Life.*

RECEIVED**JUN 16 2017****COUNTY OF ORANGE**

June 13, 2017

Kevin Shannon
 OC Public Works
 OC Development Services/Planning
 300 N. Flower Street
 Santa Ana, CA 92703

The Preserve at San Juan Residential Development Project SCH# 2006051110
 (Riv 74 PM 5.27)

Mr. Shannon,

We have completed our review for the above mentioned proposal to develop 72 single-family two story residential units, associated circulation, access improvements, and landscaping on 584.1 acres. Project is located in the County of Orange approximately 6 miles east of the City of Ranch Santa Margarita and the County of Riverside 6 miles west City of Lake Elsinore.


As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Orange due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

Please refer to previous letter dated May 4, 2009 for our comments and concerns regarding drainage and grading, traffic operations, and encroachment permits. All construction done within the State Highway System right-of-way shall be in compliance to all current design standards and policies.

We recommend the following to be provided:

Traffic Study

- A Traffic Impact Study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities and to propose appropriate mitigation measures. The study should be based on Caltrans' *Guide for the Preparation of Traffic Impact Studies (TIS)* which is located at the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Minimum contents of the traffic impact study are listed in Appendix “A” of the TIS guide. 

- Traffic Impact further away from the project is typically not required because a project’s potential impacts to the SHS dissipate to less than significant levels as traffic disperses throughout the transportation system. | 3
- The data used in the TIS should not be more than 2 years old. | 4
- The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips. | 5
- Traffic Analysis Scenarios should clearly be exhibited as exiting, existing + project, existing + project + cumulative, and existing + project + cumulative + ambient growth. | 6
- Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards. | 7
- The LOS for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D” on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is “D”. For undeveloped or not densely developed locations, the goal may be to achieve LOS “C”. | 8
- Clearly indicate LOS with and without improvements. | 9
- It is recommended that the Synchro Analysis includes all intersections from the Project site to the proposed study areas. A PHF of 0.92 in urban areas is recommended to be used in the Synchro Analysis. | 10
- Proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements. | 11

Mr. Shannon
June 13, 2017
Page 3

- Please submit 3 hard copies of all Traffic Impact Analysis documents, and 2 cd's of any Synchro Analysis files.

12

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 806-3957 or myself at (909) 383-4557 for assistance.

Sincerely,



MARK ROBERTS

Office Chief
Intergovernmental Review, Community and Regional Planning

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th Floor MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-6890

TTY (909) 383-6300

*Flex your power!
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May 4, 2009

Mr. Doug Staley, PE
Hunsaker & Associates
Three Hughes
Irvine, CA 92618-2021

Dear Mr. Staley:

The Preserve at San Juan
State Clearinghouse #2006051110
08-RIV 74, PM 3.498

The California Department of Transportation (Caltrans) reviewed the Draft Traffic Impact Analysis for The Preserve at San Juan presented at a meeting held on April 2, 2009 that included Caltrans personnel from District 8, District 12, the applicant, and consultant. The proposed project is to be located west of State Route 74/Ortega Highway (SR 74) on non-contiguous parcels north and south of Long Canyon Road and will encompass Riverside and Orange County. It will have a maximum density of 200 single-family residential units with Land Exchange, the relocation of St. Michael's Abby and school, and a spa resort on 640 acres. The main access will be at SR 74 and Long Canyon Road in Riverside County.

13

Grading and Drainage

- Project grading and drainage impacts affecting State Right of Way (R/W) should be identified and addressed prior to project approval.
- Ensure that Best Management Practices (BMP's) used to treat site runoff entering State R/W are in compliance with all applicable National Pollution Discharge Elimination System (NPDES) or State Regional Water resources Board regulations.

14

Traffic Operations

- A left refuge lane on SR 74/Ortega Highway at Long Canyon Road intersection should be avoided.

15

Encroachment Permit

Issuance of a Caltrans Encroachment Permit will be required prior to any construction within State right-of-way. In addition, all work undertaken within State R/W shall be in compliance to all current design standards, applicable policies and construction practices.

Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
California Department of Transportation
464 West 4th Street, 6th Floor, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

Or you may visit our web page at <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Land Use case application and maps have not been filed with Riverside County, so these comments are to be considered preliminary and are not to be considered complete, final or inclusive. It is our expectation that an opportunity to fully address highway impact mitigation will be provided at such a time that site development applications are submitted to the County. Additional comments will be provided after we have reviewed the next submittal.

If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,

Original signed by Daniel Kopulsky

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

c: David DeMoranville, USA Global Development Company
Chris Herre, Branch Chief, Local Development/Intergovernmental Review-District 12
Haissam Yahya, Office Chief, Operations Surveillance Region B-District 8
State Clearinghouse

bc: Rebecca Forbes-IGR/Local Development

RAF\D:Letters\IGR\RIV SR 74-RIV CO-ThePreserveAtSanJuan

Letter 5: California Department of Transportation

Comment 1: This is an introductory statement that states the California Department of Transportation (Caltrans) has completed review of the project, and as the owner of the State Highway System it is Caltrans is responsible to coordinate with local jurisdictions and make recommendations to offset project impacts. The comment also requests reference to the previous (attached) letter dated May 4, 2009 for comments.

Response 1: The County concurs with this comment and implementation of the project improvements related to Caltrans facilities (Ortega Highway, State Route 74) would be coordinated with Caltrans, as described on page 2-17 of the Draft EIR, the Ortega Highway improvements would require an encroachment permit and coordination with Caltrans to ensure that the roadway improvements are implemented pursuant to Caltrans standards. This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. Responses related to the previous Caltrans letter dated May 4, 2009 are provided below.

Comment 2: This comment states that a traffic impact study is necessary to determine the proposed project's impacts to state facilities, and the study should be based on Caltrans' Guide for the Preparation of Traffic Studies.

Response 2: The Draft EIR includes a Traffic Impact Analysis (TIA) that is attached as Appendix J, and was prepared pursuant to the Caltrans guidelines, and evaluates the potential project impacts to state facilities.

Comment 3: This comment states that analysis of traffic impacts farther away from the project is typically not required, because traffic disperses throughout the transportation system.

Response 3: Because Ortega Highway conveys all of the traffic through the project vicinity, and to ensure a complete analysis of potential impacts, the traffic study area for state facilities for the proposed project is located between Grand Avenue in the City of Lake Elsinore in Riverside County to La Pata Avenue/Antonio Parkway in Orange County.

Comment 4: This comment states that the data used in the traffic study should not be more than 2 years old.

Response 4: As described on page 3.15-3 of the Draft EIR, traffic counts were collected in February 2017, which is the data used in the EIR. In addition, the Traffic Impact Analysis (included as Appendix J of the Draft EIR) was prepared in March 2017. The data in the TIA is not more than 2 years old.

Comment 5: This comment states that the geographic area examined in the traffic study should include all regionally significant arterial system segments and intersections where the project would add 50 to 100 peak hour trips.

Response 5: The analysis in the Draft EIR includes all of the regionally significant arterial system segments and intersections that would increase more than 50 peak hour trips from the proposed project. This includes Ortega Highway and the intersections of: Grand Avenue, Long Canyon Road, and La Pata Avenue/Antonio Parkway. No other intersections would experience an increase of 50 or more peak hour trips from the proposed project.

Comment 6: This comment states that traffic analysis scenarios should clearly be exhibited as existing, existing + project, existing + project + cumulative, and existing + project, existing + project + cumulative + ambient growth.

Response 6: The traffic study provides clear traffic analysis scenarios that are consistent with this comment as follows:

- Table 2-1: Intersection Analysis for Existing Conditions
- Table 5-1: Existing Plus Project Conditions
- Table 5-2: 2020 Without Project Conditions
- Table 5-3: 2020 With Project Conditions
- Table 5-4: 2035 Without Project Conditions
- Table 5-5: 2035 With Project Conditions

Comment 7: This comment states that Caltrans endeavors that any direct and cumulative impacts to the state highways be eliminated or reduced to a level of insignificance.

Response 7: As detailed in Section 3.15.4 of the Draft EIR, with implementation of the proposed project in the existing, 2020, 2035, and cumulative conditions, the proposed project would result in less than significant impacts. Hence, no significant direct or cumulative impacts to state highways would occur from implementation of the proposed project.

Comment 8: This comment states that the LOS for operating state highway facilities is based on Measures of Effectiveness (MOE), and that Caltrans endeavors to maintain an LOS between LOS C and LOS D on state highways. The comment also states that in general the regionwide goal for an acceptable LOS is LOS D; however, if an existing State highway facility is operating at less than this target LOS, the existing LOS should be maintained.

Response 8: As described in the previous response, implementation of the proposed project would not result in a significant impact related to traffic on state highways. The proposed project would not cause in an exceedance of LOS. However, without project traffic an LOS F would exist at Monte Vista Avenue in the 2035 p.m. peak hour. As described on pages 3.15-15 and 3.15-16 of the Draft EIR, this LOS would exist without the project in 2035, and is based on nominal traffic volumes on Monte Vista Street, which would not disrupt the flow of traffic along Ortega Highway. In addition, the project would add less than 50 trips at this intersection. Therefore, project impacts at the intersection of Ortega Highway and Monte Vista Street would be less than significant, and the project would maintain the existing LOS at the deficiently operating intersection, which is consistent with Caltrans goals, as described in this comment.

Comment 9: This comment states that the traffic study should clearly indicate the LOS with and without improvements.

Response 9: The traffic study provides the LOS of each traffic scenario evaluated both with and without improvements. The results of these analyses are provided in the following Traffic Study Tables: 2-1, and 5-1 through 5-4.

Comment 10: This comment states that it is recommended that the Synchro Analysis includes all intersections and use a Peak Hour Factor (PHF) of 0.92 in urban areas.

Response 10: As described throughout the TIA prepared for the proposed project (Appendix J of the Draft EIR), the project was evaluated using Synchro 9 analysis software based on the 2010 Highway Capacity Manual (HCM) method and field count data. A design analysis PHF is generally used in the absence of field measurements, and a PHF is not needed when traffic demand measurements are directly used. Furthermore, the project is located within a rural area.

Comment 11: This comment states that proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements.

Response 11: The LOS with project improvements is provided as Exhibit 5-1 and Tables 5-1, 5-3, and 5-5 of the Traffic Impact Analysis.

Comment 12: This comment requests three hard copies of the traffic impact analysis and CDs of Synchro analysis files.

Response 12: Caltrans was sent a CD that included the traffic impact analysis that was prepared for the project and its appendices, which includes all of the analysis worksheets from the Synchro analysis. Additional copies of the traffic study and its appendices are available on the County's website at: http://www.ocpublicworks.com/ds/planning/projects/the_preserve_at_san_juan

Comment 13: This comment is an introductory statement within the letter dated May 4, 2009 related to a previous project that was proposed on the project site that was attached to the June 13, 2017 letter.

Response 13: This comment describes a much larger development project that was proposed for the project in 2009. The currently proposed project is much smaller than the project described in this comment. In addition, this comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 14: This comment that was attached to the June 13, 2017 letter states that grading and drainage impacts affecting state right-of-ways should be identified, and that best management practices (BMPs) are used to treat runoff in compliance with all applicable state regulations.

Response 14: As described on page 2-17 of the Draft EIR, improvements to Ortega Highway at Long Canyon Road would occur within the existing paved right-of-way on Ortega Highway, and grading and drainage impacts would not occur. In addition, page 3.9-15 of the Draft EIR describes that the National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements would be implemented through Mitigation Measure MM 3.9-1, which would require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs. Thus, any runoff from the road improvements would be in compliance with applicable state regulations.

Comment 15: This comment that was attached to the June 13, 2017 letter states that the project should avoid a left refuge lane on Ortega Highway at Long Canyon Road.

Response 15: As described on page 2-17 of the Draft EIR, improvements to Ortega Highway at Long Canyon Road do not include a left refuge lane, which is a two-way left-turn lane. The proposed improvements include installing a northbound 12-foot wide acceleration lane and a northbound 12-foot wide left turn lane on Ortega Highway; and installing a minimum 22-foot wide southbound deceleration lane on Ortega Highway from Long Canyon Road to 160 feet to the north. These improvements would occur within the paved right-of-way on Ortega Highway.

Comment 16: This comment that was attached to the June 13, 2017 letter states that issuance of an encroachment permit would be required from Caltrans for any work within the state right-of-way.

Response 16: The County concurs with this comment, as described previously in Response 1 and on pages 2-17 and 2-32 of the Draft EIR, the Ortega Highway improvements would require an encroachment permit and coordination with Caltrans to ensure that the roadway improvements are implemented pursuant to Caltrans standards.

Comment 17: This comment that was attached to the June 13, 2017 letter states that these comments are preliminary, and that additional revisions will be provided after review of the next submittal.

Response 17: This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



CAL FIRE – RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

John R. Hawkins - Fire Chief

210 West San Jacinto Avenue, Perris, CA 92570-1915
Bus: (951) 940-6900 Fax: (951) 940-6373 www.rvcfire.org

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MARION ASHLEY
DISTRICT 5

June 19, 2017

County of Orange
OC Public Works
OC Development Services/Planning
Kevin Shannon, Contract Planner
300 N Flower St
Santa Ana, CA 92703

Re: The Preserve at San Juan

Dear Mr. Shannon,

The Riverside County Fire Department appreciates the opportunity to review the Draft Environmental Impact Report for the Preserve at San Juan Residential Development Project.

With respect to the proposed development, the Riverside County Fire Department Strategic Planning Division has the following comments.

The proposed project will have a cumulative impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the added presence of structures, traffic and population. The project's proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

Due to additional construction within a response area, a "cumulative" increase in requests for service will add to the Fire Department's ability to provide adequate service. The proposed project identifies the development of 584.1 acres of State Responsibility Area, (SRA) land and the construction of 72 residential dwelling units at buildout within the County of Orange. The proposed development will have a significant impact on the fire department's ability to provide an adequate level of service.

The Orange County Fire Authority and the Riverside County Fire Department have an Automatic Aid Agreement to provide Fire and Medical Emergency response in areas adjacent to the county line. The standard response for a fire incident is: (1) Battalion Chief, (3) Engine Companies and (1) Truck Company. The 4 closest Riverside County Fire Department Stations that would respond to an incident are:

- Riverside County Fire Station # 51 El Cariso, 32353 Ortega Hwy., Lake Elsinore
- Riverside County Fire Station # 11 Lakeland Village, 33020 Maiden Ln., Lake Elsinore
- Riverside County Fire Station # 85 Mc Vicker Park, 29405 Grand Av., Lake Elsinore
- Riverside County Fire Station # 97 Rosetta Canyon, 41725 Rosetta Cyn. Rd., Lake Elsinore

From the above listed fire stations, the first unit would arrive within 7 minutes after dispatch, the second within 16 minutes, the third within 17 minutes and the fourth within 21 minutes. The identified response times are approximate to the proposed development located north of State Route Highway 74 and Long Canyon Road. The responding Riverside County Fire Stations are staffed 24 hours a day/7 days a week with a minimum of 3 person crews providing Advanced Life Support Paramedic service.

Further review of the project will occur upon receipt of required plan submittals. The Fire Department will review the project site plan to ensure it meets applicable fire standards and regulations in the areas of Riverside County. Additional requirements may be necessary at that time.

1

2

3

In the event the Cooperative Agreement between the County of Riverside and the County of Orange is terminated by either fire agency, the Authority Having Jurisdiction would have the primary responsibility of providing fire protection related services.

If I can be of further assistance, please feel free to contact me at (951) 940-6372 or e-mail at Jason.neuman@fire.ca.gov

Sincerely,

Jason Neuman

Division Chief

Strategic Planning Division



Letter 6: Cal Fire, Riverside Unit

Comment 1: This is an introductory statement that acknowledges the opportunity to comment on the Draft EIR. The comment also states that the project will have a cumulative significant impact on the Fire Department's ability to provide an acceptable level of service, and the project's proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.

Response 1: As described on page 3.13-2 of the Draft EIR, the OCFA is the first responder to calls for service from the project area; and as described by the comment, the OCFA has an ongoing Automatic Aid Agreement with the Riverside County Fire Department for a geographical area that includes the project site. The formal agreement begun in 2014 for the mutual benefit of both OCFA and Riverside County Fire Department and has no sunset clause. The agreement states that should an emergency occur, both agencies would respond promptly to the emergency, and the OCFA would respond to non-emergency service calls. Thus, the service needs for the proposed residential project would be provided by both agencies. In addition, as described on page 3.13-8 of the Draft EIR, the Orange County Standard Conditions of Approval require payment of development fees to provide for a fair share of funding to mitigate impacts by providing for fire service related capital improvements. Furthermore, because the project site is located within a State Responsibility Area, homeowners would be required to pay annual fire prevention fees, which would provide funding for needed capital improvements for fire prevention services. Therefore, the proposed project would provide for capital improvements via impact fees.

Also, to reduce the potential for wildland fire hazards and impacts related to the fire protection agencies' ability to serve, the Draft EIR describes (pages 3.13-9 and 3.13-10) that the project includes specific fire safety project design features including a Fuel Modification Plan in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program* (Project Design Feature PDF-10), a conceptual landscape plan that meets OCFA guidelines (PDF-4), and a Fire Master Plan (Project Design Feature PDF-11). These plans include extensive fuel modification zones that would reduce the potential for wildfires to impact the project site. In addition, the project is designed to be consistent with OCFA (as determined by the OCFA approved Fire Master Plan and Fuel Modification Plans provided as Appendix G of the Draft EIR), Riverside County (per Chapter 8.32 County's Municipal Code) (as described on page 2-23 of the Draft EIR), and California Fire Code access and circulation requirements, which would be implemented by a Secure Fire Protection Agreement with OCFA that is included as Mitigation Measure MM 3.13-1.

The project would also install onsite fire suppression infrastructure that includes two water storage tanks (PDF-19) sized pursuant to OCFA specification that are connected to onsite fire hydrants and automatic fire sprinklers would be in every residence (Project Design Feature PDF-11). These project features would reduce the potential for wildland fires to impact the project site and assist in the provision of services to the project area.

Comment 2: The comment states that the OCFA and the Riverside County Fire Department have an Automatic Aid Agreement to provide Fire and Medical Emergency response in areas adjacent to the

County line. The comment lists the standard staffing response for a fire incident and the 4 closest Riverside County Fire Department Stations, and states that from these stations the first unit would arrive within 7 minutes after dispatch, the second within 16 minutes, the third within 17 minutes and the fourth within 21 minutes.

Response 2: The comment provides Riverside County Fire Department information on services and does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided for this comment.

Comment 3: The comment states that additional requirements may be necessary during the permitting process to ensure that the project meets applicable fire standards and regulations in the areas of Riverside County. The comment also states that in the event the Cooperative Agreement between the County of Riverside and the County of Orange is terminated by either fire agency, the agency with jurisdiction would have the primary responsibility of providing fire protection related services.

Response 3: The County understands that additional permitting requirements may be applicable to the Riverside County portions of the project site, which includes roadway areas; and as described in Response 1, the OCFA is the primary fire protection agency that serves the project area; however, the site is also within a State Responsibility Area, which requires homeowner funding for fire protection services. This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

June 22, 2017

Kevin.Shannon@ocpw.ocgov.com

Mr. Kevin Shannon, Contract Planner
OC Public Works
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703

**Draft Environmental Impact Report (Draft EIR) for
The Preserve At San Juan Residential Development Project (SCH No.: 2006051110)**

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

Project Description

The Lead Agency proposes to develop two, non-contiguous parcels with 72 single-family units on 584.1 acres (“proposed project”). The proposed project will also include approximately 414.6 acres of open space. Construction will occur in two sequential phases with Phase I taking approximately 18 months to complete and Phase 2 taking approximately 14 months to complete. Phase 1 (south parcel) will develop 43 single-family units on approximately 108.6 acres of the 396.6-acre site. Phase 2 (north parcel) will develop 29 single-family units on approximately 60.9 acres of the 194.5-acre site.

Compliance with SCAQMD Rule 403(e)

The Lead Agency discusses compliance with SCAQMD Rule 403 – Fugitive Dust in the Air Quality Section on page 3.3-13, but the proposed project is also considered a large operation that requires additional requirements under SCAQMD Rule 403(e). A large operation is defined by Rule 403(e) as including 50 acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year occurring in the South Coast Air Basin. The requirements may include, but are not limited to, Large Operation Notification, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class¹. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 403(e) in the Final EIR.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIR.

¹ SCAQMD Compliance and Enforcement Staff Contact Information for Rule 403 Large Operations: (909) 396-2608 or by e-mail at dustcontrol@aqmd.gov.

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist, CEQA IGR, at (909) 396-3302, if you have any questions regarding the enclosed comments.



Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:GM

ORC170526-04

Control Number

Letter 7: South Coast Air Quality Management District

Comment 1: This is an introductory statement that acknowledges the South Coast Air Quality Management District (SCAQMD)'s opportunity to comment on the Draft EIR. The comment provides guidance to the Lead Agency (County), and a summary of the project description from the Draft EIR.

Response 1: The introductory statement does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 2: The comment states that the proposed project is considered a large operation that requires compliance with SCAQMD Rule 403(e) that may include, but are not limited to, Large Operation Notification, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class. The comment recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 403(e) in the FEIR.

Response 2: The County agrees that the project requires compliance with SCAQMD Rule 403(e), and the project would be implemented in compliance with all SCAQMD Rules as ensured through the County's standard construction review and permit approval process. In response to the AQMD's recommendation, text regarding Rule 403(e) has been included in Chapter 3, Revisions to the Draft EIR.

Comment 3: The comment requests written responses to all comments prior to the certification of the FEIR, and that SCAQMD staff is available to work with the County to address the issues raised and any other questions that may arise.

Response 3: The SCAQMD is included on the mailing list for this project and will receive notification of availability of the FEIR. This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



July 5, 2017

CHAIR
DEREK J. MCGREGOR
Representative of
General Public

Kevin Shannon
Contract Planner
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92702-4048

VICE CHAIR
DR. ALLAN BERNSTEIN
Councilmember
City of Tustin

LISA BARTLETT
Supervisor
5th District

Subject: Notice of Draft Environment Impact Report-The Preserve at San Juan Residential Development Project

CHERYL BROTHERS
Councilmember
City of Fountain Valley

Dear Mr. Shannon:

TODD SPITZER
Supervisor
3rd District

On behalf of the Local Agency Formation Commission of Orange County ("LAFCO"), we would like to thank you for this opportunity to provide written comments on the Draft Environmental Impact Report prepared for The Preserve at San Juan Residential Development Project.

CHARLEY WILSON
Director
Santa Margarita Water District

As you know, OC LAFCO seeks to serve the citizens of Orange County by facilitating constructive changes in governmental structure and boundaries through actions that resolve intergovernmental issues, by fostering orderly development and governance, and by promoting the efficient delivery of services. OC LAFCO also seeks to serve as a resource for local governments and citizens by providing a structure for sharing information among stakeholders in Orange County. To that end, we recognize the effort that the County of Orange has made in its analysis of the Project under the California Environmental Quality Act ("CEQA"), and offers no comments at this time.

JOHN WITHERS
Director
Irvine Ranch Water District

ALTERNATE
WENDY BUCKNUM
Councilmember
City of Mission Viejo

ALTERNATE
JAMES FISLER
Director
Mesa Water District

As permitted under CEQA and the Ralph M. Brown Act, OC LAFCO requests that it be added to the mailing list for any and all notices related to the Project. This request specifically includes that copies of any and all CEQA notices as well as any and all public meeting and/or hearing notices for the Project. The satisfaction of this written request is required both by CEQA (Public Resources Code, § 21092.2) and the Ralph M. Brown Act (Government Code, § 54954.1). Please send copies of any and all such notices to the following:

ALTERNATE
KATHRYN FRESHLEY
Representative of
General Public

ALTERNATE
MICHELLE STEEL
Supervisor
2nd District

CAROLYN EMERY
Executive Officer

Orange County Local Agency Formation Commission
2677 N. Main Street, Suite 1050
Santa Ana, CA 92705
Attn: Gavin Centeno, Policy Analyst
Email: gcenteno@oclafco.org



The Preserve at San Juan Residential Development Project

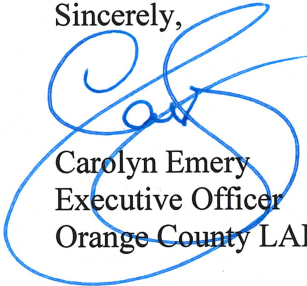
July 5, 2017

Page 2 of 2

Thank you again for your attention on this matter, and we look forward to working with you. Should you have any questions or concerns, please do not hesitate to contact Gavin Centeno at gcenteno@oclafco.org or 714-640-5100.



Sincerely,



Carolyn Emery
Executive Officer
Orange County LAFCO

Letter 8: Orange County Local Agency Formation Commission

Comment 1: This is an introductory statement that acknowledges Orange County Local Agency Formation Commission's (OC LAFCO) opportunity to comment on the Draft EIR, provides an overview of its objectives to resolve intergovernmental issues and foster orderly development, and states that it recognizes the effort that the County made in its CEQA analysis of the proposed project. In addition, the it is stated that no comments are provided at this time.

Response 1: The introductory statement does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 2: This comment requests that OC LAFCO be added to the mailing list for any and all notices related to the project. The comment specifically requests all CEQA notices, public meeting and/or hearing notices, and provides the appropriate OC LAFCO contact information.

Response 2: The OC LAFCO is included on the mailing list for this project and will receive notification of availability of the FEIR, in addition to all other public notices. This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



ORANGE COUNTY FIRE AUTHORITY

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

Jeff Bowman, Fire Chief

(714) 573-6000

www.ocfa.org

June 20, 2017

County of Orange
OC Public Works, OC Development Services/Planning
300 N. Flower St
Santa Ana, CA
Attn: Kevin Shannon, Contract Planner

Subject: The Preserve at San Juan Draft Environmental Impact Report (SCH# 2006051110)

Dear Mr. Shannon:

Thank you for the opportunity to review the subject document. A redlined copy of the document is attached to help follow the comments. 1

- Section 1 Introduction Summary
 - 1.3 Project Summary
 - Please clarify that the 584.1 acres is in State Responsibility Area, Federal DPA for wildland fire protection 2

- Section 3.13 Public Services
 - Page 3.13-1
 - Please make requested change to ERF requirement.
 - Please add Riverside County’s ERF.
 - For El Cariso Fire Station, please change 1.5 miles to 3 miles with a minimum drive time of 7 minutes
 - Please remove Riverside Fire Station #74 with Riverside 97. FS 74 is a volunteer station. Also verify mileage and time response with Riverside Fire. 3
 - Page 3.13-2
 - Please change 1.5 miles to 3 miles and add a minimum of 7 minutes to the statement
 - Page 3.13-9
 - Please change both statement of approximately mileage from 1.5 miles to 3 miles and add a minimum of 7 minutes to the statements.
 - Please change statement to show Fire Master Plan (not Secured Fire Protection Agreement) requires the specifications to roadways, access, and fire hydrant spacing.

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma
Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana • Seal Beach • Stanton • Tustin • Villa Park
Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES

- Page 3-13-10
 - Please add provided verbiage regarding Secured Fire Protection Agreement prior to Mitigation Measures section. Note: The Project has a Secured Fire Protection Agreement with OCFA; however, it is only for 51 dwelling units and will need to be adjusted for the 72 dwelling units proposed in this report

The Project Applicant will be required to enter into a Secure Fire Protection Agreement that will specify the Project Applicant’s pro-rata fair share funding of the capital improvements necessary to establish adequate fire protection facilities and equipment and/or personnel. The current fair share funding fee is \$600 per dwelling unit, which would result in a total of \$43,200 for the maximum proposed residential units. Although the project site would be served by existing resources, the Project’s participation 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 this project site.

- Please add provided statement to the Mitigation Measures Section

Project Design Features and Mitigation Measures are required to minimize impact to fire service and risk to the community. This project is subject to review by the County and OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the most current editions of the CDC, CFC and related codes

- Page 3.13-11
 - Under All electrically operated gates shall install emergency opening devises as approved by Orange County Fire Authority... please add... and the Riverside County Fire Department (RVC Knox)

- Page 3.13-11 – Mitigation Measures. The following has been broken out into three separate Mitigation Measures to guarantee they are understood to be separate factors that need to be disclosed to the future residents.
 - MM 3.13-2, please remove text... and the location of fire and emergency services. We feel location of fire and emergency services should be its own mitigation measure
 - Additional Mitigation Measure: please create a new mitigation measure to address disclosure to residents location of closest three OCFA and closest three Riverside County Fire Stations, each station mileage and approximate unit response time and the Effective Response Force time is “as soon as possible”
 - Additional Mitigation Measure: please create a new mitigation measure to address disclosure to residents that OCFA and Riverside County Fire have an Automatic Aid agreement for responses into the project area. In the event of a fire, both OCFA and Riverside County could respond on the fire and that OCFA communication procedures will be used. In the event that this agreement is terminated, the project area will be the responsibility of OCFA.

- Section 3.8 Hazards and Hazardous Materials

- Page 3.8-15
 - Please add (OCFA Guidelines B09A) after Fire Code. Specifically, section 5.3.2.1.1

- Page 3.8-16
 - Please change Zone A from “15 to 100 feet” to “20 to 140 feet”

CHAPTER 1

Introduction/Summary

This Draft Environmental Impact Report (EIR) evaluates the environmental effects that may result from the construction of the proposed residential development. This EIR has been prepared in conformance with state and County of Orange environmental policy guidelines for implementation of the California Environmental Quality Act (CEQA).

1.1 Introduction

The proposed project site consists of two non-contiguous parcels of private property located in the southeastern portion of unincorporated Orange County in the Santa Ana mountains. The parcels are located to the west of Ortega Highway, and separated by Long Canyon Road.

The project is approximately 1,500 feet west of El Cariso Village, a small rural residential area, six miles southwest of the City of Lake Elsinore in Riverside County, and approximately 6.25 miles east of the City of Rancho Santa Margarita in Orange County.

Phase 1 (south parcel) is approximately 389.6 acres and the Phase 2 (north parcel) is 194.5 acres. Throughout this EIR, the location of the proposed project will be referred to as the project site, and generally refers to both Phase 1 (south parcel) and Phase 2 (north parcel) unless explicitly stated.

1.2 Background

Development on the project site has been the subject of ongoing environmental review related to proposed developments since 2006. On May 22, 2006, a Notice of Preparation (NOP) and Initial Study were distributed to the State Clearinghouse (SCH), interested agencies, and the public for a 30-day public review period. The SCH issued a project number for the previous EIR (No. 2006051110) and a public scoping meeting was held on June 1, 2006. Between circulation of the NOP in 2006 and August 2008, the project applicant reduced the proposed number of single-family residential units from 213 to a maximum of 169 single-family. As a result, the NOP was re-issued and another public scoping meeting was held on August 18, 2008. Prior to circulation of the Draft EIR in October 2008, the project applicant decided to suspend the project in response to a downturn in the residential housing market.

Then in 2013, the project was redesigned to be smaller, and no longer proposes residential units within Riverside County, amongst other project revisions. A NOP and Initial Study was prepared and distributed for a 30-day public review period on September 26, 2013. However, pursuant to changes to the project description that involved the number of residential units and wastewater

systems, a revised NOP and Initial Study was circulated for a 30-day public review starting on October 16, 2014.

1.3 Project Summary

The project applicant, the Preserve at San Juan, LLC, proposes to develop 72 single-family residential lots under a proposed Rural Residential 1A General Plan Land Use Designation and a proposed AR “Agricultural Residential” zoning. The project would include large areas of open space, and would be developed in two phases (Phase 1 (south parcel), and Phase 2 (north parcel)).

Phase 1 (south parcel) would develop 43 single-family residences and Phase 2 (north parcel) would develop 29 single-family residences. The total project area of both phases includes 584.1 acres. This area is identified as State Responsibility Area (SRA), Federal DPA for wildland fire, and the protection. The project proposes improvements on 169.5 of those acres. The remaining 414.6 acres (71 percent of the project area) would remain undeveloped open space.

1.4 Alternatives

CEQA requires that “*an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...*” (CEQA Guidelines, Section 15126.6 (a)). The discussion must focus on alternatives to the project or its location which are capable of lessening significant impacts, even if these alternatives would impede to some degree the attainment of project objectives, or be more costly (Section 15126.6 (b)). The EIR is required to briefly describe the rationale for selecting the alternatives to be discussed and also identify any alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process.

The specific alternative of “No Project” shall be evaluated along with its impact. If the “No Project” alternative is determined to be the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternatives analyzed in the EIR include the following:

- **Alternative 1 – No Project/No Build Alternative:** under this alternative, no development would occur on the project site, and it would remain in its current condition.
- **Alternative 2 – Decreased Density Single Phase:** under this alternative, a reduction in the number of residential units would occur by not developing Phase 1 (south parcel). Phase 2 (north parcel) would be developed with 29 residential units, as planned by the proposed project, and the Phase 1 (south parcel) would remain as open space. This alternative would decrease the number of residential units developed in the project area by 43 units, or approximately 60 percent.
- **Alternative 3 – Decreased Density Both Phases:** under this alternative, a 50 percent reduction in the number of residential units would be built in each phase. Thus, 22 single-family residences would be developed in Phase 1 (south parcel) and 14 single-family residences would be developed in Phase 2 (north parcel). This alternative would decrease

3.13 Public Services

This section analyzes the potential impacts to public services from the proposed project, including fire protection, law enforcement services, schools, hospitals, and libraries that serve the project area, and proposes mitigation measures as necessary.

3.13.1 Environmental Setting

Existing Conditions

Fire Protection and Emergency Services

Orange County Fire Authority. The Orange County Fire Authority (OCFA) provides structural and emergency medical services, and all fire prevention services (Planning and Development Department, Safety and Environmental Services and Pre-Fire Management) to all developments within unincorporated Orange County; as well areas of the Cleveland National Forest that are within Orange County.

The OCFA is divided into seven geographical divisions that are divided into battalions. The project site is located in Division III, Battalion seven (OCFA, 2016a). OCFA currently has 72 fire stations that provide regional emergency response to all fires, medical aids, hazardous materials incidents fires, aircraft fire and services for the region (OCFA, 2016). The closest OCFA fire stations to the project site are Fire Station No. 56, located at 56 Sendero Way in San Juan Capistrano, which is approximately 15 miles (a minimum of 25 minutes) from the project site; and Fire Station No. 7, located on 31865 Del Obispo Street in San Juan Capistrano, which is approximately 18 miles (a minimum of 28 minutes) southwest from the project site (OCFA, 2016).

For a fire response call, OCFA requires a minimum of three engines, one truck, and one battalion chief, ~~and~~ one medic unit may also be required depending on engine configuration for the region, the response emphasis is to have 15 personnel on scene to provide an Effective Response Force (ERF) for a single-family residence. Due to the travel limits to the project site, OCFA classifies the project area as “Undeveloped Rural Areas” for response time standards, which is “as soon as possible” (OCFA, 2016). Riverside County’s response is three engines, one truck, and one battalion chief, their response category for this area would be

Riverside County Fire Department. The Riverside County Fire Department also provides services in the project vicinity through the El Cariso Fire Station is located at 32353 Ortega Highway, approximately ~~4.53~~ miles (a minimum of 7 minutes) from the project site. In addition, the following other Riverside County Fire Stations are located within 10 miles of the project site:

- Riverside County Fire Station ~~74-97 Rosetta Canyon~~ is located at ~~35420 Calle Grande~~ 41725 Rosetta Cyn Rd in Lake Elsinore, ~~6.7 miles (a minimum of 13 minutes)~~ Please verify mileage with Riverside County Fire from the project site.
- Riverside County Fire Station 85 is located at 29405 Grand Avenue in Lake Elsinore, 9.2 miles (a minimum of 16 minutes) from the project site.
- Riverside County Fire Station 11 is located at 33020 Maiden Lane in Lake Elsinore, 8.4 miles (a minimum of 14 minutes) from the project site (Google Maps, 2016).

The OCFA is the first responder to all calls within its service area. However, the OCFA has an Automatic Aid Agreement with the Riverside County Fire Department for a geographical area that includes the project site. The agreement states that should an emergency occur, both agencies would respond promptly to the emergency. Because the El Cariso Fire Station is the closest facility to the project site (approximately ~~1.53 miles~~ miles or a minimum of 7 minutes away) it would generally be the first responding station to emergency calls for service from the project site. The OCFA would respond to non-emergency service calls.

Police Protection

Orange County Sheriff Department. Police protection services are provided by the Orange County Sheriff Department (OCSD). The Department's headquarters is located at 550 North Flower Street in Santa Ana, California. In April 2015, the South Operations Division split into the Southwest Operations Division and the Southeast Operations Division. The project site is located within the jurisdiction of the Southeast Operations Division, which includes the Cities of Lake Forest, Mission Viejo, Rancho Santa Margarita; and the South unincorporated communities of Coto de Caza, Ladera Ranch, Las Flores, Rancho Mission Viejo, Wagon Wheel, Trabuco Canyon, and parts of the Cleveland National Forest. The Southeast Operations Division substation is located at 20202 Windrow Drive, Lake Forest, 92630 (OCSD, 2017).

The Southeast Operations Division deploys approximately 70 patrol cars during each 24-hour period to provide law enforcement services, and has 208 staff members and 167 deputy sheriffs. However, there is a long-term need for 10 additional Deputy Sheriffs to serve the unincorporated south Orange County area (OCSD, 2017). Deputy Sheriffs are assigned to a variety of tasks, including patrol, traffic enforcement, juvenile services, and supervision (OCSD, 2017).

Between January 1, 2016 and December 30, 2016, the average OCSD response time for emergency calls for service in the unincorporated south Orange County area was 8:39 minutes, and the average response time to a second level emergency was 16:03 minutes (OCSD, 2017a). Thus, response times to the project site are anticipated to range between 8 and 16 minutes, depending on the type of service call.

Riverside County Sheriff Department. In addition, the Riverside County Sheriff's Station located at 333 W Limited Avenue in Lake Elsinore is 11 miles from the project site. This station serves El Cariso Village, which is approximately 1,500 feet east of the project area. In addition, the Lake Elsinore Station also serves the communities of: Alberhill, Glen Eden, Glen Ivy Hot Springs, Good Hope, La Cresta, Lake Elsinore, Lakeland Village, Meadowbrook, Ortega Hills, Temescal Valley, Wildomar, and Warm Springs.

The Lake Elsinore Sheriff's Station currently has 107 sworn officers and 23 non-sworn employees. The current staffing throughout unincorporated Riverside County is 1.04 deputies per 1,000 residents, which is lower than the County's goal of 1.2 deputies per 1,000 residents (Riverside County Sheriff, 2016).

Orange County Public Library

Goal 1: Assure that an adequate level of library service is provided within the service area of the Orange County Public Library.

3.13.2 Thresholds of Significance

The *CEQA Guidelines* Appendix G provides guidance for assessing the significance of potential environmental impacts. Relative to public services, a project could have a significant effect on the environment if it would:

- Result in substantial adverse physical impacts associated with 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, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection;
 - Police protection;
 - Schools;
 - Parks; or
 - Other public facilities.

As described in Chapter 1.0, *Introduction*, Notice of Preparations and Initial Studies were prepared and circulated for public review in both 2013 and 2014; the following comments related to public services were received:

- Requests from Orange County Fire Authority for information, consultation and involvement.
- Identification of the role of Riverside County Fire Department.
- Identification of fire hazards and response times to the project site.

3.13.3 Methodology

The significant determination for public services is based on public services most likely to be affected by construction and implementation of the proposed project. This analysis included corresponding with the various public services agencies with jurisdiction over the project area to request current information about service ratios, response times, performance objectives, numbers of apparatus devoted to the project's vicinity, and reviewing web-based information about these agencies. In addition, the methodology analyzed applicable General Plan Guidelines, which looked at the requirements for the service providers' and then reviewing the applicable policies in relation to the project.

Impacts on public services are considered significant if an increase in population or development levels would result in inadequate staffing levels, response times, and/or increased demand for

services that would require the construction of new or expansion of existing facilities that might have an adverse physical effect on the environment.

Orange County Standard Conditions of Approval

The following are conditions that must be met to attain project approval from Orange County. The purpose of the Standard Conditions of Approval (SCA) is to ensure the health, safety, and well-being of the citizens of Orange County.

OC SCA FF01a: Prior to the recordation of any subdivision map, the applicant shall enter into an agreement with the County of Orange to pay development fees accompanied by Security for equipment necessary to the functioning of such Library facility as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and Board Resolution 87-1684. Said agreement shall be accompanied by financial security. This condition may be satisfied by entering into an implementation agreement with the County pursuant to an applicable development agreement, in a manner meeting the approval of the Manager of Environmental & Project Planning.

OC SCA FF02a: Prior to the recordation of any subdivision map, the applicant shall enter into an agreement with the County of Orange to pay development fees for Fire Station Standard Conditions of Approval Manual - April 2001 Edition, Page 18 of 63, as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and Board Resolution 87-1684. Said agreement shall be accompanied by financial security. This condition may be satisfied by entering into an implementation agreement with the County pursuant to an applicable development agreement, in a manner meeting the approval of the Manager of Environmental & Project Planning.

OC SCA FF03a: Prior to the recordation of any subdivision map, the applicant shall enter into a secured agreement with the County of Orange to pay development fees for sheriff substation facilities when an applicable fee program is adopted by the Board of Supervisors, as provided in Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange. This condition may be satisfied by entering into an implementation agreement with the County pursuant to an applicable development agreement, in a manner meeting the approval of the Manager of Environmental & Project Planning.

3.13.4 Project Impacts

Impact 3.13-1: Would implementation of the proposed project result in adverse physical impacts associated with the provision of new or physically altered fire, police, school, or other public service facilities?

Fire Protection and Emergency Services

Less than Significant Impact. As described above, the OCFA provides structural and emergency medical services, and all fire prevention services to all developments within unincorporated Orange County, including the project site. The closest existing OCFA fire station to the project site is Fire Station 56, which is approximately 15 miles (a minimum of 25 minutes) from the

project site and Fire Station No. 7 approximately 18 miles (a minimum of 25 minutes) from the project site (OCFA, 2016).

However, the El Cariso Fire Station, which is operated by the Riverside County Fire Department is approximately 4.53 miles (a minimum of 7 minutes) from the project site, and three other Riverside County Fire Stations are within 10 miles of the project site; including: Fire Station 74 that is 7 miles (a minimum of 13 minutes) from the project site, Fire Station 85 that is 9.2 miles (a minimum of 14 minutes) from the project site; and Fire Station 11 that is 9.3 miles (a minimum of 14 minutes) from the project site.

To best provide services to the geographical area in which the project lies, the OCFA and the Riverside County Fire Department have an Automatic Aid Agreement that includes the project area, in which the two fire agencies agree to respond to emergency alarms, including medical aid, structural fire, and other services. The Automatic Aid Agreement states that emergency response is based on the “nearest unit auto-aid” concept, in which the closest unit to an emergency call for services would respond. Thus, fire protection and emergency services in the project area would be provided by the both the Riverside County Fire Department and OCFA.

Implementation of the proposed project would result in development of 72 new residences and a population of approximately 230¹ new residents within the project area, which would require fire and/or emergency services. The increase in structures and population from the project is not substantial in comparison to the area that OCFA serves; however, due to the distance from the project site to the existing OCFA fire stations, the provision of services to the project site could pose a demand for fire services that could affect other OCFA services in the region (Hernandez, 2014).

However, per the Automatic Aid Agreement described above, both the OCFA and Riverside County Fire Department would respond to calls for service in the project area, and the closest Riverside County Fire Station is approximately 4.53 miles (a minimum of 7 minutes) from the project site, which would generally be the first responder to calls for service from the project site. Although the needs for fire services would incrementally increase with development of the project, implementation of the proposed project would not require new or physically altered fire department facilities, construction of which could result in adverse physical impacts on the environment; therefore, impacts would be less than significant.

As described in Section 3.8, *Hazards and Hazardous Materials*, of this EIR, the site’s proximity to extensive open space, varying topography, vegetation, and climatic conditions make it subject to wildland fires. In response to this condition, the project includes specific fire safety project design features including a Fuel Modification Plan in accordance with OFCA’s Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program* (Project Design Feature PDF-10), a conceptual landscape plan that meets OCFA guidelines (PDF-4), and a Fire Master Plan (Project Design Feature PDF-11). In addition, the project is designed to be consistent with OCFA and California Fire Code access and circulation requirements, which would be ensured and ~~implemented~~ through a Secure Fire Fire Master Plan approved by OCFA that requires the specifications to roadways, access, and fire hydrant spacing to be implemented, which is included as Mitigation Measure MM 3.13-1.

¹ Based on 72 (proposed residential units) * 3.2 (U.S. Census average number of persons per household for unincorporated Orange County).

~~Protection Agreement with OCFA that requires the specifications to roadways, access, and fire hydrant spacing to be implemented, which is included as Mitigation Measure MM 3.13-1.~~

Implementation of Mitigation Measure MM 3.13-1 would reduce potential impact related to fire hazards and fire and emergency service provision to the project area.

In addition, the proposed onsite fire suppression infrastructure includes two water storage tanks (one 615,000-gallon tank on the Phase 1 (south parcel) and one 525,000-gallon tank on the Phase 2 (north parcel)) (PDF-19), which have been sized pursuant to OCFA specification to ensure adequate fire protection. In addition, the water storage tanks would be directly connected to onsite fire hydrants that would accommodate fire department apparatus to provide fire protections needs within each phase. The proposed project would also install automatic fire sprinklers in every residence (Project Design Feature PDF-11).

Due to the rural location of the project area and the natural environmental conditions related to the potential for wildland fire hazards, Mitigation Measure MM 3.13-2 has been included to require disclosure of the location of fire and emergency services to residents of the proposed project. Furthermore, in accordance with Orange County Standard Conditions of Approval, prior to the recordation of any subdivision map, the project applicant is required to pay development fees to the Orange County Fire Authority (OC SCA FF02a), which would assist in provision of services to the project area.

Overall, implementation of the proposed project would not require new or physically altered fire department facilities. With implementation of the project design features, compliance with California Fire Code, OCFA, and EVMWD regulations, and implementation of Mitigation Measures MM 3.13-1 and 3.13-2, would reduce potential impacts related to fire protection service to a less than significant level.

The Project Applicant will be required to enter into a Secure Fire Protection Agreement that will specify the Project Applicant's pro-rata fair share funding of the capital improvements necessary to establish adequate fire protection facilities and equipment and/or personnel. The current fair share funding fee is \$600 per dwelling unit, which would result in a total of \$43,200 for the maximum proposed residential units. Although the project site would be served by existing resources, the Project's participation 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 this project site.

Mitigation Measures

Project Design Features and Mitigation Measures are required to minimize impact to fire service and risk to the community. This project is subject to review by the County and OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the most current editions of the CDC, CFC and related codes

MM 3.13-1 Prior to the issuance of any grading permits, the applicant shall obtain the Orange County Fire Authority design approval of all fire protection access roads, fire hydrants, and fire prevention design measures that shall include the following:

be designed to accommodate large fire vehicles and their weight.

- All roadways that have medians that do not exceed 1000-feet in width shall have a turnaround. Roadways with medians greater than 1000-feet in width shall provide emergency turnaround access for heavy fire equipment.
- If a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround shall be provided and approved by the Orange County Fire Authority.
- All traffic signals on public access ways shall include the installation of optical preemption devices.
- Project plans shall include plan and section views and indicate the grade and width of the access road flow-line to flow-line.
- Applicable CC&Rs shall contain provisions prohibiting obstructions such as speed bumps/humps, control gates or other modifications unless approval from the Orange County Fire Authority is granted.
- A note shall be placed on the fire protection access easement plan indicating that all street/road signs shall be designed and maintained to be illuminated in a manner meeting the Orange County Fire Authority requirements.
- Fire hydrant spacing shall be 600 feet between fire hydrants, or as approved by the Orange County Fire Authority.
- All electrically operated gates shall install emergency opening devices as approved by the Orange County Fire Authority and the Riverside County Fire Department (RVC Knox).

MM 3.13-2 The HOA managing the proposed project shall ensure disclosure of potential wildfire hazards ~~and the location of fire and emergency services~~ to all residents. This information shall be provided in information provided to new homeowners and within regular communications to residents from the HOA.

MM New Mitigation Measure The HOA managing the proposed project shall ensure disclosure to all residents stating the location (in mileage and response time) of both Orange County Fire and Riverside County Fire Stations, Effective Response Force (ERF) “as soon as possible”.

MM New Mitigation Measure The HOA managing the proposed project shall ensure disclosure to all residents stating that Orange County Fire Authority and Riverside County Fire Department have an Automatic Aid agreement to provide fire and emergency services to the project area. In the case of a fire both agencies may respond to the fire and the fire would be follow OCFA Procedures. In the case that this agreement is terminated OCFA will be the primary responder to the project area. This information shall be provided in information provided to new homeowners and within regular communications to residents from the HOA.

3.8 Hazards and Hazardous Materials

This section describes the potential adverse impacts on human health and the environment from hazards that could result from the project during construction and operation. The analysis also includes hazards associated with any historic contamination on-site, and the project location relative to wildland fire risks. An overview of the regulatory framework related to hazardous materials and high fire hazard areas is followed by an analysis of potential impacts and mitigation measures, if applicable, necessary to reduce impacts to less than significant levels. The following analysis is based on various resources including the Phase 1 Environmental Site Assessment Reports for both phases (Arcadis 2016), the Fire Behavior Analysis Report, Fire Master Plan, and Fuel Modification Plan, which are provided in Appendix F and Appendix G of this EIR, respectively.

3.8.1 Environmental Setting

Existing Conditions

Phase 1 (south parcel) consists of gently sloping terrain in the southern portion of the parcel, to steep rugged terrain in the northern portion of the parcel. The majority of Phase 1 (south parcel) is undisturbed and supports dense chaparral habitat, as well as scattered patches of oak woodland. Disturbance is limited to a network of dirt roads and trails.

Phase 2 (north parcel) consists of gently sloping terrain in the northeast portion of the parcel to steep, rugged terrain in the remainder of the parcel. Elevations range from 2,020 to 3,040 feet amsl. The majority of the parcel is undisturbed and supports dense chaparral habitat with large rock outcroppings and large areas of oak woodland. Existing disturbance areas are limited to a network of dirt roads and trails throughout the parcel, and a currently occupied residence in the southwest corner of Phase 2 (north parcel) that would be vacant by the time that project construction would commence. One residence is located just east of the boundary of Phase 2 (north parcel).

In addition, the southern portion of the Phase 2 (north parcel) contains the previously used McConville Airstrip (FAA Identifier CA42) (see Figure 2-2). The private airstrip was developed in the late 1960s / early 1970s, is approximately 1,000 feet long, unpaved, and lies in a northeast to southwest direction on a slope. The private airstrip was previously used for training of landing small aircraft in rural areas; however, the airstrip has not been used since at least 2003, and cannot be used without permission from the landowner (<https://www.airnav.com/airport/CA42>). Several abandoned structures (such as a storage shed, hangar/maintenance structure, and bunker) that were used for the airstrip are also located in this portion of the site. The airstrip portion of Phase 2 (north parcel) receives electricity service and there are two active water wells and water storage tanks onsite.

Hazardous Materials Concerns

The project site is generally vacant and undeveloped. A Phase 1 Environmental Site Assessment Report (Arcadis 2016) was prepared in August 2016 to identify any potentially hazardous materials exist on the site, which is included as Appendix F of this EIR. The Phase 1 reviewed

regulatory database lists to identify any leaking underground storage tanks (USTs), aboveground storage tanks (ASTs), hazardous waste sites, and abandoned hazardous materials sites on or near the project site. The project site was not listed on any of the regulatory databases (Arcadis 2016).

The Phase 1 included a site visit on August 31, 2016, which identified that the Phase 1 (south parcel) has some non-hazardous debris and wood pallets; however, no hazardous substances or materials were identified.

The Phase 2 (north parcel) was found to contain a hangar/maintenance structure and a small storage shed near the southern end of the airstrip. The hangar contained multiple 55-gallon drums (most of them empty) and smaller size containers of various oils, lubricants, sprays, a propane canister, etc. (Arcadis 2016). There are also tools and various pieces of small equipment in the hangar. The floor of the hangar consisted of soil; and minor surficial staining was observed beneath some of the stored containers (Arcadis 2016). The interior of the shed also contained numerous containers of oils, gasoline cans, paints, spray paints, and many unlabeled containers (contents unknown). Several batteries were observed on the ground outside the shed (Arcadis 2016). The Phase 1 also identified a small bunker located near the western boundary of Phase 2 (north parcel) that formerly contained dynamite. Dynamite releases perchlorate, a hazardous compound, to the environment.

In addition, several areas within Phase 2 (north parcel) are being used to store numerous dilapidated vehicles that contain motor vehicle fluids (Arcadis 2016). Also, in proximity to the areas of stored cars, the Phase 1 Report identified numerous debris piles that contained metal and wood pieces, 55-gallon drums (most of them empty), tires, small pieces of equipment, glass, pails and buckets (some containing unknown substances), piping, etc.

The Phase 2 (north parcel) also contains two trash pits. Trash that was generated at a camp to the west of the project site, was burned within two unlined pits onsite near the entrance to Phase 2 (north parcel). The pits were used up until the 1950s or 1960s. They are currently covered over by soil and vegetation, and their exact location is unknown (Arcadis 2016).

Wildland Fires Concern

The Cleveland National Forest and private holdings within the forest are subject to wildland fires due to steep terrain, highly flammable chaparral vegetation of the Santa Ana Mountains, and the Santa Ana winds that occur during seasonal dry periods. According to the Orange County Public Safety Map, the project site is located within a high fire hazard zone, and is designated as a Very High Fire Hazard Severity Zone by the Orange County Fire Authority (OCFA), and within a County designated Special Fire Protection Area (SFPA) (OCFA, 2016). In fire hazard zones, the OCFA requires implementation and maintenance of detailed fuel modification programs.

In 1989, the Ortega Fire, which consumed a total of 7,880 acres in the area, burned the southern portion of the project site. In addition, on September 23, 2010, a fire burned adjacent to the project site along Long Canyon Road. This fire started during fuel abatement work by the forest service along the roadway. It burned upslope and away from the project site.

Regulatory Setting

Federal

Primary federal agencies with responsibility for hazardous materials management include United States Environmental Protection Agency (USEPA), Department of Labor Occupational Health and Safety Administration (OSHA), and Department of Transportation (DOT).

Resource Conservation and Recovery Act of 1976

Federal hazardous waste regulations are generally promulgated under the Resource Conservation and Recovery Act (RCRA). Pursuant to RCRA, the USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in a “cradle to grave” manner. RCRA was designed to protect human health and the environment, reduce/eliminate the generation of hazardous waste, and conserve energy and natural resources.

The Hazardous and Solid Waste Amendments of 1984 both expanded the scope of RCRA and increased the level of detail in many of its provisions, reaffirming the regulation from generation to disposal and to prohibiting the use of certain techniques for hazardous waste disposal. The USEPA has largely delegated responsibility for implementing the RCRA program to the State of California, which implements this program through the California Hazardous Waste Control Act (described below under state regulations).

RCRA regulates landfill siting, design, operation, and closure (including identifying liner and capping requirements) for licensed landfills. In California, RCRA landfill requirements are delegated to the California Department of Resources Recycling and Recovery (CalRecycle), which is discussed in detail below.

RCRA allows the USEPA to oversee the closure and post-closure of landfills. Additionally, the federal Safe Drinking Water Act, 40 CFR Part 141 gives the USEPA the power to establish water quality standards and beneficial uses for waters from below- or above-ground sources of contamination. Water quality standards are administered by the Regional Water Quality Control Board (RWQCB).

Emergency Planning and Community Right-to-Know Act of 1986

Through the Emergency Planning and Community Right-to-Know Act of 1986 (also known as Title III of Superfund), the USEPA also imposes requirements that hazardous materials are properly handled in order to prevent or mitigate risk to human or environmental health in the event of an accidental release.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act of 1970 (amended), which is implemented by the U.S. Occupational Safety and Health Administration (OSHA) developed Code 29 of Federal Regulations (29 CFR), which requires special training of handlers of hazardous materials; notification to employees who work in the vicinity of hazardous materials; acquisition from the manufacturer of material safety data sheets (MSDS) that describe the proper use of hazardous materials; and training of employees to remediate any hazardous material accidental releases.

that could result in impairment of evacuation of the Blue Jay Campground and the Los Pinos Conservation Camp via on Long Canyon Road.

In addition, the proposed project includes roadway improvements to Ortega Highway at Long Canyon Road to accommodate increased ingress and egress to and from the project site without adversely affecting traffic along Ortega Highway. These improvements would aid in emergency evacuation of the project vicinity. Furthermore, as described in Section 3.15, *Transportation and Traffic*, the project would contribute less than two percent to new traffic at the study area intersections. Therefore, the proposed project would not increase traffic on the major thoroughfares within the project area such that interference with emergency response or evacuations plans would occur.

To ensure appropriate emergency access to and within both project phases, the project would adhere to the requirements to the Fire Code. Specifically, section 5.3.2.1.1 ([OCFA Guidelines B09A](#)), specifies access requirements for safety including minimum roadway widths of 28 feet for emergency access within a Very High Fire Hazard Severity Zone. In addition, the project would be required to adhere to Codified Ordinance Section 7-9-289 that requires appropriate means of protection in fire hazard areas, such as the project site. Furthermore, per the County's standard application review process, the project plans, and Fuel Modification Plan and Fire Master Plan (required by Project Design Features PDF-10 and PDF-11) as described further under Impact 3.8-4, have been approved by OCFA. Compliance with the existing fire code requirements along with review and approval of tract maps through OCFA and the County's permitting process would ensure that the project is implemented appropriately to provide emergency access, and not interfere with an emergency response plan. Therefore, the proposed project would not impair or interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Impact 3.8-4: Would the project 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?

Less than Significant Impact with Mitigation Incorporated. The proposed project is located in a Very High Fire Hazard Severity Zone/Special Fire Protection Area and has dense chaparral, oak woodland, and other areas subject to fire. As described by OCFA, proper management of vegetation in areas at risk from wildfires is a major factor in reducing the chances of homes burning, especially when combined with construction techniques designed to protect a home from flames and burning embers. Over the past 30 years these approaches have contributed to saving hundreds of homes during major wildfires in Orange County (OCFA, 2011b).

As listed in the Project Design Features described in Chapter 2, *Project Description*, the proposed project includes a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program*, which are included in Appendix G of this EIR.

The BEHAVE (a computer program that models fire behavior) modeling was used to prepare a fire protection plan for the project site, including a Fire Master Plan, and a Precise Fuel Modification Plan and Fire Behavior/Fire Protection Plan included in the Fire Behavior Analysis, which is included as Appendix G of this EIR. Through the use of the BEHAVE modeling, project site fuel modification zones were tailored to maximize the protection of the project site and the surrounding area, while minimizing impacts on the wildlands. Fuel modification zones include:

- Zone A is within the graded pad area of the individual lots and would vary from approximately ~~15-20~~ to ~~100-140~~ feet in width depending on the lot's location within the project, the overall combined fuel modification width inclusive of adjacent zones and the exposure to wildland fuel areas. Within this zone, each homeowner would be responsible for plant selection and maintenance, in conformance with CR&Rs that are implemented by the HOA. Automatic irrigation systems would be required to maintain healthy vegetation with high moisture content. Plants in this zone must be highly fire resistant. Trees are not permitted within 10 feet of combustible structures (measured from the edge of a full growth crown). Only noncombustible construction can occur in Zone A.
- Zone B would be irrigated and maintained by the HOA. The width of Zone B is a minimum of 150 feet as measured from the boundary of Zone A, based on Zone B's location within the project. Most of the engineered slopes that surround project site are in this category. In this zone, all dead and downed plant materials would be removed, and trees and tree-form shrubs would be spaced and pruned for crown reduction. Noncombustible materials would be used ~~within 100 feet from~~for any structure in this zone. This area would contain two different planting palettes, dependent upon the source of irrigation water. The area of Zone B closest to the residences would be irrigated with treated effluent (with domestic water compensating for effluent irrigation shortages during warmer months). In the treated effluent irrigation area, the plant palette would be made up of moderate water use plants. The portions of Zone B not adjacent to residences would use domestic water for irrigation and have a plant palette consisting of low water use plants.
 - Vineyards are an alternative application for the Zone B areas, and would require the clearing of land and the planting of vine rows irrigated by means of a drip or bubbler system. The ground plane would be kept virtually bare, cleared of dead branches and other combustible debris, with only low growing grasses and ground covers allowed so as not to compete with the vines. Additionally, vineyard installation would include the development of service roads and paths, thereby giving the fire department easier and quicker access to these areas.
- Zone C would consist of brush clearance and thinning areas. This would be a non-irrigated zone with a minimum width of 50 feet. It would be maintained by the HOA. In this area, the fuel mass would be reduced by 50 percent and the dead and downed materials would be removed. Fine dead fuels for seasonal grasses would be managed to reduce the ability of the fire to travel from one stand of fuel to the next.

In Zone A, the use of highly resistant vegetation and maintaining a distance between trees and combustible structure would reduce fire mobility. Zone B would be kept clear of combustible materials and would be maintained to have space between vegetation, thereby preventing the formation of a contiguous fuel mass. In Zone C, brush removal would decrease the mobility of fire, as brush serves as combustible connections between trees. Vegetation thinning involves the removal of selected trees (usually classified by their diameter) to reduce the overall vegetation density in an area, thereby reducing crown fire hazard. Crown fires refer to the spreading of fire from treetop to treetop, which can lead to an entire stand of trees engulfed in flames (PNW, 2009). The Fire Master Plan details required access (street length, turnarounds, street width, turning radius, surface type, gates and fire access points for entry into the wildland) hose pulls, and laddering requirement for residences, location of fire hydrant and fire department connections, as applicable. Additionally, the Fire Master Plan provides appropriate ingress and egress as well as establishing construction requirements.

Water for the project would be supplied by EVMWD and would be stored in two reservoirs on the project site (See Section 3.16, *Utilities and Service Systems*, for more information on proposed water supply and infrastructure). These reservoirs have been appropriately sized for peak flow demand and state fire flow requirements as outlined in Appendix B of the 2013 California Fire Code and required by EVMWD and OCFA. This includes the ability of the water pipelines to deliver 1,000 gallons per minute (gpm) and water storage to provide four hours of water at 1,000 gpm.

The proposed project would also include construction features, such as fire sprinklers for each home (Project Design Feature PDF-11), per Section R327 of the 2010 CBC, and slopes would be revegetated with drought tolerant and predominately native species in accordance with the OCFA plant palettes (Project Design Feature PDF-10). The proposed project would comply with all sections of the Orange County Fire Code, such as Section 7-9-289 that outlines development and fuel modification requirements for areas within a designated Very High Fire Hazard Severity Zone/Special Fire Protection Area. In addition, the project plans, a Fire Master Plan (Project Design Feature PDF-11) and a Fuel Modification Plan (Project Design Feature PDF-10) have been approved by OCFA. Finally, as a required by OCFA in Guideline C-05, which defines the requirements for fuel modification and maintenance programs, OCFA would require written proof that the fuel modification areas and fire maintenance program has been incorporated into the covenants, conditions and restrictions (CC&Rs) for the HOA, which would identify OCFA and/or governing fire jurisdiction as a third party beneficiary who has the right to enforce the Fire Prevention Maintenance duties, and written disclosures that new homeowners are aware of fire agency verified fire station mileage, response times and Effective Response Force (ERF) “as soon as possible, and requirements to comply with, the fuel modification zones on their land.

Also, the Mutual Aid Agreement between OCFA and the Riverside County Fire Department (see Section 3.13, *Public Services*) requires that both agencies respond to emergency alarms within the project area as designated on the Automatic Aid Boundaries Map and the Mutual Threat Zone Maps contained within the Mutual Aid Agreement (included within Appendix G of this EIR). In addition, Mitigation Measure MM 3.13-1 has been included (in Section 3.13, *Public Services*) to require specifications to roadways, access, and fire hydrant spacing to be included in the Secure Fire Protection Agreement Fire Master Plan to be approved by OCFA, which would reduce potential impacts related to fire hazard impacts. With implementation of the Project Design Features (described above), requirements for development within the wildfire zone, and Mitigation

Measure MM 3.13-1, impacts related to wildland fire hazards would be less than significant.

Mitigation Measure

Mitigation Measure MM 3.13-1 (*provided in Section 3.13, Public Services, under Impact 3.13-1*)

3.8.5 Cumulative Impacts

As described above, the project would result in a less-than-significant hazardous materials impact to the public or the environment with implementation of mitigation and adherence to existing regulations. Hazardous material impacts typically occur in a local or site-specific context versus a cumulative context combined with other development projects; although it is possible for combined effects of transporting and disposal of hazardous materials to be affected by adjacent cumulative development. The projects listed in Table 3-1 in Chapter 3, are not in the immediate vicinity of the project area, such that a hazardous event or wildfire on the project site would result in cumulative impacts. The closest cumulative project is located approximately 2.4 miles in the City of Lake Elsinore.

In addition, cumulative projects would be required to comply with the same regulatory framework as the project that are regulated by the Counties and Cities in the area. This includes federal and state regulatory requirements for transporting or disposing of hazardous materials. These regulations are in place to reduce the potential of accidental releases, spill, or explosions of hazardous materials and to minimize the environmental and public health impact should one occur. Although projects cannot completely eliminate the probability associated with an accidental release, explosion, or spill, the existing regulations reduce the overall probability and minimize the impacts during a release. Therefore, the effect of the project on hazardous materials, in combination with other foreseeable projects, would be less than significant.

In the event that any of cumulative projects are within high fire hazard areas, they would be subject to project-specific design features, including fuel modification plans, fire master plans, and fire flow which would reduce impacts related to wildland fire hazards similar to the proposed project. Based on the less than significant impacts of the proposed project and the lack of foreseeable cumulative development near the project, the project's cumulative contribution to hazardous materials and wildland fires impacts would be less than significant.

CHAPTER 5

Alternatives

5.1 Introduction

This chapter addresses alternatives to the proposed project and describes the rationale for including them in the EIR. The chapter also discusses the environmental impacts associated with each alternative and compares the relative impacts of each alternative to those of the proposed project.

CEQA requires that an EIR compare the effects of a “reasonable range of alternatives” to the effects of a project. The alternatives selected for comparison should be those that would attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project (*CEQA Guidelines* Section 15126.6). An EIR must consider a reasonable range of potentially feasible alternatives (*CEQA Guidelines* Section 15126.6(a)). The “range of alternatives” is governed by the “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (*CEQA Guidelines* Section 15126.6(f)). CEQA generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors and other considerations (*CEQA Guidelines* Sections 15091(a)(3), 15364).

The alternatives addressed in this Draft EIR were selected in consideration of one or more of the following factors:

- The extent to which the alternative could avoid or substantially lessen any of the identified significant environmental effects of the proposed project;
- The extent to which the alternative could accomplish basic objectives of the proposed project;
- The potential feasibility of the alternative;
- The appropriateness of the alternative in contributing to a “range” of alternatives that would allow an informed comparison of relative advantages and disadvantages of the proposed project and potential alternatives to it; and
- The requirement of the *CEQA Guidelines* to consider a “no project” alternative; and to identify an “environmentally superior” alternative in addition to the no project alternative (Section 15126.6(e)).

addition, operations could result in the use and transport of hazardous materials (e.g., cleaning products, fertilizers, small equipment maintenance). Unlike the No Project Alternative, the proposed project would expose additional population or structures into an area that is at risk for wildfires. The No Project Alternative does not increase risks from hazards or hazardous materials. Even though impacts from the proposed project are less than significant with mitigation incorporated, the No Project Alternative would not involve any impacts related to hazards and hazardous materials.

Hydrology and Water Quality

The proposed project could result in a loss of topsoil and a change in drainage patterns, as the project site would require grading and structural development. Additionally, the proposed project would require onsite wastewater treatment systems. Although impacts to hydrology and water quality for the proposed project are less than significant with implementation of the Project Design Features and mitigation measures, the No Project Alternative would avoid impacts related to loss of topsoil, a change in drainage patterns, or onsite wastewater systems. Therefore, the No Project Alternative would not result in any impacts to hydrology and water quality.

Land Use and Planning

The project site has an Orange County General Plan Land Use designation as “Open Space” (OS), and is zoned as “General Agriculture” (A1). The project proposes to change the General Plan Land Use of designation to Rural Residential (1A), which allows a minimum density of 0.25 to 0.5 dwelling units per acre, (or two to four units per acre); and the zoning designation to Residential Agricultural (AR), which allows single-family residential in conjunction with agricultural uses and requires a minimum residential lot size of 7,200 square feet. The majority of the project site is undisturbed and supports dense chaparral habitat and oak trees, and implementation of the proposed project would result in development of single-family homes, vineyards, and associated uses. The No Project Alternative would not result in development, and would not require a General Plan Amendment or zoning change. In addition, the No Project Alternative would not potentially conflict with applicable habitat conservation plans, such as the Riverside County MSHCP. Although land use impacts are less than significant, the No Project Alternative would not result in any land use impacts, which would be less than the proposed project.

Noise

The proposed project would result a short-term increase in noise from construction and a long-term increase in noise from operation. The short-term noise impacts would be significant and unavoidable after implementation of Project Design Features, and mitigation measures. The No Project Alternative would not include any new noise sources at the project site, and, therefore, would not generate any impacts. In addition, the No Project Alternative would not result in groundborne vibration. As a result, the No Project Alternative would avoid the significant construction impacts that would result from the proposed project.

Population and Housing

The No Project Alternative would not develop 72 residential units and the associated 230 new residents in the project area. Thus, the No Project Alternative would not induce population

growth in the area, either directly (by development of the new homes) or indirectly (by the need for employees). Even though population and housing impacts for the proposed project are less than significant, the No Project Alternative would not result in any impacts to population and housing.

Public Services

The demand for public services, such as fire protection, police protection, schools, libraries and hospitals, would incrementally increase with implementation of the proposed project. Project development would not create a need for expanding existing fire or police facilities or staff, construction of a new facility, or adversely impact types of services provided. The proposed project would generate additional students and would increase the demand on library services. However, the proposed project's impacts associated with increased demand on public services would be less than significant with mitigation incorporated and the project would be required to pay development fees, as detailed within Section 3.13, *Public Services*.

The No Project Alternative would not result in any housing on the project site, this alternative would not increase demand on existing fire protection, police protection, schools, or libraries. Therefore, the No Project Alternative would not result in any impacts to public services; and impacts from the proposed project would be greater.

Recreation

The proposed project would add approximately 230 new residents to the site. Because of the proximity of the project site to existing recreational resources, including active recreation opportunities, sufficient park and recreation opportunities are available to meet the demands of the additional residents, and impacts would be less than significant.

However, the No Project Alternative would not result in an increased population and, thus, would not increase the use of existing park and recreation facilities. Even though potential impacts from the proposed project are less than significant, the No Project Alternative would not result in any impacts to recreational facilities.

Transportation and Traffic

The proposed project would be developed on a vacant site that does not currently generate traffic, so all project-generated trips would be new trips to area roads. The proposed project would increase traffic in the area from construction worker trips and project operations that would increase traffic on area intersections. The proposed would generate approximately 690 daily operational trips. However, with implementation of Project Design Features and mitigation measures, impacts to area roadways would be less than significant.

The No Project Alternative would not increase traffic loads on area streets, therefore no impacts would occur. Thus, the No Project Alternative would result in fewer impacts related to transportation and traffic than the proposed project.

household size of 3.2, the addition of 36 single-family residential units would result in approximately 115 new residents versus 230 new residents generated by the proposed project. Therefore, the total population on the project site under this alternative would be less than the proposed project. The Decrease Density Both Phases Alternative would result in fewer less than significant impacts to population and housing compared to the proposed project.

Public Services

The Decreased Density Both Phases Alternative would require incrementally additional public services such as police, fire protection, schools, and other public facilities such as libraries. However, due to the reduced population that would occur under this alternative, compared to the proposed project, the demand for public services would be incrementally less than what would be required for the proposed project. Therefore, the Decreased Density Both Phases Alternative would result in fewer less than significant impacts related to public services compared to the proposed project.

Recreation

The Decreased Density Both Phases Alternative would increase the population at the project site by approximately 115 residents, which would increase the demand on the recreational facilities in the vicinity of the project site. The population under this alternative would be 50 percent less than what would be generated by the proposed project and the demand for recreation facilities would be reduced in comparison to the proposed project. Therefore, the Decreased Density Both Phases Alternative would result in fewer less than significant impacts to recreational facilities than the proposed project.

Transportation and Circulation

The proposed project would be developed on a generally vacant site that does not generate traffic and would increase traffic on area roadways and intersections from construction and operational trips. The Decreased Density Both Phases Alternative would result in less construction traffic than the proposed project because it would include the construction of 50 percent fewer residential units.

The operational trips related to the 36 residential units developed by the Decreased Density Both Phases Alternative would be substantially less (approximately 50 percent less) than the trips generated by the 72 units proposed the proposed project. As described in Section 3.15, *Transportation and Traffic*, the proposed project would generate approximately 690 vehicular trips per day; a 50 percent reduction would result in approximately 345 vehicular trips per day that would be generated by this alternative. Thus, the Decreased Density Both Phases Alternative would result in fewer impacts related to transportation and traffic than compared to the proposed project. However, both the project and the Decreased Density Both Phases Alternative would result in less than significant impacts after implementation of Project Design Features.

Utilities and Service Systems

As under the proposed project, water pipelines and solid waste services would need to be extended to the project site under the Decreased Density Both Phases Alternative. In addition, the

Letter 9: Orange County Fire Authority

Comment 1: This is an introductory statement that acknowledges the opportunity to review the Draft EIR, and has attached a redlined copy of Chapter 1, Introduction, Section 3.8 Hazards and Hazardous Materials, Section 3.13, Public Services, and Chapter 5, Alternatives of the Draft EIR document that includes detail of the specific comments listed below.

Response 1: The County of Orange and project applicant have been coordinating directly with OCFA since 2013 regarding the proposed project. This include detailed review of the project site plans, OCFA approval of a Fire Master Plan that includes fuel modification zones and a Secured Fire Protection Agreement. In addition, the OCFA completed a detailed review and revision of the information to be included in the Draft EIR. The most recent review of the potential fire service, hazards, and wildfire impacts from the project, occurred on November 2, 2016 when OCFA staff provided written comments, which were integrated into the Draft EIR as determined appropriate by the County.

Comment 2: This comment requests clarification in Section 1.3, Introduction Summary, that the project area is located in a State Responsibility Area and Federal Direct Protection Area (DPA) for wildland fire.

Response 2: This information is more appropriately relevant to Section 3.13.1 Environmental Setting for fire protection and emergency services; and therefore, this change has been included in this location, as detailed in Chapter 3, Revisions to the Draft EIR.

Comment 3: This comment provides detailed comments provided in the form of revisions to information in the Public Services section of the Draft EIR on pages 3.13-1, 3.13-2, 3.13-9, and 3.13-10.

Response 3: The requested revisions have been included in Chapter 3, Revisions to the Draft EIR, except for the revisions detailed in the last bullet point of this comment that provides text about the Secure Fire Protection Agreement. As described on pages 3.13-8 and 3.13-10, the project would be subject to the County Standard Conditions of Approval OC SCA FF02a, that requires the project applicant to pay development fees to the Orange County Fire Authority prior to the recordation of any subdivision map. In addition, the annual fire prevention fees to pay for fire prevention services within the State Responsibility Area, are included in Chapter 3, Revisions to the Draft EIR. Thus, the fees described by this comment would be paid as required, and the requirements related to the payment of the project's pro-rata fair share funding for fire service needs is included in the EIR. See Chapter 3, Revisions to the Draft EIR, of this document to review the specific revisions to pages 3.13-1, 3.13-2, 3.13-9 as requested by this comment.

Comment 4: This comment requests statements regarding the requirements of Project Design Features and mitigation measures to be reviewed by the County and OCFA and be subject to the most current codes be included in the EIR.

Response 4: The requested information is provided on pages 3.13-9 and 3.13-10, prior to the list of mitigation measure requirements, and it states that the project would be required to comply with current state and County Fire Code, and other specific fire agency regulations. Additionally, the Project Design

Features as listed in Table 2-5 of the Draft EIR includes *Fuel Modification Plan in accordance with OFCA's Guideline C-05, Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program* (Project Design Feature PDF-10), a conceptual landscape plan that meets OCFA guidelines (PDF-4), and a Fire Master Plan (Project Design Feature PDF-11). The County's standard permitting process ensures that the project meets all current code requirements prior to approving a building and/or occupancy permit.

Comment 5: This comment requests the inclusion of Riverside County Fire Department in the last bullet point of Mitigation Measure MM 3.13-1.

Response 5: Mitigation Measure MM 3.13-1 has been revised as requested. This change has been included in Chapter 3, Revisions to the Draft EIR.

Comment 6: This comment requests revisions to Mitigation Measure MM 3.13-2 to separate the requirements of this mitigation into three separate mitigation measures that would include the approximate unit response time, and an additional measure that would disclose the Automatic Aid Agreement and that in the event the agreement is terminated the project area would be the responsibility of the OCFA.

Response 6: Mitigation Measure MM 3.13-2, as provided in the Draft EIR includes requirements for the HOA to disclose the potential wildfire hazards of the area to residents and the location of fire and emergency services. The measure has been revised as requested to include anticipated response times. This change has been included in Chapter 3, Revisions to the Draft EIR. Additional revisions as requested by the comment would not result in the reduction of potential impacts related to the provision of fire department facilities or services. Separate disclosures by the HOA are not necessary, and would not further reduce potential impacts. Furthermore, in the event that the Automatic Aid Agreement is terminated, provision of fire and emergency services would continue to be provided by both the OCFA and Cal Fire. As described previously in Response 2, the project area is within a State Responsibility Area, where the state is financially responsible for the prevention and suppression of wildfires, and all habitable structures are required to pay annual fire prevention fees to pay for fire prevention services. This fee funds fuel, reduction defensible space inspections, fire prevention engineering, emergency evacuation planning, fire prevention education, fire hazard severity mapping, implementation of state and local fire plans, and fire-related law enforcement activities such as arson investigation.

Comment 7: This comment requests revisions to add (OCFA Guidelines B09A) to the first sentence of the second paragraph on page 3.8-15.

Response 7: The requested text has been revised. This change has been included in Chapter 3, Revisions to the Draft EIR.

Comment 8: This comment requests revisions to text related to the specifications of Fuel Modification Zones A and B.

Response 8: The requested text has been revised. This change has been included in Chapter 3, Revisions to the Draft EIR.

Comment 9: This comment requests the addition of “and/or governing fire jurisdiction” after OCFA, and this comment requests revisions to the written disclosure text on page 3.8-17.

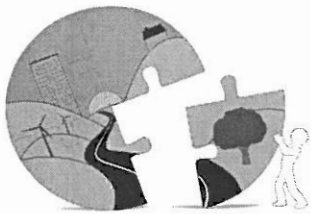
Response 9: The OCFA is the governing fire jurisdiction for the project area. The third-party beneficiary included in the CC&Rs must be specifically identified to ensure that the responsibilities of the beneficiary are appropriately implemented. Response related to the requested revisions to the written disclosure text is provided in Response 6, previously; and the appropriate revisions are included in Chapter 3, Revisions to the Draft EIR.

Comment 10: This comment requests revisions to the last sentence on page 3.8-17 to change “Secure Fire Protection Agreement” to “Fire Master Plan to be approved by”.

Response 10: The requested text has been included in Chapter 3, Revisions to the Draft EIR.

Comment 11: This comment requests revisions to pages 5-6 and 5-7 to add “with mitigation incorporated” to less than significant statements.

Response 11: The requested text has been included in Chapter 3, Revisions to the Draft EIR.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

July 12, 2017

Kevin Shannon, Project Planner
Orange County Development Services/Planning
300 N. Flower St.
Santa Ana, CA 92703

Subject: The Preserve at San Juan, Draft Environmental Impact Report (SCH# 200605110)

Dear Kevin Shannon, Project Planner:

Thank you for the opportunity to review the Preserve at San Juan Draft Environmental Impact Report.

The project includes properties located within the unincorporated Riverside County. The proposed project Phase I and II are accessible from Long Canyon Road off of Ortega Highway (SR – 74). Secondary access to Phase II (TTM 17269) crosses parcels 386090001, 386090019 and 386090018 within Riverside County. Phase I (TTM 17270) proposes residential lots that rely on a private road that crosses parcels 385030001 and 385020001 which are also within Riverside County. The secondary access road and private roadway would require improvements that involve ground disturbance, impacts to blue line streams, and oak tree removal.

The EIR should disclose the potential significant environmental impacts of the project, including offsite roads that are located on the parcels noted above. The EIR should also provide mitigation measures to reduce or eliminate the potential impacts. The EIR does provide project design features and mitigation measures to address potential impacts to biological resources within Riverside County. However, the Riverside County Planning Department requests further modifications to the proposed mitigation measures to ensure that potential impacts are mitigated to the satisfactory of the Western Riverside County Multiple Species Conservation Habitat Plan (MSHCP) and Oak Tree Management Guidelines. These mitigation measures will have to be satisfied prior to issuance of a grading permit.

The Riverside County Planning Department also provides the following comments for consideration:

Chapter 1

- Section 1.1 Introduction:
 - Clarify that the project site includes parcels within unincorporated Riverside County.
- Section 1.2
 - Note that even though there are no longer residential units proposed within Riverside County, the secondary access for residential lots in Phase II and internal circulation for residential lots in Phase I are dependent on parcels located within unincorporated Riverside County.

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Chapter 2

- Project objectives: road improvements to the parcels noted above are within the area covered by the Western Riverside County MSHCP; therefore, the fifth objective should also note that potential impacts due to road improvements within Riverside County shall be mitigated to the satisfaction of the MSHCP. Also, there are a number of oak trees within Riverside County that will be impacted by the proposed project; therefore, the second objective should also note to the satisfactory of the Riverside County Oak Tree Management Guidelines and cleared by the Riverside County Environmental Programs Department (EPD). 4

- Section 2.7.2
 - Long Canyon Road is incorrectly described as a public road. Long Canyon Road and Monte Vista Street are not maintained by Riverside County Transportation Department. The offsite roadway improvements within Riverside County does not require review by the Riverside County Transportation Department; however, the project's offsite road and manufactured slope areas will require a grading permit from Riverside County. 5
 - Riverside County recommends securing road easements through the parcels noted above to ensure that secondary access to Phase II and the private road for Phase I will be accessible to the future residents of the proposed TTMs. 6
 - Table 2-4 Project Design Features: PDF-5 should note that the Tree Management Plan that addresses impacts to oak trees within Riverside County shall be approved by EPD prior to removing any oak tree and issuance of a grading permit. 7

- Chapter 3.0: Table 3-1 Cumulative Project List
 - Riverside County recently approved General Plan Amendment No. 1156 that amended the land use designations of various properties along Grand Avenue to accommodate Mixed Uses and Commercial Retail development. The Riverside County Planning Department is also currently drafting the Lakeland Community Plan through General Plan Amendment No. 1208. This General Plan Amendment will amend additional land use designations and policies to guide development along Grand Avenue. 8

- Chapter 3.4 The biological studies and Tree Management Plan cited in the EIR have not been reviewed by the Riverside County EPD to ensure that the project is in compliance with the MSCHP and Oak Tree Management Guidelines. These studies should be approved by the EPD to ensure that potential impacts are adequately mitigated. We request the lead agency contact Ken Baez, Principal Planner at (951) 955-2009 or Savannah Richards, Ecological Resource Specialist II at (951) 955-2706 to further discuss the technical studies and biological impacts. 9

Again, thank you for the opportunity to review the Draft EIR and we look forward to working with you on the proposed project. Please contact me at 951-955-6573 or pnanthav@rivco.org if you have any questions.

Best regards,



Phayvanh Nanthavongdouangsy, Principal Planner

cc Charissa Leach, P.E., Assistant TLMA Agency Director
Ken Baez, Principal Planner
Savannah Richards, Ecological Resource Specialist II

Letter 10: Riverside County Planning Department

Comment 1: This is an introductory statement that generally describes the accesses to the project that exist across parcels within Riverside County. The comment also states that the EIR should disclose potential significant impacts of the project, and the County requests modification to the proposed mitigation measures to ensure that impacts related to the MSHCP and Oak Tree Management Guidelines are implemented.

Response 1: Impacts, Project Design Features, and mitigation measures related to the MSHCP and Oak Tree Guidelines, which are applicable to the lands within Riverside County, are provided in Section 3.4, Biological Resources of the Draft EIR. As described within this EIR Section, with implementation of Project Design Features, and mitigation measures, impacts related to the MSHCP and Oak Tree Guidelines would be less than significant.

Comment 2: This comment requests that Section 1.1, Introduction, clarify that the project includes parcels in Riverside County.

Response 2: Section 1.1, Introduction is focused on the private property, Phase 1 (south parcel) and Phase 2 (north parcel). The more appropriate location to describe that the proposed project includes improvements to roadways in Riverside County is within Section 1.3, Project Summary. Thus, Section 1.3, Project Summary, has been revised (as provided in Chapter 3, Revisions to the Draft EIR) to state that project improvements to secondary access for residential lots in Phase 2 (north parcel) and internal circulation for residential lots in Phase 1 (south parcel) are located in unincorporated Riverside County.

Comment 3: This comment refers to Section 1.2, Background, and states that although no residential units are proposed in Riverside County, the project includes secondary access for residential lots in Phase 2 (north parcel) and internal circulation for residential lots in Phase 1 (south parcel) that are located in unincorporated Riverside County.

Response 3: Section 1.2, Background, has been revised to state that the project includes secondary access for residential lots in Phase 2 (north parcel) and internal circulation for residential lots in Phase 1 (south parcel) that are located in unincorporated Riverside County. These changes are shown in Chapter 3, Revisions to the Draft EIR.

Comment 4: This comment states that the fifth Project Objective should be changed to state that potential impacts within Riverside County shall be mitigated to the satisfaction of the MSHCP. The comment also states that a secondary objective should be that oak tree impacts should be mitigated to the satisfaction of the Riverside County Oak Tree Management Guidelines by the Riverside County Environmental Programs Department.

Response 4: As described by CEQA Guidelines Section 15124, the statement of objectives should include the underlying purpose of the project, and the purpose of objectives is to help identify a reasonable range of alternatives to evaluate in the EIR, which would avoid or reduce significant impacts

of the proposed project. The underlying purpose of the project is not to satisfy MSHCP and reduce oak tree impacts. However, the project would be required to be compliant with these regulations. As described in Section 3.4, Biological Resources of the Draft EIR, with implementation of Project Design Features and mitigation measures, impacts related to the MSHCP and Oak Tree Guidelines would be less than significant. Page 3.4-44 of the Draft EIR describes that the oak trees in Riverside County are subject to the County's Oak Tree Management Guidelines, which would be implemented by Project Design Features PDF-5 and PDF-22 and Mitigation Measure MM 3.4-5. In addition, pages 3.4-46 through 3.4-50 provide a thorough evaluation of the potential impacts of the project related to MSHCP, and it is determined that with implementation of these Project Design Features and mitigation measures, potential impacts related to MSHCP would also be less than significant. Furthermore, as described on page 2-28 of the Draft EIR, Project Design Features are included in the Mitigation Monitoring and Reporting Program (MMRP) (Chapter 4 of this document) and would be monitored to ensure completion, in the same manner as project mitigation measures.

Comment 5: This comment states that Long Canyon Road is incorrectly described as a public road. Long Canyon Road and Monte Vista Street are not maintained by Riverside County. Improvements to these roadways do not require review by Riverside County Transportation Department; however, the project's offsite road and manufactured slope areas will require a grading permit from the County.

Response 5: Long Canyon Road is a public roadway that is maintained by the U.S. Forest Service and the U.S. Federal Highway Administration (FHWA), and is designated as a main arterial (USFS 2016). In addition, Monte Vista Street is a private street that serves single-family residences. The County of Orange concurs that grading permits will be required by Riverside County. As such, these approvals are described on page 2-17 and listed on page 2-32 of the Draft EIR.

Comment 6: This comment states that it is recommended to secure road easements through parcels to ensure secondary access to Phase 2 (north parcel) and the private road for Phase 1 (south parcel).

Response 6: Phase 2 (north parcel) would be accessed from Long Canyon Road via an existing 0.73-acre off-site roadway that is usable per an existing U.S. Forest Service road use permit that was issued in April 1997. The existing road use authorization is being altered to allow the existing dirt road to be paved to a 24-foot width, as part of the proposed project. Improvements would include pavement and installation of stop signs, stop bars, and stop legends at the intersection of Long Canyon Road for exiting vehicles. Gated entries would be installed at the entrance to the Phase 2 (north parcel) that would be designed in accordance with Orange County Standard Plan No. 1107.

The secondary access for Phase 2 (north parcel) would connect to an existing private roadway (Monte Vista Street) in Riverside County and the connection to the existing roadway would be improved to Riverside County's required roadways standards. The secondary access would also be restricted to residents leaving the site, and for emergency access. Any additional improvements required for the project access, will be conditioned by OCFA, the County of Orange, and the County of Riverside.

Comment 7: This comment states that the Project Design Feature PDF-5 should note that the Tree Management Plan that addresses oak trees in Riverside County shall be approved by the County Environmental Programs Department prior to removing any trees or issuance of a grading permit.

Response 7: As described in Section 2.8 of the Draft EIR, Project Design Features are specific components of the proposed project that have been incorporated to reduce potential environmental effects. Project Design Features do not include existing regulations or regulatory processes, which are included as mitigation measures. However, the project would be required to be compliant with the Riverside regulations and permitting requirements. Page 3.4-44 of the Draft EIR describes that the oak trees in Riverside County are subject to the County's Oak Tree Management Guidelines, which would be implemented by Mitigation Measure MM 3.4-5. In response to this comment, Mitigation Measure MM 3.4-5 has been revised to include the information requested. These changes are shown in Chapter 3, Revisions to the Draft EIR.

Comment 8: This comment refers to Table 3-1, Cumulative Project List, and states that Riverside County recently amended the land uses of various properties along Grand Avenue that accommodates mixed-use development through General Plan Amendment No. 1156, and the County is drafting the Lakeland Community Plan that will amend additional land use designations along Grand Avenue.

Response 8: In response to this comment these two projects will be added to the Table 3-1, as shown in Chapter 3, Revisions to the Draft EIR. The land use amendments along Grand Avenue are approximately 7.5 miles east of the project site, and the Lakeland Community Plan area is approximately 9.5 miles east of the project site. Because these two additional projects are planning programs, they would represent regional growth. This is described in the Riverside County Resolution No. 2017-001, where it describes that the project would result in reorganization of land uses to manage future growth in a managed pattern. Regional ambient growth is already evaluated in the cumulative impact analyses throughout the Draft EIR, as described on pages 3-5 and 3-6 of the Draft EIR. Therefore, impacts related to these two additional planning projects would not result in the potential for additional cumulative impacts that were not described in the Draft EIR.

Comment 9: This comment states that the biological studies and the Tree Management Plan for the project have not been reviewed by the Riverside County Environmental Programs Department, and should be approved by this department to ensure that impacts are adequately mitigated.

Response 9: As described in the previous responses, the County concurs that the activities in Riverside County are subject to specific permits that would be based on specific agency requirements. These approvals related to Riverside County are described on page 2-17 and listed on page 2-32 of the Draft EIR.

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
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JOAN C. ARNESON (1952-2017)

REF. OUR FILE
3003.F01

*A PROFESSIONAL CORPORATION

July 5, 2017

VIA E-MAIL (KEVIN.SHANNON@OCPW.OCGOV.COM)

Mr. Kevin Shannon
Orange County Development Services
300 N. Flower Street
Santa Ana, CA 92703

re: The Preserve at San Juan – EIR No. 618
PA – 130026 – Tentative Tract Map Nos. 12769 and 12770

Dear Mr. Shannon:

Our firm represents the Capistrano Unified School District (“District”), and is assisting the District with respect to its comments relative to the environmental impact report (“EIR”) for the above-reference project (“Project”). The District appreciates the opportunity to comment on the EIR.

Overriding any other concern the District might have relative to the Project, based on our review of the Project location extrapolated from information contained in the EIR, it does not appear that the Project is located within the boundaries of the District. Education Code Section 48204 *et seq.* generally sets forth the residency requirements for attending the District’s schools, and the processes for applying for interdistrict transfers. While the District previously identified those schools that students from the Ortega Highway area would attend, such indication was contingent upon the Project itself being located within the boundaries of the District. As is shown in the enclosed depiction, based on our understanding of the approximate location of the Project derived from the EIR, the Project is outside of the boundaries of the Capistrano Unified School District. It appears that, to the extent the Project is located in Orange County, the Project is located within the territory of the Saddleback Valley Unified School District. As such, the analysis should be updated to identify the appropriate school district based on the Project’s location and include a review of the impacts on the school district in which the Project is in fact located.

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BOWIE, ARNESON, WILES & GIANNONE

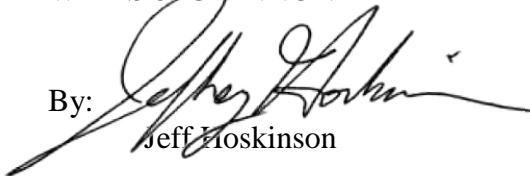
Mr. Kevin Shannon
Orange County Development Services
July 5, 2017
Page 2

If you have any questions, please do not hesitate to contact the undersigned, or Ms. Korin Lawing at the District, at (949) 234-9200.

Very truly yours,

BOWIE, ARNESON,
WILES & GIANNONE

By:

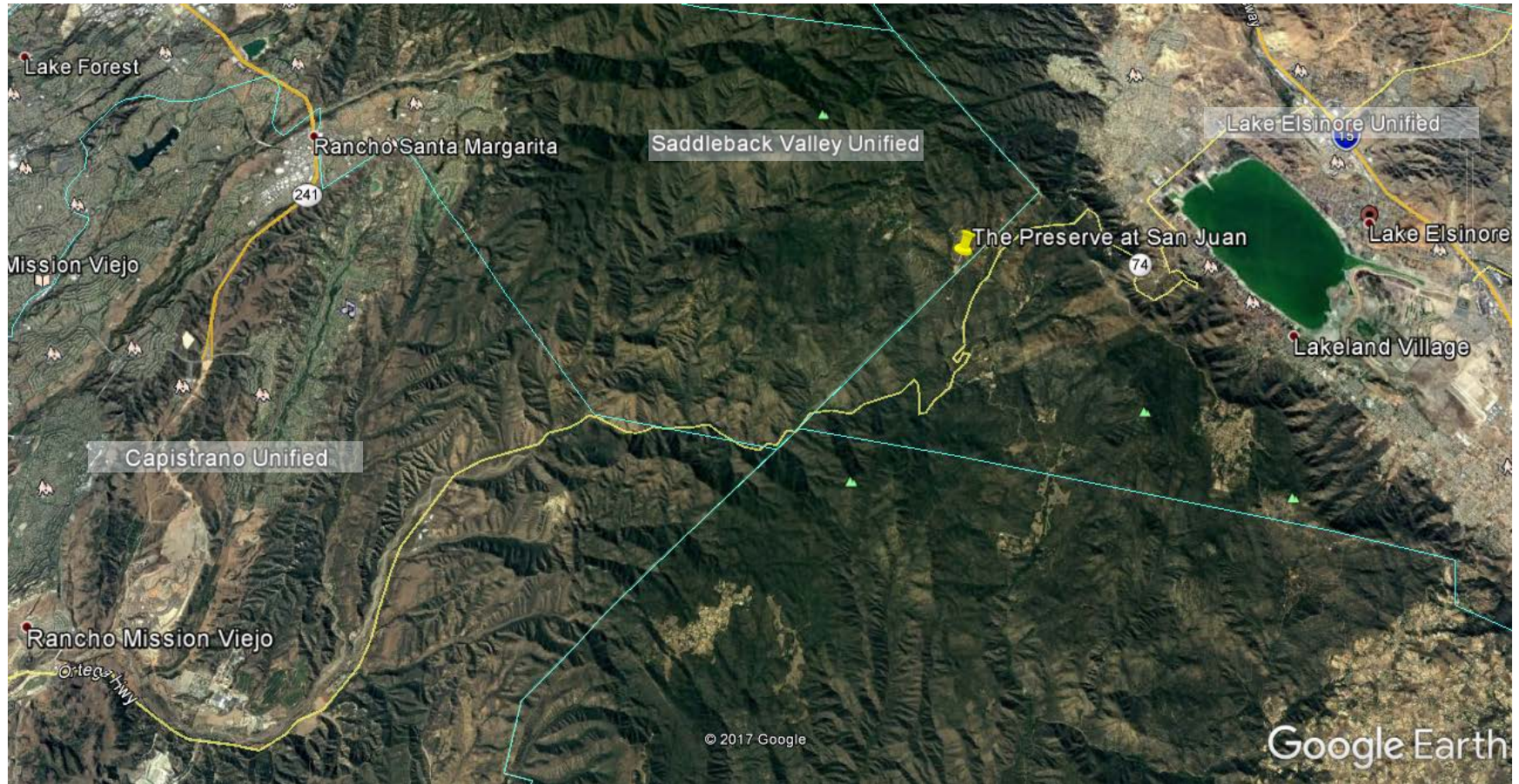


Jeff Hoskinson

JAH:ad

cc: Clark Hampton, Deputy Superintendent, Business and Support Services
John Forney, Chief Facilities Officer
Korin Lawing, Facilities Planning Technician

THE PRESERVE AT SAN JUAN – SCHOOL BOUNDARY MAP COMPARISON



Letter 11: Bowie, Arneson, Wiles & Giannone on behalf of Capistrano Unified School District

Comment 1: This is an introductory statement that is from a law firm that represents the Capistrano Unified School District (Capo USD) and acknowledges the opportunity to comment on the Draft EIR. The comment also states that although Capo USD previously identified that students from the proposed project would attend be served by the district and identified schools that the students would attend, it appears that the project site is located within the Saddleback Valley Unified School District (Saddleback Valley USD). The comment states the EIR should be updated to identify the appropriate school district.

Response 1: As mentioned by the comment, the Capo USD provided information about the district's schools that would serve students from the proposed project, which was sent on December 7, 2016. Therefore, the Draft EIR contained this information, along with an analysis of the ability of the schools to serve students that would be generated from the proposed project.

However, pursuant to this comment, and email verification from the Chief of Facilities, Construction and Maintenance for the Saddleback Valley USD on July 7, 2017, the EIR was revised to include the appropriate school information related to Saddleback Valley USD and determine that it would have the ability to serve students generated from the proposed project, as detailed in Chapter 3, Revisions to the Draft EIR. Furthermore, the proposed project would be required to pay school facility fees, as required by Government Code Section 65995, which also states that payment of the school impact fees provides full and complete mitigation of school impacts, as described on pages 3.13-6, 3.13-12, and 3.13-13 of the Draft EIR. Therefore, impacts related to school services would remain less than significant.

RINCON BAND OF LUISEÑO INDIANS

Cultural Resources Department

1 W. Tribal Road · Valley Center, California 92082
(760) 297-2330 Fax: (760) 297-2339



May 30, 2017

Kevin Shannon
OC Public Works
OC Development Services /Planning
300 N. Flower Street
Santa Ana, CA 92703

RECEIVED
JUN 05 2017
COUNTY OF ORANGE

Re: The Preserve at San Juan Residential Development Project

Dear Mr. Shannon:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Preserve at San Juan Residential Development. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho
Manager
Rincon Cultural Resources Department

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Letter 12: Rincon Band of Luiseno Indians

Comment 1: This is an introductory statement that acknowledges the Tribe's opportunity to comment on the Draft EIR, and convey its general concerns for the impacts to historic and cultural resources that are considered culturally significant to the Luiseno people. The comment also states that the project location is not within the Luiseno Aboriginal Territory, and recommends that the County locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

Response 1: The Rincon Band of Luiseno Indians was included on the distribution list for the proposed project as part of the County's coordination with the Native American Heritage Commission, which provided a list of tribes to contact as part of the proposed project. Mitigation measures to handle inadvertent findings of tribal cultural resources has been included in the Draft EIR. The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

VIEJAS

TRIBAL GOVERNMENT

Letter 13: Viejas

P.O. Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

June 14, 2017

Phone: 6194453810

Fax: 6194455337

viejass.com

RECEIVED

JUN 16 2017

COUNTY OF ORANGE

Kevin Shannon
Contract Planner
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703

Re: Preserve at San Juan Residential Dev. Project

Dear Mr. Shannon,

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has little cultural significance or ties to Viejas. We further recommend that you contact the tribe(s) closest to the cultural resources. We, however, request to be informed of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains in order for us to reevaluate our participation in the government-to-government consultation process.

Please do not hesitate to contact me if you have further questions. Please call Ernest Pingleton at 619-659-2314 or me at 619-659-2312, or email, epingleton@viejass-nsn.gov or rteran@viejass-nsn.gov. Thank you.

Sincerely,



Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

Letter 13: Viejas Band of Kumeyaay Indians

Comment 1: This comment states that the Viejas Band of Kumeyaay Indians has reviewed the proposed project and determined that it has little cultural significance to the Viejas, and recommends that the County contact the tribes with the closest resources. The comment also requests to be informed of discovery of new resources.

Response 1: The Viejas Band of Kumeyaay Indians was included on the distribution list for the proposed project as part of the County's coordination with the Native American Heritage Commission, which provided a list of tribes to contact as part of the proposed project. The Viejas Band of Kumeyaay Indians will continue to be included on the County's contact list related to cultural resources. The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



P.O. Box 54132
Irvine, CA 92619-4132

California Cultural Resource Preservation Alliance, Inc.
An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

July 7, 2017

Kevin Shannon
O.C. development Services

Re: The Preserve at San Juan Draft Environmental Impact Report

Dear Mr. Shannon:

Thank you for the opportunity to review the Draft Environmental Impact Report for the above-mentioned project. While it appears that the proposed project has a low potential to impact prehistoric archaeological sites, artifacts were found within the area of potential effect and since no subsurface archaeological testing was conducted, there is the potential for the presence of buried cultural deposits. We also want to express our concern regarding the cumulative impacts to cultural resources that may occur due to ongoing and future development within the project vicinity. We concur with the Mitigation Measures MM 3.5-1 and MM 3.5-2 and the provisions regarding the discovery of human remains.

It has been estimated that 90 percent of archaeological sites in southern California have been destroyed to make way for development. This makes any intact cultural resources even more significant. Therefore, we strongly recommend that if intact cultural resources are discovered, they are preserved in place. This can be accomplished by redesign to avoid the cultural resources, and or, capping the site with protective soil and using it for a park or even a parking lot.

Sincerely,

Patricia Martz, Ph.D.
President

Letter 14: California Cultural Resource Preservation Alliance

Comment 1: This is an introductory statement that acknowledges the opportunity to comment on the Draft EIR. The comment expresses concern regarding the cumulative impacts to cultural resources that may occur due to ongoing and future development within the project vicinity, and concurs with Mitigation Measures MM 3.5-1 and MM 3.5-2 and the provisions regarding the discovery of human remains.

Response 1: In concurrence with this comment, the County has identified potential project level and cumulative impacts in Section 3.5, Cultural/Scientific Resources, of the Draft EIR and identifies existing regulations related to the potential discovery of human remains and cultural resources and includes Mitigation Measures MM 3.5-1 and MM 3.5-2 on pages 3.5-17 and 3.5-18 of the Draft EIR.

Comment 2: The comment states that it has been estimated that 90 percent of archaeological sites in southern California have been destroyed to make way for development. The comment recommends that if intact cultural resources are discovered, they are preserved in place, and states that this can be accomplished by redesign to avoid the cultural resources, and or, capping the site with protective soil and using it for a park or even a parking lot.

Response 2: As described on page 3.5-17 of the Draft EIR, Mitigation Measure MM 3.5-1 states that per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources, and provides consultation measures related to implementation of mitigation.



July 25, 2017

Kevin Shannon, Contract Planner
OC Public Works
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703
Kevin.Shannon@ocpw.ocgov.com

RE: The Preserve at San Juan DEIR and proposed General Plan Amendment

Dear Mr. Shannon:

Endangered Habitats League (EHL) appreciates the opportunity to review this proposal, even though the County failed to include us, despite timely written request, on the project's CEQA distribution list. This is antithetical to the public interest, and should give rise to an internal review of departmental procedures. Please undertake corrective measures.

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The Preserve at San Juan is a scaled back version of a prior, failed planning effort. However, the current iteration's faults remain fundamental and unmitigable. Because the current General Plan designation of Open Space is well considered and proper in view of location, biological values, and hazards, it should not be changed simply upon request of an individual applicant. In this supposed era of "smart growth," and irrefutable era of increasing fire hazard and climate change, this GPA request should be firmly *denied*.

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What is wrong with changing Open Space to residential use?

- The project is in a remote part of the County, requiring provision of far-flung services and infrastructure at taxpayer expense.
- The remote locate will require high vehicle miles traveled per capita for both basic needs and employment, creating high, ongoing greenhouse gas emissions.
- The location is adjacent to and essentially within the Cleveland National Forest, and will increase fire hazard (due to increased ignitions) and management costs for this agency.
- Scenic vistas will be lost.
- Fire hazard is extreme, and in a wind driven fire, these ill-placed home sites cannot be defended, particularly in a way that maintains fire fighter safety. *The*

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project is simply an irresponsible expansion of the urban wildlife interface. Note that fire department “project approval” has been the case for home after home that has, in fact, burned. Given that the State pays for fire fighting at taxpayer expense, and the Orange County Board of Supervisors surely wants to reduce governmental subsidy, we suggest that, if approved, the County of Orange indemnify the State or post sufficient bond for any fire fighting costs incurred in protecting this development.

- The required fuel modification consumes very large amounts of native habitat. 8
- Ortega Highway is a dangerous and overburdened winding road on a nice day, and a nightmare for emergency evacuation. Why add more desperate evacuees? 9
- Pristine and intact biological resources would be impacted, including oaks, riparian habitat, and coast newts along Long Canyon Creek. Planting of oaks within developed areas does not restore lost ecosystem functions and values, and planting of oaks within existing, healthy oak woodlands is artificial and similarly does not compensate for lost ecosystem functions and values. The proposed oak tree mitigation should be rejected; off site acquisition and/or restoration of degraded or denuded oak woodland would be better choices. 10
- There would be irretrievable fragmentation of habitat; introduction of edge effects; human, dog, and cat intrusion into habitat with wildlife mortality; and increased fire ignitions. All would permanently harm wildlife. 11
- The provision of high end, luxury estate housing does nothing to address the pressing housing needs in Orange County for low and moderate income households, and workforce housing. This unneeded and indeed frivolous endeavor does not justify the environmental destruction and fire hazard. 12

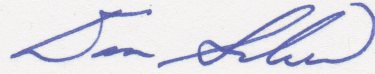
In conclusion, The Preserve at San Juan is utterly devoid of merit on planning grounds and is the very antithesis of “smart growth.” It is exactly what is *most* wrong with land use and development. *The placement of 72 home homes in extreme fire hazard with a perilous evacuation route is nothing less than irresponsible.*

It is highly relevant that in its latest General Plan update, Riverside County *removed* the “Rural Village Overlay” for greater development from nearby El Cariso for exactly these reasons. Growth here makes no sense. Surely, Orange County will not say “yes” to an idea so bad that Riverside County – not known for rejecting development applications – wisely took off the books. 13

Please retain EHL on all notification and hearing lists. Please confirm that you have done so, and please confirm receipt of these comments.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered on a light gray rectangular background.

Dan Silver
Executive Director

Letter 15: Endangered Habitats League

Comment 1: This is an introductory comment expressing appreciation for the opportunity to review the Draft EIR, although they were failed to be notified through the project's CEQA distribution list. The comment suggests corrective measures should be taken.

Response 1: The County does not know why the Endangered Habitats League did not receive notification of the public distribution and review of the Draft EIR. However, in response to notification that the Endangered Habitats League did not receive the Notice of Availability of the Draft EIR, and their request for additional time to provide comments although not legally required, the County provided an additional 24 days for the Endangered Habitats League to review the Draft EIR and provide written comments. The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 2: The comment states that the project is a scaled back version of a prior failed planning effort, and that the current iteration's faults remain fundamental and unmitigatable. The comment also states that the General Plan designation of Open Space is well considered in view of location, biological impacts, and hazards and it should not be changed upon request of an applicant. The comment states that the project should be denied.

Response 2: The previously proposed project on the site that is referred to in this comment is described on page 1-1 of the Draft EIR. As described, the project site was proposed for development of 213 single-family residential units in 2006. Then a revised project for 169 single-family residential units for the site was proposed in 2008. Prior to circulation of the Draft EIR in October 2008, the project applicant decided to suspend the project in response to a downturn in the residential housing market. The currently proposed project commenced in 2013, and provides a development plan to be consistent with the rural nature of the project site.

The project site consists of private land that is currently zoned for General Agriculture, which allows for 0.25 dwelling units per acre (or four acres per dwelling unit). In addition, as described on page 3.10-7 of the Draft EIR and in the General Plan Land Use Element, "*The Open Space category indicates the current and near-term use of the land, most of which is zoned agricultural. It is not necessarily an indication of a long-term commitment to open space uses, except where one of the three overlay categories applies (Open Space Reserve, Nature Preserve, and Education Park Compatible).*" The project site does not have one of these three overlays, and as such the Open Space category that allows for low density residential uses is not necessarily an indication of a long-term commitment to open space uses. Furthermore, as described in Section 3.4, Biological Resources, and Section 3.8, Hazards and Hazardous Materials of the Draft EIR, with implementation of existing regulations, Project Design Features, and mitigation measures, potential impacts related to biological resources and hazards would be reduced to a less than significant level. The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 3: The comment states that the project is in a remote part of the County, requiring provision of far-flung services and infrastructure at taxpayer expense.

Response 3: The project site may be considered remote in terms of Orange County; however, it's not necessarily remote in terms of Riverside County. Existing development within Riverside County includes El Cariso Village that is 1,500 feet east of the project site and the urban land uses in Lake Elsinore, which is located 6.25 miles from the project site. In addition, as shown in Table 3-1 of the Draft EIR, the City of Lake Elsinore has several planned development projects in the western portion of the City, toward the project site. Furthermore, Comment Letter 10, from the Riverside County Planning Department describes recently approved mixed use and commercial land uses along Grand Avenue, which is approximately 7.5 miles east of the project site.

The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. However, the Draft EIR describes the provision of services and infrastructure to the proposed project in Sections 3.13, Public Services, and 3.16, Utilities and Service Systems. As described within these sections, the proposed project would develop and fund onsite infrastructure and the proposed project would be required to pay development impact fees as required by existing regulations. Furthermore, the evaluations in these Draft EIR sections determined that with implementation of existing regulations, Project Design Features, and mitigation measures, potential impacts related to services and utilities would be less than significant.

Comment 4: The comment states that the remote location will require high vehicle miles traveled per capita for both basic needs and employment, creating high, ongoing greenhouse gas emissions.

Response 4: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. However, the Draft EIR describes (in Sections 3.15, Transportation and Traffic, and 3.7 Greenhouse Gas Emissions) that impacts related to traffic and greenhouse gas emissions would be less than significant without implementation of mitigation measures.

Comment 5: The comment states that the location is adjacent to and essentially within the Cleveland National Forest, and will increase fire hazard (due to increased ignitions) and management costs for this agency.

Response 5: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. However, as described in Section 2.0, Project Description and Section 3.8, Hazards and Hazardous Materials of the Draft EIR, the project has included extensive fire planning and fuel modification design features that includes a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program, which has been approved by OCFA and is included as Appendix G of the Draft EIR. The project would also install onsite fire suppression infrastructure that includes two water storage tanks (PDF-19) sized pursuant to OCFA specification that are connected to onsite fire hydrants and automatic fire sprinklers would be in every residence (Project Design Feature PDF-11). In addition, as

described on page 2-23 of the Draft EIR, the project would be implemented in compliance with the Riverside County fire requirements included in Chapter 8.32 of the County's Municipal Code (the amended Uniform Fire code). Also, Mitigation Measure MM 3.13-1 included in Section 3.13, Public Services of the Draft EIR, that provides specific requirements for fire infrastructure to be included in the project, and as described on page 3.13-8 of the Draft EIR, the Orange County Standard Conditions of Approval require payment of development fees to provide for a fair share of funding to mitigate impacts by providing for fire service related capital improvements. Furthermore, because the project site is located within a State Responsibility Area, homeowners would be required to pay annual fire prevention fees, which would also provide funding for needed capital improvements for fire prevention services. Therefore, the proposed project includes Project Design Features, mitigation, and required fee payments that would reduce potential impacts related to wildland fire to a less than significant level. Fuel modification would be the responsibility of the project HOA, and not result in costs to other agencies.

Comment 6: The comment states that scenic vistas will be lost.

Response 6: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. Impacts to scenic vistas are described in Section 3.1 Aesthetics, pages 3.1-6 through 3.1-10 where it describes that scenic vistas would not be lost, but some mid-range and long-range views would be changed from natural vegetation to areas of low density residential uses from off-site viewpoints along Ortega Highway. As described, and shown in Viewpoints 1 and 2 (Figures 3.1-4 and 3.1-5) the project would be set back from Ortega Highway and existing vegetation and topography would obstruct many views of the project area. However, because some mid and long-range views would be changed from natural vegetation to areas of low density residential uses from portions of Ortega Highway, which is identified as an Eligible State Scenic Highway and designated as a viewscape corridor by the County of Orange General Plan. Thus, the Draft EIR determined that these changes to views would result in a significant and unavoidable impact to scenic vistas even with the implementation of the following Project Design Features and mitigation measures were determined reduce these impacts:

- The provision of 414.6 acres or approximately 71 percent of the project site would preserve large areas of scenic vistas onsite, which are adjacent to the vistas within the Cleveland National Forest (PDF-1).
- Open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road to create a buffer between the residential uses and the Cleveland National Forest lands, which would reduce impacts to scenic vistas by preservation of large areas of vistas (PDF-2).
- The project design would maintain similar topographic characteristics as the existing condition (PDF-3).
- Conceptual landscape plan has been designed to preserve open space areas, implement and oak tree planting plan, and provide landscaping that would screen views of the residential buildings and help them blend into the native vegetation surrounding the project site (PDF-4 and PDF-5).
- Mitigation Measure MM 3.1-1 requires the use of earthen tones for exterior paint on the project's structures to further blend in with the natural environment and reduce impacts to scenic vistas.

Comment 7: The comment states that the fire hazard is extreme, and that the homes cannot be defended, and that the fire department has approved homes have burned. The comment suggests that if approved, the County of Orange indemnify the State or post sufficient bond for any fire-fighting costs incurred in protecting this development.

Response 7: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. However, as described previously in Response 5, the project has included extensive fire master planning and fuel modification, in addition to residential Project Description Features and required annual fire service related payments and development impact fee payments that would reduce potential impacts related to wildland fire to a less than significant level. The onsite and project area open space fuel modification would be the responsibility of the HOA, and not result in direct costs to other agencies.

Comment 8: The comment states that the required fuel modification consumes very large amounts of native habitat.

Response 8: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. The project area includes a total of 584.1 acres, 71 percent of which would be retained in open space, and 79.0 acres (or 7.39 percent) of the project area would include fuel modification zones. The Fuel Modification Zone B would be vegetated with clustered vegetation, as approved by the Fire Marshall; and the vegetation within Fuel Modification Zone C would be thinned. Thus, Modification Zones B and C would modify 7.39 percent of the habitat, and 71 percent of the site would remain in its existing open space condition.

Comment 9: The comment states that Ortega Highway is a dangerous and overburdened winding road on a nice day, and a nightmare for emergency evacuation. Why add more desperate evacuees?

Response 9: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 10: The comment states that biological resources would be impacted, including oaks, riparian habitat, and coast newts along Long Canyon Creek. The comment also states that planting of oaks within developed areas does not restore lost ecosystem functions and values, and planting of oaks within existing, healthy oak woodlands is artificial and similarly does not compensate for lost ecosystem functions and values. The comment further states that the proposed oak tree mitigation should be rejected; off-site acquisition and/or restoration of degraded or denuded oak woodland would be better choices.

Response 10: As described in the Tree Management and Preservation Plan included in Appendix C of the Draft EIR, the project development plan would preserve up to 94 percent of the oak trees onsite. The oak tree program includes:

- Preserving large acreages of the site's oak woodland and individual oak trees
- Planting oak trees within the developed area and outer fuel modification zones for an ecologically sensitive landscape and softened transition from developed areas to preserved areas

- Enhancing woodland biodiversity by replacing invasive trees with native vegetation and by creating “live-in habitat” for raptors and other species
- Enhancing existing and created wildlife movement corridors through tree planting, where possible and consistent with related mitigation plantings
- Implementing an adaptive management program, including long-term monitoring.

The Tree Management and Preservation Plan describes that mitigation areas for oak tree planting were identified areas with appropriate soils, moderate slopes, northern and eastern aspect, vehicular access, water availability for irrigation, and adjacent native vegetation communities. The oak tree planting sites include manufactured slopes and roadside areas where trees were removed for construction, and preserved woodland areas that would be enhanced by the new oak trees.

Implementation of the Tree Management and Preservation Plan guarantees a minimum of 3 new oak trees for every one tree removed, with the possibility of 12 new oak trees should all acorns/seedlings survive. As described previously, the Plan includes long-term monitoring to ensure the success of new oak trees. Thus, implementation of the Tree Management and Preservation Plan would result in more oak trees than currently exist on site; in addition to a healthy oak woodland.

Comment 11: The comment states that the project would result in irretrievable fragmentation of habitat; introduction of edge effects; human, dog, and cat intrusion into habitat with wildlife mortality; and increased fire ignitions. All would permanently harm wildlife.

Response 11: Comments related to increased fire hazards are responded to previously in Responses 2, 5, and 7; and as described in the previous responses and as described in Section 3.4, Biological Resources, with implementation of existing regulations, Project Design Features, and mitigation measures, potential impacts related to biological resources would be reduced to a less than significant level. Regarding fragmentation of habitat and edge effects, the proposed 414.6 acres of open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road, which would create a large open space buffer between the residential uses and the Cleveland National Forest lands that would provide for regional wildlife movement and reduce fragmentation.

Also, as described by the Biological Resources Assessment (Appendix C1 of the Draft EIR), the open space areas provided by the project would facilitate regional wildlife movement through and in between the proposed development areas in east-west and northwest-southeast directions within the open space area north of Long Canyon Road and along Long Canyon Creek, respectively (shown on Figure 3.4-7 of the Draft EIR). In addition, regional movement around the project footprint would exist in north-south and east-west directions via the open space areas that include drainages and natural vegetation that convey wildlife movement. The project also includes physical barriers including: 5 foot 6-inch high tubular steel fence that could be modified to contain pets, native landscaping, rocks/boulders, signage, other barrier mechanisms to control unauthorized public access, domestic animal predation, and illegal trespass or dumping. Therefore, impacts related to edge effects would be less than significant.

Comment 12: The comment states that the provision of high end, luxury estate housing does nothing to address the pressing housing needs in Orange County for low and moderate-income households, and workforce housing. This unneeded and indeed frivolous endeavor does not justify the environmental destruction and fire hazard.

Response 12: The comment expresses opposition for the project and does not provide any specific concern or question regarding the adequacy of the Draft EIR. Moreover, given the proximity to Riverside County, buyers will not be expected to be exclusive to Orange County but may also come from Riverside County. No further response is required or provided.

Comment 13: The comment is a concluding statement expressing opposition to the project, stating that the project is devoid of merit, is opposed to such land development, and states that it is relevant that Riverside County removed the “Rural Village Overlay” for the El Cariso Village area. In addition, the comment requests to be placed on all notification and hearing lists for the project.

Response 13: The comment expresses opposition for the project and does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.



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RE: The Preserve at San Juan DEIR and proposed General Plan Amendment

Dear Mr. Shannon:

I am writing as the Chair of the Raptor Research Committee of Sea and Sage Audubon Society in regards to Draft Environmental Impact Report (DEIR) for The Preserve at San Juan and proposed General Plan Amendment. We appreciate very much the opportunity to provide comments. The comments included in this letter are in addition to the letter submitted by Shute, Mihaley and Weinberger (SMW) on behalf of Sea and Sage Audubon Society.

I personally have almost 35 years of experience in southern California’s coastal region studying and working with owls, hawks, falcons, kites, vultures, eagles and ospreys. I have participated in numerous independent, long term and high intensity studies of breeding, dispersal, and philopatric behaviors of most species of raptors found in Orange, San Diego, and Riverside Counties. These studies have been conducted both under the guidance, of and in collaboration with, Dr. Peter Bloom (one of California’s most accomplished raptor ecologists) as well with noted raptor researcher Mr. Jeff Kidd.

As pointed out in the SMW letter one of the most significant flaws found in the DEIR is the failure to conduct timely and adequate biological surveys and investigations during normal climatic conditions, thereby producing results that reflect a very inaccurate accounting of impacts to sensitive wildlife and plant species.

Most of the information presented in the DEIR about the occupation and breeding statuses of sensitive species, including of raptors, was gathered during an unprecedented drought that was certain to have suppressed normal ecological functions, including regular breeding activity by all

*Sea & Sage Audubon Society’s mission is to protect birds, other wildlife,
and their habitats through education, citizen science, research, and public policy advocacy.*

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species of birds, mammals, amphibians, plants, etc. on and near the property, especially to some of the species of raptors that are typically found in the region only during normal or better than normal rainfall years.



The DEIR mentions only that White-tailed Kites were observed on the property. It fails to recognize that the expectation of observing kites during a severe drought are naturally low because they do not regularly occupy most of the southland during drought years. They also do not regularly breed in the region during drought years, but are much more common and breed in habitats exactly as those found on the property during normal to high rainfall years. Like many raptor species that breed in Orange and Riverside Counties, White-tailed Kites are heavily reliant upon California meadow voles as a food source (a rodent species whose populations numbers fluctuate widely with changing climatic conditions – exploding during wet years and receding during drought years). Kites in fact are perhaps one of the most strongly tied raptor species to meadow vole populations and would not be expected to be observed often or at all during a long drought.

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The DEIR also mentions Long-eared Owls but for reasons unknown lists them as unlikely to be observed. This is only true because they are very unlikely to be seen during drought years, as they also only breed in Orange County during wet years (also tied to eruptive mammal species including California meadow voles and pocket gophers as primary food sources). The currently remote oak woodlands on the property are in fact the very type of habitats where one would expect to find long-eared owls breeding during wet years. However, they are very secretive and frequently can only be detected by biologists with specific experience with this species.

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Neither White-tailed Kites nor Long-eared Owls have bred well in any portions of San Diego, Orange and/or most of Riverside County in the last 7-8 years. However, they both should be expected to be found on or near the property in wetter years. Both species were woefully under-surveyed for and the minimal surveys were completed in years when they would not have been expected to present. Kites and owls, as is the case with many other birds (including most of the raptors) and amphibians were improperly surveyed for and analyzed by the DEIR. They require further, more substantial surveys to be completed during the typical breeding season for each species and during normal, or above normal, rainfall years.

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Golden Eagles, protected the Bald and Golden Eagle Protection Act have historically nested nearby to the property, at or near Elsinore Peak. They also likely use most or all of the backcountry in the area of the project and likely occupy the project area for foraging and territorial activities. Golden Eagles, would also have been expected to have been impacted by the long drought and the lack of observations of this species during the drought through minimal surveys does not mean that Golden Eagles do not regularly utilize and depend upon the property.

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Proper surveys for Golden Eagles, which may include protocol nest searches (as required by the USFWS) of the vicinity and the property in order to determine if there are territorial Golden Eagles occupying the area are needed. The DEIR cannot currently analyze impacts to this species nor determine if the impacts are significant due to lack of data. New surveys and findings are

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needed that might substantially alter the determination of the significance of this project on biological resources, especially in regards to sensitive species such as Golden Eagles.



In conclusion we find the DEIR to have significantly failed to address possible and probable impacts to raptors, in large part due to inadequate surveys completed during drought years and likely not conducted during the peak breeding seasons, and conducted by individuals without the proper experience with the species being studied.

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We respectfully request that DEIR be recirculated or abandoned.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Scott Thomas".

Scott Thomas

Chair, Raptor Research Committee
Sea and Sage Audubon Society
Phone. 949 293-2915, Email. redtail1@cox.net

Letter 16: Sea and Sage Audubon Society

Comment 1: This is an introductory comment providing thanks for the opportunity to review the Draft EIR and provides information about the author’s experience with birds and raptors.

Response 1: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 2: The comment states that one of the most significant flaws in the Draft EIR is the failure to conduct timely and adequate biological surveys and investigations during normal climatic conditions, thereby producing results that reflect a very inaccurate accounting of impacts to sensitive wildlife and plant species. The comment also states that most of the information in the Draft EIR about the occupation and breeding statuses of sensitive species, including of raptors, was gathered during an unprecedented drought that suppressed normal ecological functions, including regular breeding activity by all species of birds, mammals, amphibians, plants.

Response 2: CEQA requires that baseline studies for environmental resources occur at the time that environmental analysis for an EIR is commenced. Page 3-3 of the Draft EIR provides a description of the Environmental Setting/Baseline for the Draft EIR. CEQA Guidelines Section 15125 states that *“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to gain an understanding of the significant effects of the proposed project and its alternatives.”*

Two Notice of Preparations and Initial Studies were published for the proposed Preserve at San Juan Project. A Notice of Preparation/Initial Study was prepared and distributed on September 26, 2013. In addition, a revised Notice of Preparation/Initial Study was circulated on October 16, 2014 in response to changes to the project description regarding the number of residential units and wastewater treatment systems, which occurred in response to the findings of wastewater related technical studies that were completed for the proposed project. The changes to the project, and related revised Notice of Preparation/Initial Study in 2014 were not related to biological resources, and the baseline for biology is consistent with the biological surveys and studies of the proposed project that occurred from 2012 through 2013.

The Biological Resources Assessment (Draft EIR Appendix C), describes that field assessments of the project site were completed in: 2004, 2005, 2006, 2008, 2010, 2012, and 2013. This 9-year span of biological surveys and investigations occurred during a range of climatic conditions that occurred over the timeframe. California experienced an extreme drought between 2014 to 2017. However, drought conditions did not exist during time of the 2012 and 2013 field surveys (LA Times 2017), and the project’s mitigation is based on these surveys (as well as data provided by the previously conducted

surveys from 2004, 2005, 2006, 2008, and 2010). Therefore, the surveys conducted between 2004 and 2013 were done during normal climatic conditions and non-drought years; thus, providing an accurate accounting of the potential sensitive wildlife and plant species that could occur within the development areas of the project site. The surveys were conducted during the appropriate time of year (e.g., in accordance with the appropriate blooming period for special-status plants, and in accordance with agency-approved survey protocols [e.g., focused fairy shrimp surveys in both wet and dry seasons as submitted to the USFWS Carlsbad office]). In addition, the surveys were completed during the Notice of Preparation period. Thus, the baseline conditions relevant to biological resources are appropriate pursuant to CEQA. Also, the extent of the surveys that were conducted pursuant to USFS, CDFW, and CNPS methodology provides an accurate accounting of the potential sensitive wildlife and plant species that could occur within the development areas of the project site.

Comment 3: This comment states that although the Draft EIR mentions that white-tailed kites were observed on the site, the Draft EIR should have mentioned that kites are naturally low during drought years because they are heavily reliant upon California meadow voles as a food source (a rodent species whose populations numbers fluctuate widely with changing climatic conditions – exploding during wet years and receding during drought years).

Response 3: The Draft EIR describes that white-tailed kites were observed on the site, and that typical habitat includes grasslands with scattered trees, near marshes. As described in the previous response, the surveys conducted for the project were done during normal climatic conditions and were non-drought years. Also, as this species was identified on-site, impacts related to this species were analyzed appropriately. The project proposes to retain 414.6 acres or 71 percent of the project site in open space, areas that could be used by white-tailed kites for foraging would be preserved by the project. Direct impacts would be avoided as this species is mobile and is expected to fly away from the construction area, if present. Also, Mitigation Measure MM 3.4-2 provides for a biological monitor on-site to flush any species from construction areas, prior to daily commencement of construction activities. In addition, implementation of the project requires Mitigation Measure MM 3.4-7 that would protect nesting birds and raptors (including white-tailed kites) pursuant to the Migratory Bird Treaty Act (MBTA). Thus, implementation of the proposed project would preserve areas that could be used by this species, and they would be protected pursuant to the MBTA that would be implemented by the project's Mitigation Monitoring and Reporting Program (MMRP).

Comment 4: This comment states that long-eared owls are very unlikely to be seen during drought years, as they also only breed in Orange County during wet years (also tied to eruptive mammal species including California meadow voles and pocket gophers as primary food sources). The currently remote oak woodlands on the property are in fact the very type of habitats where one would expect to find long-eared owls breeding during wet years. However, they are very secretive and frequently can only be detected by biologists with specific experience with this species.

Response 4: As described in Response 2 previously, the surveys conducted for the project were done during normal climatic conditions and non-drought years. Additionally, the Biological Resources Assessment (Draft EIR Appendix C), describes that the very low potential for long-eared owls to occur

within the biological study area, is limited to potential foraging habitat within the coast live oak woodland areas and adjacent habitats that are shown on Figure 5 of the Biological Resources Assessment; and as described on page 23, coast live oak woodland exists on 32.8 acres throughout the Phase 1 (south parcel), and 1.5-acres in scattered patches throughout the Phase 2 (north parcel). In addition, coast live oak forest exists on 4.4 acres in the south-central portion of the Phase 1 (south parcel), and 0.5 acre of scrub oak chaparral/coast live oak woodland exists within the south-central portion of Phase 2 (north parcel). This totals 39.2 acres of coast live oak woodland and forest area. As described on page 82 of the Biological Resources Assessment, the proposed project would not disturb 33.0 acres of combined coast live oak woodland and coast live oak forest within the two project phases. Thus, 84.2 percent of the existing coast live oak woodland and coast live oak forest within the project site would not be developed by the proposed project. Also, as described in the Tree Management and Preservation Plan included in Appendix C of the Draft EIR, the project development plan would preserve up to 94 percent of the oak trees onsite.

According to CDFW's Species Accounts, the nearest documented CNDDDB occurrence of long-eared owl to the project site is a 1984 occurrence approximately 6.9 miles west-southwest of the site, and two other occurrences farther to the south in Bell Canyon within Starr Ranch (8 miles west of the site), and within Bell Canyon near its confluence with San Juan Canyon in Caspers Regional Park (9.5 miles southwest of the site). These locations align with the foothills of the Santa Ana Mountains. Although the long-eared owl was not documented near the project site, there is potential that the species could nest within oak woodland within the project site, 94 percent of which would remain as undeveloped open space.

In addition, the project would implement a Tree Management Preservation Plan, as required by Mitigation Measure MM 3.4-5 that would plant and monitor oak trees onsite, and preserve coast live oak woodlands. Implementation of the Tree Management and Preservation Plan guarantees a minimum of 3 new oak trees for every one tree removed, with the possibility of 12 new oak trees should all acorns/seedlings survive. The Plan includes long-term monitoring to ensure the success of new oak trees. Thus, implementation of the Tree Management and Preservation Plan would result in more oak trees than currently exist on site that could provide for long-eared owl. Thus, the project would be required to mitigate the loss of oak woodlands, and the habitat that could be used by the long-eared owl would continue to be provided onsite.

Also, as described on page 3.4-39 the proposed project would have less than significant impacts related to the 2.4-acres of vegetated riparian habitat in Phase 1 and 0.53-acre of vegetated riparian habitat in Phase 2 that would be impacted by the project because Mitigation Measure MM 3.4-6 would require replacement at a minimum ratio of 2:1, or as required by the CDFW or U.S. Army Corps of Engineers. Thus, the project would not result in substantial impacts to riparian vegetated areas that could be used by long-eared owl for nesting.

The project also proposes to retain 414.6 acres or 71 percent of the project site in open space, which would include the coast live oak woodland areas. Furthermore, implementation of the project includes Mitigation Measure MM 3.4-7 that would protect nesting birds and raptors (including the long-eared owl) pursuant to the Migratory Bird Treaty Act (MBTA). Thus, implementation of the proposed project would not impact areas that could be used for foraging by long-eared owls; conversely, the project would

preserve these areas and protect these species pursuant to the MBTA. Furthermore, Mitigation Measure MM 3.4-7 would provide protection for any owls that may unexpectedly be within the development area.

Comment 5: This comment states that neither white-tailed kites nor long-eared owls have bred well in any portions of San Diego, Orange and/or most of Riverside County in the last 7-8 years. However, they both should be expected to be found on or near the property in wetter years. Both species were woefully under-surveyed for and the minimal surveys were completed in years when they would not have been expected to present. Kites and owls, as is the case with many other birds (including most of the raptors) and amphibians were improperly surveyed for and analyzed by the DEIR. They require further, more substantial surveys to be completed during the typical breeding season for each species and during normal, or above normal, rainfall years.

Response 5: Refer to Responses 2 through 4. The project area has been surveyed by qualified biologists over the past 9 years during normal climatic conditions and non-drought years, and the Draft EIR provides the existing biological resources setting as required by CEQA. No protocol surveys for white-tailed kite or long-eared owl are required by the USFWS or CDFW, and agency-approved protocols have not been issued for presence/absence surveys for these species. In addition, the presence or potential for these species to occur was acknowledged in the Draft EIR and analyzed appropriately. Impacts to these species were determined to be less than significant. Furthermore, areas that could be used by both white-tailed kites and long-eared owls would be preserved by the project, and would be protected by implementation of Mitigation Measures MM 3.4-2 and MM 3.4-7.

Comment 6: This comment states that golden eagles, protected by the Bald and Golden Eagle Protection Act have historically nested nearby to the property, at or near Elsinore Peak. They also likely use most or all of the backcountry in the area of the project and likely occupy the project area for foraging and territorial activities. Golden eagles, would also have been expected to have been impacted by the long drought and the lack of observations of this species during the drought through minimal surveys does not mean that golden eagles do not regularly utilize and depend upon the property.

Response 6: As described in Response 2 previously, the surveys conducted for the project were done during normal climatic conditions and non-drought years. Golden eagles, as mentioned by the comment, were not identified during the 9 years of surveys of the project site. As stated in the Biological Resources Assessment (Draft EIR Appendix C), this species is not expected to breed on-site. Elsinore Peak is located approximately six miles southeast of the project site. However, it is acknowledged in the Draft EIR that there is potential for golden eagle to utilize portions of the study area for foraging, and this species is analyzed appropriately in the Draft EIR. In addition, as described in the previous responses, the proposed project would retain 414.6 acres or 71 percent of the project site in open space, and implementation of the project requires Mitigation Measure MM 3.4-7 that would protect nesting birds and raptors (including golden eagles) pursuant to the MBTA.

Comment 7: This comment states that proper surveys for golden eagles, which may include protocol nest searches (as required by the USFWS) of the vicinity and the property in order to determine if there are

territorial golden eagles occupying the area that might substantially alter the determination of the significance of this project related to golden eagles.

Response 7: As described in the previous comments field assessments of the project site were completed in 2004, 2005, 2006, 2008, 2010, 2012, and 2013, which did not identify any golden eagles and the species is not expected to nest in the study area. However, as described in the previous responses, the proposed project would retain 414.6 acres or 71 percent of the project site in open space, and implementation of the project requires Mitigation Measure MM 3.4-7 that would protect nesting birds and raptors (including golden eagles) pursuant to the MBTA.

Comment 8: This comment states that the Draft EIR has significantly failed to address possible and probable impacts to raptors, in large part due to inadequate surveys completed during drought years and likely not conducted during the peak breeding seasons, and conducted by individuals without the proper experience with the species being studied. The comment requests that Draft EIR be recirculated or abandoned.

Response 8: As described in the previous responses, the project site was surveyed during non-drought years. The presence or potential for each of the raptor species mentioned in this comment letter was acknowledged and appropriately analyzed in the Draft EIR. The project site would retain a large area of open space that is contiguous with public open space, which would provide foraging habitat for raptors and other birds. Furthermore, the mitigation measures provided in the Draft EIR include provision of an onsite biological monitor that would identify biological resources, and implement measures to ensure birds and raptors are protected pursuant to the MBTA. The biologists working on evaluating resources on the project site are qualified individuals, as determined by the County. The Draft EIR fully discloses the biological resources found in the study area through 9 years of surveys during non-drought years, and analyzed the impacts that project implementation would cause to those resources, and the County has prepared the Draft EIR pursuant to the requirements of CEQA. Thus, the Draft EIR does not require revisions that would result in recirculation.

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July 31, 2017

Via E-mail

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Re: Preserve at San Juan Residential Development DEIR

Dear Mr. Shannon:

This firm represents Sea and Sage Audubon Society, a chapter of the National Audubon Society that focuses on the protection of birds, other wildlife, and their habitats in Orange County. Sea and Sage seeks to ensure development—if any—at the Project site protects the site’s unique environmental resources and addresses the community’s needs and concerns. To that end, the DEIR plays a critical role in informing the public and decision-makers about the environmental impacts of the Project and how best to avoid these impacts through mitigation and alternatives to the Project.

After carefully reviewing the DEIR, we have concluded that it fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 2100 et seq, and the CEQA Guidelines, Cal. Code of Regulations, title 14 §§ 15000 et seq. The DEIR’s deficiencies are particularly disconcerting because the DEIR shows little improvement over the flawed 2013 EIR for a prior version of this Project.

The Environmental Impact Report (“EIR”) is “the heart of CEQA.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (“*Laurel Heights I*”; citations omitted). It is “intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by

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public officials, it is a document of accountability.” *Id.* (internal quotations and citations omitted).

Here, the Project includes construction of 72 market rate, single-family homes in a rural portion of Orange and Riverside Counties that is home to numerous sensitive biological resources, it includes no formal conservation or protection of remaining open space or sensitive resources, the site is served by an already overburdened and dangerous road, and the Project is *not* served by other key municipal services. This type of leapfrog, sprawling, greenfield development is contrary to numerous, fundamental planning principals, many of which the County has formally adopted through its General Plan and its participation in the Southern California Association of Governments (“SCAG”)’s Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”).¹

Despite these multiple red flags, the DEIR never provides key information about current, baseline conditions on and around the Project site. It points to ineffective and non-binding measures to claim that impacts will be less than significant. It does not even mention significant existing traffic hazards on Ortega Highway, to which the Project seeks to contribute. Nor does the DEIR properly analyze either consistency with the County General Plan and SCAG’s RTP/SCS or the Project’s contribution to climate change. It considers only a limited range of alternatives and passes over one with admittedly lower impacts to the environment.

Where, as here, the environmental review document fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of CEQA. *See* Pub. Res. Code § 21061. As a result of the DEIR’s numerous and serious inadequacies, there can be no meaningful public review of the Project. The magnitude of the revisions required to create a legally adequate EIR will require recirculation of a revised DEIR, not just publication of a Final EIR, to give decision-makers and the public an accurate understanding of the environmental issues at stake. *See* CEQA Guidelines § 5088.5(a)(4).

I. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Impacts on Biological Resources.

The DEIR’s treatment of impacts to biological resources suffers from substantial deficiencies and fails to meet CEQA’s well-established standards. The document’s analysis both understates the severity of the potential harm to biological resources within

¹ The July 25, 2017 letter to the County from the Endangered Habitats League, which is incorporated by reference into this letter, also identifies many of these flaws.



and adjacent to the Project site, and neglects to identify sufficient mitigation to minimize these impacts. Given that analysis and mitigation of such impacts are at the heart of CEQA, the DEIR will violate CEQA until these serious deficiencies are remedied. *See Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 (“CEQA places the burden of environmental investigation on government rather than the public.”). Several of the most serious deficiencies in the DEIR’s analysis of and mitigation for the Project’s impacts on biological resources impacts are discussed below.



A. The DEIR Fails to Adequately Describe the Project’s Biological Setting.

An EIR’s description of a project’s environmental setting plays a critical part in all subsequent parts of the EIR because it provides “the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines § 15125(a). “Knowledge of the regional setting is critical to the assessment of environmental impacts.” CEQA Guidelines § 15125(c). Here, the DEIR’s reliance on outdated surveys makes it impossible to evaluate the Project’s impacts.

The DEIR relies on surveys for special-status species and sensitive natural communities that are out-of-date and were conducted during an extreme (drought event U. Formal survey work was conducted in 2005 and in 2008 and some surveys were updated in 2012 and 2013. DEIR at 3.4-26. Surveys conducted in 2012 and 2013 are now between four and five years old. The four-year period between fall 2011 and fall 2015 was the driest since record keeping began in 1895. <http://www.ppic.org/publication/californias-latest-drought/>; accessed July 24, 2015. The DEIR cannot rely on surveys conducted during this extreme drought to make generalized assumptions about incidence of sensitive plant and wildlife in the Project area. For example, approximately 16 individuals of Coulter’s matilija poppy were observed during in the south parcel during the 2006 surveys. *Id.* Yet, because the DEIR relies on surveys that were conducted during extreme drought conditions, the DEIR concludes that the Coulter’s matilija poppy no longer occurs on the Project site. DEIR at 3.4-27.

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As another example, the DEIR fails to provide focused surveys, or even a habitat assessment, for Quino checkerspot butterfly despite the fact that the study area has the potential to support QCB. DEIR at 3.4-29. The DEIR acknowledges that a habitat assessment by a Quino biologist and/or coordination by the U.S. Fish and Wildlife Service are recommended to determine whether focused protocol surveys should be conducted to conclusively determine the potential for this species to occur within the study area. DEIR at 3.4-16, footnote a. Yet no such survey was performed, nor will it be prior to the County’s review and possible approval of the Project. *Id.* The DEIR’s mere

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recommendation for after-the-fact environmental review does not meet CEQA's requirements. An EIR may not simply label an impact significant without disclosing the impact's true extent or severity. *See, e.g., Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370-71 (holding EIR inadequate where agency declared health effects significant and unavoidable without determining extent of harm). Further, deferring analysis of the Project's impacts until after Project approval renders the DEIR useless as an informational document and undercuts CEQA's core purpose of alerting decision-makers and the public to environmental impacts while mitigation measures can still be imposed and alternatives considered. *See Sundstrom*, 202 Cal.App.3d at 306-07; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 684-85. Such deferred analysis is allowed only if there is an articulated reason for the deferral, and the DEIR provided no such explanation here. *See San Joaquin Raptor Rescue Ctr.*, 149 Cal.App.4th at 669-71 (deferred analysis allowed only if there is a reason or basis for the deferral).

In addition, although the study area supports suitable habitat for fairy shrimp (San Diego fairy shrimp and Riverside fairy shrimp), the DEIR dismisses the potential for any impacts because the shrimp were not observed during surveys. DEIR at 3.4-28. The DEIR arrives at this same conclusion regarding western spadefoot, a sensitive amphibian species, that has the potential to occur on-site within the seasonal ponds. Here too, it simply makes no sense to rely on surveys of aquatic ecosystems that were conducted during an extreme drought to conclude the absence of either fairy shrimp or the western spadefoot.

The DEIR's flaws in the biological surveys extend beyond the fact that they are out-of-date and conducted during an extreme drought. It appears that certain of the surveys were not even conducted on the Project site itself. Twelve sensitive plant species (bottle liverwort, Payson's jewel-flower, Robinson's pepper-grass, Santiago Peak phacelia, heart-leaved pitcher sage, intermediate monardella, felt-leaved monardella, Hall's monardella, San Miguel savory, Fish's milkwort, mesa horkelia, Ocellated Humboldt lily) have the potential to occur within the study area. DEIR at 3.4-27. The DEIR concludes, however, that there is a low probability of these species occurring on the site due to dense canopies and lack of open areas. DEIR at 3.4-27. Yet, the DEIR acknowledges that portions of the study area were inaccessible and that they were observed only with binoculars. DEIR at 3.4-21.

Without up-to-date information about the biological resources in the Project area, and without conducting *on-site* surveys, it is not possible for the DEIR to evaluate the Project's impacts. Certainly, the DEIR lacks the evidentiary basis to conclude that the Project's impacts on biological resources would be less than significant.

The County must complete the required surveys for special-status plants and wildlife and recirculate the DEIR with that information so that the public and decision-makers may understand, prior to considering Project approval, the true extent of the Project's impacts on these important biological resources.



B. The DEIR's Analysis of and Mitigation for Impacts to Biological Resources is Incomplete and Conclusory.

Consistent with the DEIR's failure to document existing special-status species and sensitive natural communities on the Project site, the document repeatedly seeks to minimize the Project's effect on these sensitive species. As explained below, the DEIR neglects to adequately examine the Project's direct and indirect impacts on these species. Perhaps, the most striking flaw however, is that the DEIR concludes, without evidentiary support, that all of the Project's impacts on sensitive biological resources would be mitigated to an insignificant level. The DEIR must be revised and recirculated to remedy these serious deficiencies.

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1. The DEIR Fails to Adequately Analyze Direct Impacts to Sensitive Wildlife Species.

Consistent with the DEIR's failure to document existing special-status species and sensitive natural communities on the Project site, the document repeatedly seeks to minimize the Project's effect on sensitive species. For example, the coast range newt, a sensitive species, was observed within the study area in Drainage B on the south parcel and in two locations within Long Canyon Creek just east of the north parcel boundary. DEIR at 3.4-28. The Project is not expected to impact Drainage B. However, the Project could impact the coast range newt as a result of the construction near Long Canyon Creek. DEIR at 3.4-28, 29.

The DEIR concludes that impacts to the newt would be less than significant largely because the newt is only expected to occur within seven percent of Long Canyon Creek, and that impacts to the Creek "are not expected to drop populations of the coast range newt below self-perpetuating levels in the region." *Id.* The DEIR provides no explanation as to how it determined that the newt occupies only seven percent of the Creek or why the Project's impacts would not result in a substantial drop in newt populations. Consequently, the DEIR lacks the evidentiary basis that the Project's impact on the coast range newt would be less than significant. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6

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Cal.4th 1112, 1123. To accomplish this purpose, an EIR must contain facts *and* analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568. In order to conclude that the impacts to the newt would be less than significant, it must, at a minimum, provide satisfactory surveys to determine the newt's range in the Creek. *San Joaquin Raptor*, 27 Cal.App.4th at 729 (adequate description of the environmental setting is prerequisite to environmental review and cannot be added after the fact). Here too, surveys of the Creek were apparently conducted in 2012 and 2013, during the drought. Only when there is an understanding of the range of the newt, will the DEIR authors be in a position to evaluate impacts. Perhaps this stretch of Long Creek is the only segment that supports the newt. Perhaps the newt population that occurs within this stretch of the Creek that is essential to conservation of the species. The DEIR provides none of this information.

2. The DEIR Fails to Adequately Analyze Indirect Impacts to Sensitive Wildlife Species.

The DEIR provides a perfunctory analysis of the Project's potential to indirectly impact sensitive wildlife before concluding that any such impacts would be less than significant. For example, the DEIR acknowledges that runoff from the Project has the potential to change the hydrologic regime of San Juan Creek, indirectly impacting habitat for the arroyo toad (Federally Endangered and a California Species of Special Concern ("SSC")), partially armored three spine stickleback (a federally sensitive species ("USFS Sensitive")), and Arroyo chub (SSC, USFS Sensitive). DEIR at 3.4-31. Again, rather than provide a comprehensive analysis of the Project's potential to harm these species, the DEIR relies on certain Project Design Features including PDF-13 which calls for the Project to "be designed to mimic the hydrological characteristics of the site" and therefore control runoff. DEIR at 3.4-31, 32. While this is a lofty goal, it is vague and therefore unenforceable. Neither the DEIR's project description nor its hydrological chapters provide any substantive description or analysis of how the hydrological characteristics of the site would be maintained to ensure that drainage does not impact downstream resources. The DEIR provides no engineering or design details that would allow the reader to determine how, or even if, drainage and discharge will be managed. Instead, the DEIR relies on mitigation measures calling for compliance with State Water Resources Control Board regulations. DEIR at 3.9-17, 18. It is critical that this information be identified now during the EIR process, rather than after project approval. In fact, California Supreme Court's recent ruling in *Banning Ranch* confirms that details relating to regulatory compliance should be included in the EIR so that the document will meet the needs of the government agencies that will review or enforce this permit, such

as the Regional Water Quality Control Board. *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936; Pub. Res. Code § 21003(a).

In addition, the DEIR ignores entirely the indirect impacts to other numerous sensitive wildlife species that have the potential to occur on the Project site. Although human-adapted wildlife species, such as the raccoon, the common raven, domestic and feral cats, and the non-native rat could severely impact sensitive wildlife resources, the DEIR provides no discussion, let alone analysis of these impacts. Populations of these aggressive omnivorous species commonly increase in response to increased food sources associated with residential development: pet food left outside, garbage bins, and outdoor gardens and fruit trees. The EIR must be revised to analyze all of these potential indirect impacts to each of the sensitive species that occur on the Project site.

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3. The DEIR Fails to Adequately Analyze or Mitigate Impacts on Wildlife Corridors.

The DEIR acknowledges that wildlife currently moves freely throughout the undeveloped study area via existing open spaces and travel routes including drainages, ridgelines, trails, and dirt roads. DEIR at 3.4-42. The DEIR also recognizes that the project would deter movement and shift it permanently away from the developed portions of the Project site. *Id.* Yet, rather than acknowledging the significance of this impact, the DEIR blithely asserts that impacts would be less than significant because wildlife could just travel on the 414 acres that would not be developed. *Id.* The DEIR fails to support its conclusion with substantial evidence as CEQA requires. Pub. Res. Code § 21080(e)(1)-(2).

As an initial matter, the EIR must first thoroughly describe how wildlife currently use the wildlife corridors. To do this, the DEIR preparers must survey these corridors. Then, the DEIR must analyze how the proximity of homes and other project features, including fences, roads, and lighting, would have on the use of these existing wildlife movement corridors. Then the EIR must evaluate the effect that increases in human activity have on specific wildlife species. The magnitude of effects caused by human/wildlife interaction is influenced by many factors including the type, duration, frequency, and the timing of these interactions.

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In the absence of an actual analysis demonstrating that specific wildlife species would not abandon the corridor altogether, the DEIR's conclusion that these impacts are less than significant cannot be sustained. In a feeble attempt to convince the reader that impacts would not be significant, the DEIR asserts that mitigation measures MM 3.4-1 (construction worker education) and MM 3.4-2 (fencing the Project site during

construction) would be sufficient to ensure that impacts would be less than significant. The document fails to provide the required evidentiary analysis that these measures would protect existing wildlife corridors. Quite simply, it appears the DEIR was set up to arrive at this preordained result. A conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal. *See Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 182; *Citizens of Goleta Valley*, 52 Cal.3d at 568. The DEIR fails to fulfill this paramount CEQA purpose both because it neglects to present all relevant facts relating to wildlife movement on the Project site and because its cursory conclusions lack any supporting analysis.

4. The DEIR Inappropriately Relies On Preservation of Open Space to Conclude Impacts Would be Less than Significant.

The DEIR relies on the fact that 414.6 acres of the Project site would remain undeveloped to conclude that the vast majority of the Project's impacts on sensitive species would be less than significant. In particular, the DEIR identifies numerous plant and animal species that have the potential to occur on site or within the study area but concludes that the provision of 414 acres of open space would reduce any impacts to a less than significant level. The DEIR comes to this conclusion with respect to 12 sensitive plant species (bottle liverwort, Payson's jewel-flower, Robinsons pepper-grass, Santiago Peak phacelia, heart-leaved pitcher sage, intermediate monardella, felt-leaved monardella, Hall's monardella, San Miguel savory, Fish's milkwort, mesa horkelia, and Ocellated Humboldt lily); sensitive amphibian species (including the coast range newt); sensitive insect species (including the Quino checkerspot butterfly); sensitive reptile species (including, coastal rosy boa, San Bernardino ringneck snake, and coast patch-nosed snake); sensitive bird species including the long-eared owl); (sensitive mammal species (including the western red bat and western mastiff bat). DEIR at 3.4-27 through 3.4-31. In addition, the DEIR concludes that any indirect impacts to sensitive wildlife species (this issue is discussed further below) would also be less than significant as a result of the provision of 414 acres of open space.

Contrary to the approach taken here, particular elements of the Project's design cannot serve as de facto mitigation for its impacts, allowing the DEIR to avoid disclosing the Project's impacts as significant. Determining whether or not a project may result in a significant adverse environmental impact is a key aspect of CEQA. CEQA Guidelines § 15064(a). In evaluating the significance of a project's impacts, an EIR may not "compress[] the analysis of impacts and mitigation measures into a single issue." *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656. The DEIR here did just that, and thus failed to recognize that some of the Project's impacts on biological

resources would be significant. Without a significance finding, the DEIR cannot adequately identify mitigation for the impact.

As was the case in *Lotus*, the DEIR’s failure here to evaluate the significance of the Project’s impacts separately from what is effectively its proposed mitigation (the 414 acres offsetting the loss of habitat on the Project parcel), the EIR “fails to make the necessary evaluation and findings concerning the mitigation measures that are proposed.” *See id.* More specifically, by conflating impacts and mitigation, the DEIR fails to consider whether there may be other more effective mitigation options, thereby omitting information that is necessary for the informed decision-making and public participation that CEQA requires. *See id.* at 658; *see also San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (EIR inadequate if it fails to identify feasible mitigation measures). Further, a finding of significance triggers the requirement that the Project include *enforceable* mitigation, as well as a monitoring program, which, as discussed below, is sorely lacking here.

Finally, the DEIR touts the preservation of the 414 acres as a fundamental element of the Project, i.e., a Project Design Feature. *See, e.g.,* DEIR at 3.4-27. However, the DEIR lacks any detailed assurance as to how this preservation goal will be accomplished. In particular, the DEIR provides no indication—much less binding assurance—that these 414 acres would be preserved in perpetuity under a conservation easement, deed restriction, or other appropriate mechanism.

5. The DEIR Fails to Provide Meaningful Information Pertaining to the Project’s Relationship to the Western Riverside County Multiple Species Habitat Conservation Plan.

The DEIR states that the Project study area is within Existing Core B, which consists of two large and two small blocks of Public/Quasi-Public Lands that provide the second largest habitat block in the Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) Area. DEIR at 3.4-20. This language implies that much of the Project site is located within the Riverside County MSHCP. According to the California Department of Fish & Wildlife (“CDFW”), however, only a portion of the Project site is within the MSHCP. *See* Letter from G. Sevrens, Environmental Program Manager, CDFW to I. Lundfelt, July 5, 2017, at 2.² CDFW explains that the MSHCP was

² The July 5, 2017 CDFW letter in its entirety is incorporated by reference into this letter. Regardless of whether the County ultimately believes it has resolved the issues raised in the CDFW letter, we nonetheless request responses to each of the letter’s comments.



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not developed or designed to address impacts in Orange County and does not provide take coverage for species or habitat impacts in Orange County. *Id.*

The revised EIR must clearly identify those portions of the Project site—including the proposed 414 open space area—that are located outside of the MSHCP. In addition, once the revised biological surveys are undertaken, the EIR must clearly identify each special-status plant and animal species that would be impacted by the Project and clearly articulate whether these species are or are not covered by the MSHCP.

6. The DEIR Relies on Ineffective Mitigation to Conclude That Impacts to Sensitive Species Would Be Less Than Significant.

When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App 3d 1011, 1027; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App. 3d 692, 726-29. Substantial evidence consists of “facts, a reasonable presumption predicated on fact, or expert opinion supported by fact,” not “argument, speculation, unsubstantiated opinion or narrative.” Pub. Res. Code § 21080(e)(1)-(2). Here, the EIR acknowledges that the Project would have significant impacts on the numerous species listed in section I.B.4, above, yet it fails to adopt enforceable mitigation measures that would substantially reduce these impacts. *See* DEIR at 3.4-27 through 3.4-31. Because the DEIR’s conclusion of insignificance is premised on unsupported assumptions, it falls far short of CEQA’s clear mandate.

Mitigation Measure MM 3.4-1, for example, would implement Environmental Awareness Programs that would train construction workers to identify any sensitive wildlife species and which would discuss locations of sensitive resources. DEIR at 3.4-28; 3.4-32. This measure would also implement a resident environmental awareness program with the intention of encouraging active conservation efforts. *Id.* This measure does nothing to ensure that sensitive wildlife resources will be protected. In fact, the measure does not actually require the construction workers or the residents to take any action in the event they do find a protected species.

Mitigation Measure MM 3.4-2 calls for the implementation of best management practices (“BMPs”) for biological resources. DEIR at 3.4-33. Specifically, this measure calls for staking and fencing the project impact footprint and having a qualified biologist on-site during vegetation removal to flush “any common wildlife” from the project footprint area. *Id.* This measure is also unacceptable because it does not ensure the



Project will avoid harming sensitive species. Because the project footprint has not been adequately surveyed, it is possible that protected species occur on site. Fencing the area will do nothing to avoid harming or causing take. Similarly, having a biologist on-site to flush “common wildlife” will not ensure the protection of sensitive species.

Mitigation Measures MM 3.4-3 and 3.4-4 require a pre-construction survey and construction monitoring to avoid impacts to protected species. DEIR at 3.4-35. But this does not save the DEIR’s analysis; it is too little too late. “A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.” *Sundstrom*, 202 Cal.App.3d at 307. A revised DEIR must provide mitigation for these indirect impacts to ensure they are reduced to a less than significant level.

7. The DEIR Fails to Adequately Analyze or Mitigate the Project’s Cumulative Impacts to Biological Resources.

An EIR must discuss a Project’s significant cumulative impacts. CEQA Guidelines § 15130(a). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” *Id.* § 15355(b). A project has a significant cumulative effect if it has an impact that is individually limited but “cumulatively considerable.” *Id.* § 15065(a)(3), 15130(a). “Cumulatively considerable” is defined as meaning that “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” *Id.* Cumulative impacts analysis is necessary because “environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.” *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 114, overruled on other grounds. Here the DEIR’s analysis of cumulative impacts to biological resources is cursory and incomplete and does not come close to meeting CEQA’s clear legal standard.

As an initial matter, the DEIR does not even bother to include a list of approved and pending projects causing related impacts. Nor does the DEIR rely on a summary of projections. CEQA requires that an EIR following one of these approaches. CEQA



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Guidelines § 15130 (b). Rather, the DEIR asserts that the geographic scope for cumulative impacts analysis for biological resources includes the southeastern portion of Orange County and the adjacent southwestern portion of Riverside County. DEIR at 3.4-51. Yet, the DEIR provides no indication that resources in these broad geographic regions were even considered in the two paragraph impact analysis. Specifically, the DEIR makes no attempt to identify the location of important habitat areas, to identify those other projects that would impact the same species and habitat affected by the proposed Project, to quantify the expected losses to sensitive species and habitats from these myriad projects, and, finally, to analyze the significance of the expected impacts in light of these facts. Rather than conduct any of this necessary analysis, the DEIR simply lists the flawed mitigation measures identified in the DEIR and concludes the Project's impacts would not be cumulatively considerable. DEIR at 3.4-51. Even worse, the DEIR boldly asserts that the Project could actually benefit the region because it would preserve 414 acres of open space.

In sum, although the DEIR's cumulative impacts chapter contains no analysis of potential impacts, it nonetheless concludes that the Project's impacts would be less than significant. This conclusion cannot be sustained. The DEIR must be revised to include a comprehensive analysis of the Project's cumulative effects on sensitive habitats and wildlife species and identify feasible mitigation for impacts deemed to be significant.

II. The DEIR Fails to Adequately Evaluate the Project's Potential to Increase Hazards on Ortega Highway.

Ortega Highway is considered by some to be the most dangerous road in the state. The 72-year-old stretch of blacktop has become a place where urban sprawl, bad driving, and obsolete road-building techniques collide head-on between San Juan Capistrano and Perris. *See e.g.*, "Driving a Deadly Dinosaur;" "Ortega Highway One of California's Bloodiest;" "The Most Dangerous California Highways in Orange County for Personal Injury Car Accidents."³ As one of only two arteries connecting homes in Riverside

³ Driving a Deadly Dinosaur, L.A. Times, August 1, 2001, available at: <http://articles.latimes.com/2001/aug/11/news/mn-32926>; accessed July 27, 2017; *see also* Ortega Highway One of California's Bloodiest, Lake Elsinore Patch, October 4, 2011, available at: <https://patch.com/california/lakeelsinore-wildomar/ortega-highway-one-of-californias-bloodiest>; accessed July 27, 2017; and The Most Dangerous California Highways in Orange County for Personal Injury Car Accidents, HRG Legal Resources, available at: <https://www.hg.org/article.asp?id=34644>; accessed July 27, 2017.

County with jobs in Orange County, the highway lures more and more commuters every year. They often speed, drift over the center line, and pass illegally—sometimes on blind curves—to advance their place in the string of cars, trucks, and big rigs. *Id.*

Although the proposed Project would add nearly 700 vehicles per day to a roadway that already operates at Level of Service (“LOS”) F, the DEIR fails to adequately evaluate the Project’s potential to increase hazards along this dangerous stretch of roadway. DEIR at 3.15-12. Indeed, the DEIR’s transportation analysis never even mentions the word “accident” let alone disclose Ortega Highway’s existing accident rate. Caltrans compiles accident data for all of its highways. In addition, accidents on the state highway system are investigated by the California Highway Patrol, and they compile many reports on the subject. The revised EIR must identify Ortega Highway’s existing accident rate and then evaluate the Project’s potential to increase the rate of accidents along this roadway.

The DEIR also fails to disclose the Project’s risk to public safety because it mistakenly relies on a traditional *intersection* level of service analysis that does not accurately gauge the unique operational nature of two-lane highways. An accurate two-lane highway LOS analysis would take into account “percent-time-spent-following” (“PTSF”), one of the parameters used to evaluate operational quality on two-lane highways. As part of a revised traffic analysis, the DEIR must take into account highway class, lane width, shoulder width, access-point (i.e., number of driveways per mile), terrain, percent no-passing zone, base free-flow speed, lengths of any passing lanes, hourly vehicular volume, length of analysis period, peak hour factor, directional split of traffic, and heavy vehicle (i.e., truck) percentage. There are numerous guidance documents on-line for conducting two lane highway analysis.⁴

Finally, the revised EIR must include a crash prediction model which estimates the frequency of crashes expected on Ortega Highway based on the roadway’s geometric design and traffic characteristics. The crash prediction algorithm will need to consider the effect of a number of roadway variables: lane width, shoulder width and type, horizontal curve length and radius, presence of spiral transition, super-elevation, grade, driveway density, passing lanes and short four-lane sections, two-way left-turn lanes, and roadside hazard rating. Intersection variables considered include skew angle, traffic control,

⁴ *E.g.*, Two-Lane Road Analysis Methodology in the Highway Capacity Manual (available at: https://webpages.uidaho.edu/ce578/Course%20materials/HCM_chp_20_modification.pdf); Two Way Highway Simulation and Analysis (available at: http://ufdcimages.uflib.ufl.edu/UF/E0/04/41/09/00001/LI_J.pdf).

presence of left- and right-turn lanes, and sight distance. *See*, Making Two-Lane Roads Safer, Federal Highway Administration.⁵



III. The DEIR Does Not Properly Analyze the Project's Consistency with the Orange County General Plan or with SCAG's 2016 RTP/SCS.

CEQA requires that EIRs analyze the consistency of a project with applicable local plans, including General Plans. *See Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 386-87; CEQA Guidelines Appendix G, § IX (b). Inconsistencies with a General Plan or other local plan goals and policies that were enacted to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. *See id.*; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929. In addition, a California Court of Appeal opinion issued last month confirms a city's ability to deny a project because it does not comply with the city's general plan. *See Kutzke v. City of San Diego*, 2017 Cal. App. LEXIS 461, *9-13 (Cal. App. 4th Dist. May 17, 2017).

The DEIR acknowledges that the Project must be consistent with local plans, and analyzes the Project's consistency with various specific Orange County General Plan policies and goals. In addition, it analyzes the Project's consistency with SCAG's RTP/SCS. However, in its analysis, the DEIR glosses over numerous, glaring inconsistencies and relies on flawed mitigation measures to conclude that the Project is somehow consistent with these plans. In addition to misinforming decision-makers and the public about the Project's consistency with the plans, this analysis underestimates the actual impacts of the Project and ignores some of the Project's most significant impacts.⁶ The DEIR must be revised and recirculated to provide a comprehensive and accurate analysis of all planning inconsistencies.

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⁵ Making Two-Lane Roads Safer, Federal Highway Administration; available at: <https://www.fhwa.dot.gov/publications/publicroads/03jan/04.cfm>; accessed July 27, 2017.

⁶ Additionally, the DEIR's conclusion that the Project is consistent with the General Plan's and the RTP/SCS's goals and policies is fatally undermined by the fact that the DEIR does not contain an adequate discussion of the Project's impacts on the resources that those goals and policies are meant to protect. *See Napa Citizens for Honest Govt.*, 91 Cal.App.4th at 381.

A. Orange County General Plan

The Project is inconsistent with numerous General Plan policies, including but not limited to the following;

- *Land Use Policies 8 and 9: Enhancement of Environment - To guide development so that the quality of the physical environment is enhanced.*

The Project is blatantly inconsistent with this policy. The DEIR incorrectly asserts that the Project would “enhance” the physical environment because it would preserve 414 acres of open space. DEIR at 3.10-10. This is incorrect. Far from protecting the physical environment, the Project would result in a net loss of 170 acres of ecologically sensitive lands. DEIR at 2-8.

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- *Land Use Policy 3 Housing Densities: To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county’s labor force.*


The Project is inconsistent with this policy. The DEIR suggests that the Project would be consistent with this policy because it would meet the County’s demands for a variety of housing types. DEIR at 3.10-10. This Project does not include affordable housing and there is no indication that the applicant would contribute in-lieu fees towards affordable housing. Because the Project does not provide, or in any way promote, affordable housing, it is not consistent with this policy.

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- *Resources Element Goal 1: Protect wildlife and vegetation resources and promote development that preserves these resources.*
- *Resources Element Policy 1 Wildlife and Vegetation. To identify and preserve the significant wildlife and vegetation habitats of the County.*
- *Resources Element Objective 1.1: To prevent the elimination of significant wildlife and vegetation through resource inventory and management strategies.*

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The Project is clearly inconsistent with this goal, policy, and objective. The DEIR asserts that the preservation of open space would support wildlife and vegetation resources. While setting aside land is a good step, it does not erase the clear fact that the Project would result in the net loss of 170 acres of sensitive habitat. DEIR at 2-8. Moreover, there is no indication that this land would be set aside in perpetuity since the Project does not commit to establishing a conservation easement. Finally, as this letter makes clear, the DEIR relies on inadequate biological surveys, and so there is currently no way of

determining whether development is proposed on biologically sensitive lands. A project that is consistent with this policy would seek to develop on those portions of the site that are the least ecologically sensitive. 

- *Resources Element Policy 1.1: To guide and regulate development of the unincorporated areas of the County to ensure that the character and natural beauty of Orange County is retained.*
- *Transportation Element Goal 1: Preserve and enhance unique or special aesthetic and visual resources through sensitive highway design and the regulation of development within the scenic corridor.*
- *Transportation Element Objective 1.2: Add to the pleasure of its residents and visitors by enhancing scenic routes.*
- *Transportation Element Objective 1.4: Preserve established Scenic Highways in order to protect the existing scenic qualities of these corridors.*

The Project is clearly inconsistent with this goal and policy and with these objectives. The DEIR asserts that the Project would be consistent with these policies, goals, and objectives because development would be clustered on the Project site. DEIR at 3.10-14. This assertion is contradicted by the DEIR's own analysis. Indeed, the DEIR concludes that the Project's impacts related to scenic vistas and the visual character of the site would be *significant and unavoidable*. DEIR at 3.1-10, DEIR at 3.1-13 (emphasis added). But the DEIR also concludes, incorrectly, that the Project's impacts on views from Ortega Highway would be less than significant. DEIR at 3.1-10. The fact that the highway has not been officially designated by Caltrans has no bearing on the fact that this highway currently provides undisturbed views of Orange County's natural beauty. It is undebatable that the Project would irreparably alter scenic views. Consequently, the Project is blatantly inconsistent with these General Plan policies, goals, and objectives.

- *Transportation Element Objective 1.6: Require sufficient setback from the scenic corridor, where feasible, for the purpose of preserving the corridor's scenic qualities.*

The Project is inconsistent with this objective. Alternative 3, on the other hand, would be consistent with this objective as single-family residences would be set back, and not visible, from Ortega Highway. DEIR at 5-13.

Safety Element Objective 1.1: To identify public safety hazards and determine the relative threat to people and property in Orange County.

The DEIR incorrectly concludes that the Project would be consistent with this objective. DEIR at 3.10-13. The document does not, however, identify let alone evaluate the threat to public safety that would accompany the introduction of an additional 690 motor vehicles onto Ortega Highway, one of the most dangerous roads in the state. DEIR at 3.15-12; *see also* section II above.

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- *Transportation Policy 3.2: Ensure that all intersections within the unincorporated portion of Orange County maintain a peak hour level of service “D”, according to the County Growth Management Plan Transportation Implementation Manual.*
- *Transportation Goal 5: Manage peak hour traffic congestion to achieve an acceptable LOS on existing and future circulation plan facilities in the unincorporated areas of the County.*
- *Growth Management Goal 2: Ensure that adequate transportation facilities, public facilities, equipment, and services are provided for existing and future residents.*

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The Project is inconsistent with this policy and these goals. The General Plan Transportation Element deems LOS C an acceptable LOS, but accepts LOS D at County intersections during peak hours. DEIR at 3.15-6. The Project would add traffic to Ortega Highway which currently operates at LOS F. DEIR at 3.15-16. In addition, the intersection of Ortega Highway and Antonio Parkway would operate at LOS F with the Project. DEIR at 3.15-15, 16.

B. SCAG’s 2016 RTP/SCS.

As an initial matter, the DEIR analyzes the Project’s consistency with an outdated version of SCAG’s RTP/SCS. The document refers to the 2008 iteration of the plan. DEIR at 3.10-7. SCAG’s RTP/SCS has undergone two iterations since 2008. The DEIR must evaluate the Project’s consistency against the current version of this plan, i.e., the version adopted in 2016 to provide substantial evidence for any finding that the Project is consistent with planning documents including that RTP/SCS. *See* 2016 RTP/SCS Executive Summary.⁷

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⁷ SCAG 2016 RTP/SCS available at: <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>; accessed July 27, 2018.

Despite analyzing the Project's consistency with an outdated version of the RTP/SCS, the DEIR correctly acknowledges that "SCAG policies largely focus on achieving job and housing balance within individual communities throughout the region, encouraging development patterns and densities that reduce infrastructure costs and reliance on automobile, and promoting public transit use." DEIR at 3.0-7. The proposed Project would do none of this. It would develop housing in a remote location, far away from employment centers. And, rather than reduce reliance on the automobile, residents of the development would be forced to drive to all of their destinations as there is no transit service in the area. Consequently, the Project is wholly inconsistent with the RTP/SCS's overarching strategy.

In order to achieve the RTP/SCS's overarching strategy, the plan sets forth numerical goals. The Project is inconsistent with each of the following:

- Reduce the amount of previously undeveloped (greenfield) lands converted to more urbanized uses by 23 percent. RTP/SCS Executive Summary at 2, 9. The Project would be inconsistent with this RTP/SCS goal because it would develop a greenfield, rather than growing in more compact communities in existing urban areas.
- Increase daily travel by transit by nearly one-third, as a result of improved transit service and more transit-oriented development patterns. RTP/SCS Executive Summary at 9. The Project would be inconsistent with this RTP/SCS goal because it does not promote transit-oriented development and would increase travel by automobile rather than by transit.
- Ensure a 7 percent reduction in vehicle miles travelled. RTP/SCS Executive Summary at 9. Largely because the Project is located in a remote area within the County, the Project would result in an additional 2,357,999 vehicle miles traveled. *See* DEIR, Appendix E at pdf page 23.

IV. The DEIR Fails to Adequately Evaluate the Project's Contribution to Climate Change.

Analysis of the Project's climate change impacts is particularly important because existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional greenhouse gas ("GHG") emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th

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98, 120 (“[T]he greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant.”); *see also* *Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2007) 508 F.3d 508, 550 (“[W]e cannot afford to ignore even modest contributions to global warming.”). Here, the DEIR appears to rely on faulty thresholds of significance and underestimates the Project’s increase in GHG emissions.

A. The DEIR Appears to Rely on Faulty Thresholds of Significance.

Determining whether or not a project may result in a significant adverse environmental effect is a key aspect of CEQA. CEQA Guidelines § 15064(a) (determination of significant effects “plays a critical role in the CEQA process”). Under CEQA, agencies use thresholds of significance as a tool for judging the significance of a Project’s impacts. CEQA Guidelines §§ 15064.4, 15064.7. The Resources Agency recently updated the CEQA Guidelines by adopting recommendations on how agencies may analyze the significance of a project’s GHG emissions. One of the factors for determining the significance of Project GHG impacts in the Guidelines is whether the project “may increase or reduce greenhouse gas emissions compared to the *existing environmental setting*.” CEQA Guidelines § 15064.4(b)(1) (emphasis added). In any event, the EIR must choose a threshold reduction level for the project that is factually related to achieving the statewide goals, and that choice must be supported by substantial evidence. *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228.

Here, while the DEIR quantified the Project’s anticipated GHG emissions, it relied on an impermissibly narrow significance threshold. The DEIR looked to “analysis methodologies” from the South Coast Air Quality Management District (“SCAQMD”) to conclude that the Project would not result in a significant increase in greenhouse gas (“GHG”) emissions because its emissions would be below the SCAQMD threshold of significance. DEIR at 3.7-10. Specifically, the DEIR states that if a residential project’s GHG emissions are below 3,500 carbon dioxide equivalent metric tons (“MT CO₂e”) per year, the project’s impact is less than significant. *Id.* The DEIR does not cite to a specific SCAQMD source to support the use of the 3,500 MT CO₂e per year threshold.

SCAQMD has adopted interim CEQA GHG significance thresholds, but only for stationary sources. It has not adopted thresholds of significance for residential sources of GHG emissions. *See* Interim CEQA GHG Significance Threshold for Stationary Sources,

Rules and Plans, SCAQMD, December 5, 2008.⁸ If the DEIR intends to rely on the SCAQMD thresholds of significance for residential sources (or any other thresholds), it must provide documentation that such thresholds are supported by substantial evidence. Otherwise, the DEIR should analyze the impact of those emissions as compared to the existing environmental settings. Guidelines § 15064.4(b)(1).

B. The DEIR Underestimates the Project's Increase in GHG Emissions.

The DEIR estimates the Project would emit 1,972 MT CO₂e per year. DEIR at 3.7-13. However, it appears that the DEIR substantially underestimated GHG emissions associated with mobile source emissions from motor vehicle trips generated by the Project's residents.

The Project's mobile source emissions account for a full 57% of the Project's operational emissions.⁹ See DEIR at Table 3.7-3, p. 3.7-13. The DEIR arrives at its GHG emission estimates by calculating the Project's trip generation and average trip length to determine total vehicle miles travelled ("VMT"). See DEIR Appendix E, Preserve at San Juan Operational Emissions – South Coast Air Basin, Annual Operational Emissions, pdf page 23. Specifically, the DEIR assumes that residents of the Project would generate 690 vehicular trips per day and that they would enjoy relatively short commutes of 9.36 miles on average.¹⁰ *Id.*

However, given the remote location of the Project, it is highly unlikely that residents of the Project would work nearby. To the contrary, job centers in the region are located considerably further away in Irvine (51 miles), Orange (50 miles), Temecula (29 miles), Riverside (54 miles), Escondido (57), and Dana Point (42 miles). The DEIR provides no support for this improbable assumption regarding trip length and VMT. Had the DEIR assumed realistic trip lengths, the Project's mobile source GHG emissions

⁸ Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans, SCAQMD, December 5, 2008; available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); accessed July 27, 2017.

⁹ The Project's mobile source emissions equal 1,102 MT CO₂e per year. The Project's total operational emissions are 1,925 MT CO₂e per year. DEIR at 3.7-13.

¹⁰ The Project's annual VMT of 2,357, 999 divided by 365 days equals 6,460 daily VMT, divided by the average daily trip rate of 690 equals 9.36 miles. DEIR Appendix E, Preserve at San Juan Operational Emissions – South Coast Air Basin, Annual Operational Emissions, pdf page 23.

would greatly exceed those assumed in the DEIR. The revised EIR should recalculate the Project's mobile-source GHG emissions based on realistic estimates of average trip lengths.



V. The DEIR's Analysis of Project Alternatives is Inadequate.

Under CEQA, a proper analysis of alternatives is essential to comply with the Act's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights I*, "[w]ithout meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d at 404.

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Critically, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision-making and public participation." CEQA Guidelines § 15126.6(a); *Laurel Heights I*, 47 Cal.3d at 404 ("An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision-making."). The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b). The DEIR for the Project fails to heed these basic mandates.

A. The DEIR Fails to Include a Reasonable Range of Alternatives.

As described in this letter, the DEIR fails to reveal the severity and extent of the Project's impact on sensitive wildlife and plant communities. The DEIR also lacks the evidentiary support that mitigation measures would effectively reduce these impacts to less than significant levels. Thus, the DEIR must be recirculated to analyze the Project's full impacts and identify mitigation measures or alternatives that could feasibly avoid or minimize those impacts.

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While there is no "magic number" for how many alternatives an EIR should examine to present a "reasonable range," at a minimum CEQA requires an agency to examine at least potentially feasible alternatives to try to avoid or substantially lessen significant environmental impacts that are central to a project. *See Watsonville Pilots*

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Ass'n v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089-90 (EIR was deficient for failing to include reduced development alternative that would avoid or substantially lessen the project's primary growth-related significant impacts); *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1285, 1305 (invalidating EIR that failed to discuss any feasible alternative addressing the project's primary water supply impact). Furthermore, for a controversial development project on an ecologically and aesthetically valuable site such as this one, the agency should evaluate multiple alternatives in order to help inform the decision-makers and the public of the potential short and long-term consequences of this Project. Such evaluation of alternatives is especially important for this Project, where a number of the Project objectives center around preservation of the site's environmentally sensitive resources. *See* DEIR at 5-2.

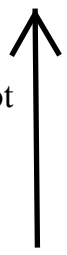
Other than the No-Project/No Build Alternative, the DEIR identifies only two alternatives. Alternative 2 (Decreased Density Single Phase) would develop 29 units on the north parcel and eliminate development altogether on the south parcel and Alternative 3 (Decreased Density Both Phases) would develop 22 unit on the south parcel and 14 units on the north parcel for a total of 36 units. DEIR at 5-3. Both of these alternatives are a step in the right direction because they would reduce the development footprint thereby reducing the destruction of sensitive habitats. Yet, without sufficient surveys for special status plant and wildlife species and jurisdictional features on the Project site, it is not clear which portions of the site are the least environmentally sensitive. The revised EIR must first clearly delineate the most biologically important lands and then determine the optimal location and amount of development. Such an approach would be consistent with numerous Project objectives calling for development that is compatible with the surrounding natural area and sensitive to the site's environmental constraints. *See* DEIR at 5-2.

B. The County May Not Approve the Project if a Feasible Alternative Would Diminish or Avoid its Significant Environmental Impacts.

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau*, 221 Cal.App.3d at 731; *see also* CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth*, 198 Cal.App.3d at 443-45. An alternative need not meet every Project objective or be the least costly in order to be feasible. *See* CEQA Guidelines § 15126.6(b).

The DEIR acknowledges that Alternative 3 (36 units) is the environmentally superior alternative. DEIR at 5-17, 18. The DEIR asserts that this alternative would not

meet some of the project objectives to the same extent as the proposed Project. *Id.* Yet, rather than describing how Alternative 3 fails to meet the project objectives, the DEIR discusses the alternative's decreased ability to meet market demand. The DEIR does not include an objective that calls for meeting market demand. It is clear that Alternative 3 would further the Project objectives every bit as well as the proposed Project. Consequently, approval of the Project, or any alternative project with greater impacts than Alternative 3 would violate CEQA.



VI. The DEIR Must Be Recirculated.

Under California law, this DEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so “fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” CEQA Guidelines § 15088.5.

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Here, both circumstances apply. Decision-makers and the public cannot possibly assess the Project's impacts, or even its feasibility, through the present DEIR, which is riddled with errors. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and assumes that unformulated or clearly useless mitigation measures will effectively reduce these impacts. In order to resolve these issues, the County must prepare a revised EIR that would necessarily include substantial new information.

Best regards,

SHUTE, MIHALY & WEINBERGER LLP

Laurel L. Impett, AICP, Urban Planner

Sarah Sigman

cc: Scott Thomas, Sea & Sage Audubon

Letter 17: Shute, Mihaly & Weinberger, LLP

Comment 1: This is an introductory statement that Shute, Mihaly & Weinberger (SMW) submitted comments on behalf of Sea and Sage Audobon Society. In addition, the comment states that the Draft EIR fails to comply with the requirements of CEQA, Public Resources Code Section 21000 et seq, and the CEQA Guidelines, California Code of Regulations, Title 14 Section 15000 et seq.

Response 1: As demonstrated throughout these responses, the Draft EIR analysis is adequate and meets the requirements of CEQA. This comment does not identify any specific concern or question regarding the adequacy of the Draft EIR; hence, no further response is required to this comment. See the responses to specific comments below.

Comment 2: The comment states that the EIR is intended to demonstrate that the agency has analyzed and considered the ecological implications of its action, and that because the EIR must be certified or rejected by public officials, it is a document of accountability. The comment also expresses opposition to the project, and states that the project is contrary to regional planning principals. In addition, the comment states that the Draft EIR does not provide specific information about traffic hazards on Ortega Highway, consistency with the County General Plan, Southern California Association of Governments (SCAG)'s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or the project's contribution to climate change; and only considers a limited range of alternatives. The comment further states that the Draft EIR fails to fully and accurately inform decision-makers and the public of the environmental consequences of the project, does not satisfy the basic goals of CEQA, and will require recirculation of a revised DEIR.

Response 2: As further detailed in the following detailed responses, the Draft EIR has adequately evaluated traffic hazards, consistency with regional plans, greenhouse gas emissions that would be generated from the project that could contribute to climate change, and considers a reasonable range of feasible alternatives as required by CEQA Guidelines Section 15126.6(a). In addition, CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, states that a Lead Agency is required to recirculate an EIR when "significant new information" is added to the EIR after it has been circulated for public review. "Significant new information" includes a new significant impact; a substantial increase in the severity of an environmental impact; identification of a feasible alternative or mitigation measure that the proponents decline to adopt; or fundamental inadequacy of the Draft EIR. As explained in the following detailed responses, the Draft EIR identified the significant impacts associated with adoption of the proposed project, mitigation to reduce impacts, and no new significant impacts or other "significant new information" has been identified.

Comment 3: This comment states that the Draft EIR fails to meet CEQA's well-established standards because it underestimates the severity of impacts to biological resources and neglects to identify sufficient mitigation, and thus, the Draft EIR violates CEQA.

Response 3: The potential impacts related to biological resources are fully evaluated in Section 3.4, Biological Resources, and within Appendix C (biological resource technical studies) of the Draft EIR. As

detailed in the Draft EIR, several mitigation measures have been included, which, in addition to the Project Design Features and implementation of existing regulations as required by the County and state and federal wildlife agencies, would reduce potential impacts to biological resources to a less than significant level. Furthermore, the Draft and Final EIRs have been prepared in compliance with CEQA, the CEQA Guidelines, and the County's CEQA implementation procedures, and do not violate CEQA.

Comment 4: This comment provides CEQA Guidelines information related to baseline physical conditions, and states that the Draft EIR relies on surveys for special-status species and sensitive natural communities that are out-of-date and were conducted during an extreme drought. The comment states that the Draft EIR cannot rely on surveys conducted during a drought to make generalized assumptions about resources in the project area. The comment states that approximately 16 individuals of Coulter's matilija poppy were observed the 2006 surveys, but because the Draft EIR relies on surveys that were conducted during the drought conditions, the Draft EIR concludes that the Coulter's matilija poppy no longer occurs on the project site.

Response 4: CEQA requires that baseline studies for environmental resources occur at the time that environmental analysis for an EIR is commenced. Page 3-3 of the Draft EIR provides a description of the Environmental Setting/Baseline for the Draft EIR. CEQA Guidelines Section 15125 states that "*An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to gain an understanding of the significant effects of the proposed project and its alternatives.*"

Two Notice of Preparations and Initial Studies were published for the proposed Preserve at San Juan Project. A Notice of Preparation/Initial Study was prepared and distributed on September 26, 2013. In addition, a revised Notice of Preparation/Initial Study was circulated on October 16, 2014 in response to changes to the project description regarding the number of residential units and wastewater treatment systems, which occurred in response to the findings of wastewater related technical studies that were completed for the proposed project.

The changes to the project, and related revised Notice of Preparation/Initial Study in 2014 were not related to biological resources, and the baseline for biology is consistent with the biological surveys and studies of the proposed project that occurred in 2012 and 2013. As detailed in the Biological Resources Assessment (Appendix C1 of the Draft EIR), the onsite surveys were conducted during the appropriate time of year (e.g., in accordance with the appropriate blooming period for special-status plants). Thus, the baseline conditions relevant to biological resources are appropriate pursuant to CEQA.

In addition, as included in the Biological Resources Assessment (Draft EIR Appendix C), describes that field assessments of the project site were completed in: 2004, 2005, 2006, 2008, 2010, 2012, and 2013 and provided additional background information and species occurrence data. This 9-year span of

biological surveys and investigations conducted pursuant to USFS, CDFW, and CNPS methodology occurred during a range of normal climatic conditions and blooming periods for special status plants. California experienced an extreme drought between 2014 to 2017. However, drought conditions did not exist during time of the 2012 and 2013 field surveys (LA Times 2017), and the project's mitigation is based on these surveys (as well as data provided by the previously conducted surveys from 2004, 2005, 2006, 2008, and 2010). Therefore, the surveys were conducted when potential sensitive wildlife and plant species are likely to be present if in existence onsite.

As detailed in Section 3.4, Biological Resources of the Draft EIR and the Biological Resources Assessment (Appendix C1 of the Draft EIR) Coulter's matilija poppy was observed at one location within the northeast corner of the Phase 1 (south parcel), during 2006 surveys; however, none were observed during the most recent sensitive plant surveys conducted in 2012-2013. The area in which this species was previously found was dominated by a dense layer of Spanish broom (*Spartium junceum*); thus, it is suspected that this non-native broom may have outcompeted the Coulter's matilija poppy and that it no longer occurs on-site. In addition, the location that the Coulter's matilija poppy was observed is proposed to remain in open space, and is not adjacent to the proposed development. Based on this, it was determined in the Draft EIR and Biological Resources Assessment (Appendix C1 of the Draft EIR) that the no impacts to Coulter's matilija poppy are anticipated to occur.

Coulter's matilija poppy is a perennial rhizomatous herb. Surveys were conducted during the appropriate blooming period for this conspicuous species, and even if this species was not blooming at the time of focused surveys, it would have been detectable if present, since it is a perennial herb. Regardless, this species is a CNPS Rank 4.2 species, and is considered a Watch List species by CNPS and no official protection is provided under this listing. Furthermore, as shown on Figures 2-10 and 2-11 of the Draft EIR, the project proposes to incorporate Coulter's matilija poppy into the Conceptual Landscape Plan. Thus, a local population of Coulter's matilija poppy is proposed for the site, and impacts related to this species would not occur from implementation of the proposed project.

Comment 5: This comment states that the Draft EIR fails to provide focused surveys or a habitat assessment, for Quino checkerspot butterfly (QCB) despite the fact that the study area has the potential to support QCB. The comment states that the Draft EIR is deferring analysis related to the QCB, which is allowed only if there is an articulated reason for the deferral, and the Draft EIR provided no such explanation.

Response 5: The Draft EIR does not defer analysis related to QCB. A description of the potential for QCB to occur on the project site and mitigation measures have been included in the Draft EIR. As detailed on pages 3.4-29 and 3.4-30 of the Draft EIR, QCB is not known to occur in the area. The nearest recorded occurrence of QCB is w 4.4 miles to the east and 6.6 miles to the east-northeast, and the project contains predominantly unsuitable habitat that limits the likelihood of this species onsite. Although small portions of the biological study area do support patches of potentially suitable habitat within open scrub and non-native grasslands that could have QCB potential, the two primary host plants, dwarf plantain (*Plantago erecta*) and purple owl's clover (*Castilleja exserta*), were not observed during the 9 years of biological surveys.

However, to ensure that impacts to QCB would not occur, the Draft EIR conservatively includes Mitigation Measure MM 3.4-4 that requires a QCB habitat assessment by a certified QCB biologist and coordination with the USFWS prior to project construction to ensure that impacts to this species would not occur. As outlined in Mitigation Measure MM 3.4-4, if it is determined by the habitat assessment and/or coordination with the USFWS that focused surveys are needed, focused surveys will be conducted, and if Quino checkerspot butterfly are found, the habitat would be mitigated at a minimum 1:1 mitigation-to-impact ratio, subject to approval by the USFWS through Section 7 consultation. This is not deferring an impact assessment because the Draft EIR determined that the potential of the species to occur is very low and that impacts would be less than significant; but the project would be required to implement supplemental surveys and appropriate coordination with agencies immediately prior to construction to further ensure that impacts would not occur. Moreover, the mitigation measure contains a performance standard for the mitigation. Thus, the Draft EIR includes Mitigation Measure MM 3.4-2 that would implement construction BMPs to reduce potential impacts to the QCB, and Mitigation Measure MM 3.4-4 that requires a QCB habitat assessment by a certified QCB biologist and coordination with the USFWS.

Comment 6: This comment states that the Draft EIR dismisses the potential for impacts to fairy shrimp because the shrimp were not observed during surveys, and arrives at this same conclusion regarding western spadefoot, a sensitive amphibian species, that has the potential to occur on-site within the seasonal ponds. The comment states that it makes no sense to rely on surveys of aquatic ecosystems that were conducted during an extreme drought.

Response 6: As described in Response 2 previously, the surveys conducted for the project were done during normal climatic conditions and non-drought years. Section 3.4, Biological Resources of the Draft EIR and the Biological Resources Assessment (Appendix C 1 of the Draft EIR) describe that focused surveys for fairy shrimp were conducted in the potential habitat areas that exist in Phase 2 (north parcel) in accordance with the USFWS Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods. A wet season survey and a dry season survey were completed in 2005-2006 for five ponds; a wet season survey was conducted in 2012-2013 for two ponds because they were the only ponds that inundated; and a dry season survey was conducted in October 2013 of three ponds, as directed by USFWS staff. None of the surveys identified any fairy shrimp. The detail of these surveys is provided within Appendix C of the Draft EIR. Fairy shrimp require habitat consisting of ponded water lasting for periods of two to eight months that periodically dries out during the late spring and summer months, inundation is required for fairy shrimp to hatch. Per USFWS protocol, dry season surveys were specifically conducted to determine presence/absence for the fairy shrimp within suitable habitat during dry conditions by collecting soil samples and processing them to determine if any cysts (i.e., Branchiopod eggs) were identified. All of the onsite surveys during both wet and dry seasons over the various years were negative.

Regarding the western spadefoot, Section 3.4, Biological Resources of the Draft EIR describes that there is a low potential for western spadefoot to occur within the seasonal ponds on the Phase 2 (north parcel), and no western spadefoot were observed onsite. The Draft EIR analyzes potential impacts to this species appropriately. In addition to identifying the Project Design Features that would be implemented to reduce

the potential for impacts to this species, BMPs (implemented by Mitigation Measure MM 3.4-2) will be implemented to minimize impacts to these species, if present; and Mitigation Measure MM 3.4-3 requires a pre-construction survey and construction monitoring to avoid impacts to the western spadefoot. The Draft EIR describes that with implementation of Project Design Features and Mitigation Measures MM 3.4-2 and MM 3.4-3, impacts to the western spadefoot would be less than significant. Therefore, the Draft EIR does not limit the potential for species to occur, and includes specific mitigation measures, as necessary, to ensure that impacts to biological resources are reduced to a less than significant level.

Comment 7: This comment states that 12 sensitive plant species have the potential to occur within the study area; however, the Draft EIR acknowledges that portions of the biological resources study area were inaccessible and that they were observed only with binoculars. The comment also states that without up-to-date information and without conducting on-site surveys, it is not possible for the Draft EIR to evaluate impacts, and that the County must complete the required surveys for special-status plants and wildlife and recirculate the Draft EIR.

Response 7: The evaluation related to sensitive plant species included literature review that included the CNDDDB, CNPS Online Inventory of Rare and Endangered Plants, and the MSHCP. Sensitive plant surveys were conducted for the species listed by the CNDDDB, CNPS, and MSHCP. The Biological Resource Assessment (included in Appendix C of the Draft EIR) describes that sensitive plant surveys were conducted in accordance with the CNPS botanical survey guidelines, during the blooming periods of 2005, 2006, 2008, 2012, and 2013. The comment fails to note that the inaccessible areas that were observed with binoculars are: 1) dominated by almost monotypic stands of dense chamise shrubs with little to no understory, and does not support sensitive plant species; and 2) are areas that would not be developed by the proposed project. As detailed throughout the Draft EIR, the development footprint is located within the flatter and more disturbed portions of the project area, and as described in the Biological Resources Assessment (Appendix C 1 of the Draft EIR), the development areas are accessible by a network of dirt roads and were surveyed. Thus, the required surveys for special-status plants and wildlife in areas that would be impacted by the proposed project were appropriately completed. This comment does not include or require any significant new information (as described previously in Response 2) that would require recirculation of the Draft EIR.

Comment 8: This comment states that the Draft EIR neglects to adequately examine the project's direct and indirect impacts on biological resources, and that the Draft EIR concludes, without evidentiary support, that impacts on sensitive biological resources would be mitigated to an insignificant level. The comment states that the Draft EIR must be revised and recirculated.

Response 8: The potential direct and indirect impacts related to biological resources were evaluated in the Draft EIR and within the biological resources technical studies that are included as Appendix C 1 of the Draft EIR, both of which provide evidentiary support. In addition, the Draft EIR provides a series of mitigation measures that would be required to be implemented in coordination with the County, CDFW, and USFWS, which would reduce potential impacts related to biological resources to a less than significant level. This comment does not include or require any significant new information (as described previously in Response 2) that would require recirculation of the Draft EIR.

Comment 9: This comment states that the Draft EIR concludes that impacts to the coast range newt, would be less than significant largely because the coast range newt, is only expected to occur within seven percent of Long Canyon Creek, and that impacts to the Creek are not expected to drop populations of the coast range newt below self-perpetuating levels in the region. The comment states that the Draft EIR provides no explanation as to how it determined that the coast range newt, occupies only seven percent of the creek or why the project's impacts would not result in a substantial drop in coast range newt populations. Consequently, the Draft EIR lacks the evidentiary basis to determine that impacts on the coast range newt would be less than significant. The comment further states that to conclude that the impacts to the newt would be less than significant satisfactory surveys need to be conducted to determine the newt's range in the Creek.

Response 9: The Biological Resources Assessment (Appendix C 1 of the Draft EIR) describes that the coast range newt is assumed present onsite and was observed within the coast live oak forest and within a drainage feature. The Draft EIR does not state that the coast range newt is only expected to occur within seven percent of Long Canyon Creek. The Draft EIR states (on pages 3.4-28 and 3.4-29) that impacts to Long Canyon Creek would only occur within 7 percent of the creek area within the biological resources study area (which equates to 1.36 acres). In addition, the Draft EIR states that impacts to the coast range newt could occur during construction within this 1.36-acre area (page 3.4-28). The Draft EIR describes how implementation of the Project Design Features would reduce potential impacts, and that Mitigation Measures MM 3.4-1 through 3.4-3, that includes BMPs, pre-construction surveys and biological monitoring for sensitive species would reduce potential impacts to the coast range newt to a less than significant level. Therefore, the Draft EIR appropriately assumes the potential of coast range newts within a small area of the project site that would be affected by the project, and includes required mitigation to determine that impacts would be less than significant.

Comment 10: This comment states that the Draft EIR provides a perfunctory analysis of the project's potential to indirectly impact sensitive wildlife before concluding that any such impacts would be less than significant. The comment states that the Project Design Feature PDF-13 provides a lofty unenforceable goal to design the project to mimic the hydrological characteristics of the site and does not provide detailed information of how this would be accomplished. The comment also states that the Draft EIR relies on mitigation measures calling for compliance with SWRCB regulations. Furthermore, the comment cites recent court rulings and states that details relating to regulatory compliance should be included in the Draft EIR so that the document will meet the needs of the government agencies that will review or enforce permitting.

Response 10: As described on page 2-29 of the Project Description of the Draft EIR, mimicking the hydrological characteristics of the site would be done by clustering the residential sites, controlling development flows (runoff) with vegetated swales; infiltration basins; the incorporation of low impact development principles; and preserving the site's main drainage along the easterly boundary. As described on page 2-28 of the Draft EIR, and shown in Chapter 4 of this FEIR, the Project Design Features are included in the project's MMRP and would be monitored in the same manner as mitigation measures to ensure completion and/or implementation. It is described in Section 3.9, Hydrology and

Water Quality of the EIR (as referred to by Section 3.4, Biological Resources) that these project features would meet the hydromodification requirements established by the current South Orange County Municipal Separate Storm Sewer System Permit, Orange County Orange County Drainage Area Management Plan (DAMP), Orange County Local Implementation Plan, and the Hydromodification Management Plan for South Orange County, which is demonstrated in the engineering evaluation within the Preliminary Hydrology Analyses prepared for the project that are included as Appendix H of the Draft EIR.

The Project Design Features conserve natural pervious areas, disperse impervious area to reduce runoff, promote infiltration, and slow down surface flows. Runoff would be conveyed to vegetated swales, vegetated culverts, and detention/drywell systems, which have been designed to accommodate the stormwater runoff from the project and would control the velocity and amount of discharges offsite that would eliminate the potential for substantial increases in stormwater runoff. These measures would also prevent any sediment-laden water from discharging off-site by allowing the sediment to settle out. Additionally, the project is required to implement Water Quality Management Plans (WQMPs) to reduce the potential for pollutants to occur, which are also included as Appendix H of the Draft EIR. These requirements are designed to be implemented to ensure that impacts related to water pollutants, and indirect impacts to biological resources would not occur. The description of implementation of these requirements into the project is provided in Section 2.0, Project Description, Section 3.9, Hydrology and Water Quality (as referred to in Section 3.4, Biological Resources) and within Appendix H, Hydrology Reports, of the Draft EIR.

Thus, the Draft EIR does include a description and engineering details of how the hydrological characteristics of the site would be maintained, and which regulations would be implemented and enforced to ensure that drainage does not impact downstream biological resources. Details relating to enforcement of regulatory compliance are included the Draft EIR. It is described in Section 3.9, Hydrology and Water Quality, that a WQMP would need to be approved and implemented, and Mitigation Measure MM 3.9-1 is included to demonstrate compliance with California's General Permit for Stormwater Discharges Associated with Construction Activity and to track implementation of the required SWPPP. Furthermore, the Draft EIR describes that implementation of the existing requirements would be verified during the County and RWQCB permitting process prior to the receipt of grading, building, or operating permits (as required by the existing regulations).

Comment 11: This comment states that the Draft EIR ignores entirely the indirect impacts to other numerous sensitive wildlife species that have the potential to occur on the project site. Although human-adapted wildlife species, such as the raccoon, the common raven, domestic and feral cats, and the non-native rat could severely impact sensitive wildlife resources, the Draft EIR provides no discussion, let alone analysis of these impacts. Populations of these aggressive omnivorous species commonly increase in response to increased food sources associated with residential development: pet food left outside, garbage bins, and outdoor gardens and fruit trees. The EIR must be revised to analyze all of these potential indirect impacts to each of the sensitive species that occur on the project site.

Response 11: The Draft EIR evaluated potential for indirect impacts related to the open space and wildlife that is located adjacent to the project site. Specifically, the Biological Resources Assessment (Appendix C of the Draft EIR) describes that indirect impacts could include unnatural predators (e.g., domestic cats and other non-native animals), and 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 biological resources study area. As described in the Biological Resources Assessment, the evaluation of the potential edge effects was based on both the features of the proposed project and the biological values of the habitat and/or sensitivity of plant and wildlife species to be affected. The evaluation utilized Graphic Information Systems (GIS) technology to maximize the accuracy of the assessment.

In response to this evaluation Project Design Features were incorporated to minimize indirect effects at the urban/wildlands interface, which includes open space would in the western and northern portions of the project site to create a buffer between the proposed residential uses and the adjacent Cleveland National Forest lands; which would provide space between natural open space areas and the residential uses, and would reduce or avoid potential environmental edge effects of development. Project Design Features PDF-1 and PDF-2 provides large blocks of open space, adjacent to existing large blocks of open space, and PDF-20 provides for minimization of nighttime light levels, and ensuring that lighting is shielded from open space and off-site locations. In addition, as shown in Figures 2-6 and 2-7 of the Draft EIR, the development area would be enclosed by a 5-foot 6-inch high tubular steel fence, native landscaping, rocks/boulders, fencing, and other appropriate mechanisms, such as signage that would separate the development and natural open space areas, and keep residential activities within the gated area. Also, each residential lot would be walled or fenced off to prevent residential uses encroaching into natural open space areas. Additionally, Mitigation Measure MM 3.4-1 would implement Environmental Awareness Programs, which would provide awareness to residents of the sensitive wildlife species in the project area and to minimize potential indirect impacts. Thus, these types of potential indirect effects were not ignored, but included as design considerations, and then evaluated as part of the Draft EIR.

Comment 12: This comment discusses the wildlife corridor discussion in the Draft EIR, and states that the EIR must thoroughly describe how wildlife currently use the wildlife corridors through surveys; then analyze how the proximity of homes and other project features, including fences, roads, and lighting, would have on the use of these existing wildlife movement corridors. Then the EIR must evaluate the effect that increases in human activity have on specific wildlife species. The comments states that the Draft EIR should include actual analysis demonstrating that specific wildlife species would not abandon the corridor altogether. The comment states that Mitigation Measures MM 3.4-1 (construction worker education) and MM 3.4-2 (fencing the project site) fails to provide the required evidentiary analysis that these measures would protect existing wildlife corridors. Furthermore, the comment states that the Draft EIR neglects to present all relevant facts relating to wildlife movement on the project site and because its cursory conclusions lack any supporting analysis.

Response 12: The Draft EIR and Biological Resources Assessment includes a complete analysis about wildlife movement. As described, the analysis of wildlife movement associated with the biological study area and its surroundings is based on information compiled from the literature that details wildlife home

range sizes, migration patterns, and dispersal in the region. In addition, analysis of aerial photographs and topographic maps were conducted, and the relationship of the biological study area to large open space areas in the immediate vicinity (i.e., Cleveland National Forest) was evaluated in terms of connectivity and habitat linkages. In the field, biologists kept notes of animal signs and inspection of CNDDDB occurrences maps for the vicinity. The focus of the wildlife movement evaluation was to determine if alteration of current land use would have significant impacts on the regional movement of wildlife. As the biological study area consists of a large expanse of open space, not a distinct corridor area, wildlife corridors were not mapped, but the location of identified species was identified on aerial mapping of the project site.

Description of the existing wildlife species within the biological resource study area and types of movement needed to support the species is provided in Section 3.5.2 of the Biological Resources Assessment (Appendix C of the Draft EIR). As described within this section, the open areas, creeks, ridgelines, and roads within the study area, all facilitate wildlife movement in the form of travel routes for a variety of animal species. However, as described on page 29 of the Biological Resources Assessment, in its existing state, the area does not currently support wildlife corridors (i.e., a piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another) because the area does not represent open space within an otherwise mostly developed area. As there is currently little existing development within the project area, wildlife currently move freely through the area and are not limited to movement corridors.

An evaluation related to impacts to wildlife movement is provided in the Biological Resources Assessment (Appendix C1 of the Draft EIR), which includes identification of potential project impacts to creeks, and the feasibility of wildlife to use the planned open space areas, and the habitat within them, for movement. As detailed in the Biological Resources Assessment, the open space areas provided by the project would facilitate regional wildlife movement through and in between the proposed development areas in east-west and northwest-southeast directions within the open space area north of Long Canyon Road and along Long Canyon Creek, respectively (shown on Figure 3.4-7 of the Draft EIR). In addition, regional movement around the project footprint would exist in north-south and east-west directions via the open space areas that include drainages and natural vegetation that convey wildlife movement. Also, as described on page 101 of the Biological Resources Assessment, these movement areas around the project development areas are expected to facilitate regional wildlife movement for even secretive wildlife species, such as mountain lion, that could be deterred by the rural residential development and do not want to use the wildlife corridors through the open space and creek areas in between the proposed development areas. Therefore, it was determined that impacts to wildlife movement would be less than significant. Thus, contrary to this comment, the Draft EIR does provide a description of how wildlife currently uses the wildlife corridors and effects that the project may have.

In addition, the project includes Project Design Features and mitigation measures to further ensure that impacts would not occur. As described in the previous response, and on page 2-28 of the Draft EIR and Chapter 4 of this FEIR, the Project Design Features are included in the project's MMRP, and would be monitored in the same manner as mitigation measures to ensure completion and/or implementation. These Project Description Features include development of the proposed residences near roadways and provide

open space to buffer the Cleveland National Forest lands that are used for regional wildlife movement. Fencing, native landscaping, rocks/boulders, other similar barrier mechanisms, and signage would be used around the development areas to focus wildlife movement toward open space and habitat areas; and due to the streams, canyons, ridges, and open space areas that facilitate movement, which would be preserved by the project, wildlife movement areas would be maintained. In addition, the substantial fuel modification zones are identified as development areas, but would consist of open space, landscaped areas, and vineyards that would buffer the habitat areas that are used for wildlife movement. Furthermore, pursuant to Mitigation Measure MM 3.1-2, lighting is required to be designed and located, so that light is confined to onsite areas (such as residential lots and onsite roadways) and would not shine on open space or fuel modification areas. Thus, onsite lighting would be directed away from wildlife movement areas and would not deter wildlife movement. Furthermore, an education program to control unauthorized public access into open space areas will be implemented and maintained by the project's HOA pursuant to the project's CC&Rs. Overall, the EIR provided a conclusion regarding the significance of impacts to wildlife movement that is based on an analysis of the facts and relevant regulations, as detailed in Section 3.4, Biological Resources of the Draft EIR and the Biological Resources Assessment, provided as Appendix C1 of the Draft EIR.

Comment 13: This comment states that the Draft EIR identifies numerous plant and animal species that have the potential to occur within the study area but concludes that the provision of open space would reduce any impacts to a less than significant level. The comment also states that similar findings were identified related to indirect impacts. In addition, the comment states that Project Design Features cannot serve as de facto mitigation for its impacts, allowing the Draft EIR to avoid disclosing impacts as significant. The comment states that determining whether or not a project may result in a significant adverse environmental impact is a key aspect of CEQA. Without a significance finding, the Draft EIR cannot adequately identify mitigation for the impact.

Response 13: The comment misconstrues the analysis within the Draft EIR. As detailed in Section 3.4, Biological Resources of the Draft EIR and the Biological Resources Assessment (Appendix C of the Draft EIR), the identification of potential direct and indirect impacts to plant and animal species that could occur within the study area were based on the potential for these species to exist within or adjacent to the project's development footprint; and evaluation of impacts to these species with implementation of the project, including the Project Description Features that would be required to be implemented, pursuant to their inclusion in the MMRP. The Draft EIR did not determine that impacts would be less than significant because open space was to be preserved. Rather, the preservation of open space areas containing native habitat suitable to support sensitive species was considered in each species-specific analysis of whether project impacts were likely to directly or indirectly impact a particular species and potentially reduce their populations below self-sustaining levels. Impacts that were determined to be potentially significant with implementation of all the required Project Design Features and regulations that would be implemented by the permitting authorities, were identified as such, and mitigation measures were identified to reduce the potential direct and indirect impacts to occur to specific species. As listed in the Draft EIR, 8 different mitigation measures were provided (Mitigation Measures MM 3.4-1 through MM 3.4-8) *to ensure that impacts to biological resources are reduced to a less than significant level. This evaluation has been previously described in Responses 4 through 7, and 9.*

Comment 14: This comment states that the Draft EIR fails to evaluate the significance of the project's impacts separately from preservation of the 414 acres offsetting the loss of habitat on the project parcel. The comment states that the EIR fails to make the necessary evaluation and findings concerning the mitigation measures that are proposed, and fails to consider whether there may be other more effective mitigation options, thereby omitting information that is necessary for the informed decision-making and public participation that CEQA requires. Furthermore, the comment states that a finding of significance triggers the requirement that the project include enforceable mitigation, as well as a monitoring program, which is lacking here.

Response 14: As described in Response 13, previously, the significance determinations in the Draft EIR were based on the potential of species to occur and habitat existence, and the potential of the project (both directly and indirectly) to impact species and habitat. The Draft EIR did not determine that impacts would be less than significant because open space was to be preserved. Rather, the preservation of open space areas containing native habitat suitable to support sensitive species was considered in each species-specific analysis of whether project impacts were likely to directly or indirectly impact a particular species and potentially reduce their populations below self-sustaining levels. Impacts that were determined to be potentially significant with implementation of all the required Project Design Features and regulations that would be implemented by the permitting authorities, were identified as such, and mitigation measures were identified to reduce the potential direct and indirect impacts to occur to specific species. Thus, the Draft EIR provides the required evaluations, and includes appropriate mitigation. Furthermore, as provided in Chapter 4 of this Draft EIR, an MMRP has been prepared, which would ensure that all Project Design Features and mitigation measures are appropriately implemented to ensure that impacts to biological resources would be reduced to a less than significant level. Thus, an enforceable mitigation monitoring program is not lacking.

Comment 15: This comment states that the Draft EIR lacks any detailed assurance as to how the preservation of open space will be accomplished. In particular, the Draft EIR provides no indication—much less binding assurance—that the 414 acres would be preserved in perpetuity under a conservation easement, deed restriction, or other appropriate mechanism.

Response 15: The Project Description (Section 2.0 of the Draft EIR) provides a description of how the open space area would be preserved. As described, the project proposes to retain 414.6 acres or 71 percent of the project site in open space. Project Design Feature PDF-1 includes offering the currently private lands to the U.S. Forest Service. The open space area would be retained in its existing condition; and the open space areas do not include the fuel modification zones, which are identified as developed acreage in the Draft EIR. The retention of open space is central to the objectives of the project description, and the Project Design Features (including PDF-1 to retain the open space) are included in the MMRP to ensure implementation as part of the project (refer to Draft EIR Chapter 1, Table 1-5). If the offer is accepted by the U.S. Forest Service, the open space area lands would be incorporated into and managed as part of the Cleveland National Forest. The U.S. Forest Service was contacted regarding the offer and stated that they will consider accepting the donation after the project is approved. If not managed by the U.S. Forest Service, the open space areas would be delineated and placed within an open space easement for

permanent preservation. Maintenance of the open space easement would be the responsibility of the HOA and would be funded by the HOA fees paid by homeowners.

Comment 16: This comment states that the Draft EIR implies that much of the project site is located within the Riverside County MSHCP; however, only a portion of the project site is within the MSHCP. The comment further states that the EIR must clearly identify those portions of the project site that are located outside of the MSHCP, and must clearly identify the species are or are not covered by the MSHCP.

Response 16: As stated in CDFW Response 3, the Draft EIR correctly identifies that a portion of the biological resources study area is within the MSHCP area, and provides a specific analysis related to that portion of the project area, the proposed activities in that area, potential impacts related to those activities, and specific mitigation (MM 3.4-8) related to MSHCP species of concern and policies, which are contained within pages 3.4-46 through 3.4-51 of the Biological Resources Section of the Draft EIR, and in the Biological Resources Assessment (Appendix C1 of the Draft EIR). Appropriately, consideration of the MSHCP's potential to mitigate impacts was included only for the portion of the biological resources study area that is within Riverside County and under the jurisdiction of the MSHCP.

Comment 17: This comment states that mitigation measures require substantial evidence in the record demonstrating that the measures are feasible and will be effective, and that substantial evidence consists of facts, a reasonable presumption predicated on fact, or expert opinion supported by fact. The comment further states that the Draft EIR fails to adopt enforceable mitigation measures that would substantially reduce these impacts. The comment states that Mitigation Measures MM 3.4-1 and MM 3.4-2 do nothing to ensure that sensitive wildlife resources will be protected.

Response 17: As described in Responses 13 and 14, the information and evaluation within the Draft EIR and the Biological Resources Assessment is based on fact from literature reviews, record searches, qualified biologists, and field surveys, and the potential of the project to impact specific species and habitats. Mitigation measures were prepared by biological experts based on facts related to the ability of the measures to reduce potential impacts. As described previously, after identification of the potential impacts that the project could generate, the Draft EIR identifies the Project Description Features that would be implemented, which would reduce potential impacts, and be enforced through implementation of the MMRP. Where additional measures were deemed necessary to ensure impacts would be less than significant, mitigation measures were identified biologist experts. All of the measures that have been included in the Draft EIR are feasible and effective in reducing potential impacts.

Regarding Mitigation Measure MM 3.4-1, the measure requires worker training from a County-approved biologist to ensure that regulations related to sensitive wildlife and plant species are implemented. The measure provides assurance that the regulatory required actions are conducted, which would reduce potential impacts. Mitigation Measure MM 3.4-2 will ensure the protection of sensitive species by providing a biological monitor onsite during the construction phase, providing fencing to keep sensitive species from construction areas, ensuring that any wildlife species are not located within construction areas, or are removed unharmed, maintaining a distance from drainage habitat areas, and ensuring

pollutants do not leave construction areas and are immediately cleaned up. All of these actions will provide for the protection of sensitive species.

Comment 18: This comment states that Mitigation Measures MM 3.4-3 and 3.4-4 require a pre-construction survey and construction monitoring to avoid impacts to protected species. But states that these measures result in a study conducted after approval of a project that will have a diminished influence on decision making. The comment further states that the Draft EIR must provide mitigation for these indirect impacts to ensure they are reduced to a less than significant level.

Response 18: As described in the previous responses, including: Responses 4 through 7, Response 9, Responses 12 and 13, and Response 17, extensive studies of the project area were conducted, which included literature reviews, database searches, field surveys to determine the potential for sensitive species to occur, and for those that may occur on site the evaluation determined the potential for the specific species to be impacted by implementation of the project. As described throughout the Draft EIR, the project site is 584.1 acres and 71 percent of it (414.6 acres) would be preserved. Thus, much of the existing habitat area on the project site would not be developed, which limits the potential impact area. The potential direct and indirect impacts to species that could occur from development of the project footprint have been described based on the existence of habitat and the potential for species to occur within or nearby the development area. For example, on pages 3.4-29 through 3.4-31 of the Draft EIR Mitigation Measure MM 3.4-3 was implemented to protect the coast range newt, western spadefoot, and a variety of reptile and mammal species because they were determined to have the potential to occur within the construction area, and could be impacted. However, the project would preserve large areas of suitable native habitat to provide for these species that is contiguous to other large regional open space areas, and it was determined that potential impacts to these species potentially occurring within the project footprint are not expected to threaten regional populations. Furthermore, with implementation of this mitigation measure and other required measures, which would provide additional protection for the species, impacts would be reduced to a less than significant level.

Similarly, as described previously in Response 5, portions of the biological study area have been identified to support open scrub and non-native grasslands that have QCB potential. Thus, the Draft EIR includes Mitigation Measure MM 3.4-2 that would implement construction BMPs to reduce potential impacts to the QCB, and Mitigation Measure MM 3.4-4 that requires a QCB habitat assessment by a certified QCB biologist and coordination with the USFWS to ensure that impacts to this species would be less than significant level. As outlined in Mitigation Measure MM 3.4-4, if it is determined by the habitat assessment and/or coordination with the USFWS that focused surveys are needed, focused surveys will be conducted, and if Quino checkerspot butterfly are found within the study area, any potentially significant impacts to Quino checkerspot butterfly habitat will be mitigated at a minimum 1:1 mitigation-to-impact ratio, subject to approval by the USFWS through Section 7 consultation. However, the two primary host plants, dwarf plantain (*Plantago erecta*) and purple owl's clover (*Castilleja exserta*), were not observed during the 9 years of biological surveys, and therefore, the potential for occurrence is considered to be low. In compliance with CEQA, the Draft EIR identified the existing habitat and species that could occur within the project area, the potential impacts to the project with all of the required actions and regulations,

and then included mitigation measures to ensure that the identified impacts would be reduced to a less than significant level.

Comment 19: This comment provides CEQA guidelines information about the requirements to evaluate cumulative impacts, and states that the Draft EIR's analysis of cumulative impacts to biological resources is cursory and incomplete and does not come close to meeting CEQA's clear legal standard. The comment states that the Draft EIR does not include a list of approved and pending projects or a summary of projections, as required by CEQA. The comment states that the Draft EIR makes no attempt to identify the location of important habitat areas, to identify those other projects that would impact the same species and habitat affected by the proposed project, to quantify the expected losses to sensitive species and habitats from these myriad projects, and, finally, to analyze the significance of the expected impacts. The comment further states that the Draft EIR must include a comprehensive analysis of the project's cumulative effects on sensitive habitats and wildlife species and identify feasible mitigation for impacts deemed to be significant.

Response 19: The cumulative information regarding the evaluation of cumulative impacts is provided in Section 3.02, Cumulative Impacts of the Draft EIR. As described, CEQA Guidelines Section 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from a list of projects, summary of projections, or a reasonable combination of the two. Then on page 3-6 of the Draft EIR it is described that the cumulative analysis for air quality, greenhouse gas emissions, and traffic relies on projections contained in adopted local, regional, or statewide plans or related planning documents; and the cumulative analyses for other environmental issues (such as biology) use the list of projects approach. The list of reasonably foreseeable future projects is provided as Table 3-1 and shown as Figure 3-1 of the Draft EIR and in Chapter 3 – Revisions to the Draft EIR. Thus, the Draft EIR does include a list of projects and a summary of projections, as required by CEQA.

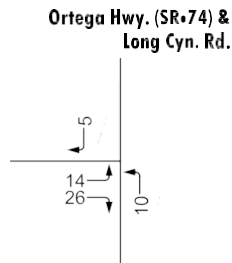
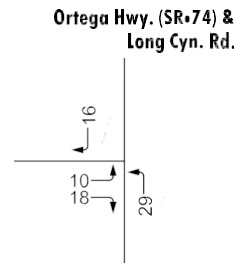
In addition, page 3-6 of the Draft EIR describes that different types of cumulative impacts occur over different geographic areas. For example, the geographic scope of the cumulative air quality analysis, where cumulative impacts occur over the regional air quality basin, is different from the geographic scope considered for cumulative analysis of biological resources, for which cumulative impacts are limited to adjacent areas. Thus, in assessing biological resources impacts, only the adjacent southeastern portion of Orange County and the adjacent southwestern portion of Riverside County that includes the mountainous and topographic open space and habitat, which is similar to that of the project site is analyzed. In addition, as set forth in the *CEQA Guidelines* Section 15130(b) and described on page 3-5 of the Draft EIR, “*the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone.*” CEQA Guidelines direct that the discussion should be guided by practicality and reasonableness, and focus on the cumulative impacts that would result from the combination of the proposed project and other projects. Thus, the discussion of cumulative biological impacts was appropriately focused on the severity of impacts; as described within the Draft EIR would be reduced to a level of less than significance with implementation of existing regulations as verified by permitting agencies, Project Description Features that would be implemented through the MMRP, and the mitigation measures, which would ensure that impacts would be less than significant.

As described in the Draft EIR and Biological Resource Assessment, the mitigation measures would that would mitigate lost habitat to ratios that include: 1:1 for Quino checkerspot butterfly, between 3:1 to 12:1 for oak woodlands, 2:1 for southern willow scrub, 1:1 for riparian/riverine habitat, and 2:1 for supporting riparian vegetation. With regard to wildlife migration, wildlife currently moves freely throughout the study area. Upon project implementation, wildlife movement would not substantially be inhibited within the preserved open space areas, which are located adjacent to existing regional open space areas. The project design of clustering development into two areas would preserve wildlife movement between Phases 1 and 2 within the Long Canyon Creek area and adjacent open space. Consequently, there would be no cumulatively considerable impact to wildlife movement that would be contributed by the proposed project. With implementation of the identified mitigation measures an adverse impact related to biological resources would not occur, that could combine with other potential projects to be cumulatively considerable. Thus, the Draft EIR includes a CEQA appropriate cumulative analysis that identifies mitigation measures to reduce the potential for significant impacts.

Comment 20: This comment states that Ortega Highway is considered by some to be the most dangerous road in the state, and that the project would add nearly 700 vehicles per day to a roadway that already operates at Level of Service (LOS) F. The comment further states that the Draft EIR does not adequately evaluate the project's potential to increase hazards along Ortega Highway. The comment states that the EIR must identify Ortega Highway's existing accident rate, as identified by Caltrans and then evaluate the project's potential to increase the rate of accidents.

Response 20: Ortega Highway does not currently operate at an LOS F. The current operation of the roadway is shown in Table 3.15-2 of the Draft EIR where it shows that the lowest peak hour LOS is D in the a.m. and p.m. peak hours. Pursuant to the requirements of CEQA and the CEQA Guidelines, the Draft EIR evaluates whether implementation of the proposed project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). The proposed project includes roadway improvements to Ortega Highway at Long Canyon Road to accommodate the increased ingress and egress to and from Long Canyon Road. As described in Section 2.0, Project Description, improvements include installation of a northbound 12-foot wide acceleration lane and a northbound 12-foot wide left turn lane on Ortega Highway; and installing a minimum 22-foot wide southbound deceleration lane on Ortega Highway from Long Canyon Road to 160 feet to the north. These improvements would be implemented in coordination with Caltrans, who has jurisdiction over the roadway, to provide roadway safety features. As described on pages 3.15-18 and 3.15-19, the improvements have been designed to Caltrans standards and would be implemented in coordination with Caltrans, which would ensure that the design features would not result in a hazard.

In addition, as described in Section 3.15, Transportation and Traffic of the Draft EIR, the project would contribute less than two percent to new traffic at the study area intersections. Specifically, the project would generate 55 a.m. peak hour trips and 73 p.m. peak hour trips. Of these trips in the a.m. peak hour, the most would be 14 trips that would travel east of Ortega Highway and 26 trips that would travel west on Ortega Highway. In the p.m. peak hour, the most trips would be 29 trips east on Ortega Highway and 18 trips west on Ortega Highway, as detailed in the Traffic Impact Analysis and shown below.

A.M. Peak Hour Intersection Volumes**P.M. Peak Hour Intersection Volumes**

Source: Traffic Impact Analysis, Appendix J of the Draft EIR

Substantial impacts related to safety would not occur from these additional trips along Ortega Highway. Conversely, implementation of the improvements on Ortega Highway at Long Canyon would improve traffic conditions at the intersection. As shown by comparison of Tables 3.15-5 and 3.15-6 in the Draft EIR (page 3.15-14), the LOS on Ortega Highway at Long Canyon Road would be LOS D in the p.m. peak hour without the project in 2020, and LOS C in the p.m. peak hour with the improvements on Ortega Highway and the trips generated by the project. Likewise, comparison of Tables 3.15-7 and 3.15-8 show that the intersection of Ortega Highway at Long Canyon would operate at LOS F in the p.m. peak hour without the project in 2035, and LOS D in the p.m. peak hour with the improvements on Ortega Highway and the trips generated by the project. Thus, the proposed improvements on Ortega Highway would increase the LOS and improve traffic conditions at the intersection of Long Canyon. As described in Section 3.15, Transportation and Traffic of the Draft EIR, impacts related to the additional trips that would be generated from the project would be less than significant and safety impacts related to the project improvements on Ortega Highway would not occur.

Comment 21: This comment states that the Draft EIR does not disclose the project’s risk to public safety because it relies on a traditional intersection level of service analysis that does not accurately gauge the unique operational nature of two-lane highways. An accurate two-lane highway LOS analysis would take into account “percent-time-spent-following”, one of the parameters used to evaluate operational quality on two-lane highways. The comment also states that the Draft EIR must take into account highway class, lane width, shoulder width, access-point (i.e., number of driveways per mile), terrain, percent no-passing zone, base free-flow speed, lengths of any passing lanes, hourly vehicular volume, length of analysis period, peak hour factor, directional split of traffic, and heavy vehicle percentage. There are numerous guidance documents on-line for conducting two lane highway analysis.

Response 21: The Traffic Impact Analysis (Appendix J of the Draft EIR) describes that the Highway Capacity Manual (HCM) methodology was used to identify potential impacts of the proposed project. The HCM defines LOS as a qualitative measure, which describes operational conditions within a traffic stream, generally in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The HCM methodology implements percent-time-spent-following to measure the LOS of two-lane highways (such as Ortega Highway) (http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf). In addition, the Traffic Impact

Analysis includes an evaluation of peak hour traffic and the directional split of traffic. Furthermore, the Traffic Impact Analysis was completed pursuant to the traffic impact analysis guidelines of the Lead Agency (the County of Orange) and the jurisdiction with authority of Ortega Highway (Caltrans). Thus, potential traffic related impacts have been evaluated appropriately pursuant to CEQA and the requirements of the Lead and Responsible agencies.

Comment 22: This comment states that EIR must include a crash prediction model which estimates the frequency of crashes expected on Ortega Highway based on the roadway's geometric design and traffic characteristics. The comment also states that the crash prediction algorithm will need to consider the effect of a number of roadway variables.

Response 22: The geometric design and traffic characteristics of Ortega Highway is an existing condition, which is not under the jurisdiction of the Lead Agency (the County of Orange). Ortega Highway is a state roadway that is under the jurisdiction of Caltrans. CEQA does not require evaluation of the existing design of the roadway, as it is an existing condition. CEQA authorizes analysis of a proposed project's impacts on the existing environment but, does not require analysis of the existing environment's impact on the proposed project (*California Building Industry Association v. Bay Area Air Quality Management District*, N. S213478, December 17, 2015). As described in Response 20, CEQA and the CEQA Guidelines require evaluation of whether implementation of the proposed project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). As described previously, the project includes roadway improvements to Ortega Highway at Long Canyon Road to accommodate the increased ingress and egress to and from Long Canyon Road. These improvements would improve the traffic conditions on Ortega Highway at the intersection of Long Canyon. Because traffic conditions would be improved by the project, an increase of vehicle collisions resulting from the project, is not anticipated to occur. The Draft EIR provides an appropriate analysis of traffic related impacts, pursuant to the requirements of the County and the state, and as detailed in the Draft EIR impacts related to transportation and traffic would be less than significant.

Comment 23: This comment states that CEQA requires that EIRs analyze the consistency of a project with applicable local plans, including General Plans, and that inconsistencies with a General Plan or other local plan goals and policies that were enacted to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. The comment further states that the Draft EIR glosses over numerous, inconsistencies and relies on flawed mitigation measures to conclude that the project is somehow consistent with these plans. The comment also states that the Draft EIR analysis underestimates the actual impacts of the project and ignores some of the project's most significant impacts.

This comment includes a footnote that states that the Draft EIR's conclusion about consistency with plans is flawed because the Draft EIR does not contain an adequate discussion of the project's impacts on the resources that those goals and policies are meant to protect.

Response 23: Section 3.10, Land Use and Planning of the Draft EIR, provides a complete description of the existing regulations and General Plan policies related to the proposed project. In addition, the policies

from the Southern California Association of Governments (SCAG), the County General Plan, and the zoning code that are relevant to the proposed project are listed, and a description of consistency is provided. As determined within this Draft EIR Section, implementation of the project would result in less than significant impacts related to a policy adopted for the purpose of avoiding or mitigating an environmental effect.

Regarding the footnoted comment, the previous responses (including Responses 3 through 14, and 17 through 19) describes the Draft EIR's CEQA compliant evaluation of the existing resources on and adjacent to the development area, implements regulations, Project Design Features, and mitigation measures that include coordination with the appropriate wildlife agencies to ensure that potential impacts are reduced to a less than significant level.

Comment 24: This comment states that the project is inconsistent with General Plan Land Use Policies 8 and 9, and the project would result in a net loss of 170 acres of ecologically sensitive lands.

Response 24: Land Use Policies 8 and 9 provide for innovative concepts to the solution of land use problems and guiding development to enhance the quality of the physical environment. The existing General Plan land use designation for the project site allows for low density residential, and the General Plan describes that lands designated OS with an agricultural zoning (such as the project site) is not necessarily an indication of a long-term commitment to open space uses, except where a specific overlay applies (described on Page 3.10-7 and 3.10-8 of the Draft EIR). As described on page 3.10-10 of the Draft EIR, and page 3-5 of Chapter 3, Revisions to the Draft EIR, within this Final EIR, these policies do not mean that environmental enhancement precludes development; it recognizes the need to improve both the manmade and natural environments. Thus, development of the project site for residential uses is consistent with the General Plan.

The project would not result in a net loss of 170 acres of ecologically sensitive lands. As described in Section 2.0, Project Description of the Draft EIR the project site contains: numerous dilapidated vehicles and debris piles; trash pits were used up until the 1950s or 1960s; a 1,000-foot-long abandoned airstrip with a hangar, bunker, and shed that contains various oils and lubricants; a network of dirt roads and trails; an existing residence; and water storage tanks. These areas do not consist of ecologically sensitive lands. The proposed development areas are located on these previously developed/disturbed areas, which is also terrain that is conducive to development and located close to the existing roadways (Long Canyon Road and Ortega Highway).

As described in Section 3.8, Hazards and Hazardous Materials in the Draft EIR, the proposed project would be required to have a certified hazardous waste hauler remove and dispose of these onsite hazardous materials pursuant to all the federal and state regulations, and would test the remaining onsite soils to ensure they are above safety levels. By these actions, the proposed project would enhance the quality of the physical environment. In addition, the preservation of 71 percent of the project site, in areas adjacent to the Cleveland National Forest provide for contiguous open space and habitat areas. In this manner, the proposed project guides development to enhance the environment.

In addition, the project includes large areas of fuel modification that would be adjacent to the open space areas. The landscaping within these areas would include 34.5 acres of vineyards that would provide fuel modification while contributing to the aesthetic quality and character of the site. This is an innovative solution that resolves both the wildland fire and aesthetic concerns. In addition, a description of consistency with these two General Plan policies is provided on page 3.10-10 of the Draft EIR.

Comment 25: This comment states that the project is inconsistent with General Plan Land Use Policy 3, to provide a variety of residential densities affordable to the County's labor force. The comment states that this project does not include affordable housing and there is no indication that the applicant would contribute in-lieu fees towards affordable housing. Because the Project does not provide, or in any way promote, affordable housing, it is not consistent with this policy.

Response 25: General Plan Land Use Policy 3 does not require affordable housing, and the Draft EIR does not indicate that affordable housing would be provided by the project. As shown on Table 3.10-1 of the Draft EIR the Regional Housing Needs Assessment determined that 39.6 percent of the housing needs in the unincorporated County area are for above moderate-income level households. As described in the Draft EIR, the project would contribute to the ability of the County to meet the demand for above moderate-income single-family housing; and pursuant to General Plan Land Use Policy 3, the project would assist the County in providing a variety of residential densities that provide a mix of housing opportunities. In addition, General Plan Land Use Policy 3 is not a policy adopted for the purpose of avoiding or mitigating an environmental effect. The County's General Plan and zoning code do provide a variety of residential densities that permit a mix of housing opportunities. A single project is not expected to meet this goal. Thus, impacts related to General Plan Land Use Policy 3 and a potential to impact the environment would not occur from implementation of the proposed project.

Comment 26: This comment states that the project is inconsistent with this Resource Element Goal 1, Policy 1, and Objective 1.1. The comment restates that the project would result in the net loss of 170 acres of sensitive habitat, and states that there is no indication that this land would be set aside in perpetuity since the project does not commit to establishing a conservation easement. The comment also states that the Draft EIR relies on inadequate biological surveys. The comment concludes that a project that is consistent with this policy would seek to develop on those portions of the site that are the least ecologically sensitive.

Response 26: The issues raised by this comment have been previously responded to. Refer to Responses 3 through 18, and 24.

Comment 27: This comment lists Resources Element Policy 1.1, and the Transportation Element Goal 1, Objective 1.2, and Objective 1.4, and states that the project is inconsistent. The comment also states that the Draft EIR concludes that the project's impacts related to scenic vistas and the visual character of the site would be significant and unavoidable; but also concludes on page 3.1-10 that the project's impacts on views from Ortega Highway would be less than significant. The comment states that the fact that the highway has not been officially designated by Caltrans has no bearing on the fact that the highway

provides undisturbed views of Orange County's natural beauty. Thus, the comment concludes that the project is inconsistent with these General Plan policies, goals, and objectives.

Response 27: The Draft EIR does not provide inconsistent analysis regarding impacts to aesthetics. Section 3.1, Aesthetics of the Draft EIR evaluates several different thresholds that are identified by the State CEQA Guidelines Checklist Appendix G, which are listed on page 3.1-5. As described, impacts related to a scenic vista and degradation of the visual quality of the site were determined to be significant after implementation of Project Design Features and mitigation measures that include the following:

- The provision of 414.6 acres or approximately 71 percent of the project site would preserve large areas of scenic vistas onsite, which are adjacent to the vistas within the Cleveland National Forest (PDF-1).
- Open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road to create a buffer between the residential uses and the Cleveland National Forest lands, which would reduce impacts to scenic vistas by preservation of large areas of vistas (PDF-2).
- The project design would maintain similar topographic characteristics as the existing condition (PDF-3).
- Conceptual landscape plan has been designed to preserve open space areas, implement and oak tree planting plan, and provide landscaping that would screen views of the residential buildings and help them blend into the native vegetation surrounding the project site (PDF-4 and PDF-5).
- Mitigation Measure MM 3.1-1 requires the use of earthen tones for exterior paint on the project's structures to further blend in with the natural environment and reduce impacts to scenic vistas.

Impacts related to scenic resources within a state scenic highway were determined not to occur because Ortega Highway is not a state scenic highway, as stated on page 3.1-10. However, the importance of these views are described on page 3.1-9, where it states that Ortega Highway is an Eligible State Scenic Highway and is designated as a Viewscape Corridor in the Orange County General Plan and the project would affect views of the unique scenic resources and aesthetic vistas in the Santa Ana Mountains, which are considered by the General Plan Resources Element to possess outstanding scenic qualities. Thus, the project would result in a significant impact on the scenic vista.

The Resources Element and Transportation Element policies that were listed by this comment are provided in the General Plan to guide development, not preclude development. Resources Element Policy states that development should be guided to retain the natural beauty. As described in previous responses, the proposed project would be located on disturbed and level areas of the project site, which are appropriate for development. To retain the character and beauty of the area, the residences would be clustered near existing roadways and 71 percent of the project site would be retained in open space. In addition, the landscaping and fuel modification areas, including 34.5 acres of vineyards have been designed into the project to provide character and natural beauty, preserve and enhance aesthetic and scenic resources. As a result, the proposed project is consistent with these General Plan policies, goals, and objectives.

Comment 28: This comment lists Transportation Element Objective 1.6, and states that the project is inconsistent with this objective. The comment also states that Alternative 3 would be consistent with this objective as single-family residences would be set back, and not visible, from Ortega Highway.

Response 28: Transportation Element Objective 1.6 states “require sufficient setback from the scenic corridor, where feasible, for the purpose of preserving the corridor’s scenic qualities.” The proposed residences are setback from Ortega Highway, as shown on Figures 2-2, 2-3, 2-4, and 2-5. As described in the Draft EIR Section 3.1, Aesthetics, the project would be set back from Ortega Highway and foreground views would consist of open space. Thus, the proposed project is consistent with setbacks and provision of scenic open space within the roadway corridor. Alternative 3 consists of the Decreased Density Both Phases Alternative, which would result in a 50 percent reduction in the number of residential units. Thus, fewer units would exist, and Alternative 3 would also be consistent with the General Plan Transportation Element Objective 1.6.

Comment 29: This comment lists Safety Element Objective 1.6, and states that the project is inconsistent with this objective. The comment also states that the Draft EIR does not identify or evaluate potential public safety impacts that would result from an addition of 690 daily vehicles to Ortega Highway.

Response 29: As described previously in Response 20, the proposed project includes roadway improvements to Ortega Highway at Long Canyon Road to accommodate increased ingress and egress to and from the project site without adversely affecting traffic along Ortega Highway. These improvements would aid in emergency evacuation of the project vicinity. Furthermore, as described in Section 3.15, Transportation and Traffic, the project would contribute less than two percent to new traffic at the study area intersections. Therefore, the proposed project would not increase traffic on the major thoroughfares within the project area such that interference with emergency response or evacuations plans would occur.

Comment 30: This comment lists Transportation Element Policy 3.2 and Goal 5, and the Growth Management Element Goal 2 and states that the project is inconsistent. The comment also states that the project would add traffic to Ortega Highway which currently operates at LOS F. In addition, the comment states that the intersection of Ortega Highway and Antonio Parkway would operate at LOS F with the Project.

Response 30: As described previously in Response 20, Ortega Highway does not currently operate at an LOS F. The current operation of the roadway is shown in Table 3.15-2 of the Draft EIR, where it shows that the lowest peak hour LOS is D.

The proposed project includes roadway improvements to Ortega Highway at Long Canyon Road that include installation of a northbound 12-foot wide acceleration lane and a northbound 12-foot wide left turn lane on Ortega Highway; and installing a minimum 22-foot wide southbound deceleration lane on Ortega Highway from Long Canyon Road to 160 feet to the north. These improvements would improve the anticipated LOS in the year 2035. As shown on Table 3.15-7, one intersection in the a.m. peak hour and two intersections in the p.m. peak hour would operate at LOS in 2035 without the project. With implementation of the proposed roadway improvements and traffic from the 72 single-family residences

an improvement would occur, as only one intersection in the a.m. and p.m. peak hour would operate at an LOS F in 2035. In addition, a comparison of Table 3.15-7 and Table 3.15-8 shows that the traffic at the impacted intersections caused by the project would increase less than a 1 percent in the vehicle/capacity (v/c) ratio of the deficient intersections, which is the Orange County threshold. Thus, the proposed project would not conflict with LOS policies of the County, and the project would ensure adequate transportation facilities for residents. Therefore, the project would be consistent with the policies listed by this comment.

Comment 31: This comment states that the Draft EIR analyzes the project's consistency with an outdated version of SCAG's RTP/SCS and refers to the 2008 iteration of the plan. The comment states that the Draft EIR must evaluate the project's consistency against the current version of the RTP/SCS.

Response 31: The 2008 SCAG Plan that is referred to in Section 3.10, Land Use and Planning of the Draft EIR is the SCAG Regional Comprehensive Plan that was prepared in 2008, and has not since been updated. The SCAG policies in the Regional Comprehensive Plan that are applicable to the project include: provision of housing; and preservation of open space, natural resources, and cultural resources (described on pages 3.10-8 and 3.10-9).

The version of SCAG's RTP/SCS that is described in the Draft EIR on pages 3.10-3 and 3.10-4 is the 2012-2035 RTP/SCS, which is appropriate. As described previously in Response 4, NOPs, which establish the CEQA baseline, were distributed in 2013 and 2014. In addition, as described in the traffic analysis the long-term evaluation is based on the year 2035. Thus, an evaluation of the project in relation to the 2012-2035 RTP/SCS is appropriate in the Draft EIR. As described the 2012-2035 RTP/SCS is focused on reducing emissions from transportation to comply with SB 375, improving public health, and sustain mobility while fostering economic development; enhancing the environment; and reducing energy consumption. The Draft EIR provides an air quality (in Section 3.3) and energy analysis (in Section 6.2), which determined that impacts from the project would be less than significant, and therefore, would not conflict with SCAG regional plans.

Comment 32: This comment states that the project is not consistent with SCAG's overarching policies and states that the SCAG's 2016 RTP/SCS provides numerical goals that include: reduce the amount of previously undeveloped (greenfield) lands converted to more urbanized uses by 23 percent, increase daily travel by transit by nearly one-third, as a result of improved transit service and more transit-oriented development patterns, and ensure a 7 percent reduction in vehicle miles travelled.

Response 32: Refer to the previous response (Response 31). In addition, the Overarching Strategy described in the 2016 RTP/SCS states that SCAG acknowledges that more compact communities are not for everyone, and that many residents of our region prefer to live in suburban neighborhoods. The agency supports local control for local land use decisions, while striving for a regional vision of more sustainable growth. The statistics provided in the comment are not numerical goals, as suggested; the statistics are the performance results of implementation of the 2016 RTP/SCS. As described, these would be achieved in a variety of methods that include implementation of multiple transportation modes, such as carpooling, in addition to transit and use of active transportation modes for trips during peak travel hours. In addition, the 2016 RTP/SCS is a regional plan and the statistics described by the comment are not related to one

project, such as the proposed project, but applicable to maintaining transportation and air quality with growth through the year 2040.

Comment 33: This comment states that even seemingly small additions of Greenhouse Gas (GHG) emissions into the atmosphere must be considered cumulatively considerable, and that the Draft EIR appears to rely on faulty thresholds of significance and underestimates the project's increase in GHG emissions.

Response 33: The Draft EIR does not rely on faulty thresholds, as detailed in the following responses (Responses 34 and 35).

Comment 34: This comment lists several State CEQA Guidelines sections and states that the EIR must choose a GHG threshold reduction level for the project that is factually related to achieving the statewide goals, and that choice must be supported by substantial evidence. The comment also states that the Draft EIR relied on an impermissibly narrow significance threshold because it used SCAQMD's methodologies to conclude that the project would not result in a significant increase in GHG emissions because its emissions would be below the SCAQMD threshold of significance. The comment states that the Draft EIR does not cite to a specific SCAQMD source to support the use of the 3,500 MT CO₂e per year threshold. The comment further states that SCAQMD has adopted interim CEQA GHG significance thresholds, but only for stationary sources, not for residential sources, and if the Draft EIR intends to rely on the SCAQMD thresholds of significance, it must provide documentation that such thresholds are supported by substantial evidence.

Response 34: The Draft EIR has used an appropriate GHG significance threshold. The SCAQMD acts as an expert commenting agency for impacts to air quality and GHG emissions, and the agency helps local land use agencies (such as the County) through the development of models and emission thresholds that can be used to address GHG emissions. The SCAQMD formed a working group to identify greenhouse gas emissions thresholds for land use projects that could be used by local lead agencies, which are contained in the SCAQMD Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold and listed in Section 3.7, Greenhouse Gas Emissions of the Draft EIR. These SCAQMD thresholds use the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level (including the 3,500 MT CO₂e per year threshold for residential projects that was used in the Draft EIR). Achieving the Executive Order's objective would contribute to worldwide efforts to cap carbon dioxide concentrations at 450 ppm, thus stabilizing global climate. Therefore, the SCAQMD Guidance Document provides substantial evidence supporting the GHG threshold of 3,500 MT CO₂e per year for residential projects for use by lead agencies, including the County.

Comment 35: This comment states that the Draft EIR underestimated the GHG emissions associated with mobile source emissions from motor vehicle trips generated by the project's residents. The comment states that the Draft EIR assumes a commute of 9.36 miles based on commuting 365 days a year. The comment also states that job centers are located farther than 9.36 miles and include: Irvine (51 miles), Orange (50 miles), Temecula (29 miles), Riverside (54 miles), Escondido (57), and Dana Point (42

miles). The Draft EIR provides no support for this improbable assumption regarding trip length and VMT would greatly exceed those assumed in the Draft EIR.

Response 35: The comment incorrectly assumes residents would work 365 days a year; whereas, a typical worker works approximately 241 days per year (365 days minus 104 weekend days, 10 vacation days, 10 national holidays, equals 241). In addition, the comment incorrectly assumes that all vehicular trips would be worker commuter trips. The 2015 Census Factfinder data for the County of Orange shows that only 80 percent of people between the ages of (25 and 64) are participating in the labor force, in addition, the percentage of telecommuting from a home office is increasingly usual. Thus, it's incorrect to assume that all trips from the project area would be commuter trips to distant locations.

As detailed in the GHG modeling (Appendix B of the Draft EIR), an average trip length of 14.70 was used in the Draft EIR. Furthermore, the comment incorrectly assumes the distance of job centers. It is described in the Draft EIR that the City of Lake Elsinore is 6 miles from the project site, the City of Rancho Santa Margarita is 6.25 miles from the project site. It is likely that most school and shopping trips would be to these locations that also offer employment opportunities. In addition, in response to this comment, the City of Irvine job centers are 33 miles from the project site (not 51), Temecula is 23 miles (not 29). However, many closer job opportunities exist throughout Orange and Riverside Counties. Thus, the average trip length used to evaluate GHG emissions is appropriate.

Comment 36: This comment lists CEQA statutes and case law regarding the required alternatives analysis under CEQA and states that a proper analysis of alternatives is essential to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible, and that an EIR must consider a reasonable range of alternatives that will foster informed decision-making and public participation. In addition, the comment states that the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more-costly. The comment states that the Draft EIR does not meet these basic mandates.

Response 36: The comment is inaccurate. The Draft EIR (Chapter 5, Alternatives) describes that CEQA requires that an EIR compare the effects of a "reasonable range of alternatives" to the effects of a project that would attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project (*CEQA Guidelines* Section 15126.6). The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the Lead Agency and to foster meaningful public participation (*CEQA Guidelines* Section 15126.6(f)). Thus, the alternatives addressed in this Draft EIR were selected in consideration of: the extent to which the alternative could avoid or substantially lessen any of the identified significant environmental effects of the proposed project; the extent to which the alternative could accomplish basic objectives of the proposed project; the potential feasibility of the alternative; and the appropriateness of the alternative in contributing to a "range" of alternatives that would allow an informed comparison of relative advantages and disadvantages of the proposed project and potential

alternatives to it. The three alternatives evaluated in Chapter 5 of the Draft EIR meet these CEQA requirements.

Comment 37: This comment states that Draft EIR fails to reveal the severity and extent of the project’s impact on sensitive wildlife and plant communities. The Draft EIR also lacks the evidentiary support that mitigation measures would effectively reduce these impacts to less than significant levels. Thus, the Draft EIR must be recirculated to analyze the project’s full impacts and identify mitigation measures or alternatives that could feasibly avoid or minimize those impacts.

Response 37: The comment reiterates previous comments, and the previous responses (including Responses 3 through 14, and 17 through 19) describes that the Draft EIRs CEQA compliant evaluation of the existing biological resources on and adjacent to the development area, implements regulations, Project Design Features, and mitigation measures that include coordination with the appropriate wildlife agencies to ensure that potential impacts are reduced to a less than significant level. In addition, refer to Response 2 related to the requirements to recirculate an EIR, and describes that no new significant impacts or other “significant new information” has been identified that would require recirculation.

Comment 38: This comment states that there is no “magic number” for how many alternatives an EIR should examine to present a “reasonable range,” at a minimum CEQA requires an agency to examine at least potentially feasible alternatives to try to avoid or substantially lessen significant environmental impacts that are central to a project. The comment also states that the agency should evaluate multiple alternatives in order to help inform the decision-makers and the public of the potential short and long-term consequences of the project, and that such an evaluation of alternatives is especially important for the project, where a number of the objectives center around preservation of the site’s environmentally sensitive resources.

Response 38: The Draft EIR evaluates three different alternatives, all of which substantially lessen or avoid the significant impacts of the project. Under CEQA Section 15126.6, an EIR is required to examine in detail only those alternatives that (a) “avoid or substantially lessen any of the significant effects of the project,” (b) are “feasible,” and (c) would achieve most of the basic objectives of the project. The three alternatives evaluated in Chapter 5 of the Draft EIR meet these requirements, and describe the preservation of the site’s environmental resources under each alternative. In addition, CEQA states that an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. (CEQA Guidelines Section 15126.6(a), (f).) The three alternatives studied in detail in the Draft EIR constitute a reasonable range of potentially feasible alternatives as required by CEQA. The three alternatives assume a reduced level of development. Moreover, sufficient information in the Draft EIR alternatives analysis is provided to guide decision-makers toward a project decision with respect to the proposed project and its alternatives.

Comment 39: This comment states that other than the No-Project/No Build Alternative, the Draft EIR identifies only two alternatives that would reduce the development footprint thereby reducing the destruction of sensitive habitats. In addition, the comment states that without sufficient surveys for special status plant and wildlife species and jurisdictional features on the project site, it is not clear which portions of the site are the least environmentally sensitive. The revised EIR must first clearly delineate the most biologically important lands and then determine the optimal location and amount of development. Such an approach would be consistent with numerous project objectives calling for development that is compatible with the surrounding natural area and sensitive to the site's environmental constraints.

Response 39: The concern raised by this comment has been responded to previously. Response 38 describes CEQA's requirement and the Draft EIR's compliance with the necessary alternatives evaluation. Previous responses (including Responses 3 through 14, and 17 through 19) describes the CEQA compliant evaluation of the existing biological resources on and adjacent to the development area. Furthermore, as described in Section 2.0, Project Description of the Draft EIR, the project has been designed to be sited on previously disturbed portions of the project site, which are also most conducive to development. These areas are located toward existing roadways, would avoid streams, and would provide for 71 percent of the project area to be maintained in existing natural open space, in a location that is adjacent to the Cleveland National Forest. Thus, the project has been designed to be compatible with the surrounding natural area and sensitive to the site's environmental constraints, and the alternatives evaluated for the proposed project would further reduce the project's development.

Comment 40: This comment states that under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. The comment also states that an alternative need not meet every project objective or be the least costly in order to be feasible.

Response 40: As described previously, CEQA requires the identification and evaluation of alternatives that would lessen or eliminate significant impacts of the proposed project. However, a determination of an environmentally superior alternative does not preclude the proposed project from being approved and implemented. As described by CEQA Guidelines Section 15121, an EIR is an informational document and does not control the agency's ultimate discretion in the project. In the case where the Lead Agency does not adopt the environmentally superior alternative, or adopts a project that would result in significant impacts, the Lead Agency may adopt a statement of overriding considerations which expresses the agency's views on the merits of approving a project despite its significant adverse environmental impacts (CEQA Section 15093). The statement of overriding considerations provides the justification for proceeding with a project despite its environmental impacts. The statement reflects the balancing of competing public objectives including factors such as environmental concerns, legal issues, technical, social, and economic factors.

Comment 41: This comment states that Alternative 3 is the environmentally superior alternative, but that its rejection based on the failure to meet market demand is incorrect. The comment states that the Draft EIR does not include an objective related to market demand for housing. In addition, the comment states

that approval of the project, or any alternative project with greater impacts than Alternative 3 would violate CEQA.

Response 41: The Draft EIR evaluation of Alternative 3 describes that the alternative would not meet the project objectives to the same extent as the proposed project. Specifically, the Decreased Density Both Phases Alternative would provide a much smaller residential community that is compatible with the surrounding residential and natural areas (first objective listed), a smaller residential community that incorporates a wildland fire-safe design (sixth objective listed), and provide fewer opportunities at a remote lifestyle that is not commonly found in Orange County (seventh objective listed). Thus, Alternative 3 fails to meet project objectives to the same extent as the proposed project, which was determined in Chapter 5, Alternatives of the Draft EIR.

As described in Response 40, above, a determination of an environmentally superior alternative does not preclude the proposed project from being approved and implemented, and that the Lead Agency may adopt a statement of overriding considerations which expresses the agency's views on the merits of approving a project despite its significant adverse environmental impacts (CEQA Section 15093). Thus, with appropriate findings and statement of overriding considerations, approval of the proposed project would not violate CEQA.

Comment 42: This comment states that CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." This comment states that decision-makers and the public cannot assess the project's impacts, or even its feasibility, through the Draft EIR, which is riddled with errors. The comment states that the Draft EIR repeatedly understates the project's significant environmental impacts and assumes that unformulated or clearly useless mitigation measures will effectively reduce impacts. The comment further states that the County must prepare a revised EIR that would necessarily include substantial new information.

Response 42: As provided in the previous detailed responses, the Draft EIR is compliant with CEQA and the CEQA Guidelines, and does not contain the deficiencies that were identified throughout this comment letter. The Draft EIR provides a CEQA appropriate analysis based on existing conditions, evaluation of the proposed project, implementation of existing regulations and required Project Design Features, and implementation of mitigation measures that would effectively reduce the potential impacts that could occur from the proposed project.

As explained in the previous responses, the Draft EIR identified the significant impacts associated with adoption of the proposed project, mitigation to reduce impacts, and no new significant impacts or other "significant new information" has been identified through these responses to comments, or is needed pursuant to the requirement of CEQA. Therefore, the Draft EIR does not require recirculation.

From: Pam Nelson <pamela05n@yahoo.com>
To: "Shannon, Kevin" <Kevin.Shannon@ocpw.ocgov.com>
Cc:
Bcc:
Date: Thu, 6 Jul 2017 21:19:52 +0000
Subject: comment at San Juan Residential DEIR
Kevin Shannon, Contract Planner
OC Public Works
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703

Thank you for the opportunity to comment on this project. As chair of the Santa Margarita group of the Sierra Club, I have worked with various groups on the fragile state of the Santa Ana Mountain range and its deteriorating habitats. Development, infrastructure and encroaching human activities are causing havoc to the area's health. This is directly causing impacts to the human populations in adjacent areas. Water supply, air quality, wildlife fragmentation and health/diversity and conflicts with humans are all issues that occur. A huge problem is fire danger. Since 95% of all fires are caused by humans, developments bring in a fire factor that cannot be ignored.

1

Specifically, the DEIR has not addressed the following adequately:
-sensitive species removal and impact. The most recent update of Dec., 2013, before our drought, is not necessarily accurate
-wildlife corridors are disrupted because of the project. Animals traveling through the development need direction and protection. Fencing along great portions of the Ortega Hwy and a corresponding wildlife crossing system must be added to the area at and around the development.
-vineyards and any sort of landscaping must be maintained and installed with low water use and organic. Fertilizers and pesticides will find their way into the natural ecosystem.

2

Pam Nelson
sierraclubsmg.org
[951 767-2324](tel:9517672324)

Letter 18: Sierra Club, Santa Margarita Group

Comment 1: This is a general comment states that the commenter has worked with various groups in the Santa Ana Mountain range. The comment further states that development and infrastructures are causing impacts related to water supply, air quality, wildlife fragmentation and health/diversity, conflicts with humans, and fire.

Response 1: The comment does not provide any specific concern or question regarding the adequacy of the Draft EIR. No further response is required or provided.

Comment 2: This comment states that the Draft EIR has not adequately addressed the following:

- Sensitive species removal and impact. The most recent update of December 2013, before our drought, is not necessarily accurate.
- Wildlife corridors are disrupted because of the project. Animals traveling through the development need direction and protection. Fencing along great portions of the Ortega Highway and a corresponding wildlife crossing system must be added to the area at and around the development.
- Vineyards and any sort of landscaping must be maintained and installed with low water use and organic. Fertilizers and pesticides will find their way into the natural ecosystem.

Response 2: The following bullet points describe how the Draft EIR has adequately evaluated each topic in this comment:

- Page 3-3 of the Draft EIR provides a description of the Environmental Setting/Baseline for the Draft EIR. CEQA Guidelines Section 15125 states that “*An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.*” Two Notice of Preparations and Initial Studies were published for the proposed Preserve at San Juan Project; one on September 26, 2013, and a revised Notice of Preparation/Initial Study was circulated on October 16, 2014 due to changes in the number of residential units and the wastewater treatment system, which occurred in response to the findings of wastewater related technical studies. The changes to the project, and related revised Notice of Preparation/Initial Study in 2014 were not related to biological resources, and the baseline for biology is consistent with the biological surveys and studies of the proposed project that occurred from 2012 through 2013. As detailed in the Biological Resources Assessment (Appendix C1 of the Draft EIR), the onsite surveys were conducted during the appropriate time of year and time of day (e.g., in accordance with the appropriate blooming period for special-status plants, and in accordance with agency-approved survey protocols [e.g., focused fairy shrimp surveys]). Therefore, the baseline conditions relevant to biological resources are appropriate pursuant to CEQA. Additionally, previously conducted surveys from 2004, 2005,

2006, 2007, 2008, and 2010 were cited to provide additional background information and species occurrence data.

In general, sensitive wildlife and plant species are more prevalent during wetter years. California experienced an extreme drought between 2014 to 2017, and drought conditions did not exist during time of the 2012 and 2013 field surveys (LA Times 2017). The 2012 and 2013 field surveys represent conservative conditions; when potential sensitive wildlife and plant species are more likely to be present and identified during surveys, and thereby ensuring that mitigation included as required. It is likely that fewer potential sensitive plants would have been identified during the drought conditions between 2014 and 2017. Therefore, impacts related to potential sensitive species have been adequately addressed in the Draft EIR.

- The proposed open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road, which would create a large open space buffer between the residential uses and the Cleveland National Forest lands that would provide for regional wildlife movement. Also, described by the Biological Resources Assessment (Appendix C1 of the Draft EIR) the open space areas provided by the project would facilitate regional wildlife movement through the study area in east-west and northwest-southeast directions, and regional north-south movement is provided via the Long Canyon Creek corridor, as well as within open space areas provided by the project that are east of the project's footprint, and west of the project's footprint in a drainage that would be avoided by the project. The project also includes physical barriers to deter wildlife from entering the developed areas and control unauthorized public access from open space areas including: 5-foot 6-inch high tubular steel fence, native landscaping, rocks/boulders, other barrier mechanisms, and signage. Therefore, impacts to wildlife movement have been addressed in the Draft EIR and includes physical barriers as suggested by this comment.
- As discussed in USFWS Response 2, the existing traffic and any traffic-related wildlife mortality resulting from current conditions is not affiliated with the project. Fencing along Ortega Highway or Long Canyon Road would be under the jurisdiction of Caltrans or the U.S. Forest Service, and is not implementable by the County or applicant. However, the development area would be fenced and gated, as described in Section 2.0 Project Description of the Draft EIR, which would reduce the potential for wildlife to occur on project roadways and be potentially subject to road mortality.
- As provided in Section 2.0, Project Description of the Draft EIR the vineyards would be maintained by the project's HOA, and would be irrigated by a drip or bubbler system that would provide efficient irrigation. Other landscaping areas would also be drought tolerant and mostly consist of low water use plants. The only areas that would include moderate water use plants are the areas that would be irrigated by the onsite wastewater treatment systems.
- Also as described in Section 2.0, Project Description of the Draft EIR, the project has included Project Design Features to ensure that pollutants, including fertilizers and pesticides, are not conveyed beyond the development portions of the project site by adhering to hydromodification requirements established by the current Municipal Separate Storm Sewer System Permit (PDF-

13), implementing Low Impact Development techniques (PDF-14), and BMPs pursuant to the project's required Water Quality Management Plan (WQMP) (PDF-17).



CALIFORNIA NATIVE PLANT SOCIETY ORANGE COUNTY CHAPTER

August 17, 2017

Kevin Shannon, Contract Planner
OC Public Works
OC Development Services/Planning
300 N. Flower Street
Santa Ana, CA 92703
Kevin.Shannon@ocpw.ocgov.com

RE: DEIR for The Preserve at San Juan, EIR # 618

Dear Mr. Shannon

The Orange County Chapter of the California Native Plant Society (OCCNPS) has long been concerned with preservation of the native vegetation and habitats of our backyard Santa Ana Mountains. In that capacity, we commented in 2008 on the then-proposed Preserve at San Juan. We are puzzled that we were not on the notification list for the NOP and subsequent steps in the DEIR process for the 2017 version of the proposal. Because we were not the list, we did not learn of the 2017 process until after the comment deadline. **Please add OCCNPS to all future notifications.** Mail notices to: OCCNPS, 34681 Calle los Robles, Capistrano Beach, CA 92624-1524, and/or email to celia552@cox.net. Thank you.

1

OCCNPS concurs with all comments that Endangered Habitats League, Sea and Sage Audubon/Shute, Mihaly Weinberg, and CDFW have made on the 2017 proposal for the Preserve at San Juan. We especially concur that the project's biological surveys, done during the recent drought years, are not an accurate record of the site's flora, fauna and native habitats. In addition we reiterate the comments we made on the 2008 version of the proposal, since there is little substantive difference between the two versions.

2

The California Native Plant Society is a statewide 501(c)(3) non-profit organization, headquartered in Sacramento. It has about 10,000 members in 34 Chapters statewide. Membership is open to all.

cnps.org

CNPS is dedicated to celebrating California's native plant heritage and preserving it for future generations.

The Orange County Chapter of CNPS focuses that dedication on the native plants and natural vegetation of Orange County and adjacent Southern California.

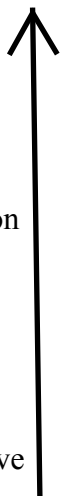
occnps.org

P.O. Box 54891
Irvine CA
92619-4891

The inaccuracy of the biological surveys is indicated in the following list. It is the result of a scan of the Biological Resources section, compared to Chapter members' notes of plant species observed on the project site during brief visits in 2013 through 2016. That this many errors were found during a brief scan of the DEIR suggests that many more species were missed during the biological survey.

1. *Acmispon glaber* var. *brevialatus* has been observed as common to abundant on-site. *Acmispon glaber* var. *glaber* is listed in the resources survey, it is likely a misidentification.
2. *Allophyllum glutinosum* has been observed as common on disturbed soils, but is not listed in the resources survey.
3. *Antirrhinum nuttallianum* and *A. coulterianum* have been observed as common on disturbed soils, but are not listed in the resources survey.
4. *Calocedrus* sp. is listed on the resources survey as a native species. Although native in the greater SoCal area this is not a native species anywhere in the Santa Ana Mountains and certainly not at this site. If the biological consultant saw there, it had almost certainly been planted.
5. *Camissoniopsis hirtella* has been observed as common on disturbed soils, but is not listed in the resources survey.
6. *Chamaesyce maculata* (properly, *Euphorbia maculata*), an invasive non-native, is listed in the resources survey as a native species.
7. *Cryptantha menziesii* is listed in the resources survey. There is no such species. However, *Cryptantha intermedia* has been observed as common on the site.
8. *Deinandra* (= *Hemizonia*) *kelloggii* was recorded within the site in 2008 by Allen and Allen with a published CCH record, yet has been omitted from the resources survey. We did not observe this species during our visits, but it is almost certainly present and should have been included via a literature search.
9. *Eriastrum filifolium* is listed in the resources survey. It is unlikely for this location, and may be a misidentification.
10. *Euphorbia lathyris* is listed as native on the resources survey. It is an invasive non-native. A large stand of it has been observed at Long Canyon Road and the project site, see: calflora.org/cgi-bin/noccdetail.cgi?seq_num=oe7418. Any grading or soil movement there will disperse this infestation even further.
11. *Micropus californicus* has been observed as common on disturbed soil, but is not listed in the resources survey.
12. *Nicotiana quadrivalvis* has been observed as common on disturbed soil, but is not listed in the resources survey.
13. *Oncosiphon piluliferum* is listed in the resources survey as a native species. It is a non-native invasive species, and is listed by Cal-IPC as being of high concern.
14. *Phacelia davidsonii* is listed on the resources survey. This is highly unlikely for this location and is almost certainly a misidentification.

- 15. *Pinus sp.* and *Pinus coulteri* are each listed on the resources survey as native species. *P. coulteri* is native in the Santa Ana Mountains; the resources survey (Appendix C3) found one lone specimen at the project site. No other *Pinus* species is native to this area.
- 16. *Rumex crispus* is listed on the resources survey as a native species. It is a non-native invasive species.
- 17. *Salsola tragus* is listed on the resources survey. This is almost certainly a misidentification of *Salsola australis*.
- 18. *Salvia leucophylla* is listed on the resources survey as present and native. This is highly unlikely for this location, unless planted. It is almost certainly a misidentification.
- 19. *Salvia spathacea* is listed on the resources survey as present and native. This is highly unlikely for this location, unless planted. It is almost certainly a misidentification.
- 20. *Vicia villosa* is listed on the resources survey as a native species. This species is non-native and highly invasive.



In addition, the resource survey identifies several Cal-IPC-listed invasive species as present on site. The DEIR should specify BMPs for these species.

4

The *Project Objectives* (Sect. 2.4) states: “No plants are proposed [for landscaping] that are listed as being invasive to native habitat.” However, the plant palette (Fig. 2-10) includes *Lantana camara* and *Arbutus unedo*, both of which CalFlora (calflora.org) shows as occurring spontaneously and/or persisting in native habitat. *L.camara* is also on Cal-IPC’s watchlist. These two plants produce small fruits that are eaten by birds, which then deposit the seeds elsewhere. If the deposition is in a favorable site, these species can easily grow and reseed into native habitat. They should be removed from the landscape palette.

5

OCCNPS requests that DEIR # 618 NOT be approved.

Thank you for the opportunity to comment on DEIR # 618. We request that these comments be included in the official record, even though submitted after the comment deadline.

6

Celia Kutcher
 Conservation Chair
 celia552@cox.net



California Native Plant Society

ORANGECOUNTYCHAPTER

August 31, 2008

The California Native Plant Society is a non-profit organization dedicated to the understanding and appreciation of California's native plants and how to conserve them and their natural habitats through education, science, advocacy, horticulture and land stewardship.

OCCNPS focuses that dedication on the native plants and remaining areas of natural vegetation in Orange County and adjacent Southern California.

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occnps.org

Chris Uzo-Diribe, Environmental Planner IV
Environmental Planning Services Division
County of Orange
P.O. Box 4048
Santa Ana, CA 92702-4048

RE: Revised Initial Study PA 050080, The Preserve at San Juan

Dear Ms. Uzo-Diribe:

Thank you for the opportunity to comment on the above Initial Study (IS) and Notice of Preparation (NOP).

1. **Maps:** in general the IS' maps are inadequate. At a minimum, the EIR's site location maps should clearly show:
 - The seasonal streamcourses in the vicinity of the various parts of the project site, especially those that cross or border the site.
 - The location of the project site within the headwaters of the San Juan Creek watershed.
 - Location of the site's various parts in relation to all adjacent Forest Service/inholding boundaries.
 - The portions of the "North" and "South" parcels intended to be traded for the Forest Service parcel, on the "With Land Exchange Scenario" site location map.
 - Local features in the vicinity of the project site, such as the large water tower on Long Canyon Road and the airstrip within the project site's "North" portion.

These map features should also be visible through the overlay on the site plan maps and on all maps showing biological and hydrological resources and the project's impacts on them

2. **Current land use and zoning:** The second paragraph on p. 11 states that the project site's existing use is "... vacant land (primarily chaparral)" The presence of the chaparral

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8

August 29, 2008

page 2 of 3

indicates that the land is not vacant, but full of chaparral vegetation and all the life forms that inhabit it. The first paragraph under Public Services (p. 46) likewise terms the site as "vacant land." The EIR should change these, and any other appellations of "vacant land," to "natural open space."

3. Alternatives:

- An Alternative that calls for building only St. Michael's Abbey and none of the other project proposals should be among those studied in the EIR.
- Alternative 5 (Agricultural Alternative) does not indicate if it would include the improved water supply and wastewater treatment facilities and use of treated wastewater for irrigation that are proposed in the two development scenarios. If not, the proposed vineyards and olive orchards are likely to further strain the already-strained existing water supply.

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4. Biological resources and fire hazard: In both development scenarios, as shown in Figures 3 and 5, residential lots are grouped along a ridge between two canyons that deepen toward the south. In the scenario shown in Figure 3, residential lots are also placed on rather steep slopes. Experience in recent fire seasons has shown that the chimney effect makes these the most indefensible places in a fire (Klaus H. Radtke, *Preparing for a Wildfire*, in *Fire, Chaparral and Survival in Southern California*, Richard Halsey, 2005).

10

Section 14, Hazards, states that the project site is "... subject to very high wildland fire hazards" and calls for the EIR to discuss the area's current fire hazards and to recommend BMPs and other mitigation measures to reduce fire hazard "... to a level of insignificance." *Lessons from the October 2003 Wildfires in Southern California* (Jon Keeley, C.J. Fotheringham, and Max A. Moritz, J. Forestry, October/November 2004) and studies in Halsey (op. cit.), among many other recent publications, point out that the ultimately realistic, and most economical, way to avoid high wildland fire hazards is to not build where they exist.

The graphic illustrating fire clearing in the powerpoint presentation at the public scoping meeting shows a heavily cleared zone, width not indicated, immediately surrounding a structure. Next is a minimum 70-foot-wide cleared and irrigated zone. Next are zones of 50% and 30% clearing, again with width not indicated. Such clearing and irrigating done around 16 or so residences would essentially remove the native chaparral habitat--and most of the animals that live there. The outer zones' clearing would be a severe type conversion to "soft" non-chaparral species that catch fire much more readily than chaparral, thus are more of a fire hazard. If the 70-foot zone is irrigated during the summer, any chaparral species will likely quickly die of root rot, thus this zone will also undergo type conversion. These type conversion impacts are not mentioned in the IS' Section 9, Biological Resources, Scope of EIR Discussion, but such a loss of habitat must be discussed in the EIR and sufficient appropriate mitigation measures must be devised, instituted, and monitored.


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August 29, 2008

page 3 of 3

5. **Biological resources and land use:** The graphic used to indicate locations of project wastewater facilities in the powerpoint presentation at the public scoping meeting shows a layout of lots in the "clustered" configuration of the "with land exchange" scenario. The layout shows what appear to be lot lines extending to the bottom of the canyons on either side of the ridge; about half of the lots have such a canyon-slope extension. If it is intended that the canyons' slopes be segmented into individual ownership rather than being owned and managed as a whole by a homeowners' association or equivalent, a likely result will be more impacts to the slopes' native, natural vegetation in addition to the fire clearing outlined above. The EIR must discuss such impacts, and sufficient appropriate mitigation measures must be devised, instituted, and monitored. 12
6. **Ephemeral ponds:** The existence of ephemeral ponds on the project site is mentioned in both Section 9, Biological Resources, and Section 5, Hydrology and Water Quality. If these ponds are in fact vernal pools, they and their specialized flora and fauna are protected under FESA, CESA, CEQA, and NEPA, and regulations administered by ACOE, USF&WS, CDF&G and SWRCB. The EIR must discuss not only the impacts to these ponds/pools, but also specific mitigations for those impacts in addition to the general discussion of mitigations for impacts to biological resources in general. CNPS' *Policy and Guidelines on Vernal Pool Mitigation* calls for mitigation of at least 2:1, and 3:1 or 4:1 when rare plants are present, see cnps.org/cnps/archive/vernal_pools.php. 13

Respectfully,



Gelia Kutcher
Vice President and Conservation Chair

cc.:

CNPS Conservation Team
Santa Ana Mountains Task Force

Letter 19: California Native Plant Society, Orange County Chapter

Comment 1: This comment states that a comment letter was sent in regarding the then-proposed development project on the project site, but was not on the notification list for the more recent Notice of Preparations (NOPs) for the currently proposed project. The comment requests to be included in all future notifications.

Response 1: As requested by the California Native Plant Society, the Orange County Chapter has been included on the notification list for the Preserve at San Juan Project. As further described in Response 2, below. The proposed project is a different development, then proposed in 2008. The CEQA process for the currently proposed project began when NOPs were distributed in 2013 and 2014 and were noticed pursuant to the requirements of the CEQA Guidelines. This comment does not provide specific concerns related to physical, environmental impacts that could result from construction or operation of the project or otherwise comment on the contents of the Draft EIR. Therefore, no further response is required or provided.

Comment 2: This comment states concurrence with all comments that Endangered Habitats League; Sea and Sage Audubon; Shute, Mihaly Weinberg; and CDFW have made on the 2017 proposal for the Preserve at San Juan; and states particular agreement with comments related to the timing of biological surveys. In addition, the comment states that it reiterates the comments made on the 2008 proposal for development of the site.

Response 2: The location of responses to comments raised by other letters (including those from Endangered Habitats League; Sea and Sage Audubon; Shute, Mihaly Weinberg; and CDFW) are provided in the table of contents, and listed on page 2-1. The 2008 letter regarding the Notice of Preparation for a project then proposed for the project site that was sent in by the California Native Plant Society, Orange County Chapter is provided as an attachment to the 2017 letter. Responses to concerns raised by this 2008 letter are provided in Responses 7 through 13, below. However, it should be noted that the project proposed for the site in 2008, was much larger, and quite different than the currently proposed development project. As described on page 1-1 of the Draft EIR, the project site was proposed for development of 213 single-family residential units in 2006. Then a revised project for 169 single-family residential units for the site was proposed in 2008. Prior to circulation of the Draft EIR in October 2008, the project applicant decided to suspend the project in response to a downturn in the residential housing market. The currently proposed project commenced in 2013, and provides a development plan to be consistent with the rural nature of the project site. This comment does not provide specific concerns related to physical, environmental impacts that could result from construction or operation of the project or otherwise comment on the contents of the Draft EIR. Therefore, no further response is required or provided.

Comment 3: This comment states that the biological surveys performed for the project are inaccurate based upon its Chapter members' notes of plant species observed on the project site during brief visits in

2013 through 2016. The comment states that these errors suggest that other species were missed during the biological survey.

Response 3: The floral compendium of the Biological Resources Assessment (included as Appendix C of the Draft EIR) includes plant species observed on-site. Although the floral compendium provides a comprehensive list of plant species observed during surveys, it is possible that other plant species may occur on-site that were not observed during the 9 years of biological surveys. Species-specific comments are summarized, and responses are provided below:

1. The comment states that *Acmispon glaber* var. *brevialatus* has been observed as common to abundant on-site. *Acmispon glaber* var. *glaber* is listed in the floral compendium, and could be a misidentification. Both varieties of the species are found within the study area. *Acmispon glaber* var. *brevialatus* occurs within an interior range and *Acmispon glaber* var. *glaber* occurs within a coastal range, but the range of both varieties overlaps within the study project area. Thus, it is possible that *Acmispon glaber* var. *brevialatus* also occurs on-site. Regardless, both are common forms of a common species and are not special status species. Therefore, impacts related to special status species would remain the same as cited in the Draft EIR.
2. The comment states that *Allophyllum glutinosum* has been observed as common on disturbed soils, but is not listed in the floral compendium. The comment is acknowledged. It is possible this species occurs on-site and could represent the unidentified *Gilia* reported. However, this is a common species and is not a special status species. Therefore, the potential for this species to occur does not change the analysis in the Draft EIR. Impacts related to special status plant species would remain the same as cited in the Draft EIR.
3. The comment states that *Antirrhinum nuttallianum* and *A. coulterianum* have been observed as common on disturbed soils, but are not listed in the floral compendium. The floral compendium does record *Antirrhinum nuttallianum* as occurring in the study area, and it is possible that the other species occurs on-site. However, both are common species and are not a special status species. Therefore, the potential for this species to occur does not change the analysis in the Draft EIR, and impacts related to special status plant species would remain the same as cited in the Draft EIR.
4. The comment states that *Calocedrus* sp. is listed on the floral compendium as a native species. Although *Calocedrus decurrens* is a native species in the greater Southern California area, this is not a native species in the Santa Ana Mountains and certainly not at this site. If this species is identified in the study area, it would most likely have been planted. The Draft EIR describes previous and existing human uses on the project site, and numerous non-native species exist on-site. The potential for this species to occur onsite does not change the analysis in the Draft EIR, and impacts related to special status plant species would remain the same as cited in the Draft EIR.
5. The comment states that *Camissoniopsis hirtella* has been observed as common on disturbed soils, but is not listed in the floral compendium. It is possible this species occurs on-site, however, this is a common species, and is not a special status species. Therefore, potential impacts to this species is not significant, and the potential for this species to occur does not change the analysis in the Draft EIR.

6. The comment states that *Chamaesyce maculata* (now, *Euphorbia maculata*), an invasive non-native, is listed in the floral compendium of the Biological Resources Assessment (Appendix C of the Draft EIR) as a native species. This is a typographical error and the text should have indicated that this species is non-native. These changes are shown in Chapter 3, Revisions to the Draft EIR. However, regardless of this typographical error, this non-native species is not a special status species. Therefore, potential impacts to this species is not significant, and this typographical error does not change the impact analysis in the Draft EIR.
7. The comment states that *Cryptantha menziesii* is listed in the floral compendium. There is no such species. However, *Cryptantha intermedia* has been observed as common on the site. This is a typographical error in the floral compendium and the text should indicate this species is *Cryptantha intermedia*. These changes are shown in Chapter 3, Revisions to the Draft EIR. However, regardless of this typographical error, the species is common and is not a special status species, and this error does not change the analysis related to special status plant species in the Draft EIR.
8. The commenter states that *Deinandra (Hemizonia) kelloggii* was recorded within the site in 2008 by Allen and Allen with a published CCH record, yet has been omitted from the floral compendium. This species was not observed during the biological surveys, but it is almost certainly present and should have been included via a literature search. Regardless, this is a common species and is not a special status species. Thus, potential impacts to this species is not significant, and its listing as present would not change the analysis related to special status plant species in the Draft EIR.
9. The comment states that *Eriastrum filifolium* is listed in the floral compendium, and is unlikely for this location. Upon review of the site photographs, this is a misidentification and is correctly identified as *Eriastrum sapphirinum*. These changes are shown in Chapter 3, Revisions to the Draft EIR. Neither *Eriastrum* species is considered sensitive, and are common species; thus, impacts species would not be significant, and listing this species as present would not change the analysis related to special status plant species in the Draft EIR.
10. The comment states that *Euphorbia lathyris* is listed as native on the floral compendium. It is an invasive non-native. A large stand of it has been observed at Long Canyon Road and the project site, see: calflora.org/cgi-bin/noccdetail.cgi?seq_num=oe7418. Any grading or soil movement there will disperse this infestation even further. This is a typographical error and the text should have indicated that the species is non-native. These changes are shown in Chapter 3, Revisions to the Draft EIR. However, this error does not change the analysis related to special status plant species in the Draft EIR.
11. The comment states that *Micropus californicus* has been observed as common on disturbed soil, but is not listed in the floral compendium. It is possible this species occurs on-site. However, this is a common species and is not a special status species. Thus, potential impacts to this species would not be significant, and its listing as present onsite would not change the analysis related to special status plant species in the Draft EIR.
12. The comment states that *Nicotiana quadrivalvis* has been observed as common on disturbed soil, but is not listed in the floral compendium. It is possible this species occurs on-site. However, this is

a common species and is not a special status species. Thus, potential impacts to this species would not be significant, and its listing as present onsite would not change the analysis related to special status plant species in the Draft EIR.

13. The comment states that *Oncosiphon piluliferum* is listed in the floral compendium as a native species. It is a non-native invasive species, and is listed by California Invasive Plant Council as being of high concern. This is a typographical error and the text should indicate this species is non-native. These changes are shown in Chapter 3, Revisions to the Draft EIR. However, this is not a special status species, and this change would not change the analysis related to special status plant species in the Draft EIR.
14. The comment states that *Phacelia davidsonii* is listed on the floral compendium, and that this is highly unlikely for the location and is almost certainly a misidentification. This is a common species, and is not a special status species. Thus, impacts to this species is not significant, and whether it is listed or not in the floral compendium would not change the analysis in the Draft EIR.
15. The comment states that *Pinus* sp. and *Pinus coulteri* are each listed on the floral compendium as native species. *Pinus coulteri* is native in the Santa Ana Mountains; the floral compendium (Appendix C3) found a single specimen at the project site. No other *Pinus* species is native to this area. This is a typographical error and *Pinus* sp should not have been listed. Regardless, this is a common species and not a special status species. Thus, impacts to this species is not significant, and whether it is listed or not in the floral compendium would not change the analysis related to special status plant species in the Draft EIR.
16. The comment states that *Rumex crispus* is listed on the floral compendium as a native species. It is a non-native invasive species. This is a typographical error and should be corrected to indicate this species is non-native. This error does not change the analysis related to special status plant species in the Draft EIR.
17. The comment states that *Salsola tragus* is listed on the floral compendium. This is almost certainly a misidentification of *Salsola australis*. Both species are found within the area with *Salsola tragus* being far more prevalent and invasive than *Salsola australis*. However, it is possible that *Salsola australis* also occurs on-site. Regardless, both are common non-native species and not special status species. Thus, potential impacts to these species are not significant.
18. The comment states that *Salvia leucophylla* is listed on the floral compendium as present and native, and that this species is unlikely for this location. This species is recorded from Orange County, at the southern limit of its range. However, this could be a misidentification of *Salvia clevelandii*, which is at the northern limit of its range in the Santa Ana Mountains. Regardless, both are common species, and not special status species. Thus, impacts to these species is not significant.
19. The commenter states that *Salvia spathacea* is listed on the floral compendium as present and native. This is highly unlikely for this location, unless planted, as it is primarily a coastal species in Orange County; however, it has been recorded in Bee Flat Canyon, in the Santa Ana Mountains. It may be a misidentification. As previously described, human disturbances occur on the project site, so numerous non-native species and a number of ornamental species were observed on-site. Regardless, this is a common species, and not a special status species. Thus, potential impacts

related to this species is not significant, and would not change the analysis related to special status plant species in the Draft EIR.

20. The comment states that *Vicia villosa* is listed on the floral compendium as a native species. This species is non-native and highly invasive. This is a typographical error and the text should indicate this species is non-native. Regardless, this is a common species, and not a special status species. Thus, potential impacts related to this species is not significant, and would not change the analysis related to special status plant species in the Draft EIR.

Comment 4: This comment states that the resource survey identifies several California Invasive Plant Council-listed invasive species as present on site, and that the project should specify BMPs for these species.

Response 4: The project will avoid the use of invasive plants (PDF-4); however, the project does not propose to remove any invasive species currently existing on-site. The removal of invasive species is not a part of the project's requirements. This comment does not provide specific concerns related to the contents of the Draft EIR. Therefore, no further response is required or provided.

Comment 5: This comment states that the Project Objectives includes the requirements that plants are non-invasive. In addition, the comment states that the landscape palette includes invasive species, which should be removed.

Response 5: The comment is incorrect. The Project Objectives do not include an objective to exclude invasive plant species. However, Project Description Feature PDF-4 does state that the project would incorporate use of native/drought tolerant plant materials, and avoid the use of invasive plants. The final landscape palette for the proposed project would be approved through coordination with the OC Public Works, Development Services/Planning and Fire Department during permitting for the proposed project.

Comment 6: This comment requests that proposed project not be approved, and that comments be included in the official record, although they were submitted after the deadline.

Response 6: As requested by this comment, the comment letter is included in the official record, and it is identified that the commenter requires that the project not be approved. This comment does not provide other specific concerns related to physical, environmental impacts that could result from construction or operation of the project or otherwise comment on the contents of the Draft EIR. Therefore, no further response is required or provided.

Comment 7: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that the maps in the 2008 Initial Study are inadequate and provides a list of maps that should be included in the EIR.

Response 7: The Draft EIR and the biological technical studies, which are included as Appendix C of the Draft EIR provide numerous detailed graphics of the project site, natural features, and potential areas of impact. These graphics show jurisdictional features (Figures 2-5 and 3.4-4), the watershed and sub

watersheds (Figure 3.9-1), and the location of Cleveland National Forest areas and the location of existing features (Figures 2-1, 2-2, 3.4-1 through 3.4-9). In addition, Section 3.4, Biological Resources of the Draft EIR provides graphics of the project features overlain on maps showing biological and hydrological resources. In addition, the Biological Resources of the Draft EIR provides a detailed analysis of potential impacts to those resources, and implementation of both Project Description Features and Mitigation Measures to reduce potential impacts from development of the project site to a less than significant level. However, the currently proposed project does not include a “Land Exchange Scenario”, which was part of the 2006 and 2008 proposals for development of the project site. As this is not part of the currently proposed project, these are not shown on Draft EIR graphics.

Comment 8: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that the use of the term “vacant” is incorrect because the area contains vegetation and wildlife species. The comment states that the term “vacant” should be changed to “natural open space”.

Response 8: In certain sections of the Draft EIR (such as Section 3.10, Land Use and Planning, Section 3.2, Agricultural and Forest Resources, Section 3.8, Hazards and Hazardous Materials, and Section 3.13, Public Services), the project site is described as “primarily undeveloped vacant land,” which is used to describe that the majority of the project site consists of land that has no residences or permanent structures, which is appropriate for those environmental topics. However, the Draft EIR also describes the extensive vegetation and potential wildlife species in the project area in Sections 2.3 of the Project Description; Section 3.1.1 of the Aesthetics Section; and throughout Section 3.4, Biological Resources.

Comment 9: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that an alternative that would only develop St. Michaels Abbey should be included and that the Agricultural Alternative does not indicate if it would include improved water and wastewater treatment facilities, and if treated wastewater for irrigation is proposed. The comment further states that vineyards and olive orchards are likely to strain the water supply.

Response 9: The proposed project includes development of only residential uses. St. Michaels Abbey is not included in the proposed project and is located approximately 12 miles to the west. In addition, the Agricultural Alternative and olive orchards are not included in the proposed project or Draft EIR. However, the Draft EIR provides a detailed description and analysis of the water and wastewater infrastructure that has been proposed to serve the residential uses. Furthermore, the water demand that would be generated by the proposed project, including the vineyard, and landscape irrigation needs have been evaluated in the Draft EIR, and a service letter has been provided by the Elsinore Valley Municipal Water District (EVMWD) that states that the district has adequate water supply availability to serve the proposed project, in addition to its existing and planned future service requirements. Thus, although the proposed project has changed since the comments were submitted in 2008, the Draft EIR provides an analysis of the requested topics.

Comment 10: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that the proposed residences are grouped on a ridge that is subject to wildfires, and that the most realistic and economical way to avoid wildfires is not to build in such areas. In addition, the

comment states that the EIR should evaluate the potential impacts related to wildfire, and include BMPs and mitigation measures to reduce wildfire impacts.

Response 10: As detailed in Section 2.0, Project Description of the Draft EIR, the proposed residences are not to be located on a ridgetop, but on the flattest portions of the site (see Project Description Feature PDF-3). In addition, the proposed project has been designed to reduce the potential impacts related to wildfire. The Draft EIR evaluates in Section 3.8, Hazards and Hazardous Materials, and Section 3.13, Public Services, risks related to wildfire, the effect of the Project Design Features to reduce fire impacts, and mitigation measures have been included to reduce potential impacts related to wildfire hazards to a less than significant level. The fire related Project Design Features include a Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program*, which has been approved by OCFA and is included as Appendix G of the Draft EIR. The project would also install onsite fire suppression infrastructure that includes two water storage tanks (PDF-19) sized pursuant to OCFA specification that are connected to onsite fire hydrants and automatic fire sprinklers would be in every residence (Project Design Feature PDF-11). In addition, as described on page 2-23 of the Draft EIR, the project would be implemented in compliance with the Riverside County fire requirements included in Chapter 8.32 of the County's Municipal Code (the amended Uniform Fire code). Also, Mitigation Measure MM 3.13-1 included in Section 3.13, Public Services of the Draft EIR, provides specific requirements for fire infrastructure to be included in the project, and as described on page 3.13-8 of the Draft EIR, the Orange County Standard Conditions of Approval require payment of development fees to provide for a fair share of funding to mitigate impacts by providing for fire service related capital improvements. Furthermore, because the project site is located within a State Responsibility Area, homeowners would be required to pay annual fire prevention fees, which would also provide funding for needed capital improvements for fire prevention services.

Comment 11: The comment is related to the 2008 Initial Study to a previously proposed project on the site and describes fuel modification areas and states that the loss of habitat from creation of the fuel modification areas must be discussed and mitigation in the Draft EIR.

Response 11: The project description in the Draft EIR describes that the fuel modification areas are considered as "developed" portions of the project, and potential impacts to those areas are included throughout the Draft EIR analyses. Specifically, Section 3.4, Biological Resources of the Draft EIR provides a detailed discussion of potential impacts to biological resources, and describes that the Project Description Features and Mitigation Measures identified for the project would reduce potential impacts from development of the project (including the fuel modification zones) to a less than significant level. Plants within the fuel modification zone would consist of species that are approved by the Fuel Modification Plan (Project Design Feature PDF-10) and a Fire Master Plan (Project Design Feature PDF-11) in accordance with OFCA's Guideline C-05, *Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program*, and compliant with Riverside County Fire requirements.

Comment 12: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that the proposed configuration of residential lots in 2008 included lots that extend to the bottom of canons from ridgelines. The comment requests clarification if slopes are to be maintained by the homeowners or Homeowners Association, as maintenance by homeowners may result in more impacts to slope areas

Response 12: The residential lots that are proposed and evaluated in the Draft EIR do not extend from the top of ridge lines to the bottom of canyons. As provided in Response 10, the residences are proposed to be located on the flattest portions of the site (see Project Design Feature PDF-3) and homeowner lands do not include slope areas. In addition, the Draft EIR describes that the project's Homeowner Association would maintain all of the onsite open space areas, including slopes, landscaping, and other project site amenities and infrastructure.

Comment 13: This comment is related to the 2008 Initial Study to a previously proposed project on the site and states that the project site includes ephemeral ponds that may contain resources protected by the state and federal wildlife agencies, and that these ponds need to be evaluated in the Draft EIR and any impacts should be mitigated through specific measures.

Response 13: Section 3.4, Biological Resources of the Draft EIR, and the Biological Resources Assessment (included as Appendix C of the Draft EIR) includes specific analysis based on numerous field visit investigations of the ponds within the Phase 2 (north parcel) which were determined to be man-made seasonal ponds (i.e., not vernal pools). The Draft EIR includes mitigation related to jurisdictional resources, that includes wetland and riparian areas (Mitigation Measure MM 3.4-6) and specific mitigation to ensure that riparian areas and vernal pools are protected as required within Riverside County MSHCP portions of the project area. Therefore, the Draft EIR and its biological technical studies provides the analysis requested by this comment.

From: Rivers Morrell [mailto:rjm@rjmlawfirm.com]
Sent: Wednesday, May 31, 2017 6:42 AM
To: Shannon, Kevin
Subject: The Preserve at San Juan,

We have lived in El Cariso since 1992.

We are very familiar with the project, and its history. We have talked with a number of other residents about this project.

We overwhelmingly support this project, as do a vast, vast majority of the residents of El Cariso. We hope that this project gets fully approved, and that it is done timely, and efficiently.

Thank you.

Rivers

Law Firm of Rivers J. Morrell III
27201 Puerta Real
Suite 470
Mission Viejo, CA 92691
Phone: 949-305-1400
Fax: 949-305-1414
Email: RJM@RJMLawFirm.com
www.RJMLawFirm.com

The information contained in this electronic message and any attachments to it are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify The Law Firm of Rivers J. Morrell III at the telephone number or email address noted above, and destroy all copies of this message and all attachments.

Letter 20: Rivers Morrell

Comment 1: This comment expresses support for the proposed project from an El Cariso Village resident.

Response 1: This comment does not provide specific concerns related to physical, environmental impacts that could result from construction or operation of the project or otherwise comment on the contents of the Draft EIR. Therefore, no further response is required or provided.

From: heather rice <hriceacupunk@yahoo.com>
To: "Shannon, Kevin" <Kevin.Shannon@ocpw.ocgov.com>
Cc:

Bcc:
Date: Fri, 7 Jul 2017 02:27:54 +0000

Subject: Opposition

I oppose any future development in the el Caruso village! Please oppose any development. That area is where
i hike and backcountry camp behind the candy store. Please preserve this area for future generations.

Thank you

Heather Rice

Oc resident for 42 years born and raised

Sent from my iPhone

Letter 21: Heather Rice

Comment 1: This comment expresses opposition to future development within El Cariso Village, and states that areas behind the candy store are used for camping and hiking.

Response 1: The project site is not located within El Cariso Village, which is in Riverside County. El Cariso Village is approximately 1,500 feet east of the North Parcel (Phase 2) of the project site. The boundaries of El Cariso Village are shown on Figure 2-2 in the Draft EIR. In addition, the project site does not include, nor is adjacent to areas near the Ortega Oaks Candy Store. The project site is located approximately 3 miles to the northwest of the Ortega Oaks Candy Store. Furthermore, this comment does not provide specific concerns related to physical, environmental impacts that could result from construction or operation of the project or otherwise comment on the contents of the Draft EIR. Therefore, no further response is required or provided.

From: Joel Robinson <jrobinson@naturalist-for-you.org>
To: "Shannon, Kevin" <Kevin.Shannon@ocpw.ocgov.com>
Date: Fri, 7 Jul 2017 21:04:28 +0000
Subject: PUBLIC COMMENTS The Preserve Draft EIR (EIR No. 618)
PUBLIC COMMENTS The Preserve Draft EIR (EIR No. 618)
Thursday, July 6, 2017

Joel Robinson
14362-12 E Ladd Canyon Rd.
Silverado, CA 92676

Mailing Address:
PO Box 381
Silverado, CA 92676

714-649-9084
jrobinson@naturalist-for-you.org

Please call, email or write me a letter to confirm when you receive my public comments. Please notify me when you publish my comments in the final "The Preserve EIR (EIR No. 618)." Thank you.

1) 3.5.1 Environmental Setting

Previous Studies: The records searches indicate that 28 cultural resources studies have been previously conducted within a one-mile radius of the project site. Of these 28 previous studies, three include approximately 15 percent of the project site. In addition, a cultural resources study for the entire project site was prepared in 2005- 2008 (Underbrink and O'Neil, 2008), which states that dense vegetation and steep terrain of the project site prohibited the use of fixed interval transects. However, roads, creek beds, grassy flats, and ridgelines were surveyed for the presence of cultural resources. In addition, all accessible granite outcrops were investigated for the presence of bedrock milling features. During the survey of the Phase 2 (north parcel) a number of structures and features were noted and include: a residence area consisting of a trailer and workshop; a dirt landing strip; an orchard; a horse corral; and a junk car yard. During the survey of the Phase 1 (south parcel), an unoccupied residence and an associated storage shed were identified but not determined to be cultural resources. Overall, no cultural resources were identified in the previous surveys.

Comments: A more thorough archaeological survey must be conducted because the ground was obscured by dense vegetation during previous surveys, and that although the buildings do not appear to meet California Register criteria, the archaeological historic remains, such as privies, wells, foundations, cellars, etc. usually contain historic artifacts and these may meet criterion D: can provide information important in history. A historic archaeologist should be retained by the developer to make this determination for the EIR. The site must be investigated for projectile points, middens, lithics, ceramics, rock art (petroglyphs and pictographs), mortars (molcajete, metate, mano/pestle), pit ovens, human remains and other prehistoric artifacts that could be hidden in dense vegetation and steep terrain of project site. It is likely that projectile points and other artifacts may be found throughout the site, since findings have occurred in similar historic rural environments, including Silverado Canyon and Black Star Canyon.

2) Previously Identified Resources: The records search conducted for this EIR identified 22 cultural resources that were previously recorded within one-mile of the site, which are listed in Table 3.5-1. Of the 22 resources, eleven (CA-ORA-35, -241, -299, -994, -995, -1116, 33-000506, -000507, -003435, -004811, and -004885) are prehistoric archaeological sites, one (33-003837) is a historic-period archaeological site, and ten (33-000040, -007165, -007166, -007174, -007234, -020524, -020525, -020664, -020665, and -020666) are built historic resources. No cultural resources have been previously recorded with the boundaries of the project site.

Comments: Because of the close proximity of 22 cultural resources within a one-mile radius, it is likely that there are cultural resources within the boundaries of the project site. A thorough investigation must be conducted by a qualified archaeologist, including Patricia Martz and Sylvere Valentin, and qualified representatives of the Juaneño Band of Mission Indians Acjachemen Nation, including Rebecca Robles and Alfred Cruz, Jr., must be consulted during this investigation.

1

2

3) Thus, the proposed development area, which is focused on flatter portions of the project site, has the potential to contain archaeological resources.

Comments: A thorough investigation of the flatter area must be conducted by a qualified local archaeologist and representatives of the local Native American tribe. It is recommended that the proposed development not be approved because it is likely that archaeological resources will be lost, damaged or destroyed during grading/excavation/earth movement activities.

3

4) Cultural resource surveys of the Phase 2 (north parcel) and Phase 1 (south parcel) were conducted on Wednesday, August 21, 2013 and Friday, September 6, 2013 by ESA Associates Cultural Resources staff Madeleine Bray, M.A. Michael Vader, Laura MacDonald, and Robert Ramirez. They were accompanied by Native American monitors Augie Ortiz, Cody Schlater, and Brian Robbins of the Pechanga Band of Luiseño Indians. The 2013 surveys resulted in identification and recordation of three new resources; two of which are prehistoric sites (Preserve-001 and -003) and one is a prehistoric isolate (Preserve-Iso-002), which are described below.

Comments: Since new resources were found during 2 days of resource surveys with ESA Associates and Native American monitors in 2013, more thorough surveys/investigations should be conducted because it is likely that more cultural resources occur on the site. The Juaneño Band of Mission Indians Acjachemen Nation and California Cultural Resources Preservation Alliance must be consulted.

4

5) Appendix C1 - Biological Resources Assessment Field investigations were completed in 2004, 2005, 2006, and 2008. More recently, field investigations were conducted between May 17, 2012 and May 15, 2013...

Comments: 4 years have lapsed since the last field investigations. New field investigations must be conducted since we received record breaking rain after a 5-year drought. Conditions may have changed for sensitive species. Also, the Rancho Mission Viejo has progressed in their development which contributes to the cumulative impacts of the proposed development. Certain sensitive species are at a higher risk due to increased traffic, pollution and loss of habitat.

5

6) 2.3 FIELD INVESTIGATIONS

PCR's survey work was conducted between December 13, 2004 and June 5, 2008 by PCR biologists Kristin Szabo, Linda Robb, Crysta Dickson, Jason Berkley, Robert Freese, Jenni Snibbe, Susan Anon, Stephanie Picha, Miriam Hermann, Chris Jones, Sundeep Amin, Maile Tanaka, and Erin Hardison. In addition, a site visit was conducted by Maile Tanaka and Ezekiel Cooley on June 23, 2010 for the Beaulieu property, which consisted of the approximately 82-acre Riverside County portion of the Sanchez parcel. More recently, field investigations were conducted between May 17, 2012 and May 15, 2013 by PCR biologists Ceri Williams-Dodd, Maile Tanaka, Ezekiel Cooley, Bob Huttar, Florence Chan, and Amy Lee to update site conditions and bring surveys current. The jurisdictional delineation was conducted by GLA in 2007 (GLA 2008) and updated in 2013 (GLA 2013),¹ and a tree survey was conducted by Dudek in 2008 and updated in 2013 (Dudek 2013).

6

Comments: The list of consulted biologists does not include the local authorities on sensitive species. New sensitive species surveys must be conducted by Bob Allen, Fred Roberts, Jr., Robert Fisher and Adam Backlin.

7) Comments: The location of the proposed development is in a rural, fire-prone area with occurrences of mountain lions and Native American cultural resources along a busy commuter highway that is susceptible to landslides and frequent vehicular collisions. Because of the remote, inaccessible, unpredictable, high-risk and sensitive conditions, it is inappropriate to develop single family housing in the proposed location. It is recommended that the planning commission and board of supervisors deny this project, which will drain emergency services and contribute to the traffic congestion, fire frequency and fatality rate of Ortega Highway.

7

Letter 22: Joel Robinson

Comment 1: This comment copies text from Section 3.5.1 of the Draft EIR and states that a more thorough archaeological survey must be conducted because the ground was obscured by dense vegetation during previous surveys, and that although the buildings do not appear to meet California Register criteria, the archaeological historic remains, such as privies, wells, foundations, cellars, etc. usually contain historic artifacts and these may meet California Register Criterion D, which is something that has yielded, or may be likely to yield, information important in prehistory or history. A historic archaeologist should be retained by the developer to make this determination for the EIR. The site must be investigated for projectile points, middens, lithics, ceramics, rock art (petroglyphs and pictographs), mortars (molcajete, metate, mano/pestle), pit ovens, human remains and other prehistoric artifacts that could be hidden in dense vegetation and steep terrain of project site. It is likely that projectile points and other artifacts may be found throughout the site, since findings have occurred in similar historic rural environments, including Silverado Canyon and Black Star Canyon.

Response 1: As described on page 3.5-5 of the Draft EIR, cultural resource surveys were completed of all areas of the project site that would be disturbed as part of the proposed project. The surveys included a search for historic, archaeological, and paleontological resources, which resulted in identification of three resources that were not considered historical or unique archaeological resources under CEQA. However, due to the potential for the project site to contain any unknown cultural resources that are obscured by vegetation or structures, the Draft EIR has included Mitigation Measures MM 3.5-1 and MM 3.5-2, which would provide for archaeological and Native American Monitors, and a Cultural Resource Monitoring Plan. Thus, additional investigation of the project site would occur during mitigation monitoring for the proposed project.

Comment 2: This comment copies text from Section 3.5.1 of the Draft EIR and states that because of the close proximity of 22 cultural resources within a one-mile radius, it is likely that there are cultural resources within the boundaries of the project site. A thorough investigation must be conducted by a qualified archaeologist, including Patricia Martz and Sylvere Valentin, and qualified representatives of the Juaneño Band of Mission Indians Acjachemen Nation, including Rebecca Robles and Alfred Cruz, Jr., must be consulted during this investigation.

Response 2: As described in the previous response, mitigation monitoring of the development areas of the project site would occur during project implementation as required by Mitigation Measures MM 3.5-1 and MM 3.5-2, which would provide for archaeological and Native American Monitors. As described on 3.5-15 of the Draft EIR, the Juaneño Band of Mission Indians Acjachemen Nation was included on the distribution mailing list for the proposed project, and representatives from this tribe had the opportunity to contact the County to request consultation. In addition, the County of Orange maintains a qualified list of archaeological monitors who have provided an analysis of the project site, as included within the Draft EIR, and who have the expertise to provide mitigation monitoring for the proposed project. Thus, qualified archaeologists have, and will continue to, provide evaluation and mitigation activities as necessary, pursuant to CEQA.

Comment 3: This comment states that a thorough investigation of the flatter area of the project site must be conducted by a qualified local archaeologist and representatives of the local Native American tribe. It is recommended that the proposed development not be approved because it is likely that archaeological resources will be lost, damaged or destroyed during grading/excavation/earth movement activities.

Response 3: Refer to response to Responses 1 and 2 previously. The development areas of the project site have been surveyed and investigated by County qualified archaeologists, and mitigation measures are included to provide monitoring during construction to ensure that impacts to resources do not occur. In addition, page 3.5-5 of the Draft EIR describes that cultural resource surveys were accompanied by Native American monitors from the Pechanga Band of Luiseño Indians. As described in Section 3.5.4 of the Draft EIR, with implementation of Project Design Features and mitigation measures, potential impacts related to archaeological resources would be reduced to a less than significant level.

Comment 4: This comment copies text from page 3.5-5 of the Draft EIR and states that since new resources were found during 2 days of resource surveys with ESA Associates and Native American monitors in 2013, more thorough surveys/investigations should be conducted because it is likely that more cultural resources occur on the site. The Juaneño Band of Mission Indians Acjachemen Nation and California Cultural Resources Preservation Alliance must be consulted.

Response 4: Refer to Response 3 above.

Comment 5: This comment states that 4 years have lapsed since the last field investigations. New field investigations must be conducted since we received record breaking rain after a 5-year drought. Conditions may have changed for sensitive species. Also, the Rancho Mission Viejo has progressed in their development which contributes to the cumulative impacts of the proposed development. Certain sensitive species are at a higher risk due to increased traffic, pollution and loss of habitat.

Response 5: Page 3-3 of the Draft EIR provides a description of the Environmental Setting/Baseline for the Draft EIR and described that CEQA Guidelines Section 15125 states that *“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”* Two Notice of Preparations and Initial Studies were published for the proposed Preserve at San Juan Project; the first on September 26, 2013, and a revised Notice of Preparation/Initial Study was circulated on October 16, 2014 related to wastewater system changes and the number of residential units. The changes to the project, and related revised Notice of Preparation/Initial Study in 2014 were not related to biological resources, and the baseline for biology is consistent with the biological surveys and studies of the proposed project that occurred from 2012 through 2013. Therefore, the baseline conditions relevant to biological resources are appropriate pursuant to CEQA.

In addition, drought conditions did not exist during time of the 2012 and 2013 field surveys (LA Times 2017), and the project's mitigation is based on these surveys (as well as data provided by the previously conducted surveys from 2004, 2005, 2006, 2008, and 2010). Therefore, the surveys conducted for the project were conducted during non-drought years, and represent conservative conditions; when potential sensitive wildlife and plant species are more likely to be present. New field investigations are not currently required. However, because wildlife species are mobile and sensitive species could be present prior to project construction, Mitigation Measure MM 3.4-3 requires a pre-construction survey, an onsite biological monitor that would identify biological resources, and coordination with CDFW prior to relocating any special-status wildlife species. These measures would ensure that any sensitive species or habitat that may exist at the time the project is implemented would be protected from significant impacts.

Comment 6: This comment copies text from Section 3.4.3 of the Draft EIR and states that the list of consulted biologists does not include the local authorities on sensitive species. The comment states that new sensitive species surveys must be conducted by Bob Allen, Fred Roberts, Jr., Robert Fisher and Adam Backlin.

Response 6: The development areas of the project site have been surveyed and investigated by a team of County qualified biologists as detailed on pages 3.4-26 and 3.4-27. The County, as Lead Agency, has the authority to determine the appropriate qualifications of biologists that work on projects within the County. In addition, the County of Orange maintains a qualified list of biologists who have the expertise to provide mitigation monitoring for the proposed project.

Comment 7: This comment states that the location of the proposed development is in a rural, fire-prone area with occurrences of mountain lions and Native American cultural resources along a busy commuter highway that is susceptible to landslides and frequent vehicular collisions. The comment also states that because of the remote, inaccessible, unpredictable, high-risk and sensitive conditions, it is inappropriate to develop single-family housing in the proposed location. In addition, the comment states that it is recommended that the planning commission and board of supervisors deny this project, which will drain emergency services and contribute to the traffic congestion, fire frequency and fatality rate of Ortega Highway.

Response 7: The comment does not specifically provide concerns related to the Draft EIR. However, because of potential impacts related to topics listed by the comment, these environmental resource areas were evaluated in the EIR. The project has included multiple Project Design Features (listed in Table 2-4 of the Draft EIR) and mitigation measures listed in Table 1-5 of the Draft EIR, which would reduce potential impacts related to risk of wildfire, biological and cultural resources, traffic, and geologic hazards to a less than significant level.

Letter 23: John Smith

From: John Smith <johns@savoury.net>
To: "Shannon, Kevin" <Kevin.Shannon@ocpw.ocgov.com>

Cc:

Bcc:

Date: Fri, 7 Jul 2017 22:30:28 +0000

Subject: Ortega development by El Cariso

Just wanted to be sure the [REDACTED] and more importantly the [REDACTED] close to

[REDACTED]

[REDACTED], Lake Elsinore, CA 92530

Are taken into consideration for this project. I've been monitoring them for years and would hate to see them damaged.

John Smith
Cleveland National Forest Volunteer #218

Letter 23: John Smith

Comment 1: This comment states that certain Native American cultural resources should be taken into consideration for this project and not damaged.

Portions of this comment have been redacted to ensure the confidentiality of archaeological resource information pursuant to the Code of Federal Regulations (CFR) Section 296.18.

Response 1: The project site is located approximately 0.5 mile away from the location described in the comment. The project does not involve activities near the identified location; therefore, impacts related to resources at this location would not occur from implementation of the project. In addition, the proposed project includes Project Design Features to limit site disturbance areas, and Mitigation Measures MM 3.5-1 and MM 3.5-2, (provided on pages 3.5-17 and 3.5-18) that would protect any Native American tribal resources discovered during implementation of the proposed project.

References

Forman R.T.T and L.E. Alexander. 1998. Road and Their Major Ecological Effects. *Annual Review of Ecology and Systematics*, 29, 207-231. Accessed:

https://www.edc.uri.edu/nrs/classes/nrs534/NRS_534_readings/FormanRoads.pdf

Los Angeles Times, California Drought Maps Show Deep Drought and Recovery, April 7, 2017 (LA Times 2017). Accessed: <http://www.latimes.com/local/lanow/la-me-g-california-drought-map-htmlstory.html>

United States Department of Agriculture, Draft Supplemental Environmental Impact Statement Southern California National Forests Land Management Plan Amendment, 2013 (USDA 2013). Accessed:

[https://www.uschamber.com/sueandsettle/pleadings/CBD%20v.%20USDA%20\(roadless%20rule\)/Draft%20Supplemental%20EIS.pdf](https://www.uschamber.com/sueandsettle/pleadings/CBD%20v.%20USDA%20(roadless%20rule)/Draft%20Supplemental%20EIS.pdf)

University of California, Davis. Road Ecology Center. 2017. *California Roadkill Observation System*.

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Vickers, T. Winston et al. 2015 (Vickers 2015). Survival and Mortality of Pumas (*Puma concolor*) in a Fragmented, Urbanizing Landscape. *PLOS ONE*. DOI: 10.1371/journal.pone.0131490. July 15, 2015.

Accessed: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0131490>

Western Riverside County MSHCP, Volume I, Section 7, Covered Activities/Allowable Uses (MSHCP Section 7). Accessed: <http://www.rctlma.org/Portals/0/mshcp/volume1/sec7.html#7.2.1>

CHAPTER 3

Revisions to the Draft EIR

This section contains revisions to the Draft EIR based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft EIR. Changes made to the Draft EIR are identified here in ~~strikeout~~ text to indicate deletions and in underlined text to signify additions.

3.1 Draft Revisions in Response to Written Comments and County Changes to Text

The following text has been revised in response to comments received on the Draft EIR and corrections identified by the County.

Chapter 1, Introduction/Summary

Page 1-1: The last paragraph is hereby revised as follows:

Then in 2013, the project was redesigned to be smaller, and no longer proposes residential units within Riverside County, amongst other project revisions. Within Riverside County, the redesigned project is limited to construction of road improvements.

Page 1-2: The end of the last paragraph of Section 1.3, Project Summary is hereby revised to add the following:

The project site is located within Orange County; however, the project includes improvements within unincorporated Riverside County for secondary access roadways to Phase 2 (north parcel) and internal circulation for Phase 1 (south parcel).

Chapter 2, Project description

Page 2-6: The last paragraph of Section 2.5 is hereby revised as follows:

The project proposes to change the General Plan Land Use designation of the project area to Rural Residential (1A), which allows a minimum density of 0.025 to 0.5 dwelling units per acre, (or two to ~~four~~forty acres per dwelling unit ~~units per acre~~). The project also proposes to change the zoning designation to...

Page 2-21: The second sentence in the second paragraph under the Fuel Modification Zone A heading is hereby revised as follows:

Fuel modification Zone A would be located on the flat pad portions of the residential lots and would vary from ~~15 to 100~~ 20 to 140 feet in width, depending on the size, location and configuration of each residential lot.

Chapter 3.0, Environmental Setting, Impacts, and Mitigation Measures

Pages 3-6 and 6-8: Table 3-1, Cumulative Projects List and the numbering of cumulative project locations in Figure 3-1 is hereby revised as follows:

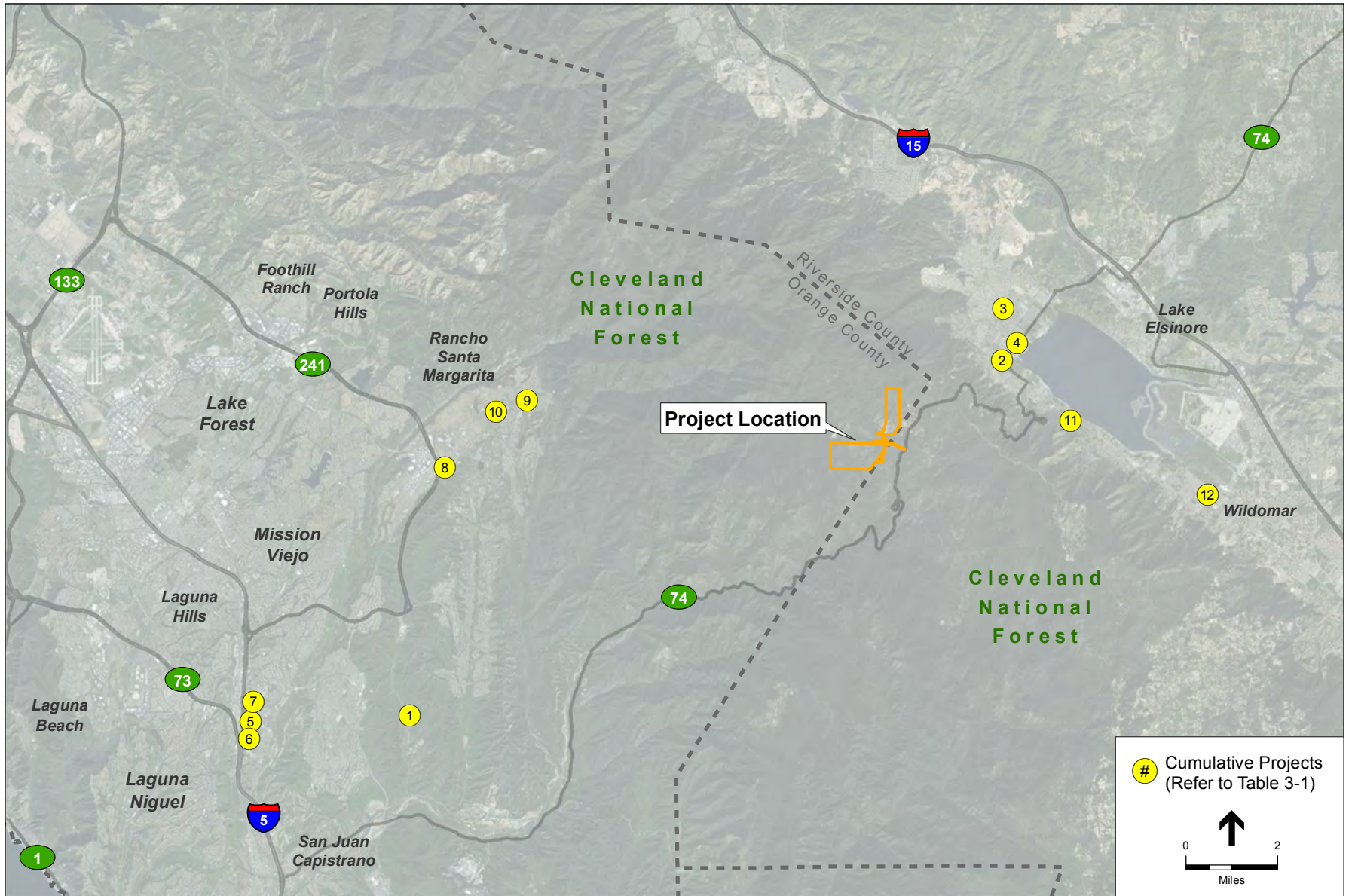
County of Riverside Projects			
11	Lakeland Village Community Plan General Plan Amendment No. 1156	The Amendment area consists of 2,626 acres and re-designation of 471 parcels, some of which were designated Mixed Use Area (MUA) along a gateway corridor.	Approved
12	General Plan Amendment No. 1208	The Amendment area consists of 109 acres and re-designation of 176 parcels, generally located south of Grand Avenue between Kathryn Way and Richard Street to Community Development (CD).	Approved

Chapter 3.3, Air Quality

Page 3.3-13: The following paragraph is hereby inserted above Rule 445:

Rule 403(e) - Large Operations. This rule requires the applicant of a project site that would disturb 50 acres or more, or 5,000 cubic yards of soil per day, to submit a Rule 403 Notification to the AQMD indicating that the project will be considered a “large operation” as defined in Rule 403(c). The project be required to implement the actions listed in Table 2 of Rule 403, that includes:

- Maintaining daily records to document the specific dust control actions that will be retained for a minimum three years; and make such records available to the Executive Officer upon request.
- Installing and maintain project signage with project contact signage that meets the minimum standards of Rule 403 Implementation Handbook, prior to initiating any earthmoving activities.
- Identifying a dust control supervisor that: is employed by or contracted by the applicant; is on the site or available on-site within 30 minutes during working hours; has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements; has completed the SCAQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class.
- Notifying the Executive Officer in writing within 30 days after the site no longer qualifies as a large operation as defined by Rule 403(c)(18). Note that any Large Operation Notification submitted to the Executive Officer is valid for a period of one year from the date of written acceptance by the Executive Officer. Any Large Operation Notification accepted pursuant to Rule 403(e)(1) must be resubmitted annually at least 30 days prior to the expiration date, or the submittal shall no longer be valid as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously accepted submittal, the resubmittal may be a simple statement of no-change (Form 403NC).



SOURCE: ESRI

The Preserve at San Juan
Figure 3-1
 Cumulative Projects

Chapter 3.4, Biological Resources

Page 3.4-33-36: Mitigation Measure MM 3.4-2 is hereby revised as follows:

MM 3.4-2 Best Management Practices for Biological Resources —~~Construction~~. The project's construction plans and grading specifications shall state that prior to and during construction, the following requirements shall apply. These requirements shall be included in the project's Covenants, Conditions, and Restrictions (CC&Rs) and implemented by the Homeowners Association (HOA) during operation of the project:

- The project impact footprint shall be staked and fenced (e.g., with orange snow fencing, silt fencing or a material that is clearly visible) by a surveyor and the boundary shall be confirmed by a qualified biological monitor. The construction site manager shall ensure that the fencing is maintained for the duration of construction and that any required repairs are completed in a timely manner.
- The HOA shall ensure that any project fencing that is contiguous to an open space area be maintained and that any required repairs are completed in a timely manner.
- Rodenticides shall not be used during construction or vineyard related activities. The HOA shall ensure that grapes are harvested promptly upon ripening.
- Maintenance activities shall not commence 7:00 a.m. and shall be completed before dusk each day.
- If any common wildlife is encountered during maintenance activities, the common wildlife shall be allowed to leave the work area unharmed and shall be flushed or herded in a safe direction away from the work area(s).
- Qualified biological monitor(s) shall be on-site during all construction or maintenance related vegetation removal activities to flush any common wildlife within the project impact footprint away from work areas.
- Any open trenches shall be covered at the end of each work day in a manner to prevent the entrapment of wildlife, or adequately ramped to provide an animal escape route.
- If nighttime maintenance is required, lighting shall be shielded and focused downward and away from undisturbed areas and shall be limited to the minimum amount necessary to complete the maintenance activities.
- Staging or storage areas shall be located a minimum of 300-feet from any drainage.
- Any equipment or vehicles driven and/or operated within or adjacent to ponded or flowing water within any drainage shall be checked and maintained daily, to prevent leaks of materials that could be harmful to aquatic species.
- All vehicles and equipment shall be maintained in proper working condition to minimize fugitive emissions and accidental spills from motor oil, hydraulic fluid, grease, or other fluids or hazardous materials. All fuel or hazardous waste leaks, spills, or releases shall be stopped or repaired immediately with drip pans in place and cleaned up at the time of occurrence. However, no vehicle or equipment

maintenance shall occur within 300-feet of any drainage. All spill material removed shall be contained and disposed of at an appropriate off-site landfill. Maintenance vehicles shall carry appropriate equipment and materials to isolate and remediate leaks or spills, such as a spill containment kit.

- Stationary equipment such as motors, pumps, or generators, located within or adjacent to ponded or flowing water within drainages shall be positioned over drip pans.
- No equipment maintenance shall be done within or adjacent to ponded or flowing water within drainages where petroleum products or other pollutants from the equipment may enter into the water.
- No waste, cement, concrete, asphalt, paint, oil, or any other substances used during maintenance activities which could be hazardous to aquatic life, or other organic or earthen material, shall be allowed to contaminate the soil and/or enter into or be placed where it may be washed by rainfall or runoff into ponded or flowing water within any drainages. Any of these materials placed where they may affect ponded or flowing water shall be removed immediately upon observation. When operations are completed, any excess non-native materials shall be removed from the work area. Only the use of native materials is expected to recontour existing baseline conditions (i.e., no non-native fill will be introduced to the open space areas).
- All litter and pollutions laws shall be followed. If trash receptacles are provided within or near the work areas they shall be wildlife-proof.
- All exposed/disturbed areas shall be stabilized to the greatest extent possible using appropriate, industry standard erosion control measures.
- No maintenance activities shall occur during active precipitation. If any precipitation is forecasted, the work area shall be secured at least one day prior so no materials enter or wash into any drainages.

Page 3.4-38: The fourth bullet point of Mitigation Measures MM 3.4-5 is hereby revised as follows:

- Prior to the issuance of any grading permits, the applicant shall obtain the approval of a tree preservation plan for the project by the Manager of OC Planning and the Riverside County Environmental Programs Department. The Manager of OC Parks is to be consulted if the plan involves any off-site tree mitigation at an OC Parks facility and the Riverside County Environmental Programs Department is to be consulted for oak trees that may be removed in Riverside County.

Chapter 3.8, Hazards and Hazardous Materials

Page 3.8-15: The first sentence of the second paragraph is hereby revised as follows:

To ensure appropriate emergency access to and within both project phases, the project would adhere to the requirements to the Fire Code. Specifically, Section 5.3.2.1.1 (OCFA Guidelines B09A), specifies

access requirements for safety including minimum roadway widths of 28 feet for emergency access within a Very High Fire Hazard Severity Zone.

Page 3.8-16: The first sentence in the first bullet is hereby revised as follows:

- Zone A is within the graded pad area of the individual lots and would vary from approximately ~~15 to 100~~ 20 to 140 feet in width depending on the lot's location within the project, the overall combined fuel modification width inclusive of adjacent zones and the exposure to wildland fuel areas.

Page 3.8-16: The fourth sentence in the second bullet is hereby revised as follows:

~~Noncombustible materials would be used within 100 feet from any structure in this zone.~~ Combustible construction is not allowed within Zone B.

Page 3.8-17: The fourth paragraph on the page is hereby revised as follows:

In addition, Mitigation Measure MM 3.13-1 has been included (in Section 3.13, Public Services) to require specifications to roadways, access, and fire hydrant spacing to be included in the ~~Secure Fire Protection Agreement with Fire Master Plan approved by OCFA~~, which would reduce potential impacts related to fire hazard impacts.

Chapter 3.10, Land Use

Page 3.10-4: The last paragraph of this page is hereby revised as follows:

As further described below, the project proposes to change the General Plan Land Use designation of designation from Open Space (OS) to Rural Residential (1A), which allows a minimum density of 0.025 to 0.5 dwelling units per acre, or two to ~~four~~ forty ~~acres per dwelling unit residences per acre.~~

Page 3.10-8: The first paragraph of this page is hereby revised as follows:

The project proposes to change the General Plan Land Use designation of the project area from OS to Rural Residential (1A), which allows a minimum density of 0.025 to 0.5 dwelling units per acre, (or two to ~~four~~ forty ~~acres per dwelling unit residences per acre~~). ~~Based on the developed acreage (not including open space areas),~~ ~~the single-family residential development is proposed at a gross density of 0.12~~ 0.43 ~~dwelling units per acre (72 units within the 584.1~~ 169.5 ~~acre project development area), which is well within the area allowed by the proposed land use designation.~~

Page 3.10-8: The second to last paragraph on this page is hereby revised as follows:

The project includes a proposed zone change from General Agriculture (A1) to Agricultural Residential (AR). The AR zone provides for the development and maintenance of medium density single-family residential neighborhoods in conjunction with agricultural and outdoor recreational uses. The AR zone allows a minimum ~~building site area residential lot size~~ of 7,200 square feet for residential development, which would be far less than what is proposed to accommodate the 72 single-family residential lots. As described above, the proposed project would develop the single-family residential uses at an average lot size of 23,997 square feet in Phase 1 (south parcel) and 23,667 square feet in Phase 2 (north parcel). This

would result in a gross density of ~~0.12~~ ~~0.43~~ dwelling units per acre (72 units within the ~~584.1~~ ~~169.5~~-acre project development area). In addition, Zoning Code Section 7-9-59.8 provides required Site Development Standards that include:

- ~~• Minimum Building Lot Area: 7,200 square feet~~
- Minimum Building Site Area: ~~7,200~~ 14,000 square feet
- Maximum Building Height: 35 feet
- Maximum Building Site Coverage: 35 percent maximum
- Minimum Building Setbacks: Front – 20 feet, Side yard – 5 feet, Rear yard – 25 feet

Page 3.10-10: The following 3 rows of Table 3.10-3 are hereby revised as follows:

Policy 3 4 Housing Densities: To provide a variety of residential densities which permit a mix of housing opportunities affordable to the county's labor force.	Consistent. The proposed project would develop 72 single-family residential housing units, which would contribute to the ability for the County to meet demands for housing a variety of housing types.
Policy 4 5 Land Use/Transportation Integration: To plan an integrated land use and transportation system that accommodates travel demand.	Consistent. As described in Section 3.13, Transportation and Traffic, of this EIR, the proposed project includes improvements to the local roadway transportation system to accommodate traffic generated from the project.
Policy 6 7 New Development Compatibility: To require new development to be compatible with adjacent areas.	Consistent. The proposed project would develop 72 single-family residences and provide a buffer of open space between the residences and the Cleveland National Forest open space (Project Design Features PDF-1 and PDF-2). Project design features would further enhance the rural characteristics of the project (Project Design Features PDF-6, PDF-9, and PDF-19).
Policy 8 Enhancement of Environment: To guide development so that the quality of the physical environment is enhanced. Creative Design Concepts: To encourage innovative concepts which contribute to the solution of land use problems.	Consistent. The proposed project would preserve 414.6 acres (71 percent of the project area) for open space, which would preserve and enhance the natural, physical environment, and to create a buffer between the residential development and the natural environment of the Cleveland National Forest. Additionally, streets would be designed with rural character (Project Design Feature PDF-6), the development would be clustered in order to minimize impacts to environmental resources (Project Design Feature PDF-2), and a conceptual landscape plan would be prepared with applicable scenic and specific plan requirements (Project Design Feature PDF-4). <u>These creative design concepts respond to the natural environment and reduce impacts.</u>

Chapter 3.13, Public Services

Page 3.13-1: The following paragraph is hereby inserted as the first paragraph under the Fire Protection and Emergency Services header:

The project area is located in a State Responsibility Area and Federal Direct Protection Area (DPA) for wildland fire. Federal DPA areas are areas where wildfire protection is negotiated and agreed to by federal agencies and the state. State Responsibility Areas are places where the state is financially responsible for the prevention and suppression of wildfires. State Responsibility Areas do not include lands within city boundaries or in federal ownership, such as the Cleveland National Forest lands. All habitable structures within a State Responsibility Area are required to pay annual fire prevention fees to pay for fire prevention services within the SRA. Effective July 1, 2014, the fee is levied at the rate of \$152.33 per habitable structure. Owners of habitable structures who are also within the boundaries of a local fire protection agency (such as the project, which is within the service boundaries of the OCFA) receive a reduction of \$35 per habitable structure. This fee funds a variety of important fire prevention services in the SRA. Such activities include fuel reduction activities that lessen risk of wildfire to

communities and evacuation routes. Other activities include defensible space inspections, fire prevention engineering, emergency evacuation planning, fire prevention education, fire hazard severity mapping, implementation of the State and local Fire Plans and fire-related law enforcement activities such as arson investigation (Source: <http://www.fire.ca.gov/firepreventionfee/>).

Page 3.13-1: The fourth and fifth paragraphs: The following paragraphs are hereby revised as follows:

For a fire response call, OCFA requires a minimum of three engines, one truck, and one battalion chief, (and one medic unit may also be required depending on engine configuration for the region, the response emphasis is to have 15 personnel on scene) to provide an Effective Response Force (ERF) for a single-family residence.

Riverside County Fire Department. The Riverside County Fire Department also provides services in the project vicinity through the El Cariso Fire Station is located at 32353 Ortega Highway, approximately ~~1.5~~ 3 miles (a minimum of 7 minutes) from the project site. Riverside County's response is three engines, one truck, and one battalion chief. ~~In addition, the following other Riverside County Fire Stations are located within 10 miles of the project site:~~

- ~~• Riverside County Fire Station 74 is located at 35420 Calle Grande in Lake Elsinore, 6.7 miles (a minimum of 13 minutes) from the project site.~~

Page 3.13-2: The fourth sentence of the first paragraph is hereby revised as follows:

Because the El Cariso Fire Station is the closest facility to the project site (approximately ~~1.5~~ 3 miles ~~or a minimum of 7 minutes~~ away) it would generally be the first responding station to emergency calls for service from the project site.

Page 3.13-4: The school services discussion is hereby revised as follows:

The project site is within the boundaries of the Capistrano Unified School District (Cape USD). The District currently has 34 elementary schools, 10 middle schools, six high schools, five charter schools, and seven alternative schools/programs. The District enrolls a total of approximately 54,000 students from its attendance area that encompasses over 195 square miles (Cape USD, 2015). ~~The Cape USD closest schools that would serve the project site include: Ambuehl Elementary School, which is 12.7 miles from the project site; the Marco Forster Middle School, which is 14.9 miles from the project site; and the San Juan Hills high School is 11.9 miles from the project site. As shown, in Table 3.13-2, the enrollment has increased slightly in the last five years.~~

**TABLE 3.13-2
SCHOOL ENROLLMENT BETWEEN 2003-2004 AND 2012-2013**

School Year	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	Design Capacity	Remaining Capacity in 2015-2016
Ambuehl Elementary	444	434	415	403	416	650	234
Marco Foster Middle	1,380	1,363	1,352	1,360	1,378	1,875	497
San Juan Hills HS	1,029	2,024	2,236	2,394	2,392	2,500	108
Cape USD	53,170	53,785	53,833	54,036	53,878	n/a	n/a

SOURCE: Education Data Partnership, California Department of Education, 2016.

The project site is within the boundaries of the Saddleback Valley Unified School District (SVUSD). The District currently has 24 elementary schools, 5 middle schools, and 7 high schools. The District's facilities have a capacity for approximately 30,598 students. Of this capacity 4,830 are at the elementary schools (i.e., grades kindergarten through 6), 4,995 are at the middle schools (i.e., grades 7 and 8), and 10,773 are at the high schools (i.e., grades 9 through 12). The District's student enrollment was 28,684 in school year 2015-2016 (CS 2016). The capacity of the schools was able to accommodate student enrollment in the 2015-2016 year. The SVUSD schools that would serve the project site include the Linda Vista Elementary School, La Paz Intermediate School, and Mission Viejo High School. Table 3.13-2, shows the enrollment of these schools over the past four years, and provides the remaining capacity of the schools in the 2015/2016 school year.

**TABLE 3.13-2
SCHOOL ENROLLMENT BETWEEN 2013-2014 AND 2015-2016**

School	2012-2013	2013-2014	2014-2015	2015-2016	Capacity	Remaining Capacity 2015-2016
Linda Vista Elementary	441	423	392	371	625	254
La Paz Intermediate	1,011	969	862	889	945	56
Mission Viejo High	2,492	2,456	2,438	2,407	2,673	269
SVUSD	30,355	29,731	29,028	28,706	30,598	n/a

Source: SVUSD Residential Development School Fee Justification, 2016; and California Department of Education Dataquest, 2017.

Page 3.13-9: The first sentence of the first complete paragraph is hereby revised as follows:

However, the El Cariso Fire Station, which is operated by the Riverside County Fire Department is approximately ~~4.5~~ 3 miles (a minimum of 7 minutes) from the project site.

Page 3.13-9: The first sentence of the fourth complete paragraph is hereby revised as follows:

However, per the Automatic Aid Agreement described above, both the OCFA and Riverside County Fire Department would respond to calls for service in the project area, and the closest Riverside County Fire Station is approximately ~~4.5~~ 3 miles (a minimum of 7 minutes) from the project site, which would generally be the first responder to calls for service from the project site.

Page 3.13-9-10: The last sentence of the last paragraph is hereby revised as follows:

In addition, the project is designed to be consistent with OCFA and California Fire Code access and circulation requirements, which would be ensured and implemented through a ~~Secure Fire Protection Agreement with Fire Master Plan~~ approved by OCFA that requires the specifications to roadways, access, and fire hydrant spacing to be implemented. These are implemented through Mitigation Measure MM 3.13-1.

Page 3.13-10: The last sentence of the second complete paragraph is hereby revised as follows:

Furthermore, in accordance with Orange County Standard Conditions of Approval, prior to the recordation of any subdivision map, the project applicant is required to pay development fees to the Orange County Fire Authority (OC SCA FF02a); and homeowners are required to pay annual fire

prevention fees for fire prevention services within the SRA, which would assist in provision of services to the project area.

Page 3.13-11: The last bullet point of Mitigation Measure MM 3.13-1, which is the last bullet point on this page is hereby revised as follows:

- All electrically operated gates shall install emergency opening devices as approved by the Orange County Fire Authority and the Riverside County Fire Department (RVC Knox).

Page 3.13-11: Mitigation Measure MM3.13-2 is hereby revised as follows:

MM 3.13-2 The HOA managing the proposed project shall ensure disclosure of potential wildfire hazards and the location of fire and emergency services and the approximate response times to all residents. This information shall be provided in information provided to new homeowners and within regular communications to residents from the HOA.

Page 3.13-12: The school services discussion is hereby revised as follows:

~~As described previously, the project area is within the boundaries of Capo USD, and student enrollment has increased slightly in the last five years (shown in Table 3.13-2). Because the project would develop 72 single-family residences, it is anticipated that school services would be needed. Table 3.13-3 shows the anticipated number of students based on the most recent Capo USD student generation rates.~~

**TABLE 3.13-3
ANTICIPATED STUDENTS BASED ON CAPO USD GENERATION RATES**

Grade	Generation Rate*	Students
K-5	0.37	27
6-8	0.1074	8
9-12	0.1039	7
Total	0.5895	42

SOURCE: Capo USD Facility Needs Analysis, May 2010.

~~As shown in Table 3.13-3, it is estimated that the project would generate approximately 42 students. As shown in Table 3.13-2, the schools that would serve the project site have capacity to serve the students that would be generated from the project. Ambuehl Elementary School has an existing remaining capacity of 234 students; hence, the school has capacity for the 27 elementary school students that would reside at the project site. Mareo Foster Middle School has an existing remaining capacity of 497 students; and therefore, would be able to serve the eight middle school students that would be generated from the project. In addition, the San Juan Hills High School has a remaining capacity of 108 students; and therefore, would be able to accommodate the seven high school students that would be generated by the project. Therefore, the proposed project is not anticipated to result in the need for new or expanded school facilities.~~

~~In addition, the project applicant is required to pay fees for the provision of school services pursuant to state law AB 2926. Currently, the fee for new residential development for Capo USD is \$3.36 per square foot of new residential development.~~

The project would develop 72 single-family residences, which would generate the need for school services. **Table 3.13-3** shows the anticipated number of students that would be generated from build out and full occupancy of the proposed project based on the SVUSD student generation rates.

**TABLE 3.13-3
ANTICIPATED STUDENTS BASED ON SVUSD GENERATION RATES**

<u>Grade</u>	<u>Generation Rate</u>	<u>Students</u>
<u>K-6</u>	<u>0.2122</u>	<u>15</u>
<u>7-8</u>	<u>0.0717</u>	<u>5</u>
<u>9-12</u>	<u>0.1635</u>	<u>12</u>
<u>Total</u>	<u>0.4474</u>	<u>32</u>

Source: SVUSD Residential Development School Fee Justification Study, 2016.

As shown in Table 3.13-3, it is estimated that the project would generate approximately 32 students at full build out and occupancy. As shown in Table 3.13-2, the schools that would serve the project site have capacity to serve the students that would be generated from the project. Linda Vista Elementary School has an existing remaining capacity of 254 students; hence, the school has capacity for the estimated 15 elementary school students that would be generated the project site. La Paz Intermediate School has an existing remaining capacity of 56 students; and therefore, would be able to serve the estimated 5 middle school students that would be generated from the project. In addition, the Mission Viejo High School has a remaining capacity of 269 students; and therefore, would be able to accommodate the estimated 12 high school students that would be generated by the project. Therefore, the proposed project is not anticipated to result in the need for new or expanded school facilities.

In addition, the project applicant is required to pay fees for the provision of school services pursuant to state law AB 2926. Currently, the fee for new residential development for SVUSD is \$3.48 per square foot of new residential development (CS 2016).

Page 3.13-15: The first sentence of the first full paragraph hereby revised as follows:

The geographic context for cumulative impacts to schools is the ~~Cape USD~~ SVUSD service boundaries.

Chapter 3.14, Recreation

Page 3.14-1: The last bullet point on this page is hereby revised as follows:

- The following hiking trails: San Juan Trail (2.4 miles northwest of the project site on Long Canyon Road), Trabuco Trail and Los Pinos Trail, along Main Divide Road Trail (2.9 miles northwest of the project site ~~on Long Canyon Road~~), ~~Los Pinos Trail (4.6 miles northwest of the project site on Long Canyon Road)~~, and Chiquito Trail San Juan Loop Trail (2.9 miles south of the site on Ortega Highway), and the Chiquito Trail that is accessed from the San Juan Loop Trail.

Chapter 5, Alternatives

Page 5-6: The last sentence of the first paragraph hereby revised as follows:

The No Project Alternative does not increase risks from hazards or hazardous materials. Even though impacts from the proposed project are less than significant with mitigation incorporated, the No Project Alternative would not involve any impacts related to hazards and hazardous materials.

Page 5-7: The last sentence of the first paragraph under the Public Services header is hereby revised as follows:

However, the proposed project's impacts associated with increased demand on public services would be less than significant with mitigation incorporated and the project would be required to pay development fees, as detailed within Section 3.13, Public Services.

Chapter 9, Report Preparation, Persons and Organizations Consulted, and References

Page 9-15: The following two sources are added to the list of references:

California Department of Education Dataquest database. Accessed at: <http://dq.cde.ca.gov/dataquest/>

California Fire Prevention Fee. Accessed at: <http://www.fire.ca.gov/firepreventionfee/>

Forman R.T.T and L.E. Alexander. 1998. Road and Their Major Ecological Effects. Annual Review of Ecology and Systematics, 29, 207-231. Accessed: https://www.edc.uri.edu/nrs/classes/nrs534/NRS_534_readings/FormanRoads.pdf

OCFA's Guideline C-05, Vegetation Management Technical Design for New Construction Fuel Modification Plans and Maintenance Program. Accessed: <http://www.ocfa.org/Uploads/CommunityRiskReduction/OCFA%20Guide-C05-Fuel%20Modification.pdf>

Saddleback Valley Unified School District Residential Development School Fee Justification Study, October 2016. Prepared by Cooperative Strategies (CS 2016)

United States Department of Agriculture, Draft Supplemental Environmental Impact Statement Southern California National Forests Land Management Plan Amendment, 2013 (USDA 2013). Accessed: [https://www.uschamber.com/sueandsettle/pleadings/CBD%20v.%20USDA%20\(roadless%20rule\)/Draft%20Supplemental%20EIS.pdf](https://www.uschamber.com/sueandsettle/pleadings/CBD%20v.%20USDA%20(roadless%20rule)/Draft%20Supplemental%20EIS.pdf)

University of California, Davis. Road Ecology Center. 2017. *California Roadkill Observation System. Locations of Roadkill Observations (CROS 2017). Species Map.* Accessed December 11, 2017 at: <http://www.wildlifecrossing.net/california/map/roadkill/species>.

Vickers, T. Winston et al. 2015 (Vickers 2015). Survival and Mortality of Pumas (*Puma concolor*) in a Fragmented, Urbanizing Landscape. PLOS ONE. DOI: 10.1371/journal.pone.0131490. July 15, 2015. Accessed: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0131490>

Appendix C1, Biological Resources Assessment, Appendix A, Floral and Faunal Compendium

Page 1: The list of species is hereby revised as follows:

~~*Pinus sp.*~~ pine

Page 3: The list of species is hereby revised as follows:

* *Oncosiphon piluliferum*

Page 4: The list of species is hereby revised as follows:

~~*Cryptantha mezesii*~~ *intermedia* ~~Purple root-cryptantha~~

Page 5: The list of species is hereby revised as follows:

* *Chamaesyce maculate*

* *Euphorbia lathyris*

* *Vicia villosa*

Page 7: The list of species is hereby revised as follows:

~~*Eriastrum filifolium*~~ *sapphirinum*

* *Rumex crispus*

CHAPTER 4

MITIGATION MONITORING AND REPORTING PROGRAM

4.1 Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Preserve at San Juan project (project). The County of Orange is the Lead Agency for the proposed project and is responsible for implementation of the MMRP. This report describes the MMRP for the project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 Project Design Features

The Preserve at San Juan project includes specific Project Design Features (PDFs) that are incorporated as part of the project to avoid and/or minimize potential environmental impacts. The Project Design Features are listed below and included in the MMRP, to ensure implementation and appropriate monitoring of each.

TABLE 4-1: THE PRESERVE AT SAN JUAN PROJECT DESIGN FEATURES

No.	Design Feature
PDF-1	Open space within the Preserve accounts for 414.6 acres or approximately 71 percent of the project site, which will be offered for dedication to the U.S. Forest Service.
PDF-2	Open space would be concentrated in the western and northern portions of the project site and the single-family residences would be clustered toward Long Canyon Road to create a buffer between the residential uses and the Cleveland National Forest lands to avoid or minimize potential environmental impacts

- PDF-3 The project has been designed to develop the flatter portions of the project site. However, some hills will be lowered and some valleys raised to create level building pads. This design will maintain similar topographic characteristics as the existing condition.
- PDF-4 A conceptual landscape plan for the project has been prepared by a licensed landscape architect pursuant to the County's Standard Plans for landscape areas, adopted plant palette guides, OCFA requirements, and water conservation measures. The conceptual landscape plan has been designed to preserve open space areas and provide landscaping that would assist in carbon intake and minimize surface water runoff, incorporate the use of native/drought tolerant plant materials, avoid the use of invasive plants, and utilize only a small percentage of turf in the common landscape areas.
- PDF-5 In accordance with the Tree Management Preservation Plan that was prepared by certified arborists, oak tree relocations will be within the project site, and monitoring will be performed following all tree plantings and relocations for a period of seven years. Oak trees will be maintained by the Homeowners Association as part of the project's covenants, conditions and restrictions.
- PDF-6 Interior private streets have been designed to rural street standards, with no sidewalks and rolled curbs (except at the main entry where standard curbs will be used to control drainage). The paved widths of interior streets have been designed to have a minimum paved width of 28 feet to 32 feet.
- PDF-7 The project has been designed to include an eastbound left-turn lane (300-foot storage length), a westbound right-turn lane (320-foot storage length), and a westbound acceleration on Ortega Highway at the intersection of Long Canyon Road.
- PDF-8 Roads within the project site will be privately owned and maintained. Stop signs, stop bars, and stop legends will be provided for vehicles exiting the project phases at the intersection of Long Canyon Road. The gated entries to both Phases will be constructed and setback from Long Canyon Road at a distance that complies with the Orange County Standard Plan No. 1107, which is a minimum of 100 feet from the curb line of Long Canyon Road, to provide adequate vehicle stacking space.
- PDF-9 The project circulation has been designed to be consistent with the County's design components of the General Plan-adopted Viewscape Typical Section including: an enlarged parkway, a hiking trail, and a lack of curbs.
- PDF-10 The project includes a Fuel Modification Plan that is required to provide a landscape transition area along the interface between residential development and adjacent onsite open space areas to provide wildfire protection. Plant species for landscaping will be in accordance with the Orange County Fire Authority plant palettes and use predominantly native species.
- PDF-11 The project includes a Fire Master Plan that was reviewed and approved by the Orange County Fire Authority. The Fire Master Plan provides enhanced construction features, requirements for fuel modification zones, and requirements for enhanced fire sprinkler systems per California Building Code Chapter 7A.
- PDF-12 In order to minimize project hazards relative to vector control and public health concerns and comply with the Municipal Separate Storm Sewer System permit, the infiltration basins will be designed for a maximum 72-hour draw down period for retained runoff. The infiltration basins will employ approved vector control treatment measures as specified in the California Department of Public Health's recommendations for best management practices for mosquito control in collaboration with the Orange County Vector Control District to mitigate potential vector issues.
- PDF-13 The project has been designed to mimic the hydrological characteristics of the site in its natural, undeveloped state through clustering the residential sites, controlling development flows (runoff) with vegetated swales; infiltration basins; the incorporation of low impact development principles; and preserving the site's main drainage along the easterly boundary; thereby adhering to hydromodification requirements established by the current Municipal Separate Storm Sewer System Permit.
- The project has been designed so that the design capture volume will be collected and infiltrated on-site. This amount will be retained and would not discharge off-site.
 - The design capture volume would remain within the basin; any volume in excess of infiltration basin capacity would be allowed to discharge from the basins via the spillway.
 - For areas where vegetated swales alone can account for the hydromodification, the downstream basins only capture and infiltrate the design capture volume.

- PDF-14 The project has been designed to implement the following Low Impact Development techniques:
- Conservation of natural areas, including existing trees, other vegetation and soils.
 - Keeping streets at minimum widths and eliminating paved sidewalks in parkways.
 - Minimizing the impervious footprint of the project.
 - Minimizing disturbances to natural drainages.
 - Providing vegetated swales for water quality purposes.
- PDF-15 The project has been designed to include the following Best Management Practices to promote infiltration and slow down surface flows:
- Impervious area dispersion.
 - Inclusion of native drought-tolerant landscaping/efficient irrigation.
 - Providing vegetated swales for hydromodification purposes.
- PDF-16 The project includes a Hydrology Analysis that demonstrates that the proposed development would not overload existing drainage facilities downstream of the project site or exceed existing runoff velocities and peak discharge at discharge points for the 2-, 5-, 10-, 25-, and 100-year storm events.
- PDF-17 The project includes a Conceptual Water Quality Management Plan (WQMP) that has been prepared to identify preliminary best management practices (BMPs), to control pollutant runoff. The WQMP has been based on the Orange County Drainage Area Management Plan, Model WQMP, Technical Guidance Manual, and the County's WQMP template. The WQMP includes the following:
- Detailed site and project description.
 - A description of potential stormwater pollutants.
 - Post-development drainage characteristics.
 - Low impact development BMP preliminary selection and analysis.
 - Preliminary structural and non-structural source control BMPs.
 - Preliminary site design and drainage plan.
 - GIS coordinates for all proposed LID and treatment control BMPs.
 - Preliminary Operation and Maintenance Plan that: (1) describes the long-term operation and maintenance requirements for BMPs; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs.
- PDF-18 Approximately 133.4 acres of the project site (portions of the site needing domestic water service) would be annexed into the Elsinore Valley Municipal Water District, Western Municipal Water District, and Metropolitan Water District service areas to provide water services. Areas of the project site that would remain in natural open space or are within the fuel modification areas that do not require irrigation, would not be annexed into the water service area.
- PDF-19 The project includes two water storage tanks (one 615,000-gallon tank and one 525,000-gallon tank), to provide emergency storage to the residents of the project. The tanks will be visually screened with native/drought-tolerant landscaping and will be painted a neutral tone to blend with the surrounding environment.
- PDF-20 Best management practices will be incorporated into the project to ensure that indirect impacts (i.e., edge effects) are avoided or minimized to the maximum extent possible. Utilization of "night sky friendly" light fixtures shall be used, lighting will be pointed away from offsite areas, and ambient light levels will be minimized to the maximum extent practicable.

- PDF-21 Construction activities will be limited to the hours between 7:00 a.m. to 8:00 p.m., Monday through Saturday, excluding federal holidays, per the County's Noise Ordinance (Section 4-6-7). Additionally, the following measures will be implemented to reduce construction-related noise:
- Construction activities will be limited to the hours between 7:00 a.m. to 5:00 p.m., Monday through Saturday, excluding federal holidays, which is consistent with the County's Noise Ordinance.
 - During all excavation and grading on-site, the construction contractors will equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards to reduce construction equipment noise to the maximum extent practicable. The construction contractor will place all stationary construction equipment so that emitted noise is directed away from noise sensitive receptors.
 - The construction contractor will stage equipment and material stockpiles in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors during project construction.
 - The construction contractor will limit haul truck deliveries to the same hours specified for construction equipment.
 - Electrically powered equipment to be used instead of pneumatic or internal combustion powered equipment, where feasible.
 - Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) will be prohibited.
 - The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only
- PDF-22 Protection measures for oak trees include fencing and protection of oak trees adjacent to construction areas. Placement of fill, storage of equipment, and grading will be prohibited within the dripline of any tree proposed for preservation. Retaining walls will be used to protect oaks proposed for preservation from surrounding cut and fill and any retaining walls will be placed outside of the root zone of the oak tree to be preserved.
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4.3 Mitigation Monitoring and Reporting Program

The MMRP for the project will be active through all phases of the project, including design, construction, and operation. The project will be developed in phases and may include permits required for implementation of project components identified in Section 2.10 of the Draft EIR. There are mitigation measures that must be continuously implemented throughout the development and operation of the project.

The attached table identifies the mitigation program required to be implemented by the County for the Preserve at San Juan project. The table identifies those Project Description Features implemented by the project and the mitigation measures required by the County to mitigate or avoid significant adverse impacts associated with the implementation of the proposed project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required mitigation measure has been completed.

**TABLE 4-2: MITIGATION MONITORING AND REPORTING PROGRAM
THE PRESERVE AT SAN JUAN PROJECT FINAL EIR**

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Aesthetics				
MM 3.1-1: Exterior Residential: The project's design plans shall state that exterior paint colors for the residential and associated structures are limited to a palette of earthy tones that shall be provided for homeowners to choose from to ensure that project structures blend into the natural surroundings. Exterior paint options shall be included in the CR&Rs; and managed, approved, and enforced by the Homeowner's Association.	PDF-1, PDF-2, PDF-3, PDF-4, PDF-5.	Prior to Building Permits	OC Development Services/Planning	
MM 3.1-2: Lighting: Prior to the issuance of building permits, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the development areas of the project site in a manner meeting the approval of the County's Building and Safety Department.		Prior to Building Permits	OC Development Services/Planning	
Biological Resources				
MM 3.4-1: Environmental Awareness Programs: The project's construction plans and grading specifications shall state that the construction contractor shall implement the following measures: <ul style="list-style-type: none"> • The applicant shall prepare a Worker Environmental Awareness Program that shall be administered to all on-site personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The program shall be implemented during site preconstruction and construction, and shall: <ol style="list-style-type: none"> 1. Be developed by or in consultation with the County approved biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all workers; 2. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, and explain the reasons for protecting these resources; 3. Describe the temporary and permanent habitat protection measures to be implemented at the project site; 4. Identify whom to contact if there are further comments and questions about the material discussed in the program; and 5. Include a training acknowledge form to be signed by each worker indicating they received training and shall abide by the guidelines. 	PDF-1, PDF-2, PDF-13, PDF-14, PDF-17, PDF-20.	In Construction Plans and Specifications, and Prior to Grading Permits	OC Development Services/Planning OC Permit Services	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<ul style="list-style-type: none"> • The applicant shall implement a Resident Environmental Awareness Program intended to increase awareness to residents of the sensitive plants, wildlife and associated habitats that occur in the preserved open space areas. The intention of the program shall be to encourage active conservation efforts among the residents to help conserve the habitats in the preserved open space. The program shall address inadvertent impacts from the introduction of invasive plant species (including “escapees”). At a minimum, the program shall include the following components: <ol style="list-style-type: none"> 1. Informational kiosks shall be constructed at entrance points to hiking trails and at various locations along the fence line that separates the project site and the open space area to inform residents and trail users on the sensitive flora and fauna that rely on the habitats found within the preserved open space and the importance of staying on trails within open space areas. 2. The applicant shall provide residents or the Homeowners Association with a brochure which includes a list of plant species to avoid in residential landscaping to prevent the introduction of invasive plant species to the surrounding natural communities. 				
<p>MM 3.4-2: Best Management Practices for Biological Resources: The project’s construction plans and grading specifications shall state that prior to and during construction, the following requirements shall apply. These requirements shall be included in the project’s Covenants, Conditions, and Restrictions (CC&Rs) and implemented by the Homeowners Association (HOA) during operation of the project:</p> <ul style="list-style-type: none"> • The project impact footprint shall be staked and fenced (e.g., with orange snow fencing, silt fencing or a material that is clearly visible) by a surveyor and the boundary shall be confirmed by a qualified biological monitor. The construction site manager shall ensure that the fencing is maintained for the duration of construction and that any required repairs are completed in a timely manner. • The HOA shall ensure that any project fencing that is contiguous to an open space area be maintained and that any required repairs are completed in a timely manner. • Rodenticides shall not be used during construction or vineyard related activities. The HOA shall ensure that grapes are harvested promptly upon ripening. • Maintenance activities shall not commence until 7:00 a.m. and shall be completed before dusk each day. • If any common wildlife is encountered during maintenance activities, 	<p>PDF-1, PDF-2, PDF-13, PDF-14, PDF-17, PDF-20.</p>	<p>In Construction Plans and Specifications, and Prior to Grading Permits</p>	<p>OC Development Services/Planning OC Permit Services</p>	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>the common wildlife shall be allowed to leave the work area unharmed and shall be flushed or herded in a safe direction away from the work area(s).</p> <ul style="list-style-type: none"> • Qualified biological monitor(s) shall be on-site during all construction or maintenance related vegetation removal activities to flush any common wildlife within the project impact footprint away from work areas. • Any open trenches shall be covered at the end of each work day in a manner to prevent the entrapment of wildlife, or adequately ramped to provide an animal escape route. • If nighttime maintenance is required, lighting shall be shielded and focused downward and away from undisturbed areas and shall be limited to the minimum amount necessary to complete the maintenance activities. • Staging or storage areas shall be located a minimum of 300 feet from any drainage. • Any equipment or vehicles driven and/or operated within or adjacent to ponded or flowing water within any drainage shall be checked and maintained daily, to prevent leaks of materials that could be harmful to aquatic species. • All vehicles and equipment shall be maintained in proper working condition to minimize fugitive emissions and accidental spills from motor oil, hydraulic fluid, grease, or other fluids or hazardous materials. All fuel or hazardous waste leaks, spills, or releases shall be stopped or repaired immediately with drip pans in place and cleaned up at the time of occurrence. However, no vehicle or equipment maintenance shall occur within 300 feet of any drainage. All spill material removed shall be contained and disposed of at an appropriate off-site landfill. Maintenance vehicles shall carry appropriate equipment and materials to isolate and remediate leaks or spills, such as a spill containment kit. • Stationary equipment such as motors, pumps, or generators, located within or adjacent to ponded or flowing water within drainages shall be positioned over drip pans. • No equipment maintenance shall be done within or adjacent to ponded or flowing water within drainages where petroleum products or other pollutants from the equipment may enter into the water. • No waste, cement, concrete, asphalt, paint, oil, or any other substances used during maintenance activities which could be 				

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>hazardous to aquatic life, or other organic or earthen material, shall be allowed to contaminate the soil and/or enter into or be placed where it may be washed by rainfall or runoff into ponded or flowing water within any drainages. Any of these materials placed where they may affect ponded or flowing water shall be removed immediately upon observation. When operations are completed, any excess non-native materials shall be removed from the work area. Only the use of native materials is expected to recontour existing baseline conditions (i.e., no non-native fill will be introduced to the open space areas).</p> <ul style="list-style-type: none"> • All litter and pollutions laws shall be followed. If trash receptacles are provided within or near the work areas they shall be wildlife-proof. • All exposed/disturbed areas shall be stabilized to the greatest extent possible using appropriate, industry standard erosion control measures. • No maintenance activities shall occur during active precipitation. If any precipitation is forecasted, the work area shall be secured at least one day prior so no materials enter or wash into any drainages. 				
<p>MM 3.4-3: Sensitive Wildlife: The project's construction plans and grading specifications shall state that to avoid direct impacts to sensitive wildlife, a pre-construction survey shall be conducted within three days of proposed impacts by a qualified biologist. If it is determined by the biologist during the pre-construction survey that sensitive wildlife is present and thus may be impacted, no construction shall be allowed to occur in the immediate area until the individual(s) are relocated to an adjacent area that contains suitable habitat. A biological monitor shall be present during any ground disturbance activities within or immediately adjacent to habitat of sensitive wildlife species.</p> <p>The California Department of Fish and Wildlife shall be consulted prior to relocating any sensitive wildlife species. CDFW may require a sensitive wildlife relocation plan be prepared and approved prior to relocating any sensitive wildlife. If required by the California Department of Fish and Wildlife, the plan shall include methods for trapping, handling and relocating all sensitive wildlife and shall identify areas that are suitable for relocation. Suitable relocation habitats shall include areas containing proper soils, host plants, and moisture conditions favorable for long-term survival of the sensitive wildlife, and relocation areas shall be sufficient in size for introducing new individuals so that overpopulation does not occur.</p>	PDF-1, PDF-2, PDF-13, PDF-14, PDF-17, PDF-20.	In Construction Plans and Specifications, and Prior to Grading Permits	OC Development Services/Planning OC Permit Services	
<p>MM 3.4-4: Sensitive Insects: The project's construction plans and grading specifications shall state that as required by the updated U.S. Fish and</p>	PDF-1, PDF-2, PDF-13, PDF-14,	In Construction Plans and Specifications,	OC Development Services/Planning	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>Wildlife Service protocol, a preconstruction habitat assessment shall be conducted by a certified Quino checkerspot butterfly biologist in coordination with the U.S. Fish and Wildlife Service. A site assessment shall be conducted by a qualified Quino checkerspot butterfly biologist to determine if the project site contains areas where surveying for Quino checkerspot butterfly is recommended. Recommended Quino checkerspot butterfly survey areas include all areas that do not fall under "Excluded Areas" outlined in U.S. Fish and Wildlife Service protocol, regardless of the presence or absence of QCB host plants or nectar sources.</p> <p>If it is determined by the habitat assessment and/or coordination with the U.S. Fish and Wildlife Service that focused surveys are needed and Quino checkerspot butterfly are found within the study area, any potentially significant impacts to Quino checkerspot butterfly habitat shall be mitigated at a minimum 1:1 mitigation-to-impact ratio, subject to approval by the U.S. Fish and Wildlife Service through Section 7 consultation. Appropriate mitigation includes one or more of the following measures:</p> <ul style="list-style-type: none"> • On- and/or off-site preservation of Quino checkerspot butterfly habitat; • On- and/or off-site creation, restoration, and/or enhancement of Quino checkerspot butterfly habitat, including the preparation of a habitat mitigation and monitoring plan; and/or • Payment into a conservation bank or other comparable mitigation banking mechanism (e.g., in-lieu fee program, Pre-Approved Mitigation Area, etc.). 	PDF-17, PDF-20.	and Prior to Grading Permits	OC Permit Services	
<p>MM 3.4-5: Sensitive Plant Communities: Measures to off-set impacts to coast live oak woodland and coast live oak forest shall include one (or a combination) of the following mitigation measures (which are detailed in the Tree Management and Preservation Plan for the project:</p> <ul style="list-style-type: none"> • Preservation of the 26.5 acres of preserved coast live oak woodland and 4.4 acres of coast live oak forest in perpetuity under a conservation easement, deed restriction, or other appropriate mechanism. • Individual coast live oak trees within fuel modification zones, off-site impact areas, and temporary impact areas shall be protected and preserved in-place, and coast live oak trees located within the fuel modification zones that require pruning shall comply with Orange County Fire Authority requirements. Trees shall be pruned by a qualified arborist with experience specializing in the management and 	PDF-1, PDF-2, PDF-17, PDF-20.	In Construction Plans and Specifications, and Prior to Grading Permits	OC Development Services/Planning OC Permit Services	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>care of this tree species in consultation with the County Biological Resources Monitor and in accordance with the guidelines published by the National Arborist Association. In no case shall more than 20 percent of the tree canopy of any oak tree be removed.</p> <ul style="list-style-type: none"> • The applicant shall plant trees, seedlings, and onsite-collected acorns within the landscaped portion of the proposed development as well as within the onsite oak woodlands to be preserved as open space. Trees shall be replaced at a minimum of 3:1 replacement ratio, with the possibility of up to 12:1 should all acorns/seedlings survive. All trees and seedlings shall be from a local source indigenous to the immediate area. • Prior to the issuance of any grading permits, the applicant shall obtain the approval of a tree preservation plan for the project by the Manager of OC Planning and the Riverside County Environmental Programs Department. The Manager of OC Parks is to be consulted if the plan involves any off-site tree mitigation at an OC Parks facility and the Riverside County Environmental Programs Department is to be consulted for oak trees that may be removed in Riverside County. • A five-year monitoring program shall be prepared that includes performance standards and criteria for evaluating success. <p>Impacts to southern willow scrub shall be mitigated at a minimum ratio of 2:1, as directed by the California Department of Fish and Wildlife, and include one, or a combination of, the following:</p> <ul style="list-style-type: none"> • Onsite creation, enhancement, or restoration; • Offsite creation, enhancement, or restoration; • Offsite acquisition and preservation; • Purchase of credits at an agency-approved mitigation bank; and/or • Payment into an in-lieu fee agreement. <p>A monitoring plan shall accompany the creation, restoration, and/or enhancement of sensitive plan communities. The plan shall focus on the provision of equivalent habitats within disturbed habitat areas of the study area and/or offsite (e.g., this may include, but is not limited to, removal of non-native and/or invasive species; salvage/dispersal of native duff and seed bank; transplantation, seeding, and/or planting/staking). In addition, the plan shall provide details as to the implementation of the plan, maintenance, and future monitoring to ensure success.</p>				
<p>MM 3.4-6: Jurisdictional Waters: The project's construction plans and grading</p>	<p>PDF-13, PDF-14,</p>	<p>In Construction Plans</p>	<p>U.S. Army Corps of</p>	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>specifications shall state that the applicant shall provide on- and/or off-site replacement and/or enhancement of existing U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife jurisdictional waters and wetlands. Riparian/riverine habitat shall be mitigated at a minimum ratio of 1:1 for unvegetated/upland areas and 2:1 for areas supporting riparian vegetation. Impacts to jurisdictional resources may be compensated through payment into an in-lieu fee program or approved mitigation bank through coordination with the U.S. Army Corps of Engineers.</p> <p>If creation, restoration, and/or enhancement is to occur on-site and/or off-site, a mitigation and monitoring plan shall be prepared and subject to the approval of these regulating agencies. The plan shall describe the location of mitigation and provide details as to the implementation of the plan, success criteria, maintenance, and monitoring for a three-year period following construction.</p>	PDF-17.	and Specifications, and Prior to Grading Permits	<p>Engineers</p> <p>Regional Water Quality Control Board</p> <p>California Department of Fish and Wildlife</p> <p>OC Development Services/Planning</p> <p>OC Permit Services</p>	
<p>MM 3.4-7: Nesting Bird Surveys: The project's construction plans and grading specifications shall state that all vegetation clearing for construction and fuel modification shall occur outside of the breeding bird season (fall and winter), between September 1 and February 14 to reduce the potential to impact an active nest. If clearing and/or grading activities cannot be avoided during the breeding season, all suitable habitats shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to and initial ground disturbing activities. Suitable nesting habitat on the project site includes grassland, scrub, chaparral, and woodland communities. If any active nests are detected, the area shall be flagged, along with a 300-foot buffer for passerine species or 500 feet for raptors (or appropriate buffer as determined by the monitoring biologist), and shall be avoided until the nesting cycle is complete or it is determined by the biological monitor that the chicks have fledged the nest and the nest is no longer active.</p>	PDF-1, PDF-2.	In Construction Plans and Specifications, and Prior to Vegetation Clearing or Grading Permits	<p>OC Development Services/Planning</p> <p>OC Permit Services</p> <p>California Department of Fish and Wildlife</p>	
<p>MM 3.4-8: Compliance with Section 6.1.2 of the MSHCP – Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools: In accordance with Section 6.1.2 of the MSHCP, a Determination of Biologically Equivalent or Superior Preservation shall be prepared and submitted to the Environmental Programs Division The Determination of Biologically Equivalent or Superior Preservation shall include an analysis of alternatives that demonstrates efforts that first avoid direct and indirect effects to MSHCP Riparian/Riverine habitat; if avoidance is not feasible, the Determination of Biologically Equivalent or Superior Preservation shall include alternatives that would minimize potential effects. If an avoidance</p>	PDF-1, PDF-2, PDF-4, PDF-13, PDF-14, PDF-17, PDF-20.	In Construction Plans and Specifications, and Prior to Grading Permits	<p>OC Development Services/Planning</p> <p>OC Permit Services</p> <p>California Department of Fish and Wildlife</p>	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>alternative is selected, the project shall ensure the long-term conservation of the avoided Riparian/Riverine habitat through the use of deed restrictions, conservation easements, or other appropriate mechanisms.</p> <p>If an avoidance alternative is not feasible, the Determination of Biologically Equivalent or Superior Preservation shall include measures to ensure the replacement of any lost functions and values of Riparian/Riverine habitat. Riparian/Riverine habitat shall be mitigated at a minimum ratio of 1:1 for unvegetated/upland areas and 2:1 for areas supporting riparian vegetation. Measures shall include one, or a combination of, the following:</p> <ul style="list-style-type: none"> • Onsite creation, enhancement, or restoration; • Off-site creation, enhancement, or restoration; • Off-site acquisition and preservation; • Purchase of credits at an agency-approved mitigation bank; and/or • Payment into an in-lieu fee agreement. 				
Cultural/Scientific Resources				
<p>MM 3.5-1: Archaeological Resources: Prior to the issuance of a grading permit, the applicant/developer shall provide written evidence to the County Building and Safety Division that a qualified archaeologist has been retained to address the potential discovery of unanticipated archaeological discoveries. In addition, written evidence must be provided that Native American monitors shall be allowed to monitor earthmoving activity related to the project.</p> <p>In the event that archaeological materials, including stone tools, shells, bones, glass shards, ceramics, or other materials older than 50 years in age, are encountered during ground-disturbing activities, work in the immediate vicinity of the resource shall cease until a qualified archaeologist has assessed the discovery and appropriate treatment pursuant to CEQA Guidelines Section 15064.5 is determined.</p> <p>If archaeological resources are found to be significant, the archaeologist shall determine, in consultation with the County and local Native American groups expressing interest, appropriate avoidance measures or other appropriate mitigation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and local Native</p>	PDF-1, PDF-2.	Prior to Grading Permits	OC Development Services/Planning County Building and Safety Department	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2.</p>				
<p>MM 3.5-2: Archaeological Resources: Prior to the issuance of a grading permit, a Cultural Resources Monitoring Plan shall be prepared by a qualified archaeologist in consultation with the County and local Native American groups expressing interest. The plan shall identify the location and timing of cultural resources monitoring. Monitoring would occur in areas most likely to contain resources, such as valleys and canyons. The plan shall allow the qualified archaeologist, based on observations of subsurface soil stratigraphy or other factors during initial grading, and in consultation with the Native American monitor and the lead agency, to reduce or discontinue monitoring as warranted if the archaeologist determines that the possibility of encountering archaeological deposits is low. The plan shall provide the appropriate measures to be followed in the event of unanticipated discovery of a cultural resource consistent with <i>CEQA Guidelines</i> Section 15126.4(b)(3), as well as identify the appropriate data recovery methods and procedures to reduce or eliminate the effect of the project if avoidance of significant historical or unique archaeological resources is determined to be infeasible. The plan shall also include reporting of monitoring results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. The plan shall be submitted to the County Department of Building and Safety for review and approval prior to the issuance of a grading permit and any resulting archaeological requirements shall be incorporated into all development plans and included on project permits.</p>	PDF-1, PDF-2.	Prior to Grading Permits	OC Development Services/Planning County Building and Safety Department	
<p>MM 3.5-3: Paleontological Resources: Prior to the issuance of a grading permit, the applicant/developer shall provide written evidence to the County Department of Building and Safety that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries, and the paleontological requirements shall be incorporated into all development plans submitted and included as conditions of approval. In the event that paleontological resources are encountered during grading and construction operations, all construction activities shall be halted or redirected to provide for the qualified paleontologist to assess the find for significance and, if necessary, develop a paleontological resources impact mitigation plan (PRIMP) for the review and approval by the County prior to resuming construction</p>	PDF-1, PDF-2.	Prior to Grading Permits	OC Development Services/Planning County Building and Safety Department	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
activities.				
Geology and Soils				
MM 3.6-1: Geotechnical: Prior to the issuance of a grading permit, the applicant shall have a qualified civil engineer prepare final grading plans and a Final Geotechnical Assessment in conformance with the California Building Code, County Grading and Excavation Code, that shall be approved by the County's Building and Safety Department.	PDF-4, PDF-10, PDF-13, PDF-14, PDF-15, PDF-16, PDF-17	Prior to Grading Permits	OC Development Services/Planning County Building and Safety Department	
MM 3.6-2: Wastewater: The project operator shall design and operate the onsite wastewater treatment systems in accordance with the SWRCB adopted Resolution No. 2012-0032—the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of On-site Wastewater Treatment Systems (specifically Tier 2 of this Policy requiring Orange County Department of Public Works to oversee the design and approval of the systems); the Orange County On-site Sewage Absorption System Guidelines; and the County Regulations for Wastewater Treatment and Disposal Systems, which include minimum horizontal setback requirements from geologic and water features. All septic tanks, biofilters and reuse water pump station/emergency storage tanks shall be setback a minimum of five feet from structures, property lines and the top of descending slopes. The project operator shall obtain approval from the County for issuance of building permits for and operation of onsite wastewater treatment systems.		Prior to Building Permits	OC Development Services/Planning County Building and Safety Department	
MM 3.6-3: Wastewater: The Home Owners Association (HOA) shall provide detailed information via flyers and meetings to project residents regarding the proper use and maintenance necessary to keep onsite wastewater treatment systems functioning properly. In addition, information regarding County-registered HOA approved liquid waste haulers shall be provided to project site residents.	PDF-4, PDF-10, PDF-13, PDF-14, PDF-15, PDF-16, PDF-17	At Residents Move In and Regularly During Operation of the Project	OC Development Services/Planning County Building and Safety Department	
Hazards and Hazardous Materials				
MM 3.8-1: Hazardous Materials: Prior to issuance of grading permits for Phase 2 (north parcel), a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant and shall detail procedures and protocols for management of onsite hazardous materials, including: <ul style="list-style-type: none"> A certified hazardous waste hauler shall remove all potentially hazardous materials, wastes, trash pit debris, and abandoned dilapidated vehicles, which shall be disposed of at an appropriate solid waste facility based on the content of the materials. All recyclable materials shall be separated and disposed of at a recycling facility. Hazardous materials shall be 	PDF-10, PDF-11.	Prior to Grading Permits	OC Development Services/Planning County Building and Safety Department	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>transported per California Hazardous Waste Regulations to a landfill permitted by the state to accept hazardous materials.</p> <ul style="list-style-type: none"> • After removal of the potentially hazardous materials soils samples shall be taken at the airport hangar/maintenance area, storage shed, bunker, vehicle storage areas, trash pits, and at other debris areas to identify any contaminated soils with concentrations above worker safety thresholds established by the Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs). Any samples identified to exceed the RWQCB ESL limits shall be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal facility according to California Hazardous Waste Regulations. A report of the findings shall be provided to the County for review and approval prior to issuance of grading permits for the Phase 2 (north parcel). • Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be segregated from other soils to be tested for potential contamination. If contamination is found to be present Environmental Screening Levels (ESLs), any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to California Hazardous Waste Regulations. • A Health and Safety Plan (HSP) shall be prepared for each contractor that addresses potential safety and health hazards and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. • All SMP measures shall be printed on the construction documents, contracts, and project plans prior to issuance of grading permits. 				
Hydrology and Water Quality				
<p>MM 3.9-1: Stormwater Pollution Prevention Plan: Prior to the issuance of any grading or building permits, the project operator shall demonstrate compliance under California’s General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Services. Projects subject to this</p>	<p>PDF-1, PDF-2, PDF-3, PDF-4, PDF-6, PDF-13, PDF-14, PDF-15, PDF-16, PDF-17,</p>	<p>Prior to Grading or Building Permits</p>	<p>OC Development Services/Planning County Building and Safety Department</p>	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review upon request.				
Noise				
<p>MM 3.11-1: Noise Barriers: The project's construction plans and grading specifications shall state that temporary sound barriers shall be installed between the location of construction activities and the closest residences during construction activities that could exceed noise limits. The temporary sound barriers shall remain in place until the conclusion of demolition, grading, and construction activities that could exceed noise limits. The design of the sound barrier will be:</p> <ul style="list-style-type: none"> • At least 14-feet in height above grade; • located such that it will break the line-of-sight between the sound source and the receiver; • Consist of an impervious material with a minimum surface density of 4 pounds per square foot; • Not have any gaps or holes between the panels or at the bottom; and • A minimum weight of two pounds per square foot with no gaps or perforations. 	PDF-21	In Construction Plans and Specifications, and Prior to Grading or Building Permits	OC Development Services/Planning County Building and Safety Department OC Permit Services	
<p>MM 3.11-2: Noise Signage: The project's construction plans and grading specifications shall state that the project construction contractor shall post signs at the construction sites that are legible at a distance of 50-feet and two weeks prior to the commencement of construction of the project, the project proponent shall send a notice to the off-site residential uses located within a 0.5-mile radius from the project boundaries. All notices and signs shall provide the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.</p>	PDF-21	In Construction Plans and Specifications, and Prior to Grading or Building Permits	OC Development Services/Planning County Building and Safety Department OC Permit Services	
<p>MM 3.11-3: Noise Coordinator: The project's construction plans and grading specifications shall state that the construction contractor shall establish a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 0.5-mile radius from the project boundaries and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.</p>	PDF-21	In Construction Plans and Specifications, and Prior to Grading or Building Permits	OC Development Services/Planning County Building and Safety Department OC Permit Services	

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3.13 Public Services				
<p>MM 3.13-1: Fire Protection: Prior to the issuance of any grading permits, the applicant shall obtain the Orange County Fire Authority design approval of all fire protection access roads, fire hydrants, and fire prevention design measures that shall include the following:</p> <ul style="list-style-type: none"> • Turning radius and access in and around the project site and structures shall be designed to accommodate large fire vehicles and their weight. • All roadways that have medians that do not exceed 100-feet in width shall have a turnaround. Roadways with medians greater than 100-feet in width shall provide emergency turnaround access for heavy fire equipment. • If a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround shall be provided and approved by the Orange County Fire Authority. • All traffic signals on public access ways shall include the installation of optical preemption devices. • Project plans shall include plan and section views and indicate the grade and width of the access road flow-line to flow-line. • Applicable CC&Rs shall contain provisions prohibiting obstructions such as speed bumps/humps, control gates or other modifications unless approval from the Orange County Fire Authority is granted. • A note shall be placed on the fire protection access easement plan indicating that all street/road signs shall be designed and maintained to be illuminated in a manner meeting the Orange County Fire Authority requirements. • Fire hydrant spacing shall be 600 feet between fire hydrants, or as approved by the Orange County Fire Authority. • All electrically operated gates shall install emergency opening devices as approved by the Orange County Fire Authority and the Riverside County Fire Department (RVC Knox). 	PDF-4, PDF-10, PDF-11, PDF-19	In Construction Plans and Specifications, and Prior to Grading Permits	Orange County Fire Authority County Building and Safety Department	
<p>MM 3.13-2: HOA Fire Hazards Information: The HOA managing the proposed project shall ensure disclosure of potential wildfire hazards the location of fire and emergency services and the approximate response times to all</p>	PDF-4, PDF-10, PDF-11, PDF-19.	At Residents Move In and Regularly During Operation of the	OC Development Services/Planning	

Mitigation Measure	Applicable Project Design Features	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
residents. This information shall be provided in information provided to new homeowners and within regular communications to residents from the HOA.		Project	County Building and Safety Department	