

Letter: City1



CITY OF YORBA LINDA

P. O. BOX 87014

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(714) 961-7130

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COMMUNITY DEVELOPMENT

November 12, 2013

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

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

Dear Mr. Sandzimier:

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

Thank you for your consideration in this matter.

Respectfully submitted,

Handwritten signature of Steven K. Harris in blue ink.

Steven K. Harris, AICP
Director of Community Development

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

LETTER: CITY1

City of Yorba Linda – Community Development Department

Steven K. Harris, Director of Community Development

P.O. Box 87014

Yorba Linda, CA 92686-8714

(November 12, 2013)

RESPONSE CITY1-1

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

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

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Letter: City2



CITY OF YORBA LINDA

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OFFICE OF THE CITY MANAGER

January 22, 2014

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

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

Dear Mr. Tippetts:

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

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

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

Sincerely,

Mark A. Pulone
City Manager
City of Yorba Linda

GENERAL COMMENTS ON THE DRAFT EIR

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

EXECUTIVE SUMMARY

Page/Section - Specific Comments

1. Page ES-1, Section 1a, Project Location: The location discussion should clarify that the property is situated in the County of Orange, is to be processed through the County and is within the City's Sphere of Influence. The subsection which follows (b. Land Uses) does indicate the site is within the City's Sphere of Influence but the location section should also reference this. | 8
2. Page ES-2, Section 2, Issues Raised During NOP Process: The section summarizes the NOP process but does not reference the NOP scoping meeting on July 19, 2012 (although it is referenced on page 1-2). | 9

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3. Page ES-5, Recreation: Impacts on existing and planned “equestrian facilities” gives the impression that equestrian arenas and amenities may be built. Please update to say “planned” equestrian trails.” | 10
 4. Page ES-5, Transportation/Traffic: The City of Yorba Linda provided an NOP comment letter that expressed concern regarding the provision of access to the Murdock property (Esperanza Hills) through the project site. This NOP comment should be included in this section. | 11
 5. Page ES-7, Last sentence of first paragraph: The word “achieved” should be changed to “achieve.” | 12
 6. Page ES-9, Environmentally Superior Alternative, First Sentence: The apostrophe after “No Project” should be deleted. | 13
 7. Page ES-10, Table ES-1: The Executive Summary table cites mitigation measures applicable to each impact issue area but does not cite PDFs. If PDFs are being utilized by the County to minimize impacts and are to be incorporated into the Mitigation Monitoring Program for the project, they should also be included in the Executive Summary table. Otherwise, the reader cannot discern how these PDFs minimize impacts relative to the impact conclusions under CEQA. | 14
 8. Page ES-30, Water Quality: Add implementation of Low Impact Development and Green Street design features to the Issue column. Revise project impact from Less than Significant Impact to Potentially Significant Impact and identify the proposed water quality mitigation measures and BMPs. | 15

1.0 INTRODUCTION

General Comments

1. This section does not clearly describe the County’s public disclosure process. Subheadings clearly describing scoping/solicitation activities during the NOP review and EIR review should be provided. A subheading describing “Responsible/Trustee Agencies” should also be included, as should an “Incorporation by Reference” section, which should acknowledge the primary reference materials and purpose for use in the Draft EIR. | 16

Page/Section Specific Comments

1. Page 1-3, Third Paragraph: The description of the public review period should be revised in the Final EIR to reflect the extended 75-day public review and adjusted end date of January 22, 2014. | 17

2.0 PROJECT DESCRIPTION

General Comments

1. All roadway sections or street improvements that are not of a public agency standard shall be deemed private streets and privately maintained. | 18

Page/Section - Specific Comments

1. Page 2-2, Paragraph 2: Statements in this paragraph are incorrect. Based on Figure 4.5-1 in the Geology and Soils (Section 4.5), residential lots are overlaid into the fault hazard zone and not just the open space area. The graphic and text require resolution. | 19
2. Page 2-9, Section 4, Project Objectives: The project objectives are overly-specific in that they do not allow for the consideration of a reasonable range of alternatives. For instance, the objectives cite the provision of 36 acres of open space, the construction of single-family residences, and creation of two planning areas. The objectives should allow flexibility to analyze varying alternatives that have the potential to reduce the impacts of the proposed project. | 20
3. Page 2-9, Objective #4: Add drainage and water quality objectives that address protection of drainage facilities, sustainable/low impact development, and the Clean Water Act. | 21
4. Page 2-10, Section b. Access and Circulation: This section should provide a description or discussion of fire/emergency access. | 22
5. Page 2-13, Item 2, Local Streets: Address 11' travel lanes required per Standard 1107, Note 6 for Streets D, E, F. Parking on both sides of the street. | 23
6. Page 2-13, Item 2(a), Streets A and B: Add that Street "A" shall not allow parking and will be signed "No Stopping at Any Time". | 24
7. Page 2-14, c. Grading: The grading discussion specifies 660,000 cubic yards of grading balanced on the site. The discussion also states that export of contaminated soils due to oil operations may be required. The analysis in the EIR should be based on the conservative assumption that the export of contaminated soil will be required (i.e., utilization of a conservative worst-case assumption rather than a best-case assumption). The short-term construction air quality analysis should also reflect this assumption. | 25
8. Page 2-14, Section d. Fire Protection Plan: The paragraph states that the Orange County Fire Authority (OCFA) has approved the Project's preliminary Fire Master Plan and Fuel Modification Plan. This statement should be footnoted and the Plan should be provided as a reference in the EIR Appendices. | 26
9. Figure 2-6, Master Circulation Plan: Traffic calming features shall be considered for all downhill streets. | 27
10. Figures 2-7 and 2-8: Revise references to OCEMA to OCPWD. | 28

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11. Figure 2-7 and 2-12: Add the 10' earthen multipurpose trail and enhanced parkway to the Street 'A' roadway section. Fencing shall be provided consistent with surrounding improvements. 29
 12. Figure 2-8: Add a street section for Aspen Way that indicates the 10' wide earthen multipurpose trail and enhanced parkway. Fencing shall be provided consistent with surrounding improvements. 30
 13. Page 2-22, Section e. Utilities and Infrastructure: The description of potable water facilities is limited to a brief discussion of on-site mains within the boundaries of the site. The discussion of off-site facilities defers to future YLWD improvements. Unless the project can operate independently of any future YLWD improvements, the project description should (at a minimum) identify what off-site improvements are required in order to provide adequate potable water and fire flow to the project site. 31
 14. Page 2-23, Off-Site Improvements: The discussion references "minor improvements within the right-of-way of Via Del Agua and Aspen Roads near the Project entrances to provide access to the project site." The EIR should specify exactly what these "minor improvements" consist of as the reader cannot ascertain what impacts may result. 32
 15. Figure 2-12, Primary Entry at Via Del Agua: A landscape plan has been provided for the primary entry at Via Del Agua. A similar plan for the entry to Planning Area 2 at Aspen Way should be provided for the reader's reference. 33
 16. Page 2-28, Section i. Oil Operations: The discussion of oil operations states that the project does not propose the drilling of new oil wells. However, Project Design Feature 7-4 provides regulations for "all new wells drilled in the 1.8-acre oil drilling pad". This discrepancy should be rectified in the project description, and the hazards associated with the drilling of new oil wells must be fully analyzed in the EIR. If the project does not include the drilling of any new wells, a PDF regulating such activities should not be required. 34
 17. Page 2-31, Section 6, Project Design Features: The introductory paragraph should clarify whether Project Design Features will also constitute Project Conditions for Approval. 35
 18. Page 2-37, Section 7, Construction Schedule: The project construction schedule shows a 2.5 to 3 year timeline, commencing in early 2014. The paragraph concludes that the project would be fully occupied in 2015. Please update the construction schedule. 36
 19. Page 2-37, Section 8, Approvals and Permits: This section should include certification of the EIR under the County of Orange. 37
 20. Page 2-38, Section 8, Approvals and Permits: The description of approvals required for YLWD should also cite required sewer connection(s). 38
 21. Page 2-38, Section 8, Approvals and Permits: This section cites a potential pre-annexation agreement with the City in the event annexation occurs. As such, potential LAFCO approvals should also be included. 39

3.0 BASIS FOR CUMULATIVE ANALYSIS

Page/Section - Specific Comments

1. Page 3-2, Table 3-1: Please verify whether water infrastructure improvements proposed by YLWD under the Northeast Area Planning Study should be included in the list of cumulative projects and associated analysis within the EIR. Since the project relies on such improvements for adequate water service, it appears a listing and analysis is appropriate. 40
2. Page 3-5, Figure 3-1: Project #1 is labeled “Yorba Linda Estates (Murdock Property)”. This does not match Table 3-1, where it is labeled “Esperanza Hills”. 41

4.1 AESTHETICS

General Comments

1. The Draft EIR does not explain the project’s viewshed very clearly. The proposed project is a hillside residential project located at higher elevations compared to the larger area. The project site is situated along the urban fringe, as viewed from distant locations toward the San Juan Hills. The Draft EIR should more clearly define the project’s anticipated overall viewshed. 42
2. The proposed project appears to potentially be visible from the eastbound travel lanes of State Route 91 between the State Route 55 Interchange and the Lakeview Avenue Interchange. As this portion of State Route 91 is designated as a State Scenic Highway and a Scenic Viewshed Highway per the County’s General Plan, the project’s visual impacts to this view corridor must be discussed in the Draft EIR. If this is not the case, the Draft EIR should better clarify why the project is not visible from this location. 43
3. Confirm that there are no views to the project from Shapell Park and/or San Antonio Park (in the City of Yorba Linda), as well as trails located in the City (see Exhibit RR-2 of the City of Yorba Linda General Plan). 44
4. Photosimulations appear to use an excessive amount of vegetation growth at maturity. Plant maturity should be considered 10 to 15 years of growth. 45
5. The cumulative analysis should also consider view impacts as a result of new water facilities (including water tanks) that may be required as a result of future development in the area by the YLWD. 46

Page/Section - Specific Comments

1. Page 4.1-1, Introduction: The paragraph references site surveys and photographs in the spring and summer of 2012. Given the time that has elapsed, the photographs should be updated to depict current conditions. 47
2. Page 4.1-1, 2nd Paragraph, 3rd Sentence: Update this sentence based on the general viewshed comments made above. 48

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3. Page 4.1-1, 2nd Paragraph, 4th Sentence: Update this sentence based on the general viewshed comments made above. Further, if Section 2(a) of Section 4.1 the Draft EIR discusses County scenic highways, although they are claimed to be not visible, then Section 1 should also discuss the State Scenic Highway Program. 49
 4. Page 4.1-1, 3rd Paragraph: Update this paragraph based on the general viewshed comments made above. 50
 5. Page 4.1-1, 4th Paragraph: This discussion should mention what scenic resources are called out by the County's General Plan. The analysis cannot determine whether or not scenic vistas are present and encompass the project site without clarifying this information. 51
 6. Page 4.1-1, Last Paragraph: This discussion should mention what scenic resources are called out by the City's General Plan. The analysis cannot determine whether or not scenic vistas are present and encompass the project site without clarifying this information. 52
 7. Page 4.1-2, 1st Paragraph: This discussion should summarize what types of regulations/standards that would be imposed on the Project should the Project be annexed into the City of Yorba Linda. 53
 8. Page 4.1-3, 1st Paragraph, 1st Sentence: This discussion mentions a visually prominent scenic ridgeline. However, the regulatory framework does not outline what this is and how it is regulated. If this is not specific terminology that triggers regulatory action, then it should be defined via a footnote here. 54
 9. Page 4.1-3, 2nd Paragraph: This paragraph suggests that since the hillsides are not unique, they are not visual resources. However, if these hillsides are part of a larger ridgeline that is enjoyed by the public, the uniformity of those vast ridgelines may be considered the scenic resource. Further, as the City of Yorba Linda does have a Hillside Development Ordinance, although other residential developments are present, this suggests that preservation of the hillsides is important for visual resource protection purposes for the City of Yorba Linda. Please revise this discussion accordingly. 55
 10. Page 4.1-3, 3rd Paragraph, 3rd Sentence: Update this sentence based on the general viewshed comments made above. This analysis of existing conditions needs to have a better explanation of the Project's viewshed. Further, as the Project is located along the hillsides and the City of Yorba Linda has a Hillside Development Ordinance, it is anticipated that any public views, particularly from parks, trails, and/or scenic highways, could be considered scenic vistas and more detailed information needs to be included in the Draft EIR in order to come to conclusions regarding impacts to scenic vistas. 56
 11. Page 4.1-3, 4th Paragraph: This discussion should include a methodology for view selection. Due to the nature of the proposed project (hillside development). Longer views encompassing the project site should have been included (specifically from parks and/or scenic highways) in order to better illustrate the degree of visibility the project site offers. Further, the "after" project conditions should not be presented in the existing conditions. 57

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12. Page 4.1-3, 5th Paragraph: This discussion mentions local trails. The Draft EIR fails to clearly identify where the existing trails in the area are (particularly in the City of Yorba Linda) and where the proposed trails could be. This information is key to identifying potential scenic vistas as well as impacts to the character/quality of the site and surrounding community. 58
 13. Page 4.1-5, 3rd Paragraph: This paragraph discusses the methodology used to analyze scenic views. The Draft EIR states that this analysis is based on the evaluation of visual simulations. However, no information is provided on how the locations for photosimulation were selected or how the photosimulations were prepared are provided. Further, this methodology notes that an analysis of whether or not scenic resources are afforded are mentioned; however, as discussed above, the Draft EIR fails to discuss scenic resources in both the regulatory framework and existing conditions of this section. 59
 14. Page 4.1-6, 1st Paragraph: This discussion should include consideration of light spillover onto adjoining properties. 60
 15. Page 4.1-7, PDF 1-9: This PDF references the Codified Ordinances of the County of Orange Section 7-9-55.8 requirements for exterior lighting. However, this ordinance is not identified in the regulatory framework of this section. 61
 16. Page 4.1-8, Scenic Vista/Visual Character and Visual Quality: These thresholds have been combined in this analysis. However, based on the methodology discussed on page 4.1-4 (section a), these analysis use different criteria to determine significance. Since the scenic vistas analysis only considers public views and the degradation of character/quality analysis considers a change in the overall landscape, these analyses should be broken up for clarification purposes. 62
 17. Page 4.1-9, (1) Construction: This analysis should clearly define who would have views to construction activities. Would views only be afforded from residential uses, roads, and trails in the immediate vicinity, or would views include more distant views from Scenic Highways, parks (in the City of Yorba Linda), roads, and/or trails? 63
 18. Page 4.1-9, 3rd Paragraph: This analysis does not specify what the construction duration would be, thus it is not clear how this reduces the impact. Further, the conclusion states that construction disturbance activities are commonplace nature in its interruption to surrounding views to and across the site and character/quality of this site. It is not clear what this means. If this is referring to the existing disturbance activities on-site this information needs to be provided. The existing site disturbance is for minimal oil disturbance activities that do not significantly alter the existing character of the site. However, major earthmoving activities and vegetation removal would appear significantly different than the existing condition. The Draft EIR should be revised to clarify this conclusion statement. 64
 19. Page 4.1-9, Section (2) Operation: A comparative analysis of the project density, when compared to adjacent residential areas should be presented. 65
 20. Page 4.1-11, 1st Paragraph, 1st Sentence: A reference to an Area Plan is made. However, neither the Regulatory Framework, nor the PDFs, mention an Area Plan, what it is, or what it requires or suggests. Please clarify this information. 66

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21. Page 4.1-9 through 4.1-11, Aesthetic Character: This analysis does not describe the existing character of the site and then compare it to the resultant character of the site upon project completion (as described in the methodology section on page 4.1-5). This analysis fails to include a discussion of the project's consistency with the City of Yorba Linda's Hillside Development Ordinance, which is intended to protect views toward the hillsides. Further, this analysis does not adequately describe the character of the surrounding residential neighborhoods and whether or not the project would result in a similar character as the surrounding community. Further, this analysis does not explain any of the required retaining walls as part of the Project, where they are located, how high they would be, and what type of wall would be required. For hillside residential projects, these walls can be as high as 30 feet or higher. Thus, these hardscape features would be highly visible and would impact the character/quality of the site. 67
22. Page 4.1-11, Last Paragraph: Update this discussion based on the general viewshed comments made above. 68
23. Page 4.1-11, (3) Scenic Views: If the scenic vistas analysis is conducted based on photosimulations (per the methodology discussed on page 4.1-4 and 4.1-5) and photosimulations have been prepared, this suggests that scenic vistas are afforded. However, if they are not, this section should be revised accordingly and the analysis of photosimulations should be moved to the character/quality analysis. Further, this analysis needs to be updated per the comments submitted above with regards to visual resources. 69
24. Figure 4.1-2: The existing view has equestrian trail fence, but in the proposed view the fencing is eliminated. Please verify whether the trail fence would be removed as part of the proposed project. 70
25. Page 4.1-25, Scenic Resources: This analysis is incorrect in assuming that no scenic resources are on-site. The project site is located in the hillsides, which are considered scenic by the City of Yorba Linda, County of Orange, as well as the State of California (via the designated State Scenic Route, which calls out a view corridor toward the hills). This analysis needs to be updated to take into account the general viewshed and visual resources comments provided above. 71
26. Page 4.1-25, Light and Glare: County Ordinances related to construction and lighting are presented but there is no reference to City standards, codes and requirements, which should also be presented in this analysis. 72
27. Page 4.1-26, 2nd Paragraph, 2nd Sentence: This sentence needs to be updated to include the proposed traffic signals as well. Further, this analysis needs to be updated to take these project features into consideration. 73
28. Page 4.1-27, Mitigation Measure 4.1-1: This mitigation measure requires clarification. Please clarify the definition of what Manager of Permit Services (County?), and the statement "confined to the premises". These terms are unclear as presented in the text. 74
29. Page 4.1-27, (1) County of Orange General Plan: This discussion should be updated based on the general viewshed comments made above. 75
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30. Page 4.1-27, Consistency with County Of Orange and City of Yorba Linda Plans and Policies: Each consistency review section should be set up consistent with other EIR subsections, including a statement of the threshold, an impact statement and a conclusion at the end of the subsection with regard to the finding of significance/mitigation. 76
31. Page 4.1-27, Policy 6: This discussion should be updated to reflect the character/quality comments provided above. The specific character of the surrounding community should be considered to determine if the project's character is compatible. 77
32. Page 4.1-28, Policy 5: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance in order to demonstrate that the proposed grading activities would be maintaining the County's hillside views. 78
33. Page 4.1-29, Goal 1 and Policies 1.2 and 1.3: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance in order to demonstrate that the project is preserving/protecting the visual quality of the hillside areas. 79
34. Page 4.1-30, Policy 7.5: This discussion needs to specify how steep slopes and important natural resources have been properly delineated. 80
35. Page 4.1-30, Policy 8.2: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance. 81
36. Page 4.1-30, Policy 8.6: This consistency analysis states that generally, visual quality impacts are not considered significant because implementation of the proposed residential development would not result in a significant loss of an important view and/or would not significantly impact designated unique or important aesthetic elements. This statement is incorrect. This is true for scenic vistas analysis; however, not for an analysis of the degradation of character/quality. The Draft EIR must determine if a project degrades the quality of the site and its surroundings. This analysis must be updated accordingly. 82
37. Page 4.1-30, Goals 8 and 9, and Policies 8.1, 9.1, and 9.2: This discussion should be updated to include the project's consistency with the City of Yorba Linda's Hillside Grading Ordinance. 83
38. Page 4.1-31, Table 4.1-3: This consistency analysis should be updated to specifically discuss what grading techniques are proposed to achieve compliance with the ordinance. This analysis should also specify what types of retaining walls will be required as part of the proposed project and how those new walls would be compliant with this ordinance. 84
39. Page 4.1-32, Table 4.1-3, Yorba Linda Hillside Development Zoning Code Regulations D-4 through D-7: The regulations pertaining to PDFs, house styles, heights, roof elements, colors, and construction materials should be considered in the project analysis pertaining to character/quality in order to aid in a determination of whether or not the proposed Project is consistent with the surrounding hillside communities. 85
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40. Page 4.1-33 through 4.1-34, 3rd and 4th Paragraphs and 1st Paragraph: This viewshed analysis should be updated based on the general viewshed comments above. The overall cumulative visual impact of these projects with the proposed Project, as seen from distant views (such as parks located in Yorba Linda) and those afforded along SR-91 should be fully disclosed in the Draft EIR. 86
41. Page 4.1-34, 3rd Paragraph, 3rd Sentence: Refer to comment above regarding an Area Plan noted, but not referenced in the regulatory framework or project design features discussions. 87
42. Page 4.1-35, References: All references used throughout the impact section should be cited. 88

4.2 AIR QUALITY

General Comments

1. The Air Quality Assessment uses an outdated version of the CalEEMod model. The analysis should be updated with the latest version (version 2013.2.2). 89
2. Pursuant to guidance issued by the Office of Planning and Research, the construction analysis should address Naturally Occurring Asbestos. Refer to: http://opr.ca.gov/planning/publications/asbestos_advisory.pdf. 90

Page/Section - Specific Comments

1. Table 4.2-1, Ambient Air Quality Standards: Please update the Ambient Air Quality Standards table. CARB posted an updated version on June 4, 2013. 91
2. Page 4.2-9, Wind Patterns and Project Location: This section should include a discussion of the local meteorological conditions and should include a wind rose map. 92
3. Page 4.2-13, Last Paragraph: This table references the incorrect name for Table 4.2-3. 93
4. Table 4.2-3, Project Area Air Quality Monitoring Summary 2009-2011 Monitoring Data: This table should include the monitoring data for year 2012. 94
5. Page 4.2-16: OFFROAD2001 is referenced instead of OFFROAD2011. 95
6. Page 4.2-18, Second to Last Paragraph: The Traffic Study is referenced as being available in Appendix K. The reference should be changed to Appendix L. 96
7. Page 2-14 and Figure 2-10: Indicate that the project would require 560,000 cubic yards of cut and fill for PA-1 and 100,000 cubic yards of cut and fill in PA-2. However, the volume of earthwork is not referenced in Draft EIR Section 4.2 (Air Quality) or Appendix B (Air Quality Study). Please confirm that the CalEEMod run conducted for the project incorporates a sufficient number of equipment and vehicle trips for this volume of earthwork. It should be noted that CalEEMod does not include specific input categories for cut and fill that is balanced on-site. Therefore, it is necessary to include cut and fill in the material imported and/or exported categories and set the hauling trip length to an appropriate distance for moving material across the site. 97

8. Page 4.2-24, Localized Construction Emissions Impacts: To ensure that localized particulate matter emissions are below thresholds, the following details should be added to Mitigation Measure 4.2-1:

- Apply water and/or approved nontoxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water three times daily, or apply approved chemical soil binders to exposed piles with 5 percent or greater silt content.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day.
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip on a gravel surface to prevent dirt and dust from impacting the surrounding areas.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.
- All delivery truck tires shall be watered down and scraped down prior to departing the job site.
- Visible dust beyond the property line which emanates from the project shall be minimized to the extent feasible.

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4.3 BIOLOGICAL RESOURCES

Page/Section - Specific Comments

1. Page 4.3-6, Section b. Existing Conditions: The first paragraph of this section indicates that the biological survey and mapping for the site was conducted in May 2012. The typical standard for reviewing agencies, such as State Fish and Wildlife, is for surveys

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- and mapping within one year of the Draft EIR public review. In this case the information is over a year and updates to the baseline information on conditions should be provided. | 99 (cont.)
2. Page 4.3-31, Mitigation Measure 4.3-1: The measure references FESA and CESA permitting and on/offsite replacement and/or enhancement of least bell's vireo habitat. The measure goes on to list the possibilities for the off-site mitigation. The mitigation has an element of deferment to the permitting process and there should be more specific information on the possible actions, where offsite replacement/enhancement would occur. Otherwise the mitigation cannot be considered viable without further validation. | 100
3. Page 4.3-39, Mitigation Measure 4.3-2: Similar to Mitigation Measure 4.3-1, the emphasis is to the permitting process and an element of deferral. | 101
4. Page 4.3-43, Cumulative Impacts, Paragraph 3: The reference in paragraph 3 is to "Related Project No. 1". It is recommended that the cumulative section be consistent with other references and call out the cumulative project by name, and in this case, this would be the Esperanza Hills project. | 102
5. Page 4.3-45, Paragraph 4: First sentence refers to the "Missing Linkages report". It is unclear what this report entails as it is not referenced or footnoted and no details are provided. | 103

4.4 CULTURAL RESOURCES

Page/Section - Specific Comments

1. Page 4.4-8, Section (d) Pedestrian Survey: This section does not provide details on the pedestrian survey methodology, including extent of transects. Please provide these details. | 104
2. Page 4.4-11, Mitigation Measure 4.4-1: Please clarify what is meant by "spot check observations". | 105
3. Page 4.4-12, Mitigation Measure 4.4-4: How does this mitigation measure work? Who takes responsibility if archaeological resources are encountered when the monitor is not present? | 106
4. Page 4.4-13, Mitigation Measure 4.4-5: The measure refers to a "qualified paleontologist". Qualified by whom? | 107

4.5 GEOLOGY AND SOILS

Page/Section - Specific Comments

1. Page 4.5-6, Figure 4.5-1: Graphic entitled Preliminary Geologic Map overlays residential lots within the Whittier Fault Zone/Fault Rupture Hazard Zone. The zone has been noted for rupture, liquefaction, seismic settlement, slides and moderate soil expansion potential. | 108

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2. Page 4.5-13, Section c. Project Design Features: The section states that “There are no specific Project Design Features (PDFs) that relate to potential geology and soils impacts”. 109
3. Page 4, 5-14, Section (1) Fault Rupture: The section acknowledges that the Alquist Priolo Earthquake Fault Zone Act prohibits the construction of buildings for human occupation across the fault trace and a minimum 50 foot setback is required. The section further acknowledges that the site plan shows some residential lots proposed within the hazard zone. The section further states that potential residential structures would be located at a distance of greater than 100 feet from the Fault Trace however the specific location of the fault trace has not been determined. Thus there has not been any level of geotechnical review, subsurface investigations and analysis to support the viability of the plan, in consideration of geologic conditions. 110
- The section relies on mitigation measure 4.5-1 requiring design level geotechnical review and subsurface investigations to identify the trace location. The section concludes that with mitigation measure 4.5-1, impacts are reduced to less than significant levels. This analysis is deficient as a proper subsurface analysis has not been conducted at this time and is a deferment to a later date. It remains unclear with regard to significance and if the analysis is inadequate. It is not clear how it can be concluded that there is the ability to implement a project of this type without verification of geologic conditions, especially in terms of safety consideration. The referenced mitigation should occur as a part of the draft EIR and not deferred to a later time. 111
4. Page 4.5-21, Table 4.5-2, Policy 1.1: The consistency review for policy 1.1 in Table 4.5-2 references the potential for liquefaction and states design level parameters to address liquefaction can include over-excavating/recompacting and other measures. The discussion goes on to refer to replacement fill and other “engineering solutions.” The problem again here is deferring and not having complete information presented in the Draft EIR. For example, if there is the determination substantial earthwork beyond what has been identified in the EIR is required, then the resulting construction air emissions may be higher than analyzed. Thus, further CEQA review may be required, based on the deferred subsurface analysis and pending final site specific design level geotechnical investigation referenced in mitigation 4.5-1. 112

4.6 GREENHOUSE GAS EMISSIONS

General Comments

1. The Greenhouse Gas Assessment uses an outdated version of the CalEEMod model. The analysis should be updated with the latest version (version 2013.2.2). 113

Page/Section - Specific Comments

1. Page 4.6-22, Mobile Sources: This paragraph references the incorrect Appendix (references Appendix K) and date (references July 2012) for the Traffic Study. 114

4.7 HAZARDS AND HAZARDOUS MATERIALS

General Comments

1. Throughout the analysis of this section, chemicals of concern (COCs) are discussed, analyzed, and mitigated. It is noted that petroleum-related hydrocarbons (PHCs) are not COCs, as these are not regulated by the EPA, pertaining to CERCLA. This analysis should be revised/updated to note whether or not PHCs are also a concern. 115

Page/Section - Specific Comments

1. Page 4.7-5, (3) Regional/Local: The Air Quality Management District's Rule 1166 needs to be added to this analysis as it pertains to regulations of methane gas in soil during construction activities, which are later discussed in the analysis. 116
2. Page 4.7-11, 2nd Paragraph, Last Sentence: The ASTM standard should reference "E 1527-00" not "E1528-05". Please note that as ASTM no longer recognizes E 1527-00 as a current standard, this standard has been replaced with E 1527-13 Standard Practice for Environmental Site Assessments as of November 2013. 117
3. Page 4.7-17, 3rd Paragraph, 2nd Sentence: Replace the word "including" with "included". 118
4. Page 4.7-17, 3rd Paragraph, Last Sentence: Delete the word "Please" at the beginning of the sentence. 119
5. Page 4.7-19, 1st Paragraph following PDFs: Delete the word "Please". 120
6. Page 4.7-19, d. Analysis of Project Impacts, Hazardous Materials: This analysis needs to include a discussion of long term operation impacts associated with oil drilling activities continuing on-site. What types of hazardous materials used as part of these operations, if any, need to be disclosed. Use, storage, and/or transport activities associated with these materials/waste need to be included. Potential impacts of exposure of these materials to new on-site residence should be discussed. 121
7. Page 4.7-20, Risk of Upset, 1st Paragraph: This discussion was already included in the previous Hazardous Materials analysis and should be deleted from this discussion. 122
8. Page 4.7-21, 2nd Paragraph: This discussion needs to be updated to reflect impacts to both future residents as well as construction workers. 123
9. Page 4.7-24, Mitigation Measure 4.7-4, 2nd to Last Sentence: Rephrase text to state, "Also, DOGGR shall be contacted to perform a 'Construction Site Review' of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these distances are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR." 124

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10. Page 4.7-25, Existing On-Site Hazards: This heading should be renamed to “Existing Cortese Listings”, as this is what this threshold is addressing. This analysis should be rewritten to just identify if the project site is listed on the existing Cortese regulatory database, which it is not. This information is provided in existing conditions and should just be re-stated accordingly. 125
 11. Page 4.7-26, 2nd Paragraph: This discussion should clearly identify whether or not the OCFA has reviewed the proposed site access plans and confirmed that the proposed emergency site access is adequate for the OCFA to adequately serve the site. This information should also be cited via footnote. 126
 12. Page 4.7-27, 1st Paragraph: This discussion needs to be updated to reflect the fact that the 2008 fire did not have enough fire flow (based on the existing conditions discussion of the Draft EIR) and that new water facilities will be required to serve the project site, including adequate fire flow. This discussion should also cross reference the cumulative analysis, where the future water facilities to serve the project site and surrounding proposed development needs to be added. 127
 13. Page 4.7-27, 3rd Paragraph: This discussion needs to also note that the proposed project will be a gated community. The analysis needs to mention how the OCFA will access the gated community during an emergency. 128
 14. Page 4.7-27, 3rd Paragraph, Last Sentence: This statement needs to be footnoted with a source. 129
 15. Figure 4.7-1: Indicate the potential emergency ingress/egress location for the Esperanza Hills development on the Fire Master Plan. 130
 16. Page 4.7-33, 1st Paragraph, 3rd Sentence: The Mitigation Measure 4.7-7 requires the construction of six-foot high block walls/radiant heat walls at the bottom of a portion of the fuel modification zone. These required wall features are omitted from the aesthetics section of the Draft EIR. Per CEQA Guidelines, secondary impacts resulting from required mitigation measures must be considered in the Draft EIR. Further, the Draft EIR needs to include these wall features in the photosimulations, if visible. If not, this needs to be stated. 131
 17. Page 4.7-33, 3rd Paragraph, 6th Sentence: The Aesthetics Section of the Draft EIR needs to confirm that the plant palette used for the photosimulations includes that required for the fuel modification zones, as statement claims that the entire project site will be re-vegetated, which would require a substantial amount of vegetation disturbance. 132
 18. Page 4.7-34, 2nd Paragraph: This discussion needs to be updated to include the existing fire flow deficiency for the project area and anticipated water facility infrastructure needed, then this discussion should cross reference the cumulative analysis for further information. The cumulative analysis needs to be updated accordingly. The Aesthetics Section needs to be updated to reflect potential water facilities (including water tanks). 133
 19. Page 4.7-35, Mitigation Measure 4.7-10: This mitigation measure should be discussed in the construction analysis presented above. 134
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20. Page 4.7-36, Policy 3: The project consistency response does not clarify what rating the project achieves. | 135
 21. Page 4.7-38, Policy 3.3: The document references should cross reference the appropriate appendix. | 136
 22. Page 4.7-38, Goal 4 and Policy 4.3: The document references should cross reference the appropriate appendix. | 137
 23. Page 4.7-40, 2nd Paragraph: This discussion needs to include the anticipated water infrastructure project needed to serve the project site and surrounding area. | 138

Comments on Appendix G, Hazardous Materials Assessment:

1. Confirm that potential contamination from the four former aboveground storage tanks utilized for storage of crude oil was considered. | 139
2. The Avanti ESA states that the contaminants noted were consistent with that of a typical oilfield setting, but whether or not this is adequate for residential uses is not discussed. | 140
3. The Phase I and Phase II Investigations, conducted by Phase One Inc., were prepared consistent with ASTM E 1527-00 and per Section 1.4 on page 1-4, the only exceptions to the rule were identified as accessibility of the site and interview questionnaires. However, it is noted that the terminology used to define a minor, medium, and major environmental concern for RECs is a deviation to the rule. The rule does not include these definitions. | 141
4. The Phase I and Phase II Investigations, conducted by Phase One Inc., makes note of the on-site aboveground storage tanks, but does not provide any findings or opinions as to their conclusion that the tanks have not resulted in a REC. These tanks have been present since at least 1981. Further information regarding potential contamination from on-site tanks should be included. | 142
5. It is unclear if on-site sampling events including consideration of on-site tanks. | 143

4.8 HYDROLOGY AND WATER QUALITY

General Comments

1. The maps provided do not accurately show the proposed or existing streets (they are referenced in the text) and there is no graphic that shows the Planning Areas on the hydrology map. | 144

Page/Section - Specific Comments

1. Page 4.8-9 last paragraph, 1st Sentence: Refers to a large natural area west of the project site, which is apparently named Wire Springs Canyon (also not noted on the hydrology map), however the area appears to be east of the development, not west of the development. | 145

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2. Page 4.8-9, Last 2 Paragraphs: Discuss that the increases in flow to the channel adjacent to San Antonio Road and the existing Storm Drain in Stonehaven Drive can accept the flow increases without significant impacts; however, the CEQA drainage Study only discusses the impacts to the existing storm drain in Stonehaven. The impacts to the channel along San Antonio also need to be addressed. 146
 3. Page 4.8-14, 1st Paragraph, refers to the Drainage Study and Technical Memorandum conforming to Section B.4 of Orange County Hydrology Manual: The hydrology presented in the two studies follows the high confidence methodology for the analysis of the 2- and 10- year events. For mitigation and impact purposes, the study should be comparing the 2 and 100-year expected value events in accordance with the 1995 Orange County Hydrology Manual Addendum No. 1. 147
 4. Page 4.8-17, Item 2, WQMP Features: Provide Green Street design BMPs and Low Impact Development design BMPs throughout the project site. The project shall implement the Low Impact Development design process to the project to arrive at the appropriate BMPs. Preferred site treatment options shall be applied to the maximum extent possible. 148
 5. Page 4.8-22, PDF 8-4: Please show the streets in an exhibit within this section of the document. 149
 6. Page 4.8-22, PDF 8-5: The document should refer to a water surface from a specific storm event. 150
 7. Page 4.8-32, Policy 3.2: The document needs to address the potential for downstream erosional impacts associated with Debris Basins on Existing Creek C in the north area. The reduction in sediment due to development and the debris basins has the potential to significantly impact the stability of the downstream channel. 151

Comments on Appendix H, Conceptual WQMP/Hydrology Analysis

1. Note that Subarea S-4 appears to drain to a separate drainage not directly tributary to Creek A based on topography and google earth imagery. Please provide a clear discussion as to how the area in the existing conditions drains east to the existing storm drain in Stonehaven. 152
2. Justify the use of TR-55 and hand hydrograph calculations. Why are two different models used? The document should clearly state the purpose of both of the calculations. 153
3. Note that onsite rational method calculations were performed but not used in the CEQA documentation. What is the purpose of the calculation? The calculations were made using AES version 14.3. The current version of AES is 18.1. Justify the use of older software. 154
4. The WQMP shows calculations for the hydromodification basin and the LID volume requirements for the north area and add them together, note that only the larger of the two volumes is required. 155

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| 5. | Hydrograph calculations for both the 2 and the 100-year events should be before the expected value events as noted above. | 156 |
| 6. | The documents mention preparing the hydrographs is conformance with the Orange County Hydrology Manual Section B.4. Section B.4 discusses the development of the precipitation for the hydrograph analysis. While hand calculation methods are accepted by the County, the AES Unit Hydrograph Model is the County's preferred method of calculating mitigation hydrographs. It appears that the hand calculations utilized the Intensity data from the rational method procedure rather than the depth data in Table B.2 or for expected value calculation in Tables 1 and 2 of the Hydrology Addendum. If the hand calculations are used, they should conform to the example show in Section E of the Orange County Hydrology Manual. | 157 |
| 7. | While the Orange County Hydrology Manual mentions the use of the lag imperial formula, it clearly states in Section E.3 Item 2, that the formula $Lag=0.8T_c$ (based on the rational method T_c) is the preferred method. Therefore, justification for the use of the empirical formula and concurrence from the County on its acceptability should be provided. | 158 |
| 8. | Justify the use of the Foothill S-graph in the hydrograph development. | 159 |

4.9 LAND USE AND PLANNING

Page/Section - Specific Comments

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| 1. | <u>Table 4.9-1, Project Consistency with Orange County General Plan: Policy 1 Balanced Land Use</u> – The consistency statement states the project proposes single family homes in an area designated for suburban residential land uses. It does not account for the proposed GPA and how the project will maintain balanced land use. | 160 |
| 2. | <u>Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 1.1</u> – The consistency statement does not consider that by introducing a greater density than anticipated by the City's General Plan for this specific site, it could contribute to an increase in the overall average density in the City. This should also be addressed in the Cumulative Impacts discussion. | 161 |
| 3. | <u>Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 1.2</u> – The consistency statement relies on the overall acreage for the Murdock/Travis Property in stating the number of units proposed would be potentially consistent; however, the proposed project (the topic of this Draft EIR) does not involve development of the remaining portions of the property and specific development within the remaining portion of the Murdock/Travis Property (other than Esperanza Hills) is not currently known/proposed. The consistency statement should consider the amount of acreage specific to the proposed project to determine density, which is not consistent with the average density of 1.0 dwelling units per acre identified by the City's General Plan. The combined development of the proposed project site and Murdock/Travis Property (specifically, Esperanza Hills) should be addressed in the Cumulative Impacts discussion, as Esperanza Hills is identified as a cumulative project. | 162 |
| 4. | <u>Table 4.9-2, Project Consistency with Yorba Linda General Plan: Policy 7.4</u> – Refer to comment regarding Policy 1.2, above. | 163 |

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5. Page 4.9-2: Under Safety Element subheading, second sentence – remove “are” after “other hazards”. 164
 6. Page 4.9-3: Under Growth Management Element subheading, first sentence – replace “is” with “are” after “the natural environment”. 165
 7. Page 4.9-4: Second full paragraph beginning with “The City’s General Plan...” – capitalize “Resources” in reference to the Recreation and Resources Element of the City’s General Plan. 166
 8. Page 4.9-8: Last paragraph – capitalize “Amendment” in reference to “General Plan Amendment”. 167
 9. Page 4.9-19 and 4.9-20, Cumulative Impacts: The project’s individual cumulative contribution to the City’s overall average density along with the other cumulative project’s should be addressed. 168
 10. Page 4.9-20: Sentence beginning with “In the case of the Esperanza Hills Project...” – replace “requires” with “require”. 169
 11. Page 4.9-20: Sentence beginning with “That project would be at a density...” – remove “the” before “Murdock/Travis Property”. 170

4.10 NOISE

General Comments

1. No noise measurements were conducted to quantify the existing on- and off-site acoustical environment. These measurements should be performed to provide the reader with background regarding existing ambient conditions. 171

Page/Section - Specific Comments

1. Page 4.10-9, Stationary Noise Sources: The existing on-site oil wells are not included in the discussion of existing stationary noise sources. 172
2. Page 4.10-11, Methodology: The “Off-Site Traffic Noise Impacts” is under the “Construction Noise Impacts” heading. This discussion should be separated. 173
3. Page 4.10-17, Mitigation Measures: In order to further reduce construction related noise impacts, the following measures should be incorporated as mitigation:
 - Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties. 174

- Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, are implemented where feasible.
 - Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.
 - Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.
4. Page 4.10-24, On-Site Traffic Noise Impacts: The FHWA Traffic Noise Model (TNM) 2.5 should be used to calculate on-site traffic noise levels. It is far more accurate than the FHWA-RD-77-108 model that was used and takes topography, background noise, and the site plan into account.
5. Page 4.10-27, Groundborne Vibration and Noise: Based on the level of construction activities that are planned, the qualitative vibration analysis is insufficient to demonstrate that a vibration related impact would not occur during construction. The anticipated vibration levels should be quantified from the nearest grading activities to the closest off-site structures. A suitable threshold could be the Federal Transit Administration architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second Peak Particle Velocity).

4.11 POPULATION AND HOUSING

Page/Section - Specific Comments

1. Page 4.11-1, Subsection 3, Regional Housing Needs Assessment (RHNA): Delete “A Regional Housing Needs Assessment” and remove the brackets from RHNA. | 177
2. Page 4.11-2, First Sentence beginning with “According to ...” and Table 4.11-1: Should be moved to “b. Existing Conditions.” | 178
3. Page 4.11-3, Table 4.11-2: Table should note increases and percentages for clarification with the text description. | 179
4. Page 4.11-3, Table 4.11-3: Table information needs to be clarified with the paragraph below, percentages in paragraph do not directly translate to the percentages in table. | 180
5. Page 4.11-3, 2nd to Last Paragraph: Replace 34 percent with 35 percent. | 181
6. Page 4.11-4, Table 4.11-4: The table should note increases and percentages for clarification. | 182

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| 7. | <u>Page 4.11-4, Subheading a. Methodology, Last Sentence:</u> This discussion should also clarify that this would be similar to that for the City of Yorba Linda per footnote 6 on page 4.11-8. | 183 |
| 8. | <u>Page 4.11-5, Subheading Population Growth:</u> The Threshold Statement wording differs from Section b on page 4.11-4. | 184 |
| 9. | <u>Page 4.11-5, 1st Paragraph, 2nd Sentence:</u> This sentence needs to clarify which criteria is relevant (the calculation that is lowest or highest), as the lowest maximum allowable density would be 1,912, which would result in a worst case increase of population on-site by 304 persons (18 dwelling units [du] * 41 acres * 2.59 persons per du). Revise this discussion accordingly. Update footnote 4 accordingly. | 185 |
| 10. | <u>Page 4.11-5, Subheading Population Growth, 2nd Paragraph:</u> This discussion states that the project helps the County meet their RHNA housing allocations, but does not clearly state what the County's existing deficiencies are and what categories the Project fills. Thus, it is not clear how the Project meets the RHNA allocations. Based on the surrounding community, the general area appears to adequately supply moderate and above moderate income levels, the Project does not appear to supply a variety of housing opportunities in the area. | 186 |
| 11. | <u>Page 4.11-6, Table 4.11-5, Policy 3 Housing Densities:</u> Refer to comment above regarding the RHNA allocations. | 187 |
| 12. | <u>Page 4.11-7, Table 4.11-6, Goal 3 and Policy 3.1:</u> Refer to comment above regarding the RHNA allocations. | 188 |
| 13. | <u>Page 4.11-8, 1st Paragraph, Last Sentence:</u> Refer to comment above regarding the RHNA allocations, as it pertains to cumulative impacts as well. | 189 |
| 14. | <u>Page 4.11-9, Subheading 4. References:</u> California Department of Finance. There is now 2013 data available in order to have current estimates. | 190 |

4.12 PUBLIC SERVICES

Page/Section - Specific Comments

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| 1. | <u>Page 4.12-5, Last Paragraph:</u> Please clarify that the four service calls per day on average is calculated per station. | 191 |
| 2. | <u>Page 4.12-8, Paragraph 2:</u> What is the existing libraries service ratio that serves the project site, and is the current condition adequate to serve the area? | 192 |
| 3. | <u>Page 4.12-10, Subheading Fire Protection and Emergency Medical Services:</u> The 1,460 calls annually should match with existing conditions. This comment also applies to footnote 13. | 193 |
| 4. | <u>Page 4.12-10, 7th Sentence:</u> Should cite a source (such as the OCFA) for this statement. | 194 |

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5. Page 4.12-10, Last Sentence: Should this read 7 minutes and 20 sec (like existing conditions) or 5 minutes? Please clarify. | 195
 6. Page 4.12-11, 1st Paragraph, Last Sentence: This analysis suggests that improvements and equipment are necessary to serve the project site, but do not generally discuss what those needs are. | 196
 7. Page 4.12-11, 2nd Paragraph, 3rd Sentence: This discussion suggests that the fire flow water requirements in the area not being met as a result of the existing demand. Based on Page 4.15-21, Mitigation Measure 4.15-1, of the Draft EIR, future improvements associated with the Northeast Area Planning Study are required prior to construction of the project. The Draft EIR should clearly identify if the proposed project is reliant on some or all of these project components for development. If so, considerations of whether or not this is CEQA “piecemealing” must be included. If this is a separate project, then cumulative considerations throughout the Draft EIR (such as aesthetics [view impacts to new water tank features], wildfire, and fire protection services) should be included. | 197
 8. Page 4.12-12, Last 3 Sentences of 2nd Paragraph: This discussion should provide more detail regarding whether or not there are adequate site access for fire services to adequately serve the project site, particularly in the event of a fire. This analysis should cite a specific source from OCFA confirming that the site would be served by adequate fire access. | 198
 9. Page 4.12-13, Sentence 2: It states that service response timeframes can be met but is the equipment and facilities adequate to meet the timeframe? | 199
 10. Page 4.12-13, Mitigation Measure 4.12-1: Revise the last sentence to state, “This Agreement shall specify the developer’s pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the Project, to the satisfaction of the Fire Chief.” | 200
 11. Page 4.12-13, Mitigation Measure 4.12-2: This mitigation measure references electric operating gates which were not discussed anywhere in the analysis. Please include this project information in the emergency fire access analysis provided in this section. | 201
 12. Page 4.12-13, Subheading Police Protection and Law Enforcement Services, Sentence 4: Please add the word “Project” before the word “site”. Delete the word “Department’s” and replace with “OCSD’s”. Further, clarify how much of a “substantial” change there will be in response time objectives. | 202
 13. Page 4.12-14, Subheading (3) Schools, (a) Operation: Add the word “School” after “Travis Ranch.” Also, this is over-enrolled already and the project exacerbates this condition. This section needs to better disclose to what extent the project would be exacerbating this impact prior to discussing the mitigation measure. | 203
 14. Page 4.12-15, Subheading Mitigation Measures: Delete the word “Please” before “refer.” | 204
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15. Page 4.12-14, Mitigation Measure 4.12-4: The Draft EIR should cross-reference this Mitigation Measure with the Traffic Management Plan mitigation measure to ensure consistency. | 205
 16. Page 4.12-19, Table 4.12-4, Policy 3: None of this discussion specifies exactly how the project is achieving consistency with this policy and the ISO standard. | 206
 17. Page 4.12-19, Table 4.12-4, Goal 1: Delete “Orange County Sheriff’s Department” and replace with “OCSD.” | 207
 18. Page 4.12-19, Table 4.12-4, Objective 1.1: Delete the word “Please.” | 208
 19. Page 4.12-19, Table 4.12-4, Policy 1 Land Use Review: Replace “...as discussed in Section 4.12, Public Services,” with the terminology, “this EIR Section,”. | 209
 20. Page 4.12-20, Table 4.12-4, Orange County Public Library, Goal 1: What is the existing libraries service ratio that serves the project site and is the current condition adequate to serve the area? | 210
 21. Page 4.12-21, Table 4.12-5, Goal 10: What are the standards of the school district that this policy is referring to? This consistency analysis does not clearly discuss how the project is achieving this policy. | 211
 22. Page 4.12-21, Table 4.12-5, Policy 10.1: Delete the word “please” in the last sentence. | 212
 23. Page 4.12-21, Table 4.12-5, Goal 10.2: Delete the word “please.” | 213
 24. Page 4.12-21, Table 4.12-5, Goal 10.2: Incorporate more information regarding to what extent the project would be exacerbating impacts to schools prior to discussing the mitigation measure. | 214
 25. Page 4.12-22, Table 4.12-5, Policies 5.2 and 5.3: The Draft EIR should also provide this in the impact analysis that discusses police protection services earlier in the Section. | 215
 26. Page 4.12-23, Subheading (1) Fire Protection and Emergency Medical Services: This analysis should also consider the potential cumulative impacts of providing water services to this area. | 216
 27. Page 4.12-23, Subheading (1) Fire Protection and Emergency Medical Services, 3rd Paragraph: This section should include correspondence information with the OCFA discussing their opinion on whether or not their anticipated facilities can accommodate this growth. | 217
 28. Page 4.12-24, Subheading (3) Schools, 1st Paragraph: There is no mention of overcrowding of the elementary school and to what extent the cumulative impacts would exacerbate this impact prior to discussing the payment of school fees. This section should also specify how many students the cumulative growth would result in since the increased number of persons is known. | 218

29. Page 4.12-25, Subheading (4) Libraries, 1st Paragraph: This section should include specific impacts to library service performance criteria since the increased number of persons is known. 219

4.13 RECREATION

General Comments

1. Please refer to the City's Parks and Recreation Master Plan Update as "The City of Yorba Linda DRAFT Parks and Recreation Master Plan Update". Since the March 21, 2013 reference and posting of the document it has been revised numerous times. Significant changes have been made in particular to the Park In-lieu requirements and parkland inventory. Please view the Council Meeting and Staff Report from January 7, 2014 in regards to the Park In-lieu updates. The next posting and review of the DRAFT Parks and Recreation Master Plan Update will be at the Parks and Recreation Commission Meeting on February 20, 2014. The entire document will be presented at this time, not just Chapter 3 and Chapter 6. 220
2. To clarify, there is reference throughout the document about making accommodations for the planned trails in the "project" and dedication of easements for these sections. However, who should be building or improving these trails? Will the developer also provide money to complete or improve the trails? If so, will the money go to the County and then to the City? Ultimately who will build these trails in the project and potentially the connector trails just outside the project? For example, see Mitigation Measures 4.13-1 and 4.13-2 and page 4.1-3, fifth paragraph. 221
3. Can any of the 36 acres of undeveloped open space be graded for a neighborhood park and dedicated to the City in order to assist with the City of Yorba Linda's Neighborhood/Community Park deficiency? Refer to PDF 1-4, and page 4.1-29, Table 4.1-2. 222

Page/Section - Specific Comments

1. Page 4.13-1: First paragraph, first sentence – "vicinity of the project site" should be revised to say "City of Yorba Linda." 223
2. Page 4.13-1, (1) Quimby Act: Add final sentence to this paragraph referencing the County's parkland acreages goal and state the City's parkland acreage goal of 4 acres per 1,000. This is mentioned later in the section but would also be useful here. 224
3. Page 4.13-2, OC Parks Strategic Plan (2007): How is the Strategic Plan relevant to the regulatory framework of the project if there is no plan associated with the project to implement require components (e.g., trails, bikeways)? 225
4. Page 4.13-2, County of Orange Code of Ordinances, Title 7: Note that the City's Municipal Code Title 17 and Park in-lieu fees have been updated as of January 7, 2014 and will go into effect February 20, 2014. 226
5. Page 4.13-4: First paragraph, third sentence – "...the City's recommended parkland standard if 15 acres..." replace "if" with "is". 227

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| 6. | <u>Page 4.13-4, fourth paragraph</u> : This paragraph will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting. | 228 |
| 7. | <u>Page 4.13-6, last paragraph</u> : Revise reference to Figure 4.13-1 to Figure 4.13-2. | 229 |
| 8. | <u>Table 4.13-1</u> : This table will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting. | 230 |
| 9. | <u>Page 4.13-11, first paragraph</u> : The discussion of trails should identify who will be responsible for construction of the trails and potential connectors. | 231 |
| 10. | <u>Page 4.13-11, (a) Methodology</u> : It is unclear if this methodology accounts for City of Yorba Linda requirements. There is a reference to a “Local Parks Code” but it is unclear what agency’s code this is. | 232 |
| 11. | <u>Page 4.13-11, Threshold 2</u> : The word “requires” should be replaced with “require”. | 233 |
| 12. | <u>Page 4.13-11</u> : Last sentence – add “to” between “applicable” and “parks”. | 234 |
| 13. | Page 4.13-12, Item 2(d): Provide a figure that indicates the alternative routes for the continuation of Trail 35a across Planning Area 2 and Trail 36 through Planning Area 2 to the existing City trail staging facility at Casino Ridge Road. | 235 |
| 14. | <u>Page 4.13-12, Item 2(d), first paragraph, second to last sentence</u> : This sentence should be revised to clarify that the Level 2 demand for San Antonio Park was only in relation to adding parking (and not physical expansion, which is not possible). | 236 |
| 15. | <u>Page 4.13-12</u> : First full paragraph, first sentence – add “by” between “operated” and OC Parks”. | 237 |
| 16. | <u>Page 4.13-12</u> : Last paragraph, first sentence – move “park” to after “neighborhood”. | 238 |
| 17. | <u>Page 4.13-12: Last paragraph</u> : This paragraph will require revision within the Final EIR as the Draft Parks and Recreation Master Plan Update will be presented to the Parks and Recreation Commission at the February 20, 2014 meeting. | 239 |
| 18. | <u>Pages 4.13-12 through 4.13-16, Analysis of Project Impacts</u> : The analysis acknowledges potentially significant impacts to City of Yorba Linda park facilities and states that Mitigation Measure 4.13-1 would reduce the impact to a less than significant level. It is unclear how payment of fees to the County will reduce the potential impact to City of Yorba Linda park facilities, which the analysis acknowledges could be significantly impacted by the proposed project. The nearest neighborhood park, San Antonio Park, is located within the City and would most likely be used by residents of the proposed project. This park has been identified as having a current demand for expansion or improvements to the park in the City’s CIP. The mitigation measure should demonstrate how the payment of park fees will specifically be used to provide neighborhood parkland that will serve the proposed project area or make improvements to existing neighborhood parkland, within the City of Yorba Linda. | 240 |
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19. Page 4.13-16, Mitigation Measures 4.13-1 and 4.13-2: These measures indicate that the developer would provide fee for parkland acquisition as a means to adhere to the Quimby Act. However, there is a need to: 1) obtain additional land; and 2) enact an impact fee that would then also require the construction of the park that would help with the City's Neighborhood/Community Park deficit. The EIR should specify whether the City would receive these fees directly or as a pass-through through the County. 241
20. Table 4.13-3, Project Consistency with Yorba Linda General Plan: Goal 3, Policy 3.1, Goal 4, Policy 4.1, and Policy 1.5: Refer to the comment on Pages 4.13 through 4.16, above. 242
21. Page 4.13-19, Cumulative Impacts, 2nd Paragraph: The reference to in-lieu fees should be further defined as it is unclear whose standards would be utilized. 243
22. Page 4.13-19, Cumulative Impacts: Refer to the comment on Pages 4.13-12 through 4.13-16, above. 244

4.14 TRAFFIC/TRANSPORTATION

General Comments

1. Peak hour factors (PHF) were not applied in the ICU analysis of the study intersections under any of the analysis scenarios. Therefore, the reported ICU calculations are reflecting a better LOS than what existing and future peak hour operations should reflect. Peak hour factors are usually applied in the ICU 2000 and HCM 2000 methods of intersection analysis to take into account the peaking characteristics of traffic within the peak hour. It is usually based on the peak 15-minute period. The application of peak hour factors in ICU analysis is discussed in the Federal Highway Administration (FHWA) *Signalized Intersections: Informational Guide* (August 2004). 245
2. Peak (95th percentile) queue lengths should be evaluated at the southbound approaches of the intersections of Yorba Linda Blvd./San Antonio Way and Yorba Linda Blvd./Via Del Agua to determine if peak queuing will potentially block access to and from side streets immediately north of the intersections. A queuing analysis should also be provided for the westbound approach of Aspen Way to San Antonio Road. There are two residential units on the north side of Aspen Way and a nearby cul-de-sac (Willow Tree Lane) that may have access blocked during the morning peak periods. 246
3. The estimated Opening Year date of 2015 may be outdated; the consultant should work with project applicant to obtain a revised project completion date. The revised project Opening Year date would need to be revised throughout report where referenced. 247
4. The Peak Hour Intersection Level of Service analysis tables should show the change in the ICU ratio and HCM delay between the "without project" and "with project" scenarios. Furthermore, the "with project" analysis tables should include columns indicating whether or not the change in ICU ratio or HCM delay is significant. 248
5. The project applicant shall be responsible for installing a traffic signal at the intersection of Yorba Linda Blvd. and Via del Agua in compliance with the City of Yorba Linda standards. 249

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6. The existing eastbound left turn lane at the intersection of Yorba Linda Blvd. and Via del Agua may not be able to accommodate the projected future left turn traffic. Further analysis must be conducted to address this issue. The intersection of Yorba Linda Boulevard and San Antonio eastbound left turn capacity needs to be reviewed for the Esperanza Hills Development Option 2 alternative as well. 250
 7. The Project must provide justification that it has the legal right to require third parties to extend Aspen Way or Via Del Agua to connect to the Project. 251
 8. The City's existing traffic signal system is running on time-of-day plans and it is not capable of handling special signal timing required for fire emergency evacuation. The Cielo Vista Project should contribute fair-share funding towards the cost to upgrade the City's current traffic signal system to a traffic responsive system. 252

Page/Section - Specific Comments

1. Page 4.13-12, Item 2(d): Provide a figure that indicates the proposed routes for the continuation of Trail 35b through Planning Area 1 of the project site. Show the Street "A" crossing at the open space and north/south route along Street "A" crossing Stonehaven Drive and joining the existing earthen multipurpose trail. Fencing shall be provided consistent with surrounding improvements. 253
2. Comments on Appendix L, Traffic Study, are provided below. These comments also apply to Section 4.14, Traffic/Transportation of the Draft EIR and should be updated accordingly. 254

Comments on Appendix L, Traffic Study

1. Page 8, Paragraph 1: Unacceptable LOS F at the intersection of Yorba Linda Boulevard/Via Agua occurs during the AM peak hour, not PM peak hour, under Existing conditions. In third sentence, "as measure" should read "as measured." 255
2. Page 18, Exhibit 3-1: Defacto right-turn lanes should not be designated at the northbound and westbound intersection approaches of San Antonio Road/Aspen Way. Curb parking is allowed along both approaches and therefore the defacto lane may occasionally be blocked by parked vehicles. In addition, the westbound lane width is 18 feet, which is less than the minimum required width of 20 feet to include a defacto lane. This intersection should be re-evaluated for each scenario without the defacto right-turn lanes. 256
3. Page 21, Section 3.2 – Congestion Management Program Compliance: Please correct typo in second sentence of first paragraph from "...element f the CMP..." to "...element of the CMP...". 257
4. Page 22, Section 3.4 – Transit Service: It should be stated that transit service will not be provided within a reasonable walking distance of the project site (1/4 mile or less). 258
5. Page 31, Section 3.6 – Existing (2012) Traffic Volumes: Traffic counts for this analysis were collected over 18 months ago and may no longer be valid for reflecting current traffic conditions. Please provide justification for using older counts, or collect new counts to update the traffic analysis and EIR. 259

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6. Page 35, Exhibit 3-12: The intersection of Yorba Linda Boulevard/Via Del Agua should show an acceptable LOS (LOS D) during the p.m. peak hour under existing conditions. 260
 7. Page 36, Table 3-1: Remove defacto right-turn lane designation at Intersection #7 (San Antonio Road / Aspen Way). Also remove from all tables in report and in traffic analysis model. 261
 8. Page 39, Section 4.0 – Projected Future Traffic: In the last sentence of Paragraph Two, the assumption that the proposed project would be constructed and fully occupied by 2015. The year 2015 was the anticipated completion date in early 2012 when the traffic study was initiated but is now outdated. The traffic consultant should obtain a revised completion date for the proposed project from the project applicant. 262
 9. Page 43, Exhibit 4-1: The exhibit should show trip distribution percentage for eastbound trips between Paseo De Las Palmas and San Antonio Road. 263
 10. Page 47, Sub-Section 4.4.1 – Employee Trips: First paragraph states that employee trips were estimated on the number of employees, but no trip estimates are provided. The second paragraph states that the impacts of construction-related employee trips are less than significant, but based on what? Please provide some basis for why the employee trips would not result in significant traffic impacts. 264
 11. Page 47, Sub-Section 4.4.2 – Heavy Equipment: Last paragraph states that if heavy equipment delivery and removal occurs outside of peak traffic hours, then impacts are less than significant. This paragraph should be revised to state that if the recommended delivery/removal of heavy equipment outside of peak hours is not implemented, then the impacts may be significant. This recommendation should also be stated as a project mitigation measure during the construction phase of the project. 265
 12. Page 48, Section 4.5 – Background Traffic: The estimated Opening Year date of 2015 may be outdated; the consultant should work with project applicant to obtain a revised project completion date. 266
 13. Page 48, Section 4.6 – Cumulative Development Traffic: The cumulative projects list and analysis may need to be updated to account for other projects that may be completed by the revised Opening Year date of the proposed project. 267
 14. Page 49, Table 4-3: The occupancy percentages of the cumulative developments may need to be revised to reflect an updated Opening Year date of the proposed project. 268
 15. Page 53, Section 4.8 – Opening Year 2015 Conditions: Opening Year date and analysis may need to be revised to reflect updated project completion date. 269
 16. Page 56, Section 4.9 – Horizon Year 2035 Conditions: Horizon Year 2035 peak hour turning movement volumes may need to be revised to reflect any adjustments to the Opening Year volumes based on a revised project completion date under Opening Year conditions. In addition, if justification for using outdated 2012 traffic counts cannot be provided and new counts need to be collected, the post-processing of 2035 turning movement volumes will need to be revised to reflect updated existing conditions. 270
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17. Page 65, Section 5.4 – Project Mitigation Measures: Last sentence of first paragraph should be revised; instead of stating that project traffic “has the potential....potentially resulting...”, this sentence should clearly state that the addition of project traffic WILL result in a significant impact at the intersection of Via del Agua / Yorba Linda Boulevard. 271
 18. Page 65, Section 5.4 – Project Mitigation Measures: In second paragraph, first sentence, “as measure” should read “as measured”. 272
 19. Page 67, Section 6.0 – Opening Year 2015 Traffic Analysis: As indicated in previous comments, the Opening Year date and analysis may need to be revised to reflect an updated project completion date. 273
 20. Page 78 (Section 6.5 – Project Mitigation Measures): Last sentence of first paragraph should be revised; instead of stating that project traffic “has the potential....potentially resulting...”, this sentence should clearly state that the addition of project traffic WILL result in a significant impact at the intersection of Via del Agua/Yorba Linda Boulevard. 274
 21. Page 78, Section 6.5 – Project Mitigation Measures: In second paragraph, first sentence, “as measure” should read “as measured”. 275
 22. Page 80, Subsection 6.6.1 – Opening Year 2015 Traffic Volume Forecasts: In last sentence of paragraph, please provide space between “6.14” and “show”. 276
 23. Page 93, Section 7.3 – Intersection Operations Analysis: Horizon Year 2035 forecast peak hour turning movement volumes may need to be revised to reflect any adjustments to the Opening Year volumes based on a revised project completion date under Opening Year conditions. In addition, if justification for using outdated 2012 traffic counts cannot be provided and new counts need to be collected, the post-processing of 2035 turning movement volumes will need to be revised to reflect updated existing conditions. As a result, there may be new project-related impacts that are currently not identified in this section. 277
 24. Page 118, Section 8.2 – Access for Emergency Response Vehicles: There is no discussion of how the project will impact emergency evacuation time for the surrounding areas that will share access. Also, under the scenario where the Esperanza Hills Project (378 DU’s) will share access with Cielo Vista via Aspen Way, the combined dwelling unit count will exceed the 150-unit threshold for only one fire apparatus access road. Where will the additional fire access road(s) be provided? 278
 25. Page 118, Sub-Section 8.3.1 – Sight Distance Criteria: In first sentence of first paragraph, “County of Orange” should be replaced with “Caltrans”. This section appears to provide conflicting information. The first paragraph states that only the minimum stopping distance was evaluated for Street “A” / Via Del Agua, yet the second paragraph describes the criteria used to evaluate intersection corner sight distance. 279
 26. Page 119, Sub-Section 8.3.3 – Sight Distance Assessment at Street “A” at Via Del Agua: The sight distance analysis should indicate whether the minimum sight distance required (280 feet) is based on the minimum corner or stopping sight distance. The prevailing or posted speed used in determining the minimum sight distance required should also be stated in this section. Please include the County’s *Standard Plan No. 1117* in the technical appendix of the report. 280
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5.0 ALTERNATIVES

General Comments

1. It is difficult to discern the reason(s) the selected alternatives were carried forward for analysis. This issue is further complicated by the fact the Draft EIR determined that no significant unavoidable impacts are expected to occur. Each selected alternative should include a statement regarding why it was selected and what impacts it is intended to eliminate or reduce. 281
2. The Draft EIR analyzes an alternative with a reduced impact area but with a higher unit count, in addition to an alternative with a reduced density but with a larger impact area. A true “reduced density” alternative (one that analyzes a reduced unit count with an equal or smaller impact area) should be included within the EIR. 282

Page/Section - Specific Comments

1. Page 5-4, Alternative Location: The Draft EIR dismisses an alternative location on the grounds that the selection of another parcel in the site vicinity would likely result in similar or greater impacts than the project. This statement is unsubstantiated – for instance, one of the City’s primary concerns regarding the proposed project is limitations on site access for the project site and adjacent Esperanza Hills property. An alternative site may provide for multiple points of access that reduce impacts related to daily and emergency use. An Alternative Location should be further analyzed and substantiation should be provided for the rejection of any such alternative. 283
2. Page 5-8, (n) Transportation/Traffic: The conclusion that the No Project/No Development Alternative would result in greater impacts than the proposed project is misleading. This conclusion is based upon a single study intersection rather than the traffic impacts of the project as a whole. Other study intersections would be adversely affected by project traffic, and such impacts would not occur under the No Project/No Development Alternative. 284
3. Page 5-9, Alternative 2 (Planning Area 1 Only Alternative): This alternative assumes development within Planning Area 1 only. While the County’s existing development standards allow between 0.5 to 18 dwelling units per acre, this Alternative arbitrarily assumes 2 dwelling units per acre (which is higher than the project’s density of 1.3 dwelling units per acre). A substantiation for the selection of 2 dwelling units per acre should be provided, and how this density is appropriate in regards to the intent under CEQA to analyze a range of alternatives that eliminate or reduce the impacts of the project. 285
4. Page 5-10, (b) Air Quality, Third to Last Sentence: Insert “to” between the words “Due” and “the.” 286
5. Page 5-14, (f) Global Climate Change, Second to Last Sentence: Insert “with” between the words “inconsistent” and “the.” 287
6. Page 5-16, First Paragraph: The Draft EIR concludes that impacts related to land use and planning would be significant and unavoidable for the Planning Area 1 Only Alternative. Additional substantiation is required to support this conclusion. This 288

- alternative would require fewer land use entitlements than the proposed project so it is unclear how this significance conclusion was reached. | 288
(cont.)
7. Page 5-20, (b) Air Quality: The Large Lot/Reduced Grading Alternative would result in less overall grading. | 289
8. Page 5-29, Contested Easement Alternative: It is unclear why the EIR includes analysis of the "Contested Easement" Alternative. From a CEQA perspective, this Alternative has no potential to reduce any environmental impacts associated with the proposed project. | 290

6.0 OTHER MANDATORY CEQA CONSIDERATIONS

Page/Section - Specific Comments

1. Page 6-7, (i), Recreation: As within comments on Section 4.13, clarification and/or negotiations are required in regards to parkland quantity and quality in order to have an outcome that best meets the needs of the community and the surrounding residents. Again, there are limited park improvements available, therefore adequate parkland dedication and construction would be beneficial. | 291

LETTER: CITY2

City of Yorba Linda – Community Development Department

Mark A. Pulone, City Manager

P.O. Box 87014

Yorba Linda, CA 92686-8714

(January 22, 2014)

RESPONSE CITY2-1

This comment provides general comments on the Draft EIR regarding impact conclusions presented in the Draft EIR, and generally comments on the assumptions utilized in the Draft EIR in making impact conclusions pertaining to air quality and aesthetics. The commenter states that a project that includes as much grading as the project typically results in a significant impact related to short-term construction pollutant emissions and significant impacts related to scenic vistas and/or visual character. The commenter does not, however, provide any data, references or other evidence to support these comments. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) For detailed individual responses to the topics raised by the commenter, please refer below to Responses City2-42 to City2-88 regarding the aesthetics analysis in the Draft EIR. Please refer to Responses City2-89 to City2-98 regarding specific comments on the air quality analysis presented in the Draft EIR. Also, the commenter is referred to Response SCAQMD-2 for a discussion of cubic yards of cut and fill in the air quality analysis. The Draft EIR fully and adequately evaluates the project's potential environmental on air quality and aesthetics and includes information sufficient to allow the decisionmakers to intelligently take account of environmental consequences. (CEQA Guidelines § 15151.)

RESPONSE CITY2-2

This comment correctly notes that the Esperanza Hills Draft EIR identifies two options for site access, both of which include primary or emergency access across the Cielo Vista site. As described in the Esperanza Hills Draft EIR, access Option 1 calls for emergency ingress and egress “through the adjacent Cielo Vista property” while Option 2 “will require an access and grading easement over the Cielo Vista property or other legal entitlement.” (Note that the Orange County Board of Supervisors approval of the Esperanza Hills Project on June 2, 2015 authorized Option 2B and Modified Option 2, and not Option 1.)

The easement relied upon for Option 1—a 50-foot wide strip that traverses in a north-south direction through Cielo Vista Planning Area 1. At the time of preparation of the Draft EIR, the easement was being contested through litigation brought by the Esperanza Hills Project Applicant. Further, at the time the Draft EIR was prepared, no court of law had rendered a decision on the existence of the claimed easement. On September 2, 2014 the Superior Court of California for the County of Orange issued its tentative decision in *Yorba Linda Estates, LLC vs. Virginia Richards as Trustee of the Virginia Richards Revocable Intervivos Trust dated May 1, 1986*. That decision determined that a non-exclusive 50-foot wide easement existed in favor of the plaintiff. The existence of this easement was analyzed as a possibility in the Cielo Vista Draft EIR as an alternative (the “Contested Easement Alternative”). With respect to Option 2 and Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be

speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-3

This comment incorrectly states that the preliminary Fire Master Plan and Fuel Modification Plan are not included as appendices to the Draft EIR. Appendix G of the Draft EIR includes these documents, in addition to the *Fire Behavior Analysis Report* prepared for the Project. Further, these documents will be provided to the City for their review prior to their final approval.

RESPONSE CITY2-4

This comment suggests using the terminology “shall” in the project design features and mitigation measures when describing verification of enforcement. Although all mitigation measures are required to be fully enforceable, and must be monitored to ensure they are implemented pursuant to Public Resources Code Section 21081.1, the comment is acknowledged and the MMRP will use “shall” when describing verification of enforcement, as appropriate.

RESPONSE CITY2-5

This comment states that each cumulative impact sub-section in the Draft EIR include a “Threshold Statement” that precedes the statement of significance. The cumulative impact analysis is based on the requirements set forth in Section 15130, *Discussion of Cumulative Impacts*, in the CEQA Guidelines. The context for analyzing cumulative impacts is described in Section 3.0, *Basis for Cumulative Analysis*, of the Draft EIR. As discussed therein, CEQA *Guidelines* Section 15130(b) indicates that the analysis of cumulative impacts shall reflect the severity of the impacts and the likelihood of occurrence, but the discussion need not provide the same level of detail as is provided for the impacts attributable to the project alone. A lead agency is not required to provide evidence supporting every fact underlying the EIR’s evaluation of cumulative impacts nor is an exhaustive analysis required. (*Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th, 1383, 1404.) Instead, the discussion of cumulative impacts is guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of the other projects which do not contribute to the cumulative impact. Moreover, an EIR need not follow any particular format as long as it contains the information required by CEQA and CEQA Guidelines. (CEQA Guidelines § 15160.) CEQA does not require a specific format for an EIR’s analysis of cumulative impacts nor does it specify that the analysis be set forth in any particular place in the EIR. (See *Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411, fn 7 [stating that the analysis may be set forth either in a section on cumulative impacts or elsewhere in the EIR].) While the discussions of cumulative impacts for each environmental issue discussed in Chapter 4.0 of the Draft EIR do not specifically state a “Threshold Statement,” the analyses of cumulative impacts assume that potential impacts associated with the related projects being evaluated would be subject to the same or similar thresholds of significance used to evaluate project-specific impacts, which are already listed in each environmental issue section within Chapter 4.0 of the Draft EIR.

RESPONSE CITY2-6

Per this comment, references to City of Yorba Linda Community Services will be changed to the City of Yorba Linda Parks and Recreation Department. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

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

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

Chapter 4.13 – Recreation

1. Page 4.13-1. Modify 1st paragraph with the following changes:

This section analyzes the potential impacts of the Project on recreational facilities and resources, including parks, trails, and bicycle facilities, in the County of Orange and in the vicinity of the project site. The analysis provides a description of the existing recreational facilities and resources within the project area, relevant policies pertaining to recreation, and analyzes the potential impacts. Information in this section is based in part on the County of Orange General Plan (2005), the Orange County Parks Strategic Plan (2007), the County of Orange Code of Ordinances (Local Park Code), the Orange County Parks Website, the City of Yorba Linda General Plan (1993), the City of Yorba Linda Parks and Recreation Master Plan Update Report (memorandum dated March 21, 2013), and the City of Yorba Linda ~~Recreation and Community Services Department Website~~ website.

Chapter 4.13 – Recreation

1. Pages 4.13-16. Modify Mitigation Measure 4.13-2 with the following changes:

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

Chapter 6.0 – Other Mandatory CEQA Considerations

1. Page 6-7. Modify last paragraph with the following changes:

Mitigation Measure 4.13-1 requires the Project Applicant to pay applicable park in lieu fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. Payment of such fees would not result in secondary environmental impacts. Mitigation Measure 4.13-2 requires that the Project Applicant coordinate with the City of Yorba Linda Parks and Recreation Department ~~of Recreation and Community Services Department~~ and OC Parks to identify potential planned trail alignments through the project site, as identified in

the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. As the final site plan can accommodate such a trail(s), no secondary environmental impacts would occur.

RESPONSE CITY2-7

A "Responsible Agency" is a public agency other than the Lead Agency which has discretionary approval power over the Project. (CEQA Guidelines § 15381.) The City is a responsible agency for purposes of the Cielo Vista Project.

RESPONSE CITY2-8

Per this comment's request for clarification regarding the property location, a reference to the location within the City of Yorba Linda Sphere of Influence will be added to the Project Location description. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

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

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

RESPONSE CITY2-9

This comment states that the summary of the NOP process does not reference the NOP scoping meeting held on July 19, 2012. On Page ES-2 of the Draft EIR, Subsection 2 of the Executive Summary, "Issues Raised During NOP Process" the Draft EIR summarizes the key potential environmental issues raised in response to the NOP and during the public scoping meeting (the numerical reference in parenthesis is the EIR section in which the analysis is provided) and provides that Section 1.0 of the Draft EIR includes a detailed discussion of the EIR process. As noted by the commenter, the July 19, 2012 scoping meeting is included in Section 1.0 of the Draft EIR. Thus, a reference to the scoping meeting is provided in this sub-section.

RESPONSE CITY2-10

This comment states that the Draft EIR's discussion of impacts on existing and planned "equestrian facilities" gives the impression that equestrian arenas and amenities may be built. The commenter requests that references to equestrian trails state that they are "planned" equestrian trails. Although the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, the

references to “planned equestrian facilities” will be changed to “planned equestrian trails.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-5. Modify the 2nd bullet point under “Recreation” with the following changes:

- Impacts on existing and planned equestrian ~~facilities~~ trails (refer to Section, 4.13, *Recreation*, of this Draft EIR); and

RESPONSE CITY2-11

The City’s August 1, 2012 NOP comment letter notes that *Figure 4, Land Use Plan* of the NOP includes a “Potential Access Corridor” from the Cielo Vista property to the adjacent Murdock property (i.e., Esperanza Hills), and suggests that the Cielo Vista project may ultimately accommodate the Esperanza Hills development. The comment letter then requests that the developers of the Cielo Vista and Esperanza Hills Projects provide for a coordinated primary and emergency access plan. First, as discussed in Topical Response #1, the Esperanza Hills development is not a component of the Cielo Vista Project, implementation of the Cielo Vista project will not enable the development of the Esperanza Hills Project, and both developments therefore need not be considered together in a single EIR. Second, given the separate nature of the projects, it would be inappropriate to prepare coordinated primary and emergency access plans. Instead, the Cielo Vista EIR properly considered the potential environmental impacts associated with Esperanza Hills as a related project for cumulative impacts purposes (See Cielo Vista EIR Section 3.0 and Table 3-1) and in the EIR’s analysis of growth inducing impacts (See Cielo Vista EIR Section 6.0), given that the two projects may share and benefit from some of the same infrastructure improvements.

RESPONSE CITY2-12

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-13

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-14

Table ES-1 has been revised to include the PDFs applicable to each environmental issue area. The revisions to Table ES-1 are included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-15

This comment requests the following changes to the Water Quality Section of Table ES-1, Summary of Project Impacts and Mitigation Measures: (1) the addition of the implementation of Low Impact Development and

Green Street design features to the issue column; (2) a revision of the project impact from Less than Significant impact to Potentially Significant impact; and (3) identification of the proposed water quality mitigation measures and BMPs. The commenter does not provide any evidence that conflicts with the conclusions in the Draft EIR. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) As indicated in Response City2-14, Table ES-1 will be revised to include the applicable PDFs to each environmental issue area, including those pertaining to Hydrology and Water Quality. However, Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, evaluated the potential water quality impacts resulting from the project construction and operation. As discussed therein, impacts were concluded to be less than significant with implementation of the PDFs, BMPs and compliance with applicable regulatory requirement such as the NPDES Construction General Permits. Thus, no changes to the impact conclusions in Table ES-1 are necessary. Also, see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR).

RESPONSE CITY2-16

This comment states that the Introduction in Chapter 1.0 does not clearly describe the County's public disclosure process. In part, it suggests additional sub-headings to clarify the County's NOP disclosure process, responsible/trustee agencies, and incorporated reference materials. The County's CEQA-related public disclosure process is described under sub-section 2, *Compliance with CEQA*, in Chapter 1.0. The commenter is also referred to Response City2-7 for a discussion of responsible agencies. Approvals and permits to be issued by responsible agencies are listed on pages 2-37 and 2-38 of the Draft EIR. In addition, reference materials are cited throughout the Draft EIR document, where they are utilized to support the environmental analysis. Overall, this comment's requests for formatting preferences do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-17

The extension of the public review period for the Draft EIR occurred after preparation of the Draft EIR. Therefore, the extension is noted as part of this Final EIR, but is not an appropriate correction to the Draft EIR text. See Chapter 1.0, *Introduction*, of this Final EIR for a discussion of the extended public review period. As discussed therein, this Final EIR document is comprised of two components: 1) The Draft EIR and Technical Appendices A through L (Volumes I-IV); and 2) This Final EIR (Volume V).

RESPONSE CITY2-18

Comment noted. All local streets proposed by the Project would meet the minimum street design and size standards of the City of Yorba Linda and the County of Orange. The comment does not raise any new substantive issues and no revisions to the Draft EIR are warranted.

RESPONSE CITY2-19

This comment is correct in that the description of the fault hazard zone is incorrect. The Whittier Fault trace location and orientation have been delineated in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re: Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange,

California, dated July 31, 2014 (included in Appendix B of this Final EIR). As shown therein, the fault hazard zone traverses through a portion of the Project's open space, as well as through some residential lots within Planning Areas 1 and 2. However, the fault trace traverse only through a portion of the open space and some residential lots within Planning Area 1. A revised Figure 4.5-1 illustrating the fault trace location is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR. Also, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0 of this Final EIR:

Chapter 2.0 – Project Description

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

~~A branch of the~~ The Whittier Fault Rupture Hazard Zone traverses the project site in an east-west direction. The fault zone is ~~located within~~ traverses through a portion of the open space area of the Project, ~~as well as through some residential lots within Planning Areas 1 and 2 (refer to Figure 4.5-1 in Section 4.5, *Geology and Soils*).~~ The Whittier Fault trace traverses only through a portion of the Project's open space and some residential lots within Planning Area 1. In addition, a potential ancient landslide exists along the primarily north-west facing slope located within the northerly portion of the project site. As discussed below, this geologic feature lies within the Project's open space area and would not be affected by proposed development.

[Note: Figure 4.5-1 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

RESPONSE CITY2-20

According to Section 15124 of the CEQA Guidelines, project objectives must be a part of an EIR's project description and should include the underlying purpose of the project. Such objectives are typically set forth as a list of goals and aspirations. CEQA does not mandate that project objectives be established in any specific manner because the rationale behind those objectives intended to reflect the applicant's interests. (See *California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276-277, holding that "CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives.")

As set forth in Section 2.0 of the Draft EIR, the Project's eleven objectives relate to the creation of a residential community that preserves open space. The objectives are not, as the commenter states, so narrow and specific that they prevent the consideration of a reasonable range of alternatives. To illustrate that point, one need only to see that the Project's "Planning Area 1 Only Alternative" is not consistent with the objective of creating two planning areas. This objective did not inhibit the consideration of the "Planning Area 1 Only Alternative."

RESPONSE CITY2-21

This comment suggests adding drainage and water quality objectives to Objective No. 4. The Project objectives listed on page 2.-9, in Chapter 2.0, *Project Description* (subsection 4.), of the Draft EIR, were established for the Project by the Project Applicant. Regarding protection of drainage facilities and sustainable/low impact development, see Objective 2, which indicates 36 acres, or approximately 43 percent of the site would be set aside as open space; Objective 5, which highlights efforts to reduce grading and respond to the site topography; Objective 8, which supports concentrated development and buffering of

open space areas from new development; and Objective 11, which supports development in accordance with County and other agency planning and regulatory standards, which would reasonably include regulations that support water quality objectives and the Clean Water Act. Thus, the stated objectives encompass drainage and water quality objectives. In this regard, also see page 2-35 and PDF 8-1 through PDF 8-5 under the heading “Hydrology and Water Quality.” These PDFs present in detail provisions that would be undertaken by the Project to support drainage and water quality objectives.

RESPONSE CITY2-22

The comment does not raise any new substantive issues and no revisions to the Draft EIR are warranted. The commenter is referred to Topical Response 3 for a discussion of the Project’s fire/emergency evacuation plan. As discussed on page 4.7-26, in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, pursuant to OCFA Guidelines B-09 (Fire Master Plans for Commercial and Residential Development), the number of fire apparatus access roads required for a residential development is limited to one if the development contains less than 150 residential units. The portion of the Project taking access from Via del Agua proposes 95 residential units while the portion taking access from Aspen Way proposes 17 residential units, both of which are below the 150 unit threshold. As such, the Project has been designed in accordance with Guideline B-09 as both portions of the Project (located off of Aspen Way and off of Via del Agua) would include a fire apparatus access road.

RESPONSE CITY2-23

This comment requests that 11-foot travel lanes required per Standard 1107, Note 6 for Streets D, E, and F be addressed, as well as parking on both sides of the street. OCEMA Standard Plan 1107 establishes a minimum travel lane width of 11 feet for streets with and less than 500 average daily trips (ADTs). Figure 2-8 on page 2-18 of Chapter 2.0, *Project Description*, in the Draft EIR shows an 18 foot travel lane width which will be reduced to not less than 11 feet with parking available on both sides of the street as discussed on page 4.14-21 of Section 4.14, *Traffic/Transportation*. Streets D, E and F as depicted on Figure 2-9 on page 2-19 shows these streets to be short cul-de-sacs which will not generate greater than 500 ADTs. Applicable street standards would be met by the Project and no revisions to the Draft EIR are warranted.

RESPONSE CITY2-24

This comments requests adding that Street “A” will not allow parking and will be signed “No Stopping at Any Time.” Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description

1. Page 2-13. Modify last paragraph with the following changes:

Street “A” would serve as the access roadway to Planning Area 1 and extend approximately 150 feet north from a connection at Via del Agua to the southerly boundary of the site. Within the project site, Street “A” would extend north to intersect with Street “B.” Street “B” forms the backbone local street for Planning Area 1 extending east to west and north to south. Streets “A” and “B” are planned with a total right of way of 56 feet and include a 40-foot wide travel area and a 4-foot sidewalk separated from the street by a 4-foot wide landscaped parkway between the curb and sidewalk on both sides of the street. Street “A” will not allow parking and will be signed “No Stopping at Any Time.” Street “B”

would provide for parking on both sides of the street. The design for Streets “A” and “B” is illustrated in Figure 2-7.

RESPONSE CITY2-25

This comments states that the analysis in the Draft EIR should be based on a Project Description that includes a conservative assumption that the export of contaminated soil will be required. The grading plan for the site assumes that nearly all of Planning Area 1 would be graded to accommodate the proposed residential and supporting infrastructure uses. The locations of the existing oil wells are within the grading footprint areas of Planning Area 1. As discussed in Section 4.7, *Hazards and Hazardous Materials*, the Phase II Subsurface Investigation report concluded that the soils tested on the site, including those near the oil facilities, do not contain chemicals of concern (COCs) that exceed applicable health risk screening levels. Appropriately, the Project Description provides assumptions relating to soil removal that are not “best case,” but reasonable based on the results of the Phase II Subsurface Investigation report. Accordingly, the Draft EIR analysis provided in Section 4.7 conservatively concluded that there may be potential for the Project to encounter impacted soils during soil-disturbing/grading activities associated with Project construction. As such, a Soils Management Plan (SMP) has been prepared for the Project that outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. The SMP is required by Mitigation Measure 4.7-1 and included in G of the Draft EIR. Furthermore, Mitigation Measures 4.7-2 and 4.7-3 are prescribed to address potentially encountered contaminated soils during construction activities. Furthermore, because there is no current evidence of COCs on the site that exceed applicable health risk screening levels, and as soils requiring removal may not be encountered, it would be speculative to quantify export of such materials. As required by CEQA, the Project Description contains a general description of the Project's technical, economic, and environmental characteristics, considering the principal engineering proposals, without supplying extensive detail beyond that needed for evaluation and review of the environmental impact. (CEQA Guidelines § 15124(c).) Nonetheless, it is expected that if soils did require removal, the number of required truck trips would be well below the Project's worse-case number of peak hour vehicle trips, which would be 84 weekday A.M. peak hour trips and 113 weekday P.M. peak hour trips. These truck trips were assumed to potentially occur during the Project's construction, as discussed on page 4.14-22 in Chapter, 4.14, *Traffic/Circulation*, of the Draft EIR. These truck trips would be short-term and subject to Mitigation Measure 4.14-1, which requires implementation of a Construction Staging and Traffic Management Plan during construction of the Project. Implementation of the prescribed mitigation measure would ensure that potentially significant construction traffic-related impacts are reduced to a less than significant level by requiring interim construction period traffic management to allow for construction traffic to blend with existing pedestrian and vehicular traffic patterns with minimal disruption thereby not creating adverse traffic impacts.

RESPONSE CITY2-26

The Fire Master Plan and Fuel Modification Plan are included in Appendix G of the Draft EIR. Also, the Fire Master Plan is shown as Figure 4.7-1 in the Draft EIR and the conceptual Fuel Modification Plan is shown in Figures 4.7-2a and 4.7-2b in the Draft EIR.

RESPONSE CITY2-27

Comment noted. However, traffic calming features are not necessary to mitigate any potentially significant impact and therefore no changes to the Draft EIR are warranted.

RESPONSE CITY2-28

Per this comment, the reference to OCEMA in Figure 2-8 will be changed to OCPWD. The revised figure is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-29

This comment requests the addition of a 10-foot earthen multipurpose trail and enhanced parkway to the Street "A" roadway section on Figures 2-7 and 2-12. Figure 2-12 on page 2-29 in the Draft EIR shows a conceptual landscape entryway theme for the main access to the Project's Planning Area 1. A trail is not being proposed. The street configuration is the same as that shown for Street A in Figure 2-7 on page 2-17. Because the conceptual landscaped entryway is located adjacent to the roadway itself within the same 8-foot area that includes the sidewalk and setback from the curb, there is no need depict any vegetation on the Figure 2-7 roadway standard plan exhibit. Additionally, the conceptual landscape entryway includes a portion of it within the HOA common area outside of the roadway configuration shown on Figure 2-7.

RESPONSE CITY2-30

This comment requests the addition of a street section for Aspen Way on Figure 2-8 that indicates a 10' wide earthen multipurpose trail and enhanced parkway. No enhanced landscaping or trails are proposed for Streets D, E and F as shown in Figure 2-8 on page 2-18 of the Draft EIR. Therefore, no changes are required for this figure.

RESPONSE CITY2-31

Please refer to Topical Response 2 for a discussion of the Project's water supply infrastructure.

RESPONSE CITY2-32

This comment requests specificity as to what comprises the "minor improvements" referenced on page 2-23 of Draft EIR. The referenced "minor" off-site improvements referenced on page 2-23 would include activities such as paving and landscaping improvements associated with connecting Via Del Aqua and Aspen Road to the Project's proposed local streets. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description**1. Page 2-23. Modify the paragraph titled "Off-Site Improvements" with the following changes:**

Off-Site Improvements. The Project would include minor improvements, such as paving and landscaping, within the right-of-way in Via Del Agua and Aspen Roads near the Project entrances to provide access to the project site.

RESPONSE CITY2-33

This comment suggests a landscape plan for the entry to Planning Area 2 at Aspen Way be provided for the reader's reference. The Aspen Way entrance to the project site allows access to Planning Area 2 and its 17 residences. Therefore, no enhanced landscaping or trails are proposed. The landscape plan for the project, including this secondary entrance will be developed during the design phase of the Project, and will be

subject to review and approval by the Manager, OC Development Services prior to issuance of building permit.

RESPONSE CITY2-34

As the Project is developed, oil operations on the areas to be developed will cease with existing operational and abandoned oil wells permanently closed and capped prior to grading activities for the Project. Project Design Feature (PDF) 7-1 on page 2-33 of Chapter 2.0, *Project Description*, and repeated on page 4.7-18 of Section 4.7, *Hazards and Hazardous Materials*, in the Draft EIR provides the requirements for closure and abandonment of oil wells. PDFs 7-2 through 7-8 on pages 2-33 and 2-34 as well as on page 4.7-18 provide for oil well setback requirements, operational requirements, and that any future operations would be required to be consolidated on a 1.8 acre parcel. Mitigation Measure 4.7-4 provides a listing of the agencies which would be required to participate in decommissioning and abandonment of oil facilities and confirming that such activities have been conducted according to current standards. PDFs which address setback requirements and access prohibitions applicable to future wells provide the context, framework and known operational requirements should the reserved 1.8 acre site be used for consolidated oil operations. The Project does not propose any oil drilling or extraction activities on the 1.8 acre site and none can be presumed in the absence of an oil drilling and operations plan which has not been proposed or contemplated as of the preparation of the Draft EIR. Should such a plan be proposed by existing site operators or other potential operators, this EIR would have to be addended or supplemented or a new document would be prepared for compliance with CEQA to evaluate the impact of any proposed plan with such impacts mitigated to ensure the safety of residents in the area of the new oil operations building upon the PDFs provided in the Draft EIR.

RESPONSE CITY2-35

Section 2.0, *Project Description*, in the Draft EIR on page 2-3 states that Project Design Features (PDFs) will be included with mitigation measures in the Project's Mitigation Monitoring and Reporting Program (MMRP). The MMRP, as reviewed by County staff, tracks the PDFs and mitigation measures for compliance throughout Project implementation and after build-out for any mitigation measures or PDFs having continuing compliance requirements. Therefore, there is no need for their inclusion as project conditions of approval which would be duplicative of the purpose served by the MMRP.

RESPONSE CITY2-36

This comment requests an update to the Project schedule. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0 – Project Description

1. Page 2-37. Modify subsection 7, Construction Schedule, with the following changes:

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

RESPONSE CITY2-37

This comment suggests adding “Certification of the EIR” as an approval by the County of Orange for the Project. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. **Page 2-37. Add the following bullet point to the list of approvals under the County of Orange.**
 - Certification of the Environmental Impact Report (EIR).

Section 4.9, Land Use and Planning

1. **Page 4.9-6. Add the following bullet point to the list of approvals under the County of Orange.**
 - Certification of the Environmental Impact Report (EIR).

RESPONSE CITY2-38

This comment suggests adding “required sewer connections” as an approval by the Yorba Linda Water District for the Project. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 2.0, Project Description

1. **Page 2-38. Add the following bullet point to the list of approvals under the Yorba Linda Water District.**
 - Connection to sewer (wastewater) systems.

Section 4.9, Land Use and Planning

1. **Page 4.9-7. Add the following bullet point to the list of approvals under the Yorba Linda Water District.**
 - Connection to sewer (wastewater) systems.

RESPONSE CITY2-39

Page 2-37 of the Draft EIR references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City in the event that the Project Applicant pursues annexation in the future. The agreement would be a negotiated framework document between the project applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to

compliance with CEQA either through an addendum or supplement to this DEIR or in a separate compliance document prepared for the annexation as a project. Because the pre-annexation agreement would not yet be a start to the LAFCO process, no changes are proposed on this page of the DEIR in response to this comment.

RESPONSE CITY2-40

The Draft EIR's cumulative impacts analysis relies upon a list of past, present, and probable future projects producing related or cumulative impacts. The cities of Anaheim, Brea and Yorba Linda, were contacted to inquire about past, present, and probable future projects that could be included on the list of cumulative projects. The list of identified related projects is provided in Table 3-1, *Related Projects List*, with the locations of each of the related projects listed in Figure 3-1, *Related Projects Map*. The Northeast Area Plan was not identified by any of these agencies and was therefore properly excluded from consideration as a cumulative project.

RESPONSE CITY2-41

The correct name for Cumulative Project No. 1 is Esperanza Hills. Figure 3-1 will be updated accordingly. Chapter 3.0, *Corrections and Additions*, of this Final EIR, includes the updated figure.

RESPONSE CITY2-42

This comment provides a general comment on the Project's viewshed. Aesthetics are addressed in Section 4.1, *Aesthetics*, of the Draft EIR. The Project's viewshed is clearly defined in the Draft EIR. The commenter is referred to sub-section (2) *Surrounding Land Uses and Off-Site Views*, on page 4.1-3 of the Draft EIR. As discussed therein, generally, the public views afforded by the surrounding land uses are limited to vantage points from short-stretches along local roadways. Despite the elevation of the site, the site's topography and surrounding topography limit the extent of public views of the site. Representative surrounding views to the site are analyzed under Impact Statement 4.1-1. Generally, as shown in the visual simulations and discussed under the analysis provided under Impact Statement 4.1-1, the site and surrounding topography limit the availability of public views of the site such that development of the site in context with the existing neighboring single-family residential uses would not substantially alter scenic views or substantially degrade the visual character of the site and its surroundings such that a significant impact would occur.

RESPONSE CITY2-43

This comment suggests that the Project's potential visibility from the eastbound travel lanes of State Route 91 between the State Route 55 Interchange and the Lakeview Avenue Interchange was not adequately analyzed. Views toward the project site from the 91-Freeway between the State Route 55 Interchange and Lakeview Interchange would originate more than 4 miles to the southwest of the project site at an elevation of roughly 325 feet amsl. Within this approximately 4 mile area there is significant topography as well as intervening development. Planning Area 2 would clearly be blocked from views of the site from the freeway given the intervening topography. Planning Area 1 would be located at elevations between roughly 550 feet amsl and 780 feet amsl; and, east of the existing 2-story residential uses along Dorinda Road, which are at similar elevations as the proposed residential uses in Planning Area 1. Thus, there are existing intervening uses in the line of sight towards Planning Area 1 and this stretch of the 91 Freeway. Regardless, given the extent of intervening development and the substantial distance between this stretch of freeway and the project site, no discernible view of the project site is available from this stretch of the 91 Freeway.

RESPONSE CITY2-44

No notable scenic views of the areas within the project site proposed for development are available from San Antonio Park, Shapell Park or other existing trails identified on Exhibit RR-2 of the City of Yorba Linda's General Plan. Regardless, the analysis of aesthetics impacts in Section 4.1 of the Draft EIR provides an analysis of views and visual character from various locations along the boundaries of the site, which represent views no further than any existing park or trail facility within the City. As concluded therein, impacts were determined to be less than significant.

RESPONSE CITY2-45

This comment asserts that photo simulations appear to use an excessive amount of vegetation growth at maturity and that plant maturity should be considered 10 to 15 years of growth. Under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR, the analysis of visual quality includes an assessment of "Construction" impacts on page 4.1-9. As discussed therein, the EIR analysis acknowledges that there would be large graded areas devoid of vegetation that would be exposed to views from surrounding residential areas. The construction analysis indicates that short-term visual impacts would be less than significant given their temporary nature and the fact that there are no major viewsheds accessible and utilized by a large number of people near the Project development area. Although the maturity of the plants shown in the simulations may be at various levels of maturity, growth portrayed at less mature stages would still be a temporary short-term impact. Regardless, as indicated in the analysis under Impact Statement 4.1-1, impacts regarding scenic vistas and visual quality and character were determined to be less than significant. Thus, while it is acknowledged it would take time for vegetation to mature, the impact analysis provided under Impact Statement 4.1-1 covers visual impacts from construction to build-out of the Project, inclusive of the plant maturity shown in the visual simulations, which in turn would address younger stages of plant maturity.

Furthermore, newly planted vegetation within the site would utilize plantings at various stages of maturity. It would be speculative to determine the exact age of the plantings as part of this EIR. The plantings maturity would be in part dependent on the availability of vegetation at the time of development. Regardless, the simulations are intended to provide a reasonably accurate depiction of the site during its built-out, final state, which would include mature vegetation. Finally, neither the County nor CEQA requires that the simulations depict all vegetation at 10 to 15 years of growth. Under CEQA, the analysis of aesthetic impacts can generally be more subjective than for other impacts. (See *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 627-628 [concluding that the significance of aesthetic impacts is a judgment call for the agency to decide as a matter of policy in light of the setting].) The Draft EIR contains a sufficient degree of analysis in light of what is reasonably feasible. (CEQA Guidelines § 15151.)

RESPONSE CITY2-46

This comment states that the cumulative analysis should consider view impacts as a result of new water facilities (including water tanks) that may be required as a result of future development in the area by the Yorba Linda Water District. The commenter is referred to Topical Response 2 regarding impacts associated water infrastructure proposed as part of the Northeast Planning Study.

RESPONSE CITY2-47

The Notice of Preparation (NOP) was circulated for 30 days in July and August of 2012. As specified in the CEQA Guidelines, Section 15125(a), the environmental conditions described in an EIR should normally constitute the baseline physical conditions at the time the NOP is published. The photographs and site surveys were conducted during spring and summer of 2012, which is generally consistent with the NOP timeframe. Furthermore, no notable conditions have changed on the site that would affect the aesthetics analysis presented in the Draft EIR. The commenter does not provide any evidence to the contrary. Therefore, it is not necessary to update the photographs to depict current conditions.

RESPONSE CITY2-48

Please refer to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-49

Please refer to Responses City2-42 to City2-46 regarding general viewshed comments. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR. Also, as no State Scenic Highways have views of the site, the State Scenic Highway Program is not applicable to the Project.

RESPONSE CITY2-50

Please refer to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-51

This comment states that the discussion should mention what scenic resources are called out by the City General Plan but does not otherwise identify any scenic resources. This is a comment on the “regulatory framework” applicable to the Project. As stated on page 4.1-1 of the Draft EIR, a discussion of the Project’s consistency with the applicable County polices is provided in the impact analysis (see Table 4.1.1 on page 4.1-27). Scenic vistas, as discussed for analysis in the EIR, are defined on page 4.1-3 of the Draft EIR and analyzed under Impact Statement 4.1-1. Further, based on the analysis provided under Impact Statement 4.1-2 on page 4.1-25 of the Draft EIR, no scenic resources would be impacted by the Project. Also, the project site does not include any specific scenic resources called out by the County General Plan.

RESPONSE CITY2-52

This comment repeats the prior comment. Please refer to Response City2-51.

RESPONSE CITY2-53

Section 4.1, *Aesthetics*, page 4.1-2, references the City’s Hillside Development zoning regulations against which the Project is subsequently analyzed for consistency on page 4.1-31 and -32. Additionally, pages 4.9-16 and 4.9-17 in Section 4.9, *Land Use and Planning*, indicate that the project will adhere to the City’s Residential Urban (RU) Zone with respect to having a minimum lot size of 7500 square feet and also

complying with the RU Zone's key site development standards -- building height, setback and parking requirements. With respect to roadway design, Project Design Feature (PDF) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City.

RESPONSE CITY2-54

This comment seeks clarification regarding the definition of a "visually prominent scenic ridgeline" as used in the first paragraph on page 4.1-3 of the Draft EIR and whether it "triggers regulatory action." The term "visually prominent scenic ridgeline" is a term utilized in the EIR analysis to help guide the assessment of aesthetic impacts. The term is defined in the paragraph referenced in this comment and it does not represent a defined term specified in relevant plans or regulations that would trigger regulatory action. Also, this comment's requests for formatting preferences (providing the term definition in a footnote) does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-55

This comment requests revisions to the discussion regarding hillsides as a potential visual resource. The paragraph referenced in this comment provides a discussion of existing conditions at the site. The extent as to whether the site's visual quality and character would be impacted by the Project is discussed under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR. Scenic resources impacts are discussed under Impact Statement 4.1-2 beginning on page 4.1-25 of the Draft EIR. In addition, the Project's consistency with the City's Hillside Development Ordinance is provided in Table 4.1-3 on page 4.1-31 of the Draft EIR.

RESPONSE CITY2-56

The commenter is referred to Responses City2-42 to City2-46 for a discussion of responses provided to the City's general viewshed comments. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR. Also, the analysis under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR discusses impacts regarding scenic vistas.

RESPONSE CITY2-57

This comment states that the discussion should include a methodology for view selection. Public views afforded by the surrounding locations are limited to vantage points from short-stretches along local roadways. View from parks or scenic highways to the site are not available. Thus, the viewpoint locations analyzed in the Draft EIR are a general representation of public views available from surrounding locations. The most available long-range view of the site is from the north within the Casino Ridge Community. The visual impact to this view is analyzed as Viewpoint #6 under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR.

RESPONSE CITY2-58

The Project's impact on planned bicycle, riding and hiking trails is discussed on page 4.13-15 and shown on Figure 4.13-2, both in Section 4.13, *Recreation*, of the Draft EIR. There are no County planned bikeways or other County planned trails in the project area. The project site is traversed by an earthen multipurpose City

trail in an east-west direction, and a similar trail paralleling the project's western boundary at the City limit as contained in the City's Trail Study Recommendation. Both trails can be accommodated as shown on Figure 4.13-2. At this point, the alignments are conceptual with precise alignments to be determined as detailed plans are prepared by the City.

RESPONSE CITY2-59

This comment states that the Draft EIR fails to provide information regarding how the locations for photo simulation were selected and how the photo simulations were prepared, and fails to discuss scenic resources in both the regulatory framework and existing conditions of this section. The commenter is referred to Response City2-57 regarding the selection of viewpoint locations analyzed in the Draft EIR. The visual simulations were prepared by VisionScape Imagery. Their methodology for the simulations included identification of reference points with GPS coordinates for each view. VisionScape then developed an exact computer model of the proposed development illustrating elevations, natural and finished grades, including the existing and surrounding contextual elements such as streets, terrain, pads, and adjacent buildings, which can be used for reference. Upon completion of the 3D modeling phase, realistic materials, maps, and textures were then applied. The next phase of the process was assembly, during which Vision Scape inserted the modeling into photographs taken from the site visit using a full frame camera and camera match technology. 3D pads were used to situate the structures to the proposed positions as shown on the CAD grading plan and the sum was rendered. During this process, a computer model camera was aligned with the on-site photography to depict the project setting within the view. Lastly, the proposed landscape concept was applied, and final artistic touches were made to ensure that the accuracy, as well as the look and feel, is consistent with the vision of the Project.

In addition, scenic resources are discussed in the Existing Conditions section on page 4.1-3 of the Draft EIR. Further, the Regulatory Framework Section identifies the applicable regulations relative to the analysis of aesthetic impacts resulting from implementation of the Project. In this case, the applicable County of Orange and City of Yorba General Plan policies are referenced, in addition to the City's Hillside Development Zoning Code Regulations. A reference is provided in the Regulatory Framework section to the impact analysis subsection (refer to page 4.1-27 of the Draft EIR), which lists all the applicable policies and regulations, along with an analysis of the Project's consistency to these policies and regulations.

RESPONSE CITY2-60

This comment states that the discussion should include consideration of light spillover onto adjoining properties. The discussion referenced in this comment assumes light spillover onto surrounding areas, stating in part, that "The analysis then determines whether such lighting and building materials would adversely affect day or nighttime views in surrounding areas." As discussed under Impact Statement 4.1-3 beginning on page 4.1-25 of the Draft EIR, lighting impacts would be less than significant.

RESPONSE CITY2-61

This comment indicates that the County Zoning Code is not identified in the "Regulatory Framework" section. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics**1. Page 4.1-1. Modify the subsection “(2) Local” with the following changes:****(2) Local****(a) County of Orange General Plan****County of Orange General Plan**

The Scenic Highways Plan of the General Plan identifies the County’s scenic highway routes and provides policy guidelines to incorporate safety, utility, economy, and aesthetics into the planning, design and construction of scenic highways. The scenic highway designation is intended to minimize the visual impact on the highway from land development upon the significant scenic resources along the route. The nearest Scenic Viewshed Highway to the project site is the 91 Freeway. Due to intervening topography and development, the project site is not visible from the 91 Freeway or any other County scenic highway. As such, the County’s Scenic Highway policy guidelines would not be applicable to the Project.

The Land Use and Resources Elements of the General Plan also include various policies to protect natural resources within the County and to ensure new development projects are visually compatible with adjacent areas. The Project’s consistency with these policies is discussed in the impact analysis below.

County of Orange Zoning Code

The Codified Ordinances of the County of Orange Section 7-9-55.8(f) provides requirements for exterior lighting. As stated therein, “All lights shall be designed and located so that direct light rays shall be confined to the premises.”

RESPONSE CITY2-62

This comment suggests that the analyses of Scenic Vista/Visual Character and Visual Quality should be broken up for clarity. The analysis purposefully combined the discussion of impacts regarding scenic vistas and visual quality/character as these issues have overlapping aesthetic considerations, as well as the analysis of “Visual Quality/Character” provides context for the assessment of impacts regarding scenic views. (See *Eureka Citizens v. City of Eureka* (2007) 147 Cal.App.4th 357, 376 [upholding a brief but reasoned explanation supporting the EIR determination of significance that cited to staff’s statement that determining the significance of aesthetic impacts is a “qualitative judgment not a set of quantifiable parameters”].) Regardless, the analysis provides separate sub-sections to address “Aesthetic Character” impacts (refer to page 4.1-9 of the Draft EIR) and “Scenic View” impacts (refer to page 4.1-11 of the Draft EIR) for purposes of clarifying the applicable impact criteria and associated analyses.

RESPONSE CITY2-63

This comment states that the analysis of construction impacts should clearly define who would have views to construction activities. As stated in the impact analysis for short-term visual construction impacts, construction impacts would occur from the “surrounding residential areas.” The commenter is referred to Responses City2-44 and City2-56 for a discussion regarding views from scenic highways, parks and trails.

RESPONSE CITY2-64

This comment requests specificity with regard to construction duration and further explanation of construction activities. The construction duration is described under sub-section 7, Construction Schedule (page 2-37), in Chapter 2.0, *Project Description*, of the Draft EIR. It is anticipated that construction of the project will last approximately 2.5 to 3 years. Per this comment, the references to the “commonplace nature” of construction activity impacts will be removed to clarify the discussion of short-term construction-related visual impacts. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics**1. Page 4.1-9. Modify the 3rd paragraph with the following changes:**

Although construction activities would result in large graded areas devoid of vegetation that would be exposed to views from the surrounding residential areas, short-term construction impacts would be less than significant because of their temporary ~~and commonplace~~ nature ~~in its~~ and interruption to surrounding views to and across the site and the visual character of the project site.

RESPONSE CITY2-65

This comment states that a comparative analysis of the project density compared to adjacent residential areas should be presented. The analysis beginning on page 4.1-9 in Section 4.1, *Aesthetics* (subsection 2.a) discusses impacts to the aesthetic character of the site and its surrounding impacts as a result of Project implementation. The analysis indicates that the Project would include single-family residential uses that are consistent with the type of uses located to the north, south and west of the project site, with a reference provided to Section 4.0, *Land Use and Planning*, in the Draft EIR for a consistency discussion of applicable land use designations for the site. The commenter is referred to pages 4.9-18 and 4.9-19, under Section 2.d(5), “Compatibility with Adjacent Neighborhoods,” and Table 4.9-3 for a density comparison analysis between the Project and surrounding residential uses. To ensure that the Project is compatible with adjacent subdivisions, it consists of single family homes accessed by cul-de-sacs and local streets. The Project’s density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Therefore, the Project would be generally compatible with existing off-site land uses.

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

RESPONSE CITY2-66

Subsection 5 of Chapter 2.0, *Project Description*, pages 2-10 through 2-31 are extracted from the Cielo Vista Area Plan, including Figures 2-4 through 2-13 and Tables 2-1 and 2-2. The Area Plan provides the design and regulatory criteria for build out of this residential community and for preservation of open space located between its two proposed planning areas.

RESPONSE CITY2-67

This comment is multifaceted requiring separate responses.

1. A total of six (6) pre- and post-project viewpoints, with accompanying photographs, are analyzed on ages 4.1-11 through 4.1-24 which collectively allow the reader to understand how the project site will be modified by a completed project.
2. Page 4.1-2 in Section 4.1, *Aesthetics*, of the Draft EIR references the City's Hillside Development zoning regulations against which the Project is subsequently analyzed for consistency on pages 4.1-31 and 4.1-32.
3. The Project's density of 1.3 gross dwelling units per acre compares favorably with adjacent and nearby subdivisions as described in Table 4.9-3 on page 4.9-19 of Section 4.9, *Land Use Planning*, with density ranges of between 1.04 and 1.96 dwelling units per acre. Pages 4.9-16 and 4.9-17 indicate that the Project will adhere to the City's Residential Urban (RU) Zone with respect to having a minimum lot size of 7,500 square feet and also complying with the RU Zone's key site development standards -- building height, setback and parking requirements.
4. Consistency with the retaining wall criteria of the City's Hillside Development Zoning Code Regulations is addressed in Table 4.1-3 on page 4.1-31 of the Draft EIR. The retaining wall criteria associated with grading is stated to be six (6) feet, with additional height to be avoided in order to preserve a more natural slope character. As stated in Table 4.1-3, retaining wall heights above 6 feet will be used only when needed to ensure manufactured slope stability with wall features landscaped and adjacent grading to be blended in furtherance of restoring a more natural slope appearance to ensure that the character and quality of the site affected by such slopes can be minimized, as feasible.

RESPONSE CITY2-68

The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-69

This comments suggests that the analysis of scenic views should be revised based on the photo simulations. The inclusion of the viewpoint in the photo simulation does not imply the viewpoint location is a scenic vista. Rather, the intent of the visual simulations is to illustrate the extent of visual change from the representative available surrounding viewpoint locations to the site. Regardless, the threshold utilized to assess impacts to scenic vistas is whether there would be "substantial adverse effects" to a scenic vista. As concluded in each of the "Viewpoint" (#1-6) analyses under Impact Statement 4.1-1 on pages 4.1-12 to 4.1-24 of the Draft EIR, there would not be a "substantial adverse effect" resulting from Project implementation from any of the representative view locations regardless if they are considered a scenic vista or not.

RESPONSE CITY2-70

Per the commenter's request for verification, at the Project's primary entry point shown in Figure 4.1-2, the fence would be removed as part of the proposed project.

RESPONSE CITY2-71

The analysis included under Impact Statement 4.1-2 focuses on “scenic resources,” as described and defined therein. Impacts regarding visual character and quality of the site are discussed under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR. If the commenter’s reference is to a state designated scenic highway in the project area, this would be the 91 Freeway with the designation applicable to a 4 mile section of the roadway between the 55 Freeway to east of the Anaheim city limit, with a driving time of 3 minutes for this segment at 50 miles per hour according to the Caltrans web site. Views along this section of the roadway include residential and commercial development with intermittent riparian and chaparral vegetation. While there are broader views of the higher elevation, undeveloped hillsides to the east of the project site, the project site due to its lower comparable elevation and intervening development is not within a distinguishable view corridor from the 91 Freeway. Given that the 91 Freeway is reasonably characterized as an urban scenic highway, the addition of the project site at a 1.7 miles distance would not be distinguishable during a 3 minute drive, with the car occupants typically concentrating on the roadway and with the urban uses (commercial and residential) on either side along the 4 mile segment. Without a substantial change in the viewshed, the commercial and residential uses within close proximity of the 91 Freeway, and not the Project, would continue to dominate the viewshed. Therefore, no changes to the Draft EIR are necessary in response to this comment.

RESPONSE CITY2-72

This comment suggests that City standards, codes and requirements should be presented in the analysis of construction-related light and glare. The time restrictions for construction hours specified in the County’s Noise Ordinance are the same as those set forth in the City of Yorba Linda Municipal Code Title 8, Chapter 8.32.090 and Title 15, Chapter 15.48.010. As the Project would comply with the County’s standards, it would also comply with the City’s standards. Thus, while the City’s construction hours are noted, the addition of the City’s construction standards to the Draft EIR would not change the analysis conclusions presented in the Draft EIR regarding construction lighting impacts.

Further, as indicated in the construction lighting analysis on page 4.1-25 of the Draft EIR, if required, construction lighting would be limited to the immediate areas of construction activity and would be directed downward and not cast outward or into open space areas, in compliance with Section 7-9-55.8 of the Orange County Codified Ordinances. Compliance with this County regulatory requirement would ensure construction lighting impacts are less than significant, regardless of applicable City requirements.

RESPONSE CITY2-73

This comment states that the discussion of light impacts must take the proposed traffic signals into consideration. The traffic signal prescribed per Mitigation Measure 4.14-2 is not a Project component, but rather a requirement prescribed by the Draft EIR to address traffic related impacts. Secondary impacts resulting from implementation of Mitigation Measures 4.14-2 are discussed on page 6-8, in Chapter 6.0, *Other Mandatory CEQA Consideration* (subsection J. Traffic/Transportation), of the Draft EIR. A discussion of lighting impacts will be added to this analysis (see below), which concludes that such impacts would be less than significant. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Chapter 6.0, Other Mandatory CEQA Considerations

1. Page 6-8. Modify the 1st paragraph with the following changes:

Mitigation Measure 4.14-1 requires the Project Applicant, in coordination with the County of Orange, to prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. Per Mitigation Measure 4.14-2, a traffic signal is required to mitigate project impacts at the Via del Agua and Yorba Linda Boulevard intersection with the Project paying its fair share for the signal, installing the signal, or paying the full cost for installation, with the latter two alternatives subject to reimbursement. If installation of the traffic signal were completed as part of the Project, appropriate construction practices intended to minimize impacts would be implemented. For example, the implementation of best management practices with regard to erosion, the watering of construction sites, the use of properly operating equipment, and the use of noise reduction devices would minimize environmental impacts to below applicable thresholds. In addition, with regards to lighting impacts, appropriate shielding of the traffic lights would be installed, as necessary, per City Standards. Also, in recognition of the setbacks from the nearest residences to the Via Del Agua/Yorba Linda Blvd. intersection of at least 30 feet and the intervening landscaping (inclusive of mature trees) and fencing, lighting impacts to residential uses would be less than significant. Therefore, there would be no significant secondary impacts with implementation of these mitigation measures.

RESPONSE CITY2-74

This comment requests clarification on Mitigation Measure 4.1-1 regarding its implementation and approval requirements. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Pages ES-10. Modify Mitigation Measure 4.1-1 with the following changes:

Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the ~~property~~ project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to ~~in a manner meeting~~ the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

Section 4.1, Aesthetics

1. Pages 4.1-27. Modify Mitigation Measure 4.1-1 with the following changes:

Mitigation Measure 4.1-1 Prior to issuance of any building permit, the Project Applicant/Developer shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the ~~property~~ project site consistent with Sec. 7-9-55.8, Site Development Standards, of the Orange County Zoning Code; and to ~~in a manner~~

~~meeting~~ the approval of the Manager, Permit Services (County of Orange). Prior to the final inspection, the Project Applicant/Developer shall provide a letter from the Electrical Engineer, licensed Landscape Architect, or licensed Professional Designer that a field test has been performed after dark and that the light rays are confined to the premises. The letter shall be submitted to the Manager, OC Inspection for review and approval.

RESPONSE CITY2-75

The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-76

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. The comment requests that the consistency review analysis in the Draft EIR's Aesthetics section "be set up consistent with other EIR subsections, including a statement of the threshold, an impact statement, and a conclusion at the end of the subsection with regard to the finding of significance/mitigation." This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Moreover, the comment is factually inaccurate. The consistency review analysis in the Draft EIR's Aesthetics section is not among the four Aesthetics thresholds listed on page 4.1-6 and therefore need not abide by the format used in the Draft EIR to evaluate potential impacts against stated thresholds of significance.

RESPONSE CITY2-77

This comment states that the specific character of the surrounding community should be considered to determine the project's compatibility. The commenter is referred to Response City2-65.

RESPONSE CITY2-78

This comment states that the Project's consistency with the City of Yorba Linda's Hillside Grading Ordinance should be included to demonstrate that the grading activities would maintain the County's hillside views. Section 4.1, *Aesthetics*, of the Draft EIR analyzes hillside development and impacts on views and vistas. The policy analysis contained on page 4.1-28 of the Draft EIR pertains to consistency with the County of Orange's General Plan. A consistency analysis with the City's Hillside Development Zoning Code Regulations (see Chapter 18.30 of the City's Code, *Hillside Development/Grading/Fire Protection*) is provided in Table 4.1-3 on page 4.1-31 and 4.1-32 of the Draft EIR. The City's Hillside Development Zoning Code Regulations provide standards and guidelines for hillside development, and the Draft EIR analysis evaluates consistency with the standards and guidelines contained therein. As discussed therein, the Project would be "potentially consistent" with the applicable regulations of the City's Hillside Development Zoning Code Regulations. The notation of "potentially consistent" is in deference to the City's authority for making such determinations for projects located within the City limits.

RESPONSE CITY2-79

This comment states that the Project's consistency with the City of Yorba Linda Hillside Grading Ordinance should be included. The commenter is referred to Response City2-78.

RESPONSE CITY2-80

This comment states that the discussion must specify how steep slopes and important natural resources have been properly delineated. Due to formatting of the table, the “Project Consistency” analysis for Policy 7.5 occurs on the previous page (4.1-29). As shown in the table, the “Project Consistency” for Goal 7 is also applicable to Policy 7.5. As stated therein, the Project would be “Potentially Consistent” with this policy and a reference is provided to the response for Goal 1, and Policies 1.2 and 1.3 in Table 4.1-2. Per PDF 1-1, single-family residences up to two-stories in height would occur in two clustered planning areas (Planning Areas 1 and 2) to maximize the potential for open space and retain the primary east-west canyon within the central portion of the site. Per PDF 1-4, the Project would provide approximately 36 acres of undeveloped open space (on the approximate 84-acre site) which can be offered for dedication to a public agency or an appropriate land conservation/trust organization. Or, the open space would be owned and maintained by the Project HOA. The open space to be provided by the Project is shown on Figure 2-4, *Land Use Plan*, in Chapter 2.0, *Project Description*. Figures 2-9 (*Conceptual Grading Plan*) and 2-10 (*Grading Cut and Fill*) in Chapter 2.0 illustrate the slopes in the primary east-west canyon within the central portion of the site, which include the steepest slopes on the project site. While some areas to be developed as part of the Project do include sensitive biological resources, mitigation measures have been prescribed in Section 4.3, *Biological Resources*, in the Draft EIR to ensure that all potentially significant impacts to biological resources are reduced to a less than significant level.

RESPONSE CITY2-81

In Comment City2-81, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-82

This comment states that the EIR must determine whether the project degrades the quality of the site and its surroundings. The commenter is referred to the analysis under Impact Statement 4.1-1 beginning on page 4.1-8 of the Draft EIR for a discussion of impacts regarding the site’s visual quality and character. Also, refer to Response City2-65. Finally, the essence of this policy requires an analysis of visual quality of development projects on a project-by-project basis. This EIR provides an analysis of visual quality in the spirit of this policy.

RESPONSE CITY2-83

In Comment City2-83, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-84

In Comment City2-84, the commenter requests an analysis of the Project’s consistency with the City of Yorba Linda’s Hillside Grading Ordinance. The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City’s jurisdiction. Consistency with the City’s Hillside Grading Ordinance is therefore not required.

RESPONSE CITY2-85

In Comment City2-85, the commenter requests an analysis of the Project's consistency with those provisions of the City of Yorba Linda's Hillside Grading Ordinance set forth in Yorba Linda Municipal Code Sections 18.30.040.D4-D7). The Project proposes a residential development on 84 acres in unincorporated Orange County and is not subject to the City's jurisdiction. Consistency with the City's Hillside Grading Ordinance is therefore not required. Nevertheless, the Development Standards Comparison Matrix below provides a comparison between key County and City standards regarding the General Plan, Zoning, Local Park Requirements, and Street Design. As demonstrated in this matrix, the proposed Project will be consistent with these key standards.

DEVELOPMENT STANDARDS COMPARISON MATRIX**GENERAL PLAN (Development Area)**

	<u>CV Development Plan</u>	<u>County General Plan</u>	<u>City General Plan</u>
Description	"1B" Suburban Residential	"1B" Suburban Residential	Low Density
Density	1.3 du/ac with clustering	0.5 – 18 du/acre	≤ 1 du/ac
Clustering Criteria	43%/36 acres of property dedicated as open space	Density range for diverse housing types	Can exceed 1 du/ac to compensate for topographical constraints
Buildout (range/maximum)	112 du's	20.5 – 738 du's	536 du's for Murdock/Travis Properties
Density (existing development)	N/A	N/A	1.04 – 1.96 du/ac approved ^[1] development in the City

ZONING (Development Area)

	<u>CV Development Plan</u>	<u>County Zoning</u>	<u>City Zoning</u>
Designation	R1 (Single Family Residence District); compliance with City R-U (Residential Urban Zone) standards ^[2]	R1 (Single Family Residence District)	UNC – Unincorporated Area
Lot Size (minimum)	7,500 square feet	7,200 square feet	None
Building Height (maximum)	35 feet or 2 stories, whichever is less	35 feet	None
Front Setback (minimum)	20 feet	20 feet	None
Side Setback (minimum)	10 feet	5 feet	None
Rear Setback (minimum)	25 feet	25 feet	None
Average Lot Size (approximate)	15,000 square feet	N/A	N/A

LOCAL PARK REQUIREMENTS

	<u>CV Development Plan</u>	<u>County</u>	<u>City</u>
Park Standard	4 acres per 1,000 residents – fee equivalent payment	2.5 acres per 1,000 residents – fee equivalent and/or land (General Plan Recreation Element & Local Park Code)	4 acres per 1,000 residents of local neighborhood and community park land or in-lieu fees (Parks and Recreation Master Plan)

STREET DESIGN REQUIREMENTS (Local Streets)

	<u>CV Development Plan</u>	<u>County</u>	<u>City</u>
Street Standard	County of Orange street and intersection design	County of Orange street and intersection design	County of Orange street and intersection design

[1] Residential density of City subdivisions adjacent to Cielo Vista.

[2] The City's R-U (Urban Residential Zone) most closely corresponds to the County's R1 (Single Family Residence District).

RESPONSE CITY2-86

This comment states that the viewshed analysis should be updated based on the general viewshed comments made, and that the overall cumulative visual impact of the projects with the proposed project as seen from distant views and those afforded along SR-91 should be fully disclosed. The commenter is referred to Responses City2-42 to City2-46. The general viewshed issues raised have been addressed, however, the responses do not contain new information that would alter the findings in the Draft EIR or warrant revisions to the Draft EIR.

RESPONSE CITY2-87

Please refer to Response City2-66.

RESPONSE CITY2-88

This comment requests references to be cited that were utilized in the aesthetics impacts section. Per the comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.1, Aesthetics**1. Pages 4.1-35. Modify the list of "References" with the following changes:**

County of Orange. County of Orange General Plan. Chapter III. Land Use Element. Chapter IV. Transportation Element. Chapter VI. Resources Element. March 22, 2011.

County of Orange. County of Orange General Plan. Scenic Highway Plan. Chapter IV. Transportation Element. April 2005.

County of Orange Municipal Code. <http://library.municode.com>. Various Sections as updated through March 2014.

City of Yorba Linda General Plan. Chapter II Land Element. Chapter IV. Recreation and Resources Element. Adopted 1993.

City of Yorba Linda Municipal Code. Various Sections. <http://library.municode.com>. Updated through January 2014.

RESPONSE CITY2-89

This comment states that the Air Quality Assessment used an outdated version of the CalEEMod model and should be updated based on the latest version 2013.2.2 of the model. The Notice of Preparation (NOP) for the Project was released on July 5, 2012 and analysis of the Project started at that time using CalEEMod (version 2011.1.1). The first revision of CalEEMod was released in July 2013 (version 2013.2) and the latest version (version 2013.2.2) was released October 2013. As the air quality analysis had been completed prior to release of the latest version, the Air Quality Assessment does not need to be updated with the latest version of CalEEMod.

RESPONSE CITY2-90

Per the comment, the construction analysis has been updated to include discussion of Natural Occurring Asbestos. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-24. Modify the 1st paragraph with the following changes:

As discussed above, the appropriate SRA for the LST is the Riverside area (SRA 23). LSTs apply to CO, NO₂, PM₁₀, and PM_{2.5}. It is noted that with regards to asbestos, the types of rocks known to contain asbestos include serpentine and ultramafic rock. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human hazard when airborne. The project is located in Orange County, which is not among the counties listed as containing serpentine and ultramafic rock.^{5b} Therefore, the impact from naturally occurring asbestos (NOA) during project construction would be minimal to none. The nearest existing sensitive receptor to the development boundaries are located immediately adjacent to the project site. As such, the LSTs for receptors at 25 meters are utilized in this analysis. **Table 4.2-7, Localized Significance Summary Construction (Without Mitigation)**, identifies the unmitigated localized impacts at the nearest receptor location in the vicinity of the project site. It should be noted that the impacts without mitigation do not take credit for reductions achieved through best management practices (BMPs) and standard regulatory requirements (SCAQMD's Rule 403). As outlined above in the description of Project Features, there must be compliance with SCAQMD's Rule 403. As shown in Table 4.2-7, without mitigation, emissions during construction activity would exceed the SCAQMD's localized significance thresholds for emissions of PM_{2.5}. Because the PM_{2.5} emissions exceed the LST for that pollutant, a potentially significant impact would occur. Mitigation Measures 4.2.-1 and 4.2-2 are prescribed to reduce PM_{2.5} emissions impacts to a less than significant level.

^{5b} California Office of Planning and Research Memorandum Re: Addressing Naturally Occurring Asbestos in CEQA Documents. August 1, 2007.

RESPONSE CITY2-91

Per this comment, Table 4.2-1 will be updated with the latest version of the CARB Ambient Air Quality Standards table (June 4, 2013). This table has been revised in the Draft EIR and is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

RESPONSE CITY2-92

A discussion of local meteorological conditions is provided on page 4.2-9, in Section 4.2, *Air Quality*, of the Draft EIR. Per this comment, a wind rose will be added to the wind patterns discussion. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. **Page 4.2-9. Modify the “Wind Patterns and Project Location” discussion with the following changes:**

(3) Wind Patterns and Project Location

The distinctive climate of the project area and the Basin is determined by its terrain and geographical location. The Basin is located in a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean in the southwest quadrant with high mountains forming the remainder of the perimeter.

Wind patterns across the south coastal region are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

As shown in **Figure 4.2-1, Wind Rose for La Habra Station**, wind patterns at the nearest monitoring station are characterized by westerly and southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Winds are characteristically light although the speed is somewhat greater during the dry summer months than during the rainy winter season.

[Note: Figure 4.2-1 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

RESPONSE CITY2-93

Per this comment, the reference to Table 4.2-3, *Project Area Air Quality Monitoring Summary 2008-2010 Air Monitoring Data*, will be changed to Table 4.2-3, *Project Area Air Quality Monitoring Summary 2009-2011 Air Monitoring Data^a*. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-13. Modify last paragraph with the following changes:

The most recent three (3) years of data available is shown on **Table 4.2-3, Project Area Air Quality Monitoring Summary 2008–2010 ~~2009-2011~~ Air Monitoring Data^a**. Table 4.2-3 also identifies the number of days standards were exceeded for the study area, which was chosen to be representative of the local air quality at the project site. Additionally, data for SO₂ has been omitted from this analysis as attainment is regularly met in the Basin and few monitoring stations measure SO₂ concentrations.

RESPONSE CITY2-94

Per comment, Table 4.2-3 will be updated to include monitoring data for 2012. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-15. Revise Table 4.2-3 with the following changes:

[Note: Table shown on following page]

RESPONSE CITY2-95

Per this comment, the reference to OFFROAD2001 will be changed to OFFROAD2011. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-16. Modify 2nd full paragraph with the following changes:

The duration of activities was estimated based on the Project's expected opening year and specific construction activities were modeled utilizing CalEEMod model defaults for the number and type of equipment that would be used were utilized, as appropriate. Also, as stated above, ~~OFFROAD2001~~ OFFROAD 2011 was utilized to accurately depict "site preparation" and grading activities.

RESPONSE CITY2-96

Per this comment, the reference to Traffic Study as Appendix K will be changed to Appendix L. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.2, Air Quality

1. Page 4.2-18. Modify second to last paragraph with the following changes:

Vehicles. Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the project site. The Project related operational air quality impact centers primarily on the

Table 4.2-3

Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a

Pollutant	Standard	Year		
		2009	2010	2011
Ozone (O₃)				
Maximum 1-Hour Concentration (ppm)	--	0.115	0.118	0.095
Maximum 8-Hour Concentration (ppm)	--	0.082	0.096	0.074
Number of Days Exceeding State 1-Hour Standard	> 0.09 ppm	4	2	1
Number of Days Exceeding State 8-Hour Standard	> 0.07 ppm	9	4	3
Number of Days Exceeding Federal 1-Hour Standard	> 0.12 ppm	0	0	0
Number of Days Exceeding Federal 8-Hour Standard	> 0.075 ppm	3	1	0
Number of Days Exceeding Health Advisory	≥ 0.15 ppm	0	0	0
Carbon Monoxide (CO)				
Maximum 1-Hour Concentration (ppm)	--	4	3	--
Maximum 8-Hour Concentration (ppm)	--	2.3	1.8	2.1
Number of Days Exceeding State 1-Hour Standard	> 20 ppm	0	0	0
Number of Days Exceeding Federal / State 8-Hour Standard	> 9.0 ppm	0	0	0
Number of Days Exceeding Federal 1-Hour Standard	> 35 ppm	0	0	0
Nitrogen Dioxide (NO₂)				
Maximum 1-Hour Concentration (ppm)	--	0.10	0.0825	0.0698
Annual Arithmetic Mean Concentration (ppm)	--	0.0206	0.0201	0.0177
Number of Days Exceeding State 1-Hour Standard	> 0.18 ppm	0	0	0
Inhalable Particulates (PM₁₀)^b				
Maximum 24-Hour Concentration (µg/m ³)	--	63	43	53
Annual Arithmetic Mean (µg/m ³)	--	30.9	22.4	24.8
Number of Samples Exceeding State Standard	> 50 µg/m ³	1	0	2
Number of Samples Exceeding Federal Standard	> 150 µg/m ³	0	0	0
Fine Particulates (PM_{2.5})^b				
Maximum 24-Hour Concentration (µg/m ³)	--	64.6	31.7	39.2
Annual Arithmetic Mean (µg/m ³)	--	11.8	10.2	11
Number of Samples Exceeding Federal 24-Hour Standard	> 35 µg/m ³	4	40	2

^a—North Orange County (SRA 16) monitoring station data used unless otherwise noted.

^b—Central Orange County (SRA 17) monitoring station data.

Source: South Coast AQMD (www.aqmd.gov)

Table 4.2-3**Project Area Air Quality Monitoring Summary 2009–2011 Air Monitoring Data^a**

<u>Pollutant</u>	<u>Standard</u>	<u>Year</u>		
		<u>2010</u>	<u>2011</u>	<u>2012</u>
<u>Ozone (O₃)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	---	<u>0.118</u>	<u>0.095</u>	<u>0.100</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	---	<u>0.096</u>	<u>0.074</u>	<u>0.078</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.09 ppm</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>Number of Days Exceeding State 8-Hour Standard</u>	<u>> 0.07 ppm</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 0.12 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 8-Hour Standard</u>	<u>> 0.075 ppm</u>	<u>1</u>	<u>0</u>	<u>2</u>
<u>Number of Days Exceeding Health Advisory</u>	<u>≥ 0.15 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Carbon Monoxide (CO)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	---	<u>3</u>	<u>--</u>	<u>--</u>
<u>Maximum 8-Hour Concentration (ppm)</u>	---	<u>1.8</u>	<u>2.1</u>	<u>2.4</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 20 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal / State 8-Hour Standard</u>	<u>> 9.0 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Number of Days Exceeding Federal 1-Hour Standard</u>	<u>> 35 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Nitrogen Dioxide (NO₂)</u>				
<u>Maximum 1-Hour Concentration (ppm)</u>	---	<u>0.0825</u>	<u>0.0698</u>	<u>0.0675</u>
<u>Annual Arithmetic Mean Concentration (ppm)</u>	---	<u>0.0201</u>	<u>0.0177</u>	<u>0.0180</u>
<u>Number of Days Exceeding State 1-Hour Standard</u>	<u>> 0.18 ppm</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Inhalable Particulates (PM₁₀)^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	---	<u>43</u>	<u>53</u>	<u>48</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	---	<u>22.4</u>	<u>24.8</u>	<u>22.4</u>
<u>Number of Samples Exceeding State Standard</u>	<u>> 50 µg/m³</u>	<u>0</u>	<u>2</u>	<u>0</u>
<u>Number of Samples Exceeding Federal Standard</u>	<u>> 150 µg/m³</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Fine Particulates (PM_{2.5})^b</u>				
<u>Maximum 24-Hour Concentration (µg/m³)</u>	---	<u>31.7</u>	<u>39.2</u>	<u>50.1</u>
<u>Annual Arithmetic Mean (µg/m³)</u>	---	<u>10.2</u>	<u>11</u>	<u>10.81</u>
<u>Number of Samples Exceeding Federal 24-Hour Standard</u>	<u>> 35 µg/m³</u>	<u>40</u>	<u>2</u>	<u>4</u>

^a North Orange County (SRA 16) monitoring station data used unless otherwise noted.

^b Central Orange County (SRA 17) monitoring station data.

Source: South Coast AQMD (www.aqmd.gov)

vehicle trips generated by the project. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., February 22, 2013) were utilized in this analysis (included as Appendix ~~K~~ L in this EIR).

RESPONSE CITY2-97

This comment points out that the volume of earthwork is not referenced in the Section 4.2, *Air Quality*, of the Draft EIR or Appendix B, the Air Quality Study, and requests confirmation that the CalEEMod run conducted for the Project incorporates a sufficient number of equipment and vehicle trips for the volume of earthwork. The commenter is referred to Response SCAQMD-2 for a discussion of cubic yards of cut and fill in the air quality analysis.

RESPONSE CITY2-98

This comment suggests incorporation of mitigation measures to be included as part of Mitigation Measure 4.2-1 to further reduce localized particulate matter emissions impacts. The suggested measures proposed by the comment are generally consistent with applicable SCAQMD Rule 403 requirements, which would be implemented by the Project in any case per applicable SCAQMD regulatory requirements. In response to this comment, Mitigation Measure 4.2-1 has been revised to include specific measures generally consistent with those provided in the comment and consistent with SCAQMD requirements, all of which will be implemented by the Project and included in the Mitigation Monitoring and Reporting Program (MMRP). The addition of the measures does not change the construction air quality impact conclusions stated in the Draft EIR as the Project would result in a less than significant construction air quality impacts with implementation of the prescribed mitigation measures. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-11. Revise Mitigation Measure 4.2-1 with the following changes:

Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 ~~all disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:~~

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.

- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

(i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

(i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or

(ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day, or more frequently as needed to control track out.
- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- Plant ground cover in planned areas as quickly as possible after grading.
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

Section 4.2, Air Quality

1. Page 4.2-25. Revise Mitigation Measure 4.2-1 with the following changes:

Mitigation Measure 4.2-1 Prior to the issuance of grading permits, the contractor shall provide evidence to the Manager, Permit Services that compliant with SCAQMD Rule 403 ~~all disturbed unpaved roads and disturbed areas within the project site shall be watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after~~

work is done for the day, and during construction, that the following measures shall be implemented to reduce fugitive dust emissions:

- Apply water and/or nontoxic chemical soil stabilizers according to manufacturer's specification to all construction areas expected to be inactive for 10 or more days. Reapply as needed to minimize visible dust.
- Apply water three times daily or nontoxic chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enclose, cover, water three times daily, or apply approved chemical soil stabilizers to exposed piles of dirt, sand, soil, or other loose materials.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

The determination of wind speed conditions in excess of 25 miles per hour shall be based on the following criteria:

(A) For facilities with an on-site anemometer:

- (i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or

(B) For facilities without an on-site anemometer:

- (i) When wind speeds in excess of 25 miles per hour are forecast to occur in Yorba Linda for that day. This condition shall apply to the full calendar day for which the forecast is valid; or
- (ii) When wind speeds in excess of 25 miles per hour are not forecast to occur, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day, or more frequently as needed to control track out.
- To prevent dirt and dust from unpaved construction roads from impacting the surrounding areas, install roadway dirt control measures at egress points from the Project Site (or areas of the Site actively grading). These may be wheel washers, rumble strips, manual sweeping, or other means effective at removing loose dirt from trucks and other equipment before leaving the site.
- Post and enforce traffic speed limits of 15 miles per hour or less on all unpaved roads.
- Plant ground cover in planned areas as quickly as possible after grading.

- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.

RESPONSE CITY2-99

This comment states that the biological survey and mapping for the site should be updated and updates to the baseline information on conditions should be provided. The project study area surveys were completed during the months of April, May, June and July, of 2012.¹ The surveys were conducted when the CEQA environmental review process commenced with the release of the Notice of Preparation on July 5, 2012. CEQA specifies that the baseline normally consists of the physical conditions that exist in the area affected by the project at the time the notice of preparation is issued and the EIR process begins. (CEQA Guidelines § 15125(a).) The commenter provides no evidence to support a deviation from this general rule. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components, may benefit from yearly surveys to accurately document baseline conditions for purposes of impact assessment. In shrubland and woodland areas, however, surveys at intervals of three to five years may adequately represent current conditions because the dominant species comprising these vegetation communities routinely require three or more years to reach maturation during which time the number of herbaceous species gradually decreases as the shrub canopy fills in. Had substantial changes in vegetation or species distribution occurred subsequent to 2012, updated baseline surveys may be warranted; however, no substantial changes to the natural communities on the project study area have occurred. Although CEQA does not specifically require an adjustment or update to the baseline for analysis if conditions change after the issuance of a notice of preparation and while an EIR is being prepared, lead agencies generally have discretion to do so. Here, there is no evidence that an update is necessary and thus, the biological resource inventory contained in Section 4.3, *Biological Resources*, of the Draft EIR is a valid assessment consistent with the CEQA baseline requirements.

RESPONSE CITY2-100

This comment suggests that Mitigation Measure 4.3-1 improperly defers mitigation of potential impacts on the least Bell's vireo habitat. As described on page 4.3-31 of the Draft EIR, it is anticipated that the U.S. Army Corps of Engineers (USACE) will consult with United States Fish and Wildlife Service (USFWS) on any actions that may affect a threatened or endangered species such as the least Bell's vireo for the Project. During the mandatory Federal Endangered Species Act (FESA) Section 7 consultation by USACE with USFWS for any Clean Water Act 404 permit for this Project, USFWS would gather all relevant information concerning the Project and the potential Project-related impacts on the least Bell's vireo (i.e., the Project Applicant would submit a species-specific Biological Assessment as part of the consultation process), prepare a Biological Opinion with respect to whether the Project is likely to jeopardize the continued existence of the species and within which USFWS would recommend mitigation/conservation measures where appropriate.

Mitigation Measure 4.3-1 requires habitat replacement or enhancement at a minimum of twice the acreage lost in order to support the survival of this endangered species for compliance with provisions of the federal and state endangered species acts. Details of the complete mitigation requirements are not yet known

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

because consultation between USACE and USFWS has yet to commence. Priority would be given to mitigation implementation within the same regional watershed of the Santa Ana River and where viable long-term success for least Bell's vireo habitat occupation is assured. Where USFWS and CDFW agency-approved off-site mitigation banks (e.g., the pending Soquel Canyon Mitigation Bank within the City of Chino Hills in San Bernardino County) that support least Bell's vireo are available, purchase of mitigation credits would be a preferred option because mitigation banks have demonstrated to the resource agencies the long-term viability for successful mitigation. However, the Project Applicant may elect to pursue satisfaction of the replacement and enhancement obligations for the permit compliance by independently developing a mitigation plan acceptable to both the resource agencies and the Manager, OC Development Services. Authorization for ground disturbance through the issuance of a grading permit would not occur unless the County is confident of successful mitigation compliance.

Consultation with the USFWS and Mitigation Measure 4.3-1 would reduce any potentially significant impacts to a less than significant level. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [consultation with the USFWS was not an improper deferral of mitigation].) When a public agency evaluates the potentially significant impacts of a project and identifies measures that will mitigate those impacts, it does not have to commit to any particular mitigation measure...as long as it commits to mitigating the significant impact of the project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.) Here, the Draft EIR provides measures which are sufficiently definite and commit to mitigating the impact to a less than significant level, including incorporating mitigation measures recommended by the USFWS and replacement and/or enhancement of habitat at a ratio of no less than 2:1.

RESPONSE CITY2-101

This comment suggests that Mitigation Measure 4.3-2 improperly defers mitigation of potential impacts on federally protected wetlands. As described on page 4.3-36 of the Draft EIR, the Project would result in impacts to 0.42 acre of USACE/RWQCB "Waters of the U.S.", 1.38 acres of CDFW jurisdictional streambed and associated riparian habitat, and 0.24 acre of USACE/RWQCB and CDFW jurisdictional wetland areas. Implementation of Mitigation Measure 4.3-2 requires that prior to the issuance of a grading permit, the Project Applicant shall be required to obtain regulatory permits by way of a Clean Water Act Section 404 permit, a Clean Water Act Section 401 Water Quality Certification, and/or a California Fish and Game Code Section 1602 Streambed Alteration Agreement for impacts to jurisdictional features regulated by the USACE, RWQCB, and/or CDFW and provide documentation of the same to the Orange County Planning Manager. Mitigation Measure 4.3-2 includes a list of specific measure that may be required by these agencies.

These specific measures would replace a minimum of 1.32 acres of jurisdictional streambed and associated riparian habitat under federal law and 3.24 acres of jurisdictional streambed and associated riparian habitat under state law. The mitigation ratio of not less than 2:1 reflected in the above acreage figures, as required by Mitigation Measure 4.3-2, for replacement of jurisdictional resource lost to project impacts does not appear feasible as the Project is currently designed. As a consequence, off-site mitigation would be a major component for satisfactory compliance with this mitigation requirement. Because the objective of mitigation habitat is to provide long-term and permanent replacement of the impacted ecological function of the "Waters of the U.S./State," it is prudent to allow flexibility for an option where mitigation implementation may be satisfied in a single off-site location, preferably adjacent to existing preserved habitat, rather than in

isolated drainage islands or a combination of fragmented on- and off-site locations. As stated above in Response City2-100, USACE must consult with USFWS for any Clean Water Act 404 permit for this Project, and through consultation with USFWS appropriate mitigation/conservation measures would be proposed to address potential Project-related impacts on the least Bell's vireo, a special-status species that makes use of the jurisdictional resources.

It is through the jurisdictional regulatory agency permitting process that the highest quality mitigation solutions are typically achieved. Southern willow scrub would be replaced with a minimum of 2.5 acres because this is the primary habitat of least Bell's vireo occupancy and the only riparian habitat impacted. Blue elderberry woodland would also be a component of the mitigation requirements as it provides cover and foraging habitat for riparian avian species like least Bell's vireo, yellow breasted chat, and yellow warbler. The Project Applicant will need to demonstrate acceptable and feasible mitigation implementation to both the jurisdictional regulatory agencies and the Manager, OC Development Services before authorization for ground disturbance through issuance of a grading permit is granted.

Consultation with the USACE and Mitigation Measure 4.3-2 would reduce any potentially significant impacts to a less than significant level. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-946 [consultation with the USFWS was not an improper deferral of mitigation].) When a public agency evaluates the potentially significant impacts of a project and identifies measures that will mitigate those impacts, it does not have to commit to any particular mitigation measure...as long as it commits to mitigating the significant impact of the project. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Moreover, the details of exactly how mitigation will be achieved under the identified measures can be deferred pending completion of a future study. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.) Here, the Draft EIR provides measures which are sufficiently definite and commit to mitigating the impact to a less than significant level, including incorporating mitigation measures recommended by agencies with regulatory jurisdiction.

RESPONSE CITY2-102

This comment suggests a minor editorial revision. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-103

As noted by this comment, proper citation of the Missing Linkages report was inadvertently omitted on page 4.3-45 of the Draft EIR. The correct and full citation to this reference, which is included on page 4.3-47, is the following:

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

RESPONSE CITY2-104

This comment states that the section relating to the pedestrian survey does not provide details regarding the methodology used, including the extent of transects. The field survey focused on areas that were accessible to the surveyors, including ridges, hilltops, canyon bottoms, and along dirt roadways. For areas that were surveyed, the ground surface was examined for archaeological, historical, and paleontological resources. For those areas accessible during the survey, the survey consisted of systematic parallel transects spaced approximately 10- to 15-meters (m) (33 to 40 feet) apart depending on the ground conditions.

RESPONSE CITY2-105

Per this comment, Mitigation Measure 4.4-1 will be revised to clarify the term “spot check observations.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-15. Modify Mitigation Measure 4.4-1 with the following changes:**

Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Planning Development Services, that the Applicant has retained a qualified archaeological monitor to conduct ~~spot-check~~ daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The ~~spot-check~~ observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

Chapter 4.4, Cultural Resources**1. Page 4.4-11. Modify Mitigation Measure 4.4-1 with the following changes:**

Mitigation Measure 4.4-1 Prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager, OC Planning Development Services, that the Applicant has retained a qualified archaeological monitor to conduct ~~spot-check~~ daily observations of construction excavations into younger Quaternary Alluvium during construction-related ground disturbing activities (i.e., grading and excavation) until the archaeological monitor determines further observations are not necessary based on soil conditions and presence/absence of archaeological resources. The ~~spot-check~~ observations shall target the flatter areas of the project site such as hilltops, ridge lines, and canyon bottoms, which are more conducive to retaining archaeological resources since such areas were prime locations for pre-historic occupation as compared to areas of steeper topography.

RESPONSE CITY2-106

Per this comment, Mitigation Measure 4.4-4 will be revised to clarify the implementation of the mitigation measure. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-16. Modify Mitigation Measure 4.4-4 with the following changes:**

Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

Chapter 4.4, Cultural Resources**1. Page 4.4-12. Modify Mitigation Measure 4.4-4 with the following changes:**

Mitigation Measure 4.4-4 If archaeological resources are encountered during implementation of the Project when the archaeological monitor is not present, ground-disturbing activities shall temporarily be redirected from the vicinity of the find by the construction contractor. The Applicant shall immediately notify a qualified archaeologist of the find. The archaeologist shall coordinate with the Applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The Applicant shall then follow the procedures outlined in Mitigation Measure 4.4-2. The archaeologist shall also determine the need for full-time archaeological monitoring for any ground-disturbing activities in the area of the find thereafter and training of construction workers, as appropriate.

RESPONSE CITY2-107

Per this comment, Mitigation Measure 4.4-5 will be revised to clarify the term “qualified paleontologist.” The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-17. Modify Mitigation Measure 4.4-5 with the following changes:**

Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

Chapter 4.4, Cultural Resources

1. Page 4.4-13. Modify Mitigation Measure 4.4-5 with the following changes:

Mitigation Measure 4.4-5 Prior to issuance of any grading permit, the Applicant shall retain a qualified paleontologist certified by the County of Orange, Development Services Department (County Property Permits) who shall attend a pre-grading/excavation meeting and develop a paleontological monitoring program for excavations into sediments associated with the fossiliferous older Quaternary Alluvium, Yorba and Sycamore Canyon Members of the Puente Formation, and Quaternary landslides deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present at such times as required by the paleontologist during construction excavations into the fossiliferous deposits mentioned above. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

RESPONSE CITY2-108

The commenter is referred to Topical Response 4 for a detailed discussion of the Project's relationship to the Whittier Fault Zone/Fault Rupture Hazard Zone.

RESPONSE CITY2-109

The commenter correctly notes that the EIR does not include any Project Design Features that relate to the Project's potential geology and soils impacts. As discussed in Section 5.5, *Geology and Soils*, in the Draft EIR, compliance with applicable regulatory requirements and implementation of Mitigation Measure 4.5-1 would reduce potentially significant seismic and geologic stability hazards to a less than significant level. The

commenter is also referred to Topical Response 4 for a discussion of seismic and geologic stability hazards. Comment City2-109 does not raise environmental issues concerning the analysis in the EIR. It will be provided to the County decision makers for their consideration.

RESPONSE CITY2-110

The commenter is referred to Topical Response 4 for a detailed discussion of the Project's relationship to the Whittier Fault Zone/Fault Rupture Hazard Zone.

RESPONSE CITY2-111

Comment City2-111 alleges that Mitigation Measure 4.5-1 improperly defers mitigation. According to established case law, "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*City of Long Beach v. Los Angeles Unified School Dist.* (2009)176 Cal.App.4th 889.) However, while it is true that CEQA prohibits the deferral of the formulation of mitigation measures, CEQA also provides that "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." (CEQA Guidelines §15126.4(a)(1)(B); *see also Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011, 1029 (upholding a mitigation measure that provided a variety of options for mitigating the project's parking impact because the lead agency committed itself to devising measures that would satisfy specific performance criteria).) Consistent with CEQA and *Sacramento Old City Ass'n*, Mitigation Measure 4.5-1 has been revised to reflect the metrics and standards set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014 (see copy of letter in Appendix B of this Final EIR). If the additional evaluation contemplated by that letter conclude that the FT-1 and FT-4 are not active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a) of Mitigation Measure 4.5-1. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, building permits for Lots 20 to 52 shall not be issued unless additional studies are prepared and approved by the County confirming that some or all of these lots are suitable for residential construction. Given this specificity, Mitigation Measure 4.5-1 does not constitute an impermissible deferral of mitigation.

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

Executive Summary

1. Pages ES-21. Modify Mitigation Measure 4.5-1 with the following changes:

Mitigation Measure 4.5-1 Prior to the issuance of precise grading permits unless noted as otherwise below or otherwise agreed to by the County's engineering geologist, the Project Applicant/developer shall submit a final site specific, design-level geotechnical investigation prepared by a California-licensed professional engineering geologist ~~and geotechnical engineer~~ to the County of Orange Public Works Manager, Subdivision and Grading, or his/her designee and the County's ~~registered geotechnical engineer or third party registered~~

engineer engineering geologist for review, approval and implementation pursuant to the final site specific, design-level geotechnical investigation as outlined below. The investigation shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance, and shall provide the following:

- a) Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist-Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.
- b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a

factor of safety lower than these minimum requirements, the development slopes shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

~~e)d)~~ Conduct representative sampling and laboratory ~~expansion~~ testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable expansive soils that could create geotechnical stability hazards to the Project.

~~e)e)~~ Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered ~~geotechnical engineer~~ engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

Section 4.5, Geology and Soils

1. Pages 4.5-17. Modify Mitigation Measure 4.5-1 with the following changes:

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

- a) ~~Prior to recordation of the final map, the geotechnical evaluation shall identify the Whittier Fault trace location, orientation, and frequency of activity by subsurface investigations consisting of boring and trenching activities. The fault trace shall be mapped and based on the specific location of the fault trace, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation and report shall comply with the Alquist-Priolo Earthquake Fault Zone Act. As set forth in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Location of Whittier Fault, Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated July 31, 2014, the primary trace of the Whittier Fault is well-defined as a narrow fault zone less than approximately 15 feet-wide along the east-west drainage in the central portion of the Cielo Vista site. The geotechnical investigation required by this mitigation measure shall evaluate the potential for additional fault traces south of this zone and determine if any additional fault traces are "active" (i.e., a fault that has ruptured the ground surface within the Holocene Age (approximately the last 11,000 years)) by subsurface investigations consisting of trenching activities. Based on the results of this geotechnical investigation, the Project's proposed residences shall be set back from the fault trace in accordance with State setback requirements. The investigation shall comply with the Alquist-Priolo Earthquake Fault Zone Act.~~
- b) Conduct additional fault trenching as necessary and as recommended in the letter from Tim Lawson, LGC Geotechnical, Inc. to Larry Netherton re Discussion of Potential Implications of Subsurface Geological Features in the Southern Portion of Cielo Vista, Tentative Tract Map No. 17341, County of Orange, California, dated August 1, 2014, to confirm that the fault traces identified in the area of FT-1 and FT-4 are not active. Should this area not be determined to be active, a 75-foot setback zone would be recommended for those lots along the south side of the active Whittier Fault as delineated per subsection (a), above, and, on the north side of the active Whittier Fault, a setback zone ranging from 50 feet on the west side of the site to approximately 120 feet on the east side of the site. In addition, a 10-foot overexcavation and recompaction below pad grade for the proposed structures in Lots 18 to 56 is recommended as well as post-tensioned foundations. If faults observed in FT-1 and FT-4 are determined to be active, precise grading permits for Lots 20-52, 66-70, 83-89, 96-98 and 109-112 shall not be issued unless additional studies are prepared and approved by the County's registered engineering geologist confirming that some or all of these lots are suitable for residential construction.
- b)c) Include a stability analysis consisting of down-hole logging of large-diameter borings in the areas of suspected landslides and other areas of potential slope stability issues to characterize the slopes and engineering analysis to determine what, if any, stabilization measures are necessary. For potential global and local slope failures, a factor of safety for slope stability of equal to or greater than 1.5 and 1.1 for static and seismic loading conditions, respectively, is the generally accepted minimum for new residential construction. Where existing and/or proposed slopes are found to have a factor of safety lower than these minimum requirements, the development slopes shall either need to be setback from, or mitigation methods implemented to improve the stability of, the slopes to these minimum levels. Slopes with less than the minimum factor of safety must be sufficiently setback so that at the location of the proposed residential structures, at least the minimum required factor of safety is achieved. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides,

typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements, the locations, depths, widths, and lengths of the buttresses/shear keys shall be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

- e)d) Conduct representative sampling and laboratory ~~expansion~~ testing of the onsite soils to identify the locations of on-site expansive or compressible soils. Where unsuitable expansive soils are found, site-specific design criteria (i.e., foundation design parameters) and remedial grading techniques (i.e., primarily removal, moisture conditions and recompaction of unsuitable soils) shall be identified in the design-level geotechnical report to remove and/or mitigate unsuitable expansive soils that could create geotechnical stability hazards to the Project.
- e)e) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable County amendments, to ensure that structures and infrastructure can withstand ground accelerations expected from known active faults.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The County's registered ~~geotechnical engineer~~ engineering geologist shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the design plans and shall ensure that all plans for the Project meet current Building Code requirements.

RESPONSE CITY2-112

As discussed on page 4.5-15, in Section 4.5, *Geology and Soils*, within the Draft EIR, potential liquefaction hazards could occur within a small portion of the project site, near the southwest corner. In addition, the Draft EIR acknowledges that possible alluvial sediments within the two main canyons that exist within the central and northern portion of the project site are also susceptible to liquefaction and seismic settlement. Air quality impacts are addressed in Section 4.2, *Air Quality*, of the Draft EIR. With regards to short-term construction-related air quality impacts, impacts are based on daily thresholds established by the SCAQMD. If earthwork, such as over-excavating/recompacting or other measures, are required to mitigate geologic hazards, the extent of equipment and grading on a daily basis in the Draft EIR's daily air quality modeling input assumptions would not increase given that mass grading is already assumed to occur on the project site. Essentially, the daily equipment assumed for the Project's grading (cut and fill) activities could be utilized for earthwork activities related to geologic hazards. Such work would not occur in addition to the Project's assumed full extent of daily grading activities, but rather in place of and/or with a lesser extent of the Project' assumed grading activities such that the overall daily emissions would not exceed those already calculated in the Draft EIR. Accordingly, such work would not change the construction air quality impact assessment provided in Section 4.2 of the Draft EIR. Please refer to Response SCAQMD-2 for further discussion of daily equipment assumptions.

RESPONSE CITY2-113

This comment states that the Greenhouse Gas Assessment should be updated using the latest version of the CalEEMod model (version 2013.2.2) The commenter is referred to Response CITY2-89 for a discussion of the latest version of CalEEMod.

RESPONSE CITY2-114

Per this comment, the reference to the Traffic Study date of July 2012 will be changed to February 22, 2013. References to Traffic Study as Appendix K will be changed to Appendix L. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.6, Greenhouse Gas Emissions**1. Page 4.6-22. Modify fourth paragraph with the following changes:**

Mobile Source Emissions. GHG emissions would also result from mobile sources associated with the Project. These mobile source emissions will result from the typical daily operation of motor vehicles by visitors, employees, and customers. Project mobile source emissions are dependent on both overall daily vehicle trip generation. Trip characteristics available from the report, *Cielo Vista Traffic Impact Analysis* (Urban Crossroads, Inc., ~~July 2012~~ February 22, 2013) were utilized in this analysis. This report is included as Appendix ~~K~~ L in this Draft EIR.

RESPONSE CITY2-115

This comment generally states that the analysis of Hazards and Hazardous Materials should discuss whether petroleum-related hydrocarbons (PHCs) are a concern. The Draft EIR does not state that “PHCs” are a COC. However, on page 4.7-20, there is a statement that COCs can include “heavy end petroleum hydrocarbons (e.g., total petroleum hydrocarbons as oil [TPH-o] and heavy metals (e.g., arsenic, lead and chromium).” PHCs are discussed in both the Existing Conditions and “Analysis of Project Impacts” sub-sections within Section 4.7 of the Draft EIR. Existing PHC conditions are discussed on pages 4.7-13 to 4.7-15 of the Draft EIR. Impacts associated with PHCs are discussed under Impact Statement 4.7-2 beginning on page 4.7-20 of the Draft EIR.

RESPONSE CITY2-116

Per this comment, text regarding the SCAQMD’s Rule 1166 will be added. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials**1. Page 4.7-10. Add the following to the end of the Regulatory Framework sub-section:****(j) South Coast Air Quality Management District**

The South Coast Air Quality Management District (SCAQMD) regulates emissions associated with the excavation and remediation of certain contaminated materials through SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. The

rule sets standards for the handling of VOC-contaminated soil at or from an excavation or grading site.

RESPONSE CITY2-117

Per this comment, the reference to ASTM E1528-05 will be changed to ASTM E1527-00. The comment regarding the replacement of ASTM E1527-00 with E1527-13 as Standard Practice for Environmental Site Assessments as of November 2013 is acknowledged. While conformance to certain ASTM standards may be required in order to obtain liability protections under CERCLA, CEQA does not require such conformance. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-11. Modify second paragraph with the following changes:

(1) Hazardous Materials/Records Review

The Phase I and II ESA and the Site Assessment Report assessed the presence or likely presence of historical, existing, or threatened releases of any hazardous substances or petroleum products into structures, soil, and/or groundwater beneath the project site, to the extent practical. These are referred to as recognized environmental conditions (RECs), as defined under the American Society of Testing and Materials (ASTM) ~~E1528-05~~ E1527-00.

RESPONSE CITY2-118

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-119

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-120

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-121

Please refer to Response City2-34.

RESPONSE CITY2-122

The referenced discussion in this comment provides an introduction to the analysis provided under Impact Statement 4.7-2 (Risk of Upset). This comment is noted by the County. However, no further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-123

The referenced paragraph in this comment discusses Mitigation Measures 4.7-1 to 4.7-3. As discussed therein, Mitigation Measure 4.7-1 addresses the Soils Management Plan, which outlines the protocol for the handling and/or disposal of impacted soils that could potentially be encountered during construction activities. Clearly, this is applicable to construction workers. The discussion also states that, "This mitigation measure ensures that soils impacted with VOCs are handled and disposed of appropriately so that health of the Project's future residents is not endangered." Mitigation Measure 4.7-2 sets forth the requirements for a VOC mitigation plan consistent SCAQMD Rule 1166 requirements. As discussed in the referenced paragraph, Rule 1166 sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC-contaminated soil. Thus, the plan would address impacts to construction workers. With regards to Mitigation 4.7-3 and the requirements for a site-specific health and safety plan (HASP), the analysis states that the HASP "would be implemented in conjunction with the SMP when handling soil with suspected or confirmed COC impacts." Further, the analysis concludes that, "...this mitigation measure [referring to Mitigation Measure 4.7-3] ensures that appropriate actions are taken with respect to other chemicals of concern so that they will not endanger future Project residents." Thus, the analysis discusses impacts and mitigation measures to both construction workers and future Project residents.

RESPONSE CITY2-124

Per comment, Mitigation Measure 4.7-4 would be revised as shown below. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Pages ES-26. Modify Mitigation Measure 4.7-4 with the following changes:**

Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a "Construction Site Review" of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. ~~The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.~~

Section 4.7, Hazards and Hazardous Materials**1. Page 4.7-24. Modify Mitigation Measure 4.7-4 with the following changes:**

Mitigation Measure 4.7-4 After decommissioning of the oil facilities on the project site, a qualified environmental consultant shall inspect the abandoned wells and perform a review of well decommission documentation. Also, DOGGR shall be contacted to perform a “Construction Site Review” of the abandoned wells on the subject site to determine whether the wells have been abandoned to current standards, as well as verify that adequate distances of wells to proposed structures is proposed. If these are not adequate, the siting of proposed structures and/or proper measures to well features shall be conducted to the satisfaction of DOGGR. ~~The results of the reviews shall be provided to the RWQCB, OCFA, DOGGR, and OCHCA.~~

RESPONSE CITY2-125

This comment’s request for a change to the name and analysis format do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-126

As noted on page 4.7-27 of the Draft EIR, the OCFA has reviewed and approved the Project’s preliminary Fire Master Plan and Fuel Modification Plan, which identifies emergency site access within the project site. Also, please refer to Topical Response 3 regarding emergency access and wildland fire impacts. Figure 4.7-1, *Fire Master Plan*, illustrates the locations of the fire hydrants, fire access roads, OCFA hammerhead locations.

RESPONSE CITY2-127

Topical Response 2 addresses the location of future water facilities required in order to serve the Project and explains how the Project’s water infrastructure will provide adequate fire flow to the Project site.

RESPONSE CITY2-128

Neither the access to Planning Area 1 from Via del Agua nor the access to Planning Area 2 from Aspen Road will be gated. No access gates are planned for the Project. Therefore, no changes are proposed to the first paragraph on page 4.7-27 in response to this comment.

RESPONSE CITY2-129

This comment requests a source regarding the “approval” of the Fire Master Plan by OCFA. The commenter is referred to the “Scanned Copy of OCFA Approval Stamp” provided on Figure 4.7-1, *Fire Master Plan*, in the Draft EIR.

RESPONSE CITY2-130

Comment City2-130 requests that the Draft EIR’s Fire Master Plan (Figure 4.7-1) also include the emergency ingress and egress location for the Esperanza Hills development. The Esperanza Hills Specific Plan originally proposed three unique ingress and egress plans, known as Option 1, Option 2 Modified, and Option 2B. On June 2, 2015, the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan and two access options: Option 2B and Option 2 Modified. Option 1 was subsequently removed from the Esperanza Hills Specific Plan. Please see Topical Response 5 for a description and discussion of the access configurations. Notwithstanding the Board of Supervisor’s June 2, 2015 action on the Esperanza Hills

Specific Plan, the proposed emergency egress for Option 1 was analyzed as part of Alternative 4, the Contested Easement Alternative, in Chapter 5.0, *Alternatives*, of the Draft EIR. This Alternative includes a north-south easement within Planning Area 1 that would be used as an emergency ingress/egress road to be constructed by the Esperanza Hills Project. The impacts of this potential future road are analyzed under the Alternative 4 impact assessment provided in Chapter 5.0 of the Draft EIR. Under CEQA, lead agencies may adopt a Project alternative instead of the proposed Project. (See, e.g., Public Resources Code §§ 21002-21002.1, 21004, CEQA Guidelines § 15002.) With respect to Option 2 and the Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-131

The lots that would require radiant heat walls include lots 40, 41, 49, 50, 85, 86, and 87 as shown in Figure 4.7-2a, *Conceptual Fuel Modification*, of the Draft EIR. Each of these lot's radiant heat wall would face to the east/northeast. As such, because of their orientation and due to intervening development and topography associated with the Project, would not be visible to the surrounding locations from the north, west or south. Thus, the photo simulations presented in Section 4.1, *Aesthetics*, accurately depict the Project as proposed. Also, as depicted in Figure 4.7-2a, the radiant heat walls will be located in close proximity to proposed residences, which will be of a greater height and mass than the heat walls. Any views from the east will view the radiant heat walls in the context of the larger development project, similar to fences associated with housing. Thus, because the radiant heat walls will be incorporated with future development, the radiant heat walls will not have a significant aesthetic impact.

RESPONSE CITY2-132

The photo simulations provided in Section 4.1, *Aesthetics*, do include the plant palette required for the fuel modification zones. However, re-vegetation would not occur in the open space areas beyond the fuel modification zones presented in Figure 4.7-2(a-b), *Conceptual Fuel Modification*. Therefore, a correction to the referenced paragraph in this comment is necessary. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.7, Hazards and Hazardous Materials

1. Page 4.7-33. Modify 3rd paragraph with the following changes:

Fire behavior relative to topography and structures within the project site is an important factor in development of the fire protection system for the Project. The largest flame length impacting the fuel modification zone would be less than 25 feet. While modeling within the Fire Behavior Report indicates that flame lengths of just under 50 feet are possible under perfect conditions, this is unlikely due to predominant winds that drive wildland fires as well as the arrangement of slopes and fuel relative to the structures. The predominant fuels within the project site are grasses, grass/scrub mixtures, and chaparral. The only locations which have areas of moderate to heavy fuels are on the northern slopes of the steeper canyon. Some of these areas would be adjacent to the project site, but none are below or immediately aligned with the wind and topography as to create a condition where slope, wind, and fuel are in full alignment. All of the fuels within the project area's fuel modification zones as shown on Figure 4.7-2(a-b) would be removed and replaced with plants from the approved

palette. Flanking fire of six to eight feet maximum is expected at the property line of the lots within the development or at the base of the fuel modification zones or block walls/radiant heat walls. By compliance with the applicable regulatory requirements cited above and implementation of the prescribed mitigation measures, in all areas, the minimum requirement of providing a 2:1 safety ratio (2 flame heights/lengths in distance from the fuel modification zone) for a “safety zone” needed for protecting the structures would be achieved and in most...

RESPONSE CITY2-133

The Project’s anticipated water supply infrastructure is identified, and its potential Project- and cumulative-level impacts are discussed, in Topical Response 2.

RESPONSE CITY2-134

Mitigation Measure 4.7-10 is discussed on page 4.7-33 of the Draft EIR. The analysis of wildland fire impacts presented under Impact Statement 4.7-5 beginning on page 4.7-26 of the Draft EIR does not separate “construction” and “operational” wildland fire impacts. This comment does not raise any new significant issues of address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-135

Because the residential portions of the project site are General Plan designated as 1B, Suburban Residential and Open Space, the ISO rating is ISO 3.

RESPONSE CITY2-136

Both the Phase II Subsurface Investigation Report and the Soil Management Plan are included in Draft EIR Appendix G. The contents of Appendix G are listed on page 4.7-1 of Section 4.7, *Hazards and Hazardous Materials*.

RESPONSE CITY2-137

The Conceptual Fuel Modification Plan and Fire Management Plan are included in Draft EIR Appendix G and are included in the content list for Appendix G on page 4.7-1 of Section 4.7 and are also included in Tables 4.7-2 and 4.7-1, respectively, on pages 4.7-29, 4.7-30 and 4.7-31 of Section 4.7.

RESPONSE CITY2-138

The anticipated water infrastructure required to serve the Project is discussed at length in Topical Response 2.

RESPONSE CITY2-139

The hazardous materials assessments do account for the former aboveground oil storage tanks. As indicated in the “Site Assessment Report,” the boring locations considered the locations of the on-site tank farm. The “Phase I and II ESA” visually inspected the site for obvious indications of existing and previously existing storage tanks (aboveground and underground). Also, the review of historical information and regulatory agency records conducted for the Phase I and II ESA accounted for the former aboveground storage tanks. Finally, the Phase II Subsurface Investigation Report and SMP considered the information provided in the Site Assessment Report and Phase I and II ESA.

RESPONSE CITY2-140

The purpose of the Avanti “Site Assessment Report” was to assess soil conditions at the on-site wells and former aboveground storage tank locations. This report was not intended to address the potential for future land uses on the site. The whole of the analysis presented in the Section 4.7, *Hazardous Materials*, in the Draft EIR, which considers data from four technical reports pertaining to hazardous materials, forms the basis for the ability of the site to support residential uses.

RESPONSE CITY2-141

This comment is acknowledged by the County. This comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR. Despite the terminology, the site’s environmental concerns pertaining to hazardous materials are adequately analyzed in Section 4.7 of the Draft EIR with mitigation measures prescribed to address potentially significant impacts, where necessary.

RESPONSE CITY2-142

The Phase I and II ESA identifies the storage tanks on the site on page 5-1, with corresponding ID# ET-01 to ET08. The Phase I and II ESA and the Site Assessment Report assessed the presence of likely presence of historical, existing, or threatened releases of any hazardous substances or petroleum products into structures, soil, and/or groundwater beneath the project site. Section 7 of the Phase I and II ESA contains full descriptions of any major, medium, or minor environmental concerns identified in the report. Page 7-2 of the report identifies “Concern #1” (also shown in Table 4.7-1 of the Draft EIR), which includes all eight of the storage tanks (ET-01 to ET-08). Thus, the tanks are identified as a “minor” environmental concern within the greater “Concern #1” as presented on page 7-2 of the report. Phase One, Inc. classifies an environmental concern as a major, medium, or minor concern when it is one that involves a recognized environment condition for which, in the opinion of Phase One, Inc., further investigation, action, and/or remediation is recommended. Within the table on page 7-2, a description of Concern #1 and the “Action Suggested” to address this concern is provided.

RESPONSE CITY2-143

The commenter is referred to Response City2-139. As noted in Figures 2A and 2B of the Phase II ESA, the assessment noted the location of the storage tanks and conducted boring at locations in close proximity to those tanks.

RESPONSE CITY2-144

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project’s updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As shown therein, Figure 4.8-2 has been updated to include the Project’s proposed BMP features as described in the updated Conceptual Drainage Study and Conceptual Water Quality Management Plan.

The proposed and existing streets are shown in EIR Figures 4.8-2a and 4.8-2b, *BMP Plan*, which are included Chapter 3.0 of this Final EIR. Also, Figure 4.8-1, *Hydrology Map*, purposefully did not show the Project’s proposed planning areas, but rather only the project site boundaries, to clearly illustrate the offsite tributary

areas (creeks) that pass through the project site and to provide context of the site in relationship to the overall watershed boundary and its primary hydrology features.

RESPONSE CITY2-145

This comment correctly indicates that Wire Springs Canyon (Creek A) is to the east of the site. Per comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.8, Hydrology and Water Quality

1. Page 4.8-9. Modify the 1st sentence in the last paragraph with the following changes:

~~With regards to Runoff from the South Site, Wire Springs Canyon (Creek A), inclusive of Creek A and a large offsite natural tributary area located partially on-site and to the west of the project site (Creek E), drains to the receiving sSouthern portion Boundary and Southwest Outlet facilities, respectively. of the project site, discharging to the receiving box culvert (8 feet by 7 feet) storm drain located within Stonehaven Drive.~~

RESPONSE CITY2-146

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed in that Chapter and Appendix D, impacts to the channel located between San Antonio Road and Via Corona (Esperanza Channel) would be less than significant. Planning Area 2 would drain into the Esperanza Channel. However, with incorporation of specific measures and BMPs, the Project would not increase flows at the Esperanza Channel. Please refer to the studies contained in Appendix D of this Final EIR for further information.

RESPONSE CITY2-147

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Between both of the updated reports, the revised hydrology analysis meets the County's requirements in regards to modeling the required storm events per the Orange County Hydrology Manual and current County Technical Guidance Document requirements.

RESPONSE CITY2-148

Section 4.8, *Hydrology and Water Quality*, specifically notes that because the "Project is defined as a Priority Project, the [Conceptual] WQMP includes both source control and treatment control BMPs, as well as site design BMPs, and would implement LID principles, where applicable and feasible. A Final WQMP, subject to the approval by the County, would update the Project's Conceptual WQMP based" on the final design and would include applicable BMPs. The project is proposing a variety of bio-retention, bio-filtration, and proprietary BMPs to meet WQMP requirements. A hierarchy analysis will be performed to identify what types of treatments are most feasible for the project within the final WQMP, which will be reviewed and approved by the Manager, OC Development Services prior to recordation of the subdivision map (see PDF 8-1). The final WQMP will propose specific BMPs from the options identified in the water quality report that

meet the current MS4 permit and implement low impact design elements. Compliance with applicable regulatory requirements, as well as implementation of the PDFs and BMPs identified in the WQMP, would ensure that operation of the Project would not result in a significant water quality impact. As concluded in the Conceptual WQMP, the Project's drainage features (inclusive of BMPs) will not increase peak runoff conditions.

RESPONSE CITY2-149

Please see revisions in Chapter 3.0 of this Final EIR, which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As shown therein, Figures 4.8-2a and 4.8-2b have been updated to include the Project's proposed BMP features as described in the updated Conceptual Drainage Study and Conceptual Water Quality Management Plan. The planning areas and subdivision detail, including the local street system and street layout, are clearly depicted in Figures 4.8-2a and 4.8-2b, BMP Plan. The commenter is referred to this exhibit. For frame of reference, See Figure 2-6 in Section 2, *Project Description*, of the Draft EIR, which identifies the proposed streets on the Project site by name.

RESPONSE CITY2-150

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). PDF 8-5 of the Draft EIR has been revised, which is currently PDF 8-3. PDF 8-3 requires all habitable building floor elevations to be constructed at a minimum of 1-foot (or greater) above the 100-year flood water surface elevation to ensure that no residential structure would be flooded within the project site

RESPONSE CITY2-151

Per the updated Conceptual Drainage Study, the Project is no longer proposing a debris basin within Creek C. This was removed as flows from Creek C will be conveyed along the south easterly portion of the development within an open channel that would be a debris carrying facility. Therefore, the Project will be consistent with the existing condition as it relates to Creek C.

RESPONSE CITY2-152

The commenter is correct in identifying that area S-4 does not currently drain to Creek A as assumed in the hydrologic study. Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). Watershed "E" is shown in Figure A.2 of the updated Drainage Study. As shown in the figure and discussed in Chapter 3.0 of this Final EIR, runoff from the South Site (Planning Area 1), inclusive of Creek A and a natural tributary area located partially on-site and to the west of the project site (Creek E), drains to the receiving Southern Boundary [Stonehaven Drive – 8'x7' Reinforced Concrete Box (RCB)] and Southwest Outlet [Dorinda Road – 36" Reinforced Concrete Pipe (RCP)] facilities, respectively.

Creek E would be filled to create the Planning Area 1 development area. This would result in roughly 2.2 acres of the proposed developed portions of Planning Area 1, which would drain to the westerly property line, to be conveyed southerly and directed offsite towards the existing 36" RCP at Dorinda Road. To

maintain drainage patterns similar to predeveloped conditions, BMP-HM1 requires a split-flow/bifurcation structure to be installed along storm drain Line "B" in "B" Street to bifurcate storm flows to both the 36" RCP at Dorinda Road and the 8'x7' RCB at Stonehaven Drive (see Figure 4.8-2 in Chapter 3.0 of this Final EIR).

As discussed in Chapter 4.3 of the Draft EIR, a jurisdictional delineation of all existing ephemeral and artificially supported perennial flow features was conducted to assess the extent of "waters of the U.S., waters of the State" and/or wetlands under the jurisdiction of the United States Army Corps of Engineers (Corps)/Regional Water Quality Control Board (RWQCB), and/or streambed and associated riparian habitat under the jurisdiction of the California Department of Fish and Wildlife (CDFW). Detailed methodology and results of the jurisdictional delineation are included in *Investigation of Jurisdictional Waters and Wetlands* report prepared for the Project (refer to Appendix C of this EIR). The Creek E flow features within Planning Area 1 do not possess the necessary indicators to be under the jurisdiction on any of the above referenced agencies. Indicators include such things as the "ordinary high water mark," limits of wetlands based on USACE guidelines and publications, and presence of a defined bed and bank and/or streambed associated riparian vegetation.²

RESPONSE CITY2-153

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analysis does not utilize TR-55 and hand hydrograph calculations, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-154

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-155

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). As discussed therein, an infiltration basin would be provided in Planning Area 2. The basin would be sized to capture the necessary stormwater volume to comply with applicable hydromodification requirements to prevent hydrologic conditions of concern. Applicable hydrology calculations are provided in Appendix A.1 and A.2 of the updated Conceptual WQMP.

² USACE's *Field Guide to the Identification of the OHWM in the Arid West Region of the United States (USACE 2008)*, *Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987)*, and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (Environmental Laboratory 2008)*

RESPONSE CITY2-156

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The assessment of hydrology impacts in the Drainage Study follows guidelines set forth in the Orange County Hydrology Manual and the Orange County Local Drainage Manual – January 1996. The Orange County Hydrology Manual uses a return period of 25-year and 100-year storm event to describe drainage characteristics and design capacity. The 100-year storm event is analyzed to model the off-site tributary flows and hydraulic conveyance through the project site. The 25-year storm is analyzed for the proposed condition street capacities and hydraulic conveyance of the onsite storm drain facilities. The analysis compares the existing conditions to the proposed conditions with and without the Project's proposed storm drain facilities, where necessary. The results of these comparisons are included within the analysis to determine the Project's consistency with the current Orange County drainage requirements.

Also, the WQMP evaluates the 2-year (24-hour) storm event to determine if the Project would be susceptible to hydromodification impacts, which would be considered a "hydrologic condition of concern" per the Countywide Model WQMP Technical Guidance Document (TGD) (May 2011). As analyzed therein, by implementing the Project's proposed drainage facilities, no significant hydromodification impacts or "hydrologic condition of concern" would occur to downstream facilities of Planning Areas 1 or 2 based on applicable County standards.

RESPONSE CITY2-157

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-158

Please see revisions in Chapter 3.0 of this Final EIR which provides corrections and additions to Section 4.8 of the Draft EIR based on the Project's updated Conceptual Drainage Study and Conceptual Water Quality Management Plan (included in Appendix D of this Final EIR). The current analyses does not utilize AES software, but is based on Civil Design software which is acceptable by the County of Orange and utilized for the entire analysis.

RESPONSE CITY2-159

Please refer to Response City2-156.

RESPONSE CITY2-160

A total of 41 acres of the project site are designated by the County General Plan for 1B, Suburban Residential use with the designation viewed as this area's component of promoting a balance of land uses east of the City. While the project applicant is requesting an increase the project site's 1B designated acreage to a total of approximately 47 acres, even before this acreage is added to the project site, the range of allowable residential build-out is 21-738 dwelling units. The Project's proposed 112 units is near the lower end of the

1B designation which provides this area's component of balanced land use to complement the 5, Open Space designation also on the project site, and the various City land use designations to the west of the project site.

RESPONSE CITY2-161

A General Plan Land Use Element policy of the City is to not exceed an average of 2.8 dwelling units per acre citywide. If the property is annexed to the City, with its proposed residential density of 1.3 dwelling units per gross acres, the City's average number of dwelling units per acre would be incrementally reduced.

RESPONSE CITY2-162

Comment City2-162 raises questions about the Project's consistency with the City of Yorba Linda General Plan's density requirements. The commenter incorrectly presumes that the Project is bound by the Yorba Linda General Plan. Rather, since the Project site is within the County's jurisdiction, it is governed by the County's General Plan. The fact that the Yorba Linda General Plan includes the project site (which is within its sphere of influence) does not mean that the Project must be consistent with all the policies associated with that General Plan.

Nevertheless, the EIR analyzes the Project's consistency with the Yorba Linda General Plan for informational purposes. As evidenced by Table 4.9-2 of the Draft EIR and the preceding discussion regarding the Yorba Linda General Plan, the Draft EIR appropriately analyzed consistency with the Yorba Linda General Plan, looking at both specific policies and general consistency. As noted therein, the Project would be potentially consistent with the Yorba Linda General Plan. A lead agency's determination that a project is consistent with a general plan carries a strong presumption of regularity. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238.)

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

RESPONSE CITY2-163

The commenter is referred to Response City2-162, above.

RESPONSE CITY2-164

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-165

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-166

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-167

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-168

Please refer to Response City2-161. Because the Project will incrementally reduce the City's residential density (assuming the current citywide residential density is at or below 2.8 dwelling units per acre, but greater than 1.3 dwelling units per acre), there is no need to revise the Cumulative Impact analysis on page 4.9-19 in Section 4.9, *Land Use and Planning*.

RESPONSE CITY2-169

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-170

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-171

This comment suggests providing noise measurements to quantify the existing on- and off-site acoustical environment for background information. Per comment, existing noise measurements were taken to provide this background information. The noise measurements data is consistent with the daytime and nighttime noise levels cited in the Draft EIR on page 4.10-9 under the "Stationary Noise Sources" sub-section. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.10, Noise

1. **Page 4.10-9. Add the following discussion to the end of the “Stationary Noise Sources” subsection :**

(b) Stationary Noise Sources

The project site and surrounding area primarily consists of residential uses with schools and parks uses located within the project vicinity. Noise levels in single-family residential areas such as those adjacent to the project site typically range from 45 to 55 dBA during daytime hours and are generally less than 50 dBA during nighttime hours.

As shown in in **Figure 4.10-2, Noise Measurement Locations**, long-term (24-hour) measurements were conducted at one location, identified as R1 to quantify the existing noise environment. Short-term (15-minute) measurements were recorded at two additional locations, identified as R2 and R3. The long-term ambient noise measurements at locations R1 were conducted from Wednesday, June 25, through Thursday, June 26, 2014. The short-term noise measurements at locations R2 and R3 were conducted on June 25, 2014 between the hours of 7:00 A.M. and 9:00 A.M. Descriptions of the noise measurement locations are provided below:

- Measurement Location R1: This measurement location is representative of the highest noise level(s) at the project site given its proximity to Dorinda Road (vehicular noise), as well as the nearby residential uses. The sound measuring device (sound level meter) was placed on the southwestern boundary of the project site along Dorinda Road.
- Measurement Location R2: This measurement location represents the noise environment of the nearest single-family residential uses along Dorinda Road. The sound level meter was placed at the end of Dorinda Road west of the project site.
- Measurement Location R3: This measurement location represents the noise environment of the nearby single-family residential uses along Aspen Way west of the project site. The sound level meter was placed at the end of Aspen Way nearby the single-family residential uses west of the project site.

[Note: Figure 4.10-2 shown in Chapter 3.0, *Corrections and Additions*, of this Final EIR.]

The ambient noise measurements were conducted using a Larson-Davis 820 Precision Integrated Sound Level Meter (SLM). The Larson-Davis 820 SLM is a Type 1 standard instrument as defined in the American National Standard Institute (ANSI) S1.4. Measurement instruments were calibrated and operated according to manufacturer specifications. The microphone was placed at a height of 5 feet above the local grade.

The results of the ambient sound measurement data are summarized in **Table 4.10-4(b), Summary of Ambient Noise Measurements**. As shown therein, the long-term measured CNEL level at Locations R1 is 51 dBA in which the primary source of noise was traffic along Dorinda Road. The measured ambient noise levels do not exceed the daytime noise limit of 55 dBA Leq and the nighttime noise limit of 50 dBA Leq.

Table 4.10-4(b)**Summary of Ambient Noise Measurements**

<u>Receptor Location</u>	<u>Measured Ambient Noise Levels^a (dBA)</u>		
	<u>Daytime</u> <u>(7 A.M. to 10 P.M.)</u>	<u>Nighttime</u> <u>(10 P.M. to 7 A.M.)</u>	<u>24-Hour Average,</u>
	<u>Hourly L_{eq}</u>	<u>Hourly L_{eq}</u>	<u>CNEL</u>
<u>R1 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 11:59 P.M.)</u> <u>through 6/26/14 Thursday (12:00 A.M. to 8 A.M.)</u>	<u>43 – 52</u>	<u>42 – 46</u>	<u>51</u>
<u>R2 –</u> <u>6/25/14 Wednesday (7:00 A.M. to 8:00 A.M.)</u>	<u>48</u>	<u>N/A</u>	<u>N/A</u>
<u>R3 –</u> <u>6/25/14 Wednesday (8:00 A.M. to 9:00 A.M.)</u>	<u>41</u>	<u>N/A</u>	<u>N/A</u>

^a Detailed measured noise data, including hourly L_{eq} levels, are included in Appendix B of this Final EIR document.

Source: PCR Services Corporation, 2014.

RESPONSE CITY2-172

Noise levels from the existing project site, inclusive of the oil wells, were measured in response to Comment City2-171, above. The commenter is referred to Response City2-171 for existing noise levels at the site.

Also, as discussed in the Section 2.0, *Project Description*, of the Draft EIR, prior to grading for development, existing on-site oil wells and production facilities would be abandoned or re-abandoned, as necessary, in accordance with the standards of the State of California Division of Oil, Gas and Geothermal Resources (DOGGR), OCFA, and County of Orange. The Project is not proposing new oil wells and as such, would not drill new wells. Therefore, no oil well related noise is expected to occur upon occupancy of the proposed Project. However, the drilling pad would be made available to the current oil operators following the Project's construction activities for continued oil operations if permitting and site planning were pursued by the oil operators which would also be subject to compliance with the California Environmental Quality Act with mitigation to address oil facility development and operational impacts. Should the oil drilling pad be proposed for development, that project would be subject to environmental review under CEQA. As required by CEQA, the environmental impacts of such development, including potential noise impacts, would be analyzed.

RESPONSE CITY2-173

This comment suggests separating the "Off-Site Traffic Noise Impacts" from the "Construction Noise Impacts" on page 4.10-11, in Section 4.10, *Noise* (subsection 2.a.1). This distinction was made in the Draft EIR. However, a formatting error occurred on page 4.10-11 and will be corrected. Per comment, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.10, Noise

1. **Page 4.10-11. Revise sub-headings under subsection “a. Methodology” with the following changes:**

a. Methodology

(1) Construction Noise Impacts

Construction noise impacts were evaluated by estimating the noise levels generated by construction activity, calculating the construction-related noise level at nearby sensitive receptor property line locations, and comparing construction-related noise to the Project significance threshold to determine significance.

(2) Off-Site Traffic Noise Impacts

Traffic generated by the Project would influence the traffic noise levels in surrounding areas. To quantify the traffic noise impacts on the surrounding areas, the changes in traffic noise levels on 32 roadway segments surrounding the project site were estimated based on the change in the average daily traffic volumes. The traffic noise levels provided in this analysis are based on the traffic forecasts provided in the Noise Study.

RESPONSE CITY2-174

This comment suggests incorporation of following mitigation measures in order to further reduce construction related noise impacts. Please note that with the mitigation incorporated in the Draft EIR the Project’s potential noise impacts are mitigated to a less than significant level. Therefore, no additional mitigation is required. However, in response to this comment and to further reduce the already less than significant impacts, the suggested mitigation measures will be included in Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). One of the suggested mitigation measures regarding noise attenuation measures, such as sound barriers, would be implemented “where feasible.” This measure has been included as a project design feature (PDF) and will be included in the MMRP, as revised in Chapter 3.0 of this Final EIR. The addition of the suggested mitigation measures does not change the construction noise impact conclusions stated in the Draft EIR as the Project would result in a less than significant construction noise impact. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. **Page 32. Add the following mitigation measures and project design feature after Mitigation Measure 4.10-3 to further reduce construction noise impacts:**

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Project Design Feature 10-1

Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

Section 4.10, Noise

1. **Page 4.10-17. Add the following mitigation measures to further reduce construction noise impacts:**

Mitigation Measures

Mitigation Measure 4.10-1 During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). The contractor shall produce evidence that the measures are in place prior to issuance of any grading permits and as approved by the County of Orange Manager, Planning Services.

Mitigation Measure 4.10-2 The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. All operations shall comply with the County of Orange Codified Ordinance Division 6 (Noise Control). Prior to issuance of any grading permits the County of Orange Manager, Planning Services shall approve the location of the staging area.

Mitigation Measure 4.10-3 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. Haul routes shall be selected so that trips passing sensitive land uses or residential dwellings will be minimized. Further, haul routes shall be located to avoid concurrent use of haul routes from other related projects where sensitive receptors are located along such routes. Haul routes shall be approved by the Manager, OC Planning Development Services prior to the issuance of any grading permits.

In addition to the above prescribed mitigation measures, the following mitigation measures have been prescribed at the request of the City of Yorba Linda to further reduce construction noise impacts. In addition, PDF 10-1 would be implemented by the Project to further reduce construction noise impacts.

Mitigation Measure 4.10-A (Supplemental Construction Noise Mitigation Measure)

Construction noise reduction methods such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. Unattended construction vehicles shall not idle for more than 5 minutes when located within 500 feet from residential properties.

Mitigation Measure 4.10-B (Supplemental Construction Noise Mitigation Measure)

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent if necessary. In the event the County receives a complaint, appropriate corrective actions shall be implemented.

Mitigation Measure 4.10-C (Supplemental Construction Noise Mitigation Measure)

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 500 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. This notification shall give a contact phone number for any questions or complaints. All complaints shall be responded to in a method deemed satisfactory by the County of Orange.

Project Design Feature 10-1

Noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources, shall be implemented where feasible.

RESPONSE CITY2-175

This comment suggests that the FHWA Traffic Noise Model (TNM) 2.5 should be used to calculate on-site traffic noise levels instead of the FHWA-RD-77-108. However, the FHWA-RD-77-108 has been in use for over 20 years by FHWA and is recognized as an effective model and continues to be used to assess potential noise impacts. While suggesting the alternative model, the commenter does not provide any evidence that the model used in the Draft EIR was inadequate or misrepresented any of the environmental conclusions contained in the Draft EIR. "CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required" (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396.) The Draft EIR appropriately analyzes the potential noise impacts of the Project.

RESPONSE CITY2-176

A technical discussion of construction activity-related vibration is provided in Section 12.2 of the Federal Transit Administration (FTA) publication titled "Transit Noise and Vibration Impacts Assessment," May 2006. As described therein, a ground-borne vibration level of 0.2 inch-per-second peak particle velocity (PPV) should be considered as damage threshold criterion for structures deemed "fragile," and a ground-borne vibration level of 0.12 inch-per-second PPV should be considered as damage criterion for structures deemed "extremely fragile," such as historic buildings.³ As the single-family, wood-framed, residential structures near the project site are not considered "fragile" or "extremely fragile" structures, construction activities would not result in an exceedence of such standards. With respect to residential and commercial structures, the California Department of Transportation (Caltrans) technical publication titled "Transportation- and Construction-Induced Vibration Guidance Manual" June 2004, provides a vibration damage potential threshold criteria of 0.5 inch-per-second PPV for older residential structures, 1.0 inch-per-second PPV for newer residential structures, and 2.0 inch-per-second PPV for modern industrial/commercial buildings.

The FTA has published standard vibration velocities for construction equipment operations. Based on the vibration data provided in the FTA, Noise and Vibration Impact Assessment (2006), vibration velocities from operation of construction equipment, such as loaded trucks and large bulldozer, would range from approximately 0.076 to 0.089 inches per second PPV at 25 feet from the source of activity. The closest existing sensitive receptor structures in the vicinity of the project site are single-family residences located approximately 60 feet to the west and south of the project site (as measured from the closest point where the Project's proposed grading activities would occur utilizing heavy construction equipment), which would be exposed to vibration velocities ranging approximately from 0.02 to 0.024 inches per second PPV. As these values are considerably lower than Caltrans' 0.5 inches per second PPV significance threshold regarding potential building damage for older residential buildings, vibration impacts associated with construction would be less than significant at the nearest residential structures. This "less than significant" impact finding is consistent with the Draft EIR's impact assessment finding for vibration impacts as stated on page 4.10-28 of the Draft EIR.

RESPONSE CITY2-177

This comment suggests an editorial correction. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-178

This comment suggests to move Table 4.11-1 to the "Existing Conditions" sub-section, but does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

³ Per Table 12-3, *Construction Vibration Damage Criteria*, in FTA's "Transit Noise and Vibration Impacts Assessment," "fragile" buildings are considered "non-engineered timber and masonry buildings." "Extremely fragile" buildings are "buildings extremely susceptible to vibration damage."

RESPONSE CITY2-179

This comment suggests additions to Table 4.11-2, but does not does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-180

The percentages referenced in the paragraph below Table 4.11-3 refer to single-family and multi-family “homes” or “housing.” Thus, the referenced percentages in the text correctly add together the “single-family detached” and “single-family attached” unit types referenced in Table 4.11-3.

RESPONSE CITY2-181

Per comment, the reference to 34 percent will be changed to 35 percent. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11, Population and Housing**1. Page 4.11-13. Modify 1st paragraph with the following changes:**

Compared to Orange County as a whole, the unincorporated areas of the County have a higher percentage of single-family housing and a lower percentage of multi-family housing. Single-family homes comprise approximately 85 percent of unincorporated County compared to only about 64 percent of housing units in the entire County. There is a significantly greater percentage of multi-family homes in all of Orange County, ~~over 34~~ approximately 35 percent, than in unincorporated areas, at approximately 14 percent.

RESPONSE CITY2-182

This comment’s request for formatting preferences do not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-183

Per comment, the referenced household size will be clarified to indicate that the City of Yorba Linda and unincorporated areas of the County of Orange have the same average household size. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11-3, Population and Housing**1. Page 4.11-4. Modify last sentence of subheading “a. Methodology” with the following changes:**

This section includes an analysis of the population and housing units generated by the Project and how the population and housing relates to the County. Information was obtained from the State of California Department of Finance, Census 2010, SCAG, and the County of Orange. Additionally, County regulations were reviewed for project applicability, including the County’s General Plan and Housing Element. Impacts on population were determined by calculating the population generated

by the Project (based on the average household size for the unincorporated County of Orange and City of Yorba Linda (as they have the same household size) multiplied by the number of housing units proposed by the Project) and comparing to the population anticipated in the County.

RESPONSE CITY2-184

This comment includes a request for a formatting preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-185

This comment requests clarification of the criteria relevant to the maximum allowable population allowed at the project site per the Orange County General Plan Land Use Element. The “Intensity/Density Characteristics and Standards” in Table III-1, *Building Intensity/ Population Density Standards*, of the Land Use Element in the County’s General Plan provides the building intensities and indicators of population densities for each land use category. As noted in the General Plan Land Use Element, the standard for building intensity for residential land use categories is stated as the number of dwelling units per gross acre. The “average persons per dwelling unit” factors were used to calculate residential population density and were determined by 1990 U.S. Census data. The persons per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. The Draft EIR’s person per household size of (3.2 persons/household) is based on more current data available from the County and the City (as provided in the Oakcrest Terrace Initial Study, March 2012) as compared to the data utilized in preparation of the General Plan (see Footnote 3 on page 4.11-5). Even with the current household size increase, as compared to the 1990 Census data provided in the General Plan, the Project’s number of anticipated residents would be well within the indicators of population density for the Suburban Residential (1B) land use category, which indicates a maximum population of approximately 1,927 at the Project.

To clarify the County’s criteria relevant to building standards and indicators of population density for the Project’s proposed residential land use, the following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.11-3, Population and Housing

1. Page 4.11-5. Modify the 1st paragraph with the following changes:

The Project includes the construction of 112 single-family detached residential dwellings that would generate a population of approximately 358 residents.³ Per Table ~~II-1~~ III-1, *Building Intensity/Population Density Standards*, in the Land Use Element of the County’s General Plan, the Suburban Residential land use designation allows a maximum intensity/density characteristics and standards of 0.5 to 18 dwelling units (du) per acre, ~~2.59 persons per du,~~ and Table II-1 further indicates that this land use category has populations that range from 1-47 persons per acre. There is a large variation in the number of persons per acre because the Suburban Residential designation includes a wide range of housing types, from estates on large lots to attached dwelling units (townhomes, condominiums, and clustered arrangements). As noted in the Land Use Element of the County’s General Plan, the person per acre ranges are offered as an indicator of residential population density and do not restrict occupancy of units. As the project site includes approximately

41 acres of Suburban Residential designated land, the Project, if applying the highest characteristic number of persons per acre (47 per acre as identified in the General Plan) could support a maximum population of approximately 1,927 persons.⁴ As stated above, Project implementation would result in approximately 358 new residents. Therefore, the direct population generated by the Project would be within the maximum population anticipated for the site within the County's General Plan.

³ *358 persons = 112 X 3.2. Based on the average household size of 3.2 persons/household for unincorporated areas of Orange County. It should be noted that the average household size for all of Orange County is 3.0 persons/household (U.S. Census Bureau, 2010). The average household size of 3.2 persons/household is also consistent with population estimates of the City of Yorba Linda, Initial Study for Oakcrest Terrace, prepared by Impact Sciences, March 2012.*

⁴ *1,927 persons = 47 persons/acre X 41 acres. It is acknowledged that Table III-1 also cites "2.59 Persons per DU" as a population indicator of the Suburban Residential land use category. However, this population per household is based on 1990 Census data and is not representative of current household sizes expected for the Project based on 2012 data from the City of Yorba Linda (see footnote 3 above). If the current household size estimate (3.2 persons/household) were applied, to the lands designated as Suburban Residential the projected population range for such lands would increase from 1 to 47 persons per acre to approximately 1 to 57 persons per acre (3.2 persons/household x 18 units per acre).*

Even if applying the number of persons per dwelling unit contained in the General Plan, the Project would still not exceed the maximum population anticipated for the site within the County's General Plan. For instance, the General Plan permits up to 18 units per acre, which would amount to a total of 738 units on the 41 acres designated as Suburban Residential (18 x 41 = 738). 738 units times 2.59 persons per unit would result in a maximum population of 1,911 persons (or 2,361 persons at 3.2 persons/household). The Project proposes 358 new residents, which is significantly below the maximum contemplated in the General Plan.

RESPONSE CITY2-186

The Draft EIR does include a discussion of the Regional Housing Needs Assessment (RHNA) for unincorporated Orange County in Table 4.9-1 (see p. 4.9-9). Between 2006 and 2014, the RHNA for the unincorporated county was 1597 dwelling units and 3159 dwelling units in the Moderate Income and Above Moderate Income categories, respectively. The RHNA for these categories is 979 dwelling units and 2,174 dwelling units, respectively, for the 2014 through 2021 period.

The Project adds a total of 112 units in these two income categories which is within the total of 3,153 dwelling units identified for the two income categories for the unincorporated county for the 2014 to 2021 RHNA period.

RESPONSE CITY2-187

Please refer to Response City2-186.

RESPONSE CITY2-188

The 2008-2014 RHNA for the City included 1208 dwelling units in the Moderate Income and Above Moderate Income categories from a total allocation of 2039 dwelling units for all income categories. The 2014-2021 RHA for the City is 669 dwelling units with 396 dwelling units in these two income categories. In April 2014, the City prepared a status summary of meeting income category goals of the 2014-2021 RHNA. As of that date, 281 dwelling units in these two income categories remained unmet. Therefore, the Project's 112 dwelling units in these two income categories would contribute to the unmet need from the 2008-2014

RHNA, as well as the unmet need from the 2014-2021 RHNA as of April 2014 should the property be annexed to the City.

RESPONSE CITY2-189

Please refer to Response City2-188. Because the Project is within the total 2014-2021 RHNA for the City, and whether housing goals for all categories will be met by 2021 cannot be determined at this time, no changes to the cumulative impact summary would be appropriate in response to the comment.

RESPONSE CITY2-190

Table 4.11-3 on page 4.11-3 of Section 4.11, *Population and Housing*, and associated text has been revised based on updated information through January 1, 2014 from the California Department of Finance.

RESPONSE CITY2-191

Per comment, the reference to four service calls per day will be clarified that this applies to each station. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services

1. Page 4.12-5. Modify last paragraph with the following changes:

The OCFA goal for response (travel time) is to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call. The standard OCFA response to a medical emergency is with a paramedic engine or paramedic van, accompanied by an engine. If the medical emergency requires transportation to a hospital, a commercial (private) ambulance company would be utilized for this purpose. The response travel time to the project site is estimated at three minutes, which is within the response time goals of the OCFA. The primary access routes to the project site from the fire stations include Yorba Linda Boulevard, San Antonio Road, Aspen Way, and Via Del Agua. In 2011, the engine (E32) and medic van (M32) of Station 32 responded to 1,161 incidents and 1,486 incidents, respectively. The engine (E10) of Station 10 responded to 1,478 incidents. Thus, these stations each respond to approximately four service call per day on average. Historically, the vast majority of the service calls made by OCFA are for reasons other than fire response.

RESPONSE CITY2-192

The County library standard is 0.2 square feet per capita and 1.3 book volumes per capita. The City's service standard is 1.6 to 1.0 square feet per resident. Please refer also to Response City2-210.

RESPONSE CITY2-193

The call number of calls referenced in this comment are stated as an approximate number (based upon the four service calls per day average), while the number of calls cited in the Existing Conditions section are the actual number of calls provided by the OCFA. The difference between the numbers cited does not raise any new significant environmental issues or address the adequacy of the environmental impact analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-194

It is unclear to which sentence commenter is referring, as it is unclear from which sentence commenter begins counting. The number of service calls was based on data provided by OCFA. Refer to Footnote 2 on page 4.12-5 of the Draft EIR for reference to the OCFA letter correspondence.

RESPONSE CITY2-195

Per comment, the referenced 5 minute travel time maximum is inaccurate and the correct OCFA goal for response (travel time) to have the first engine on the scene is within seven minutes and 20 seconds from the receipt of the call. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services**1. Page 4.12-10. Modify last sentence with the following changes:**

The Project would introduce 112 single-family detached residential dwellings that would generate a new residential population of approximately 358 persons.¹² As mentioned above, the closest OCFA fire stations to the project site that would provide fire protection and emergency medical services are Station 32 and Station 10, with Station 32 the primary responder and Station 10 the backup responder. Station 32 and Station 10 are located approximately 0.3 miles and three miles from the project site, respectively. According to the OCFA, the response travel time to the project site is estimated at three minutes, which is well within the OCFA response time goal of seven minutes and 20 seconds. The servicing fire stations respond to approximately four calls per day on average, or approximately 1,460 calls annually.¹³ The Project would be designed, constructed and maintained in accordance with the OCFA development and construction requirements to minimize the risks associated with fires (see Project Features section above). As such, the incremental increase in population from the Project would not be substantial enough to significantly impact fire and emergency services on a daily or annual basis. It is noted that the OCFA response travel time to this Project (3 minutes) from Station 32 is less than the ~~allocated 5 minute travel time maximum~~ OCFA goal for response (travel time) to have the first engine on the scene within seven minutes and 20 seconds from the receipt of the call.

RESPONSE CITY2-196

Orange County Fire Authority (OCFA) Stations 32 and 10 are located within 0.3 and three miles from the project site, respectively. It is anticipated that primary service (fire protection and paramedic) to the project site will be from Station 32. The need for facility and equipment enhancements to serve the project site at either fire station is determined through a negotiated Fire Protection Agreement with OCFA required before grading permit issuance as per Mitigation Measure 4.12-1 on page 4.12-13 of Section 4.12, *Public Services*, and potentially through an adopted fee program for fire facilities and equipment as discussed in the first paragraph of page 4.12-11. Facility and equipment enhancement requirements to be defined by OCFA will ensure effective responses for fire protection and paramedic service needs.

RESPONSE CITY2-197

The Project's anticipated water supply infrastructure is identified, and its potential Project- and cumulative-level impacts are discussed, in Topical Response 2.

RESPONSE CITY2-198

Access to Planning Area 1 will be from Via del Agua connecting to Yorba Linda Boulevard to the south. Access to Planning Area 2 will be from Aspen Way connecting to San Antonio Road to the west which connects to Yorba Linda Boulevard to the south. Yorba Linda Boulevard is a County master planned Major Arterial and Primary Arterial with six and four lanes, respectively, to the south of the project site. San Antonio Road, Aspen Way and Via del Agua are City designated local roadways. All existing and planned roadways comply with standard design and engineering plans of both the County and City, are existing and planned public roadways and are currently used for fire protection access. As such, they will also provide adequate access to the project site from Orange County Fire Authority Stations 32 and 10 as confirmed by OCFA on page 4.12-5 of Section 4.12, *Public Services*.

RESPONSE CITY2-199

Please refer to Response City2-196.

RESPONSE CITY2-200

Per comment, Mitigation Measure 4.12-1 will be modified with this comment's suggested changes. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary**1. Page ES-34. Modify Mitigation Measure 4.12-1 with the following changes:**

Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the ~~project site~~ Project, to the satisfaction of OCFA.

Section 4.12, Public Services**1. Page 4.12-13. Modify Mitigation Measure 4.12-1 with the following changes:**

Mitigation Measure 4.12-1 Prior to issuance of a grading permit, the Project Applicant shall enter into a Secured Fire Protection Agreement with the OCFA. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to that required to serve the ~~project site~~ Project, to the satisfaction of OCFA.

RESPONSE CITY2-201

The Project does not propose any electric operating gates. Therefore Mitigation Measure 4.12-2 will be revised. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-34. Modify Mitigation Measure 4.12-2 with the following changes:

Mitigation Measure 4.12-2 All new traffic signals on public access ways ~~and all electric operating gates installed for the Project~~ shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

Section 4.12, Public Services

1. Page 4.12-13. Modify Mitigation Measure 4.12-2 with the following changes:

Mitigation Measure 4.12-2 All new traffic signals on public access ways ~~and all electric operating gates installed for the Project~~ shall include the installation of optical preemption devices to the satisfaction of the OCFA and the County of Orange Manager, Subdivision and Grading Services.

RESPONSE CITY2-202

This comment requests several editorial preferences. These corrections have been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR.

Also, this comment requests clarification on the extent of impacts regarding responses OCSO time objectives. As described on page 4.12-7 of the Draft EIR, the OCSO prioritizes calls for service, with Priority One being the highest (life threatening emergency). It is the goal of each patrol officer to respond to Priority One Calls in 5 minutes, Priority Two Calls⁴ in 12 minutes and Priority Three Calls⁵ in 20 minutes. Police services in the local project vicinity were recently evaluated as part of the contract for OCSO police services between the City and OCSO, with staff provided to meet response time objectives. The Project would add up to 112 new residences (up to approximately 358 residents), which is an incremental increase (0.5%) relative to the City's population of approximately 67,000 people. The OCSO's patrol routes would be modified to include the project site. As discussed on page 4.12-13 of the Draft EIR, to offset any incremental need for funding of capital improvements to maintain adequate police protection facilities and equipment, and/or personnel, the Project would be responsible for paying development impacts fees. In addition to the development impact fee reference, Mitigation Measure 4.12-2(B) has been added further ensure impacts to police services are less than significant. This mitigation measure requires that prior to issuance of a grading permit, the Project Applicant shall enter into a secured Law Enforcement Services Agreement with the Orange County Sheriff's Department. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site. The proposed mitigation measure is shown in Response LAFCO-8. In consideration of the Project's incremental population increase to OCSO's service area and the payment of development impacts by the Project, there would not be a "substantial" change in OCSO response times resulting from Project implementation. That is, the change

⁴ Requires immediate response and may not be assigned Code 3 (lights and siren) response. Includes crimes which have just occurred and the suspect has left the area and the victim is not in any further danger; any incident with potential of quickly escalating to a crime against person, i.e., family disturbance, custody disputes where all parties are present; bomb threats; any incident where a delay in response could impede further investigation, i.e., deceased person or situation involving delicate evidence; alarm calls; or similar circumstances.

⁵ Requires immediate response unless assigned a priority 1 or 2 call. Includes calls where the informant is to be contacted for a report only; most routine situations where there is an informant; suspicious person, loud parties or similar disturbances.

would not be such that response time objectives would not be met with the Project, compared to without the Project.

RESPONSE CITY2-203

The referenced discussion of impacts to Travis Ranch School on page 4.12-14 of the Draft EIR provides the student enrollment and capacity of the school, in addition to stating that the student enrollment exceeds the capacity of the school. The analysis further states that the projected number of elementary students (26) would further exceed the total elementary student capacity at the school. Furthermore, the commenter is referred to the discussion of schools in the “Existing Conditions” section of the Draft EIR on pages 4.12-7 and 4.12-8, which provides more detailed data on student enrollment and capacities on the schools serving the site.

Also, this comment’s request for an editorial preference does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-204

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-205

Per comment, Mitigation Measure 4.12-4 will be modified with this comment’s suggested changes. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-34. Modify Mitigation Measure 4.12-4 with the following changes:

Mitigation Measure 4.12-4 During construction, the Project’s Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going communication ~~shall~~ to be maintained with school administration at the Travis Ranch School, Fairmont Elementary School and YLHS, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to the school may be impacted in order to ensure school traffic and pedestrian safety. This mitigation measure to be verified by the Manager, OC Planning Development Services in quarterly compliance certification reports submitted by project contractor.

Section 4.12, Public Services

1. Page 4.12-15. Modify Mitigation Measure 4.12-4 with the following changes:

Mitigation Measure 4.12-4 During construction, the Project’s Construction Staging and Traffic Management Plan (see Mitigation Measure 4.14-1) shall include a provision for on-going

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

RESPONSE CITY2-206

The Public Services and Facilities Element of the County General Plan places the 1B, Suburban Residential General Plan designation within the Insurance Services Office (ISO) rating of ISO 3 because the project site is within 0.3 and three miles of two Orange County Fire Authority fire stations, and no Project structures will be located 1,000 feet or more from a fire hydrant. The project consistency analysis at the top of page 4.12-19, of Section 4.12, *Public Services*, details the project features which will make the development “fire safe.”

RESPONSE CITY2-207

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-208

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-209

This comment identifies an editorial correction (typo). This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-210

Page 4.11-5 of Section 4.11, *Population and Housing*, of the Draft EIR indicates that 3.2 residents are expected to inhabit each household on the project site. With 112 proposed dwelling units, 358 residents are expected to be generated by the project. With a County library standard of 0.2 square feet per capita and 1.3 book volumes per capita, as discussed on page 4.12-8, the project will generate the need for approximately 72 square feet of library space and approximately 465 book volumes as discussed on Page 4.12-16. The Villa Park branch library is the nearest County library to the project site at a distance of 6.3 miles to the southwest. Because the City’s public library is located 3.2 miles to the west of the project site, residents will likely prefer to use this facility for library services. According to the City’s Library Building Needs Assessment and Building Program Summary, the existing city library consists of 28,350 square feet. With a

library standard of 0.6 to 1.0 square feet identified as being needed per resident, the City is seeking a total of 50,820 square feet of library space for a build-out population of 70,000 residents which would include the project site, should it be annexed to the City. The City is seeking to relocate the existing library and build a new 50,820 square foot facility according to its 2009-2014 Library Strategic Plan. The Project's incremental need for additional library facilities can be met through payment of a library development fee as required by Mitigation Measure 4.12-8, or pursuant to a facilities and equipment (books, technology) agreement pursuant to the proposed additional mitigation measure provided below. Since OCPL does not have a specific fee program in place to address project-related impacts to library services/facilities in unincorporated areas, Mitigation Measure 4.12-8 enables the County to enter into development agreements with an applicant on a project-by-project basis.⁶ Mitigation Measure 4.12-8(b) would address impacts to City of Yorba Linda library facilities, as necessary.

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

Executive Summary

1. Page ES-36. Add the following mitigation measure under "Libraries":

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

Section 4.12, Public Services

1. Page 4.12-16. Add the following mitigation measure under "Libraries":

Mitigation Measure 4.12-8(b) Prior to issuance of a building permit, the Project Applicant shall enter into a capital facilities and equipment agreement with the Orange County Public Library and/or the Yorba Linda Public Library. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements and equipment, which shall be limited to serve the project site.

RESPONSE CITY2-211

SB-50 (Government Code Section 65995) referenced in Mitigation Measure 4.12-3 states in subsection (h) that school facilities fees paid per square foot of accessible residential space pursuant to this section "are hereby deemed to be full and complete mitigation of the impacts [caused by] the development of real property...on the provision of adequate school facilities." As an absolute fee based formulaic mitigation, no analysis is required addressing school facility standards.

⁶ Per phone conversation with Andrea Callo, Budget Analyst, with OCPL on September 19, 2014, the OCPL does not have a specific fee program in place for new residential projects in unincorporated County areas. Each project is evaluated on a project-by-project basis in the unincorporated areas, with Sections 7-9-700 through 7-9-713 of the Codified Ordinances of the County of Orange and Board Resolution 87-168 enabling the County to enter into development agreements with a project applicant,

RESPONSE CITY2-212

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-213

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-214

The referenced policy (10.2 of the City's Land Use Element) states that new development must pay its fair share fees for impacts to school services or provide new facilities as a condition of approval. The "Project Consistency" analysis provided in Table 4.12-5 appropriately addresses this policy by indicating that per Mitigation Measure 4.12-3, the Project Applicant would pay SB-50 fees to mitigate its impact on school facilities which can be used to rehabilitate and improve existing facilities or contribute to new facilities, with fees being paid at the issuance of building permits. The commenter is referred to the school impact analysis provided on page 4.12-14 of the Draft EIR for further discussion of impacts to Travis Ranch School. Also the commenter is referred to the discussion of schools in the "Existing Conditions" section of the Draft EIR on page 4.12-7, which provides more detailed data on student enrollment and capacities on the schools serving the site.

RESPONSE CITY2-215

The referenced policy consistency analysis pertaining to police services will be updated to reflect the police services analysis provided under Impact Statement 4.12-1 on page 4.12-13 of the Draft EIR. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.12, Public Services**1. Page 4.12-22. Modify 2nd paragraph in Column 2 in Table 4.12-5 with the following changes:**

Both the City and unincorporated County areas are served by the OCSD for law enforcement services. ~~OCSD has indicated that a small population increase from the project would not affect maintenance of the staff ratio of 0.46 deputies per 1,000 population.~~ As discussed in this EIR section, impacts regarding police facilities and services would be less than significant. Further, pursuant to County policy, the Orange County Sheriff-Coroner Department would review the Project proposal prior to its approval to ensure that adequate Sheriff patrol services are provided through a fee program or Secured Police Protection Agreement for this Project (refer to Mitigation Measure 4.12-2(B)).

RESPONSE CITY2-216

Please refer to Topical Response 2 for a discussion of the Project's water supply infrastructure.

RESPONSE CITY2-217

Please refer to Response City2-196.

RESPONSE CITY2-218

The Project would be served by Travis Ranch Elementary and Middle Schools. None of the related projects identified in the Draft EIR are located within the boundaries of Travis Ranch Elementary School. Elementary students generated by the Esperanza Hills Project would attend Bryant Ranch Elementary. Middle school students generated by the Esperanza Hills would attend Travis Ranch Middle School. The Draft EIR issued for the Esperanza Hills Project indicates that it would generate approximately 42 middle school students. The Cielo Vista Project would generate approximately 14 middle school students. Thus, both projects would generate approximately 56 middle school students combined. According to the 2012 enrollment data provided in the Cielo Vista Draft EIR, Travis Ranch Middle School had an enrollment of 790 students and a capacity of 860 students. Thus, there would be capacity at Travis Ranch Middle School to accommodate students generated by both the Cielo Vista and Esperanza Hills Projects.

Related Project Nos. 1, 2, 4, 8, 12, 13, 14 and 15 would generate high school students that would attend Yorba Linda High School (YLHS). These projects would include a total of approximately 848 single-family residences and 580 multi-family residences. Based on a single-family (SF) generation factor of 0.1826 students per SF residence and 0.1154 students per multi-family (MF) residence, these related projects would generate a total of 222 high school students.⁷ Together with Cielo Vista, the total number of high school students generated would be approximately 242 students. As stated in the Draft EIR on page 4.12-14, YLHS had a total student enrollment of 1,733 students and a total student capacity of 1,850 students (as of 2012). Thus, the additional students generated by the Project and related projects could exceed the high school's capacity, based on 2012 enrollment data. It would be up to the discretion of the PYLUSD as to how to accommodate the anticipated student population at YLHS (i.e., portable classrooms, new school facilities, school boundary modifications, etc.). Pursuant to SB 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD is considered full mitigation for Project impacts, including impacts related to the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3. All the related projects would be required to pay similar fees to ensure adequate school services are provided within PYLUSD. Payment of such fees would ensure cumulative impacts to schools are less than significant.

RESPONSE CITY2-219

Please refer to Response City2-210.

RESPONSE CITY2-220

Section, 4.13, *Recreation*, in the Draft EIR was prepared based on the information available at the time of preparation of the Draft EIR consistent with the State's CEQA Guidelines. During preparation of the EIR recreation analysis, the City's Parks and Recreation Department was contacted to obtain the most current

⁷ MF student generation rate from the Yorba Linda Housing Element and Implementation Programs Draft EIR, prepared by Impact Sciences, Inc. in February 2011. SF student generation rates from the Cielo Visas Draft EIR.

information available regarding the City's Parks and Recreation Master Plan Update. The City provided the Parks and Recreation Master Plan Update Report (memorandum dated March 21, 2013), which is referenced in the EIR analysis. The County acknowledges that updates to the Parks and Recreation Master Plan Update have occurred since release of the Draft EIR for public review and the final Master Plan will be forthcoming. The County also acknowledges that changes to the park in-lieu requirements and parkland inventory have changed since preparation of the Draft EIR. However, despite any new information as part of updates to the Master Plan, the Draft EIR concludes that the Project would result in a potentially significant impact to parks and recreation facilities. Thus, Mitigation Measure 4.13-1 has been prescribed. Per the prescribed mitigation measure, the Project Applicant would pay local park fees pursuant to the determining formula contained in the County Local Park Code, and meeting the City standards for the provision of local parks. As the mitigation measure contains a provision to meet City standards for local parks, the Project would be subject to the applicable park in-lieu requirements to be included in the Final Parks and Recreation Master Plan. Based on the above, the impact conclusions and prescribed mitigation measures in the Draft EIR pertaining to parks and recreation will not change based on the City's updated Parks and Recreation Master Plan.

RESPONSE CITY2-221

Please refer to Response City2-58. It would be premature to address local trail planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-2 on page 4.13-16 of Section 4.13, *Recreation*, of the Draft EIR addresses local trail planning and implementation.

RESPONSE CITY2-222

It would be premature to address local park planning and implementation in coordination with the County and the City before the City approves its Parks and Recreation Master Plan update. Mitigation Measure 4.13-2 on page 4.13-16 of Section 4.13, *Recreation*, of the Draft EIR addresses local park planning, acquisition, and improvements. The pending update may identify local park sites in the unincorporated area east of the City should the property be annexed to the City.

RESPONSE CITY2-223

This comment includes an editorial preference. This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-224

Because the project application is through the County, it would be confusing to reference the City standard as part of and under the County's Quimby Act standard. The City standard is clearly explained on page 4.13-4 of Section 4.13, *Recreation*, in the Draft EIR. Additionally the need for the County and the City to coordinate over local park planning, especially if the property is annexed to the City is addressed in Mitigation Measure 4.13-1.

RESPONSE CITY2-225

CEQA requires the environmental setting to be included for all impact subject areas in an EIR as per CEQA Guidelines Section 15125. Because the Project is located in the unincorporated county, the County's Parks Strategic Master Plan is an appropriate reference as a prelude to planning a local park whether or not that master plan is ultimately used to provide parameters for local park planning, especially if the property is annexed to the City.

RESPONSE CITY2-226

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process.

RESPONSE CITY2-227

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-228

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-229

Per comment, the reference to Figure 4.13-1 will be changed to Figure 4.13-2. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.13, Recreation**1. Page 4.13-6. Modify last paragraph with the following changes:**

The City of Yorba Linda's *Riding, Hiking and Bikeway Trail Component Map*, (Figure 4.13-~~1~~2) found within the City's General Plan, shows several planned trails within the project area. Trail 35a (San Antonio Park Trail) begins at Yorba Linda Boulevard near San Antonio Road. From that location the trail is proposed to extend northeast through an area of open space (part of Tract 9813) to the western edge of the project boundary.

RESPONSE CITY2-230

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-231

Please refer to Response City2-221.

RESPONSE CITY2-232

The methodology utilized in the parks and recreation analysis does consider the City of Yorba Linda requirements. The impact analysis under Impact Statement 4.13-1 beginning on page 4.13-12 of the Draft EIR references the City's standards and requirements, where appropriate.

RESPONSE CITY2-233

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-234

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-235

Trails planned in the local project vicinity, as envisioned in the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map are conceptually shown on Figure 4.13-2 of the Draft EIR to be designed and constructed by the City of Yorba Linda. Future trails to be developed by the City are discussed on pages 4.13-15 and 4.13-16 of the Draft EIR. As discussed therein, the Project would not conflict with any of the contemplated trails through and near the project site as illustrated on the City of Yorba Linda's Riding, Hiking and Bikeway Trail Component Map. Nonetheless, Mitigation Measure 4.13-2 has been prescribed to ensure that all contemplated trails could be constructed through the project site. Mitigation Measure 4.13-2 allows for completion of local riding, hiking and bicycle trails as defined in the City's trails plan allowing for connectivity with existing trails to meet the recreational needs of the area's existing and future residents.

RESPONSE CITY2-236

Per comment, the improvements to San Antonio Park will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Section 4.13, Recreation**1. Page 4.13-12. Modify the 2nd to last sentence in the 1st paragraph with the following changes:**

With regards to San Antonio Park, there was a Level 2 demand for added parking expansion ~~or improvements~~ to the park.

RESPONSE CITY2-237

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not

raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-238

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-239

The commenter is referred to Response City2-220 regarding a discussion of the updates to the City's Parks and Recreation Master Plan.

RESPONSE CITY2-240

Please refer to Response City2-222.

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

RESPONSE CITY2-241

Please refer to Response City2-240.

RESPONSE CITY2-242

Please refer to Response City2-240.

RESPONSE CITY2-243

Please refer to Response City2-240.

RESPONSE CITY2-244

This comment provides a reference to earlier comments provided earlier in this letter. Individual responses to this letter are provided above in Responses City2-235 to City2-241, above.

RESPONSE CITY2-245

The most current ICU methodology (2003 edition), prepared by Trafficware, indicates that "older versions of ICU use a 15-minute period where 60-minute counts are converted to 15-minute counts using a PHF;

however, the ICU 2003 eliminates the PHF. The resulting LOS scale has been adjusted to balance out this change in analysis methodology.⁸ For this reason a PHF of 1.00 was utilized for the purposes of the analysis. In effect, the reported LOS results account for the PHF by using a revised LOS scale. This is done for compatibility with the Highway Capacity Manual (HCM) methodology.

RESPONSE CITY2-246

The traffic impact analysis shows that the peak hour intersection capacity, average vehicle delay and associated LOS are anticipated to far exceed the City of Yorba Linda intersection level of service standard of LOS "D" or better. With the proposed mitigation measure to install a traffic signal at the intersection of Via Del Agua at Yorba Linda Boulevard (Intersection #11), the intersections of San Antonio Way at Aspen Way (Intersection #7), San Antonio Way at Yorba Linda Boulevard (Intersection #8), and Via Del Agua at Yorba Linda Boulevard (Intersection #11) are each anticipated to operate at LOS "A" or "B" during the peak hours. Therefore, the vehicle queue lengths for the southbound approaches for the intersections of Yorba Linda Blvd./San Antonio Way and Yorba Linda Blvd./Via Del Agua are expected to dissipate entirely during each cycle of the traffic signal at the intersection of San Antonio and Yorba Linda Drive. A review of the potential vehicle queuing for the westbound approach of Aspen Way to San Antonio suggest a queue length of approximately 24 feet or roughly one vehicle. The nearest driveway for the home located on the north side of Aspen Way is located approximately 65 feet behind the stop bar. This indicates that adequate storage capacity is available during long-range future 2035 conditions with the Project for the westbound approach of Aspen Way.

RESPONSE CITY2-247

The purpose of the Opening Year analysis is to identify potential short-term traffic impacts that may occur before planned improvements are developed to support long-range traffic demand. In addition, opening year analysis is often used to identify the phasing of improvements needed to for long-range 2035 cumulative traffic conditions. When improvements are required for long-range conditions, the opening year phasing analysis helps to stage improvements based on the expected traffic growth over time. However, it is important to recognize that since no additional traffic improvements (beyond the prescribed Mitigation Measure 4.14-2) are needed to support long-range 2035 cumulative with project traffic conditions for Cielo Vista, the timing or phasing of the improvements is no longer important. In effect, if all intersections operate at an acceptable LOS for long-range 2035 cumulative traffic condition they will also operate an acceptable LOS for any opening year condition between 2015 and 2035.

Consistent with the City of Yorba Linda Traffic Impact Analysis guidelines, a project opening year of 2015 was established prior to preparation of the Traffic Impact Analysis in consultation with the City of Yorba Linda and the County of Orange as part of the normal traffic study scoping process. The traffic study scoping process approach is considered best practice and is done in an effort to identify the project traffic study assumptions used to prepare the study before the analysis is done.

The traffic study includes an analysis of traffic conditions, for existing, opening year 2015 and long-range horizon year 2035 conditions. In addition to the opening year, the traffic study also includes horizon year

⁸ *"Intersection Capacity Utilization, Evaluation Procedures for Intersections and Interchanges", 2003 edition, prepared by Trafficware. Page 19.*

2035 cumulative traffic scenarios. The 2035 scenarios assume full buildout of all identified cumulative development projects, and are included as part of the long-range 2035 growth projections for the study area. Therefore, the Project's potential cumulative impacts have been adequately addressed as part of the horizon year 2035 traffic analysis. In order to identify the Project's impacts, intersection level analysis was performed for each of these traffic conditions. The traffic study identifies the Project traffic mitigation measures needed to maintain an acceptable level of service for each of these traffic conditions. Based on the findings of the analysis, a traffic signal is needed at the intersection of Via del Agua at Yorba Linda Boulevard under existing plus Project conditions. No additional traffic mitigation is needed as a result of the proposed Project for horizon year 2035 conditions. Since the recommended Project improvements are needed under existing with Project conditions, and no additional Project improvements are needed for long range year 2035 conditions, any opening year condition between 2015 and 2035 will not trigger the need for additional mitigation.

RESPONSE CITY2-248

The County of Orange Growth Management Program (CMP) guidelines state that project traffic volumes resulting in a 1% increase in the Volume/Capacity ratio of a DEFICIENT intersection as compared to the No Project condition is considered significantly impacted and mitigation measures are required to reduce the project's impact to a level of insignificance. However, since all study area intersections evaluated in the traffic report were found to operate at an acceptable LOS (with the exception of the intersection of Via Del Agua at Yorba Linda Boulevard, which was identified in the traffic report as a direct project impact) during the peak hours for Opening Year and Horizon Year (2035) traffic conditions, a comparison of the change in delay/ICU values for the purposes of determining potential impacts was not provided. The 1% significance threshold is ONLY applied to DEFICIENT intersections. Since all of the intersections operate at an acceptable LOS and none of the intersection locations are DEFICIENT the tables do not show the change in ICU.

RESPONSE CITY2-249

This comment is acknowledged by the County. Mitigation Measure 4.14-2 on page 4.14-30 in Section 4.14, *Traffic/Transportation*, of the Draft EIR requires the traffic signal installation at Via del Agua and Yorba Linda Boulevard in consultation with the City. The signal is to be located in the City and will be required to be integrated and phased with other cross traffic signals along Yorba Linda Boulevard. Therefore, the traffic signal must be designed, built, and electronically interconnected pursuant to City standards.

The Draft EIR incorrectly states the timing of the traffic signal installation in Mitigation Measure 4.14-2. The Draft EIR indicated the traffic signal would be installed prior to issuance of building permits. However, as correctly indicated in the text of the Draft EIR on pages 4.14-30 and 4.14-75 of the Draft EIR, the traffic signal would be installed prior to issuance the first occupancy permits for the Project. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Executive Summary

1. Page ES-37 and ES-38. Modify Mitigation Measure 4.14-2 with the following changes:

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of building the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda

Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

Chapter 4.14, Traffic/Transportation

1. Page 4.14-30. Modify Mitigation Measure 4.14-2 with the following changes:

Mitigation Measure 4.14-2 A traffic signal shall be installed prior to issuance of building the first occupancy permits, or as otherwise determined appropriate through consultation with the City of Yorba Linda, for the Project at the intersection of Via del Agua and Yorba Linda Boulevard. The Project Applicant shall pay the City of Yorba Linda its fair share cost toward installation of a traffic signal, install the traffic signal, or pay the full cost of the signal installation, with the latter two alternatives subject to reimbursement, as agreed to by the Project Applicant and the City of Yorba Linda.

RESPONSE CITY2-250

The future long-range Year 2035 traffic analysis for the intersection of Via Del Agua and Yorba Linda Boulevard indicates that 80 to 248 vehicles will make an eastbound left turn movement during the peak hour conditions. Based on field review, the existing eastbound left turn pocket length is approximately 100 feet, not including the transition, which would appear to allow for an additional 30 feet of vehicle storage without intruding into the eastbound through travel lane. As the minor street volumes are significantly lower than the major street volumes along Yorba Linda Boulevard, the future traffic signal timing plans could be developed to address specific peak traffic events (e.g., school pickup and drop-off). Because this is a local residential collector street, a shorter cycle length should be possible to help address queues. With changes to the traffic signal timing during peak hour conditions, the eastbound left turn lane will provide adequate capacity to accommodate the peak hour vehicle queues.

With respect to Option 2 and the Modified Option 2, the Esperanza Hills Draft EIR itself acknowledges that the required legal instruments to secure access across the Cielo Vista site (e.g., an access and grading easement) do not currently exist. As a result, it would be speculative for the Cielo Vista Draft EIR to assume the existence of such access corridors or to make assumptions regarding their location, path, and potential environmental impacts.

RESPONSE CITY2-251

This comment is noted by the County. As discussed on page 2-10, in Section 2.0, *Project Description* (subsection 1. Overview), of the Draft EIR, access to Planning Area 1 would be provided from Via Del Agua within an existing, unimproved right-of-way between the southerly boundary of Planning Area 1 and Via Del Agua. As part of the approval of an existing adjacent residential development to the south of the project site, right-of-way was dedicated to, and accepted by, the City in order allow for construction of a future street connecting the project site with Via Del Agua. Access to Planning Area 2 would be provided from Aspen Way. Aspen Way, a local roadway, extends easterly from San Antonio Road with the paved improvements terminating approximately 400 feet from the westerly boundary of the project site. The existing dedicated right-of-way for Aspen Way would be improved as part of the project to provide access to Planning Area 2.

RESPONSE CITY2-252

Should the City upgrade its signal system to include special signal timing required for fire emergency evacuation, the project applicant would be required to fund that component only for this particular signal installation. Should the City adopt a fee program for signal coordination in the event of a fire emergency, and the project site is annexed to the City, building permit issuance would be connected to the payment of such a fee.

RESPONSE CITY2-253

The commenter is referred to Response City2-235 for a discussion of future trails within the project site.

RESPONSE CITY2-254

This comment provides a general introduction to comments on the Traffic Study. The County acknowledges that these comments are also applicable to the traffic analysis included in Section 4.14 of the Draft EIR. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

RESPONSE CITY2-255

Per comment, the reference to PM peak hour will be changed to AM peak hour. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 8. Modify first paragraph with the following changes:****1.5 Summary of Project Impacts and Mitigation Measures**

This section provides a summary of direct Project impacts and associated mitigation measures. Section 2.0 *Methodologies* provides information on the methodologies used in the analyses and Section 6.0 *Opening Year (2015) Traffic Analysis* includes the detailed analysis. Although the intersection of Via del Agua at Yorba Linda Boulevard is currently operating at unacceptable LOS (i.e., LOS “F”) during the ~~PM~~AM peak hour under Existing (2012) traffic conditions, the addition of Project traffic (as measured by 50 or more peak hour trips) is anticipated to contribute to the deficiency at this intersection. Based on the stated significance threshold for intersections already operating at LOS “E” or LOS “F” under pre-project conditions, the impact is considered “significant”.

This second portion of this comment identifies an editorial correction (typo) and will be corrected, as noted above. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-256

Field reviews conducted by Urban Crossroads (Traffic Consultant) show that defacto right-turns at the northbound and westbound approaches for the intersection of San Antonio Road and Aspen Way occur during peak hour conditions. A review of the long-range traffic conditions indicates that between 4 and 9 vehicles will make a right-turn movement at the northbound and westbound approaches for the intersection

of San Antonio Road and Aspen Way. This translates into one vehicle turning right anywhere from 6 to 15 minutes during the peak hour conditions. The intersection of San Antonio at Aspen Way is expected to operate at LOS "A" and LOS "B" for long range 2035 traffic conditions irrespective of the use of defacto right-turns or the existence of parked cars at the northbound and westbound approaches for the intersection of San Antonio Road and Aspen Way.

RESPONSE CITY2-257

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-258

This comment is noted by the County. However, the does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR; therefore, a further response is not required under CEQA.

RESPONSE CITY2-259

The baseline conditions identified for 2012 are consistent with CEQA, which allows the baseline conditions to be established at the time of the NOP. (14 Cal. Code Regs § 15125(a).)

RESPONSE CITY2-260

Exhibit 3-12 has been corrected to maintain consistency with the intersection operational analysis provided in Table 3-1. The Exhibit has been revised to reflect acceptable peak hour operations during the PM peak hour and is included in Chapter 3.0, *Corrections and Additions*, of this Final EIR .

RESPONSE CITY2-261

Please refer to Response City2-256.

RESPONSE CITY2-262

Please refer to Response City2-247.

RESPONSE CITY2-263

Exhibit 4-1 illustrates both the outbound trip distribution pattern, consistent with the approved project scoping agreement, as well as the reverse (or inbound) project trip distribution pattern. For example, if 6% of the outbound project traffic is shown making a southbound right at San Antonio Way, this same 6% of project traffic is expected to represent the inbound traffic volumes making an eastbound left turn at the intersection. The inbound project traffic distribution pattern simply mirrors the outbound project traffic distribution pattern shown on Table 4-1.

RESPONSE CITY2-264

It is conservatively anticipated that the majority of construction-related employees would arrive and depart from the site during peak commute traffic periods (i.e., 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM) with a period of overlap. Employee trips are based on the number of employees estimated to be on site during different points throughout the project's construction. The potential impacts resulting from construction-related parking and employee trips are considered less-than-significant. It is anticipated that that up to 38 worker trips would occur per day during the construction phase (conservatively assuming all 112 dwelling units are under construction at once). These trips represent two-way daily trips, or one trip inbound and one trip outbound. Conservatively assuming that all inbound trips occur in the morning and all outbound trips occur in the evening, a total of 19 inbound and 19 outbound trips are estimated (i.e., 38/2).

RESPONSE CITY2-265

In addition to the employee trips, there are heavy equipment trips (classified as vendor trips). It is anticipated that that up to 12 vendor trips would occur per day during the construction phase (conservatively assuming all 112 dwelling units are under construction at once). These trips represent two-way daily trips, or one trip inbound and one trip outbound. Conservatively assuming that all inbound trips occur in the morning and all outbound trips occur in the evening, a total of 6 inbound and 6 outbound trips are estimated (i.e., 12/2). When taken into consideration with the construction employee trips, there are a total of 25 inbound and 25 outbound trips estimated (i.e., 38/2 + 12/2). However, this is a conservative estimate as vendor trips are likely to occur throughout the day as opposed to during the morning and evening commute periods. In addition, all of the area intersections are expected to operate at an acceptable LOS with mitigation during the peak hours and these 25 inbound and 25 outbound trips would not trigger a significant impact.

RESPONSE CITY2-266

Please refer to Response City2-247.

RESPONSE CITY2-267

Please refer to Response City2-247. Consistent with the traffic scoping agreement, a cumulative project list was established at the time of the NOP to support the Traffic Impact Analysis. The cumulative project list identifies other potential project traffic volumes to include as part of the opening year analysis. However, as indicated in Response City2-247, all cumulative projects have been included and accounted for in the long-range future Year 2035 conditions

RESPONSE CITY2-268

Please refer to Responses City2-247 and City2-267.

RESPONSE CITY2-269

Please refer to Response City2-247.

RESPONSE CITY2-270

Please refer to Responses City2-247 and City2-259.

RESPONSE CITY2-271

Per the comment, the impact conclusion referenced in the Traffic Study will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 65. Modify subsection 5.4 with the following changes:****5.4 Project Mitigation Measures**

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location's peak hour delay and improve the associated LOS grade to LOS "D" or better. As shown on Table 5-1, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

RESPONSE CITY2-272

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-273

Please refer to Response City2-247.

RESPONSE CITY2-274

Per comment, the impact conclusion referenced in the Traffic Study will be clarified. The following revisions have been made to the Draft EIR and are also included in Chapter 3.0, *Corrections and Additions*, of this Final EIR:

Appendix L, Traffic Study**1. Page 78. Modify subsection 6.5 with the following changes:****6.5 Project Mitigation Measures**

Improvement strategies have been recommended at the study area intersection that has been identified as impacted to reduce the location's peak hour delay and improve the associated LOS grade to LOS "D" or better. As shown on Table 6-2, the addition of Project traffic ~~has the potential to~~ would worsen the peak hour operations of the following intersection, ~~potentially~~ resulting in a potentially significant impact:

RESPONSE CITY2-275

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-276

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-277

Please refer to Responses City2-247 and City2-259.

RESPONSE CITY2-278

The commenter's question regarding emergency evacuation time for residents in the area surrounding the Project site is comprehensively addressed in Topical Response 3.

The commenter's second question regarding emergency access from the Esperanza Hills' site should be addressed to the County in connection with that EIR (Esperanza Hills Draft Environmental Impact Report, State Clearinghouse No. 2012121071.) Although a response from the assigned Esperanza Hills' planning staff would ultimately be most appropriate, we would point the commenter to page 5-297 of that document, which indicates that primary access would be via Aspen Way and that an "...improved fire apparatus access road would align with the existing dirt road from Stonehaven Drive across Blue Mud Canyon in approximately the same alignment as an existing dirt road that historically has been used by oil well operators, the OCFA, the YLWD, SCE, Chino Hills State Park, and neighboring residents for vehicular and foot access into the project area.

RESPONSE CITY2-279

The County is referenced as they are the lead jurisdiction, but the report text also recognizes that their standards are consistent with Caltrans sight distance standards. The corner sight distance was evaluated at the access point per Standard No. 1117, which requires an intersection sight distance using a 3.5 foot high driver eye height with a 4.25 foot high object height while in a vehicle at an intersection 10 feet back from the edge of the travelled way.

RESPONSE CITY2-280

The corner sight distance was evaluated at the access point per County of Orange Standard No. 1117, which exceeds the minimum stopping sight distance per the Caltrans Highway Design Manual for a street with a posted speed limit of 30 mile per hour. Per the Caltrans Highway Design Manual, the minimum stopping sight distance for 30 miles per hour is 200-feet. This Highway Design Manual standard is less than the 280-foot relied upon in the traffic study. Therefore, the minimum intersection sight distance of 280 feet relied upon in the traffic study exceeds the Caltrans minimum stopping sight distance standard by 80 feet.

RESPONSE CITY2-281

Comment City2-281 asks a series of questions about the EIR's alternatives. First, with respect to the alternatives carried forward for analysis in the Draft EIR, the Draft EIR considers four alternatives to the Project: the No Project Alternative, the Planning Area 1 Only Alternative, the Large Lot/Reduced Grading Alternative, and the Contested Easement Alternative. In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative. The EIR also considers and rejects two additional alternatives: Alternative Location and Alternative Land Use. The No Project Alternative is required by CEQA Guidelines Section 15126.6(e)(1) and was therefore included in the EIR. The three other alternatives selected for analysis were chosen because they are consistent with CEQA Guidelines Section 15126.6(a) in that they all "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Each also includes the types of residential uses that are currently permitted on the site and is compatible with the existing single-family uses to the north, west and south of the site.

Next, the commenter asks why the EIR evaluated alternatives given that the Project would not result in any significant and unavoidable environmental impacts. Simply put, the answer is that such analysis is required by CEQA Guidelines Section 15126.6(a), which provides that EIRs "shall describe a range of reasonable alternatives to the project, or to the location of the project." An EIR is required to include an alternatives analysis regardless of whether the underlying project would result in any significant and unavoidable environmental impacts (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, (1988) 47 Cal. 3d 376).

Finally, the commenter asks that the EIR include a discussion explaining why each alternative was selected and what impacts it is intended to eliminate or reduce. As noted above, each alternative was selected because they "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project," consistent with CEQA Guidelines Section 15126.6(a). In terms of the impacts that each alternative would eliminate or reduce, Table 3-1 in Chapter 3.0 of this Final EIR comprehensively compares the impacts of each of the proposed alternatives, on a threshold-by-threshold basis, against the proposed Project.

RESPONSE CITY2-282

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

RESPONSE CITY2-283

The commenter asserts that the Draft EIR improperly dismissed off-site alternatives and should have included and analyzed an alternative location for the project site. CEQA requires the consideration of a reasonable range of alternatives, but it does not mandate the consideration of off-site alternatives. (Pub. Resources Code §§ 21001(g), 21002.1(a), 21061; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491.) The Draft EIR considered a reasonable range of alternatives sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned. (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) Specifically, the Draft EIR analyzed four alternatives to the Project, a No Project Alternative, a Planning Area 1 Only Alternative, a Large Lot/Reduced Grading Alternative, and a Contested Easement Alternative. In addition, this Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5

for a discussion of the Modified Planning Area 1 Only Alternative. This range of alternatives represents enough variation to allow informed decisionmaking. (*Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.) The comment does not challenge the adequacy of the range of alternatives.

With regard to off-site alternative locations, the Draft EIR reasonably concluded that, given the scope of the Project, which was designed specifically for the site's geographic limitations, and the Project's objectives, an alternative site in the general vicinity of the project site would likely result in similar or greater impacts than the Project, assuming implementation of generally similar mitigation measures that are not site-specific. Alternative sites may include areas of higher and more varied topography resulting higher visibility from surrounding areas. Other sites potentially could have neighboring uses that are less compatible in terms of similar density. Further, the project site is surrounded by residential uses on three sides, which allows the site to connect with existing utility infrastructure. While the commenter suggests that an alternative location be considered, the commenter does not provide an alternative location or any evidence that an alternative location would reduce the impacts of the proposed project at the project site. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.)

The commenter is also referred to Response 114-7, which notes that an alternative off-site location must be able to meet the project's objectives, avoid or substantially lessen the project's impacts, and be feasible. Given the project objectives (which include provision of residential units and significant open space) and the scope of the project, the Draft EIR reasonably concluded that an off-site alternative would likely result in similar or greater impacts than the proposed project. CEQA makes abundantly clear that the project objectives should drive the agency's selection of alternatives for analysis an approval. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991.)

Moreover, the project proponent does not own any other properties in the nearby local vicinity, which is highly indicative of infeasibility. (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 522.)

RESPONSE CITY2-284

Contrary to the comment, the impact conclusion under the No Project Alternative is not based on a single-study intersection (Yorba Linda Boulevard and Via Del Aqua). That impact analysis considered the fact that the Project's traffic impacts at all other intersections would be less than significant. The analysis further acknowledges that the No Project Alternative would not affect the local and regional traffic network. Also, the analysis indicates that the prescribed mitigation measure (Mitigation Measure 4.14-2) for the Project would eliminate an existing deficiency on the local circulation network. Thus, while the elimination of the intersection deficiency was a substantial consideration in the impact conclusion, it was not the only intersection considered in the impact conclusion, as the commenter suggests.

RESPONSE CITY2-285

The comment requests an explanation for the EIR's Planning Area 1 Only Alternative. The Planning Area 1 Only Alternative excludes development of Planning Area 2, which consists of 17 lots at the extension of Aspen Way, and provides for development of Planning Area 1 at a density well below allowed by the County General Plan. As with all alternatives analyzed in the EIR, the Planning Area 1 Only Alternative was selected for analysis because it is consistent with CEQA Guidelines Section 15126.6(a) in that it "feasibly attain[s] most of the basic objectives of the project but would avoid or substantially lessen any of the significant

effects of the project.” Here, the Planning Area 1 Only Alternative includes the types of residential uses that are currently permitted on the site and is compatible with the existing single-family uses to the north, west and south of the site. The density proposed under this Alternative was selected based upon consideration of the gross densities provided in the surrounding areas as shown in Table 4.9-3 on page 4.9-19 of the Draft EIR. As shown in the table, the gross densities in the surrounding areas range from approximately 1.04 to 1.96 lots per acre. While the proposed density of this Alternative (2.0) would be on the high end of this range, the proposed density would be closest to the density of the adjacent Dorinda Road tract (1.96 gross density). Moreover, as summarized in Table 3-1 in Chapter 3.0 of this Final EIR, it “would avoid or substantially lessen any of the significant effects of the project” (e.g., biological resources and cultural resources) because it excludes development in Planning Area 2. In so doing, it would create 6.4 acres of additional open space as compared to the Project. Finally, note that the Final EIR includes evaluation of a Modified Planning Area 1 Only Alternative in Chapter 3.0. Please refer to Topical Response 5 for a discussion of the Modified Planning Area 1 Only Alternative.

RESPONSE CITY2-286

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-287

This comment identifies an editorial correction (typo). This correction has been made in Chapter 3.0, *Corrections and Additions*, of this Final EIR. No further response is required because this comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the Draft EIR.

RESPONSE CITY2-288

This comment correctly states that land use impacts were concluded to be significant and unavoidable for the Planning Area 1 Only Alternative. As discussed on pages 5-15 and 5-16 of the Draft EIR, similar to the Project, implementation of this Alternative would generally be consistent with land use plans or policies, zoning, and land use designations of the site and with relevant land use goals and policies, with the exception that the increased density would not be consistent with the applicable City of Yorba Linda General Plan land use designation which permits residential uses up to 1.0 dwelling units per acre. In addition, the higher density under this Alternative in Planning Area 1 would not be as complementary to the housing density of the adjacent single-family neighborhoods when compared to the Project and, therefore, may not be compatible. Due to the increased density within Planning Area 1, land use impacts would be greater under this Alternative when compared to the Project. As the higher density of this Alternative would result in significant and unavoidable environmental impacts (e.g., GHG emissions), land use impacts are concluded to be significant and unavoidable. This analysis provided in the Draft EIR substantiates the rationale to support the significant and unavoidable impact conclusion.

RESPONSE CITY2-289

Consistent with this comment, the air quality analysis provided for the Large Lot/Reduced Grading Alternative provided on page 5-20 of the Draft EIR indicates that this Alternative would result in less overall grading than the Project.

RESPONSE CITY2-290

Please refer to Response 114-5, which discusses Alternative 4, Contested Easement Alternative, and its inclusion in the Draft EIR.

RESPONSE CITY2-291

Please refer to Response City2-240.