

## **2.C COMMUNITY MEETING COMMENTS AND RESPONSES**

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CIELO VISTA OPEN HOUSE  
Monday, December 16, 2013

Reported by: Arcy M. Dropulic, CSR No. 13394

1                   COMMUNITY MEMBER: We all have the same  
2                   questions. We all have the same complaints. We all have  
3                   the same concerns. And I think when you sequester us to  
4                   the different tables, it colludes the ability to have it  
5                   documented and recorded. So I think if you just take a  
6                   quick vote, just say let's not go to these stations and  
7                   let's ask the questions where everyone can hear, and let's  
8                   answer.

9                   I asked a very simple question of who actually  
10                  owns that land. I could not get an answer. They would  
11                  not tell me who owns that land. Well, we think the  
12                  Travis Company. I said, well, who are you guys? Well,  
13                  we're Sage. I said, do you guys own the land? Well,  
14                  that's a really hard question. I can't really answer  
15                  that.

16                 So I think we all -- we all have the same  
17                 questions and we have all been misled, very, very  
18                 blatantly misled. We've been told by our city council  
19                 that they will fight for us a year and a half ago. And  
20                 then all of a sudden, here we are.

21                 And, you know, when they tell us, we stand behind  
22                 you, period. Well, we all learned what that means, and I  
23                 think we all deserve to be dealt with honestly. And I  
24                 think everyone who is in this room could answer these  
25                 questions from why didn't you go guys go through

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1 Yorba Linda to how did we get to this place.

2 COMMUNITY MEMBER: And is Mr. Spitzer here  
3 tonight? And how will he hear from us if he doesn't have  
4 enough interest to come to any of these meetings?

5 COMMUNITY MEMBER: I think what the lady is  
6 saying is, let's have it as an open forum. Let's not go  
7 to the tables. That's a divided and conquer. That's an  
8 old Roman, you know, tactic.

9 Number 2, I think what we've got here is we got  
10 one of the developers, the small portion that's speaking  
11 tonight. This whole issue I think tonight is really more  
12 to talk about the EIR, the SEQUA. And this developer is  
13 really the small potatoes compared to Esperanza Hills.  
14 Gosh only knows if friends in Texaco can be developed.

15 So you're not coming to us collectively, as  
16 you've just used that word. You're coming to us singular  
17 to where then we got to go to the Esperanza Hills. And  
18 collectively is what is going to impact because we're the  
19 ones -- you don't live in Yorba Linda. You don't know  
20 what the hell it was getting the hell out when that fire  
21 took place. We're not talking what ifs. We're talking  
22 what if it happens again.

23 COMMUNITY MEMBER: When it happens again.

24 COMMUNITY MEMBER: It will happen.

25 COMMUNITY MEMBER: It will happen. It will

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1 happen again.

2 COMMUNITY MEMBER: So let's get to the meat and  
3 potatoes. Let's get right to the traffic issue. Let's  
4 get right to the EIR. Let's get to the SEQUA and how it's  
5 going to impact us. That's what I think Mr. Spitzer would  
6 want to hear and what everybody here is all about.

7 COMMUNITY MEMBER: Was it one way in and one way  
8 out?

9 COMMUNITY MEMBER: Is Yorba Linda a master plan  
10 community, yes or no?

11 COMMUNITY MEMBER: Like, say, Irvine? Does it  
12 compare? How can you compare the fire in Irvine there to  
13 the fire here?

14 COMMUNITY MEMBER: If Yorba Linda planned its  
15 borders and they're sitting there looking at agricultural  
16 land which has been in that format for decades, all a  
17 sudden now after everything's been built around its  
18 borders, we're supposed to allow a developer to take an  
19 agricultural piece of land, which is one of the lowest in  
20 the value, leapfrog it to the highest in value, which is  
21 residential, and because we didn't realize this could  
22 happen and we have streets already in place that are not  
23 arterial streets, we're to take the consequences? You  
24 tell me as a planner that I'm full of it on that issue.

25 COMMUNITY MEMBER: Show me one in the county of

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(cont)

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1 Orange that you've done just like this, please.

2 COMMUNITY MEMBER: Who are the decision-makers?

3 COMMUNITY MEMBER: Any planners here tonight?

4 Are there any county planners here tonight?

5 COMMUNITY MEMBER: So the city has no say  
6 whatsoever in this development?

7 COMMUNITY MEMBER: And if the city had expressed  
8 their desire not to go forward with it, would we still be  
9 sitting here today?

10 COMMUNITY MEMBER: If the city -- if the mayor  
11 and the city council and whoever -- those powers that be  
12 had expressed a desire not to have this project go  
13 forward, would we still be sitting here today?

14 COMMUNITY MEMBER: And are you allowed to tell us  
15 what the city has expressed as in yes, go forward, or no,  
16 go forward?

17 COMMUNITY MEMBER: You're not going to tell us?  
18 Is that what you're saying?

19 COMMUNITY MEMBER: Okay. We can go around in  
20 circles. We have a limited amount of time. Let me ask  
21 you. Who owns the property?

22 And two, does it need to be rezoned in order for  
23 those houses to be built?

24 Who owns the property right now? That shouldn't  
25 be a hard question. Someone in this room knows who owns

1 that property right now. I would like to know owns that  
2 property.

3 COMMUNITY MEMBER: I don't think anyone, sir,  
4 with all due respect, is going to walk through that room  
5 when a simple answer -- question could not get answered on  
6 who owns that property and does it need to be rezoned. I  
7 don't think that's a very -- who filed the application?  
8 And can someone who does not own the property file the  
9 application?

10 COMMUNITY MEMBER: Can I go in and file an option  
11 to develop a piece of property, that property that I do  
12 not own? Can I do that, yes or no?

13 COMMUNITY MEMBER: And who would that legal owner  
14 of that property be, sir? I don't think that's a really  
15 hard question. And you wonder why we feel so misled.  
16 You're the head of the Planning Commission or Department  
17 of Orange and you're here to represent and to have a  
18 meeting about this property, and no one in your department  
19 knows who owns that piece of property?

20 COMMUNITY MEMBER: They know. They don't want to  
21 say.

22 COMMUNITY MEMBER: And my question, why would you  
23 not want to say? There is a reason why you don't want to  
24 tell us, and I'd like that to be expressed.

25 Well, we'll all sit here and we'll all be very

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(cont)



1 quiet while you get that information, sir.

2 COMMUNITY MEMBER: Planning question. Why aren't  
3 both of these projects, Esperanza Hills and this one,  
4 being looked at in total instead of piecemeal? You can't  
5 adequately address the impact to the neighborhoods without  
6 looking at these together instead of piecemeal. You just  
7 can't do it.

8 COMMUNITY MEMBER: Well, the point really comes  
9 down to when you look at the e-mail address for the  
10 county, the e-mail goes to you for Cielo Vista; right?  
11 But it goes to a different individual at Esperanza Hills;  
12 correct?

13 COMMUNITY MEMBER: Why isn't it collectively one  
14 person with one EIR?

15 COMMUNITY MEMBER: Okay. Does that mean that we  
16 can sit there and allow one and squash the other? Is that  
17 what you're saying as a potential, just a potential?

18 COMMUNITY MEMBER: Why were they split up? At  
19 one time did not the county say, you two developers are  
20 supposed to come in with one voice, yes or no? Yes or no?  
21 It's simple "yes" or "no" question.

22 COMMUNITY MEMBER: Why did the county at one  
23 time -- and until you correct me, I'm going to assume that  
24 at one time county said one voice. Why did you then  
25 segregate if at one point they said one voice?

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1           COMMUNITY MEMBER: You're not giving an image of  
2 trust.

3           I'm not picking on you, but I'm talking about --  
4 reverse the tables. You're not you. You're the people  
5 that live in Yorba Linda that went through hell getting  
6 out of dodge.

7           And now we have this coming into us in two  
8 different avenues. And we know for a fact it was in the  
9 press that at one time, in fact, I think even Mr. Spitzer  
10 said, it's got to be one voice and it came from him. And  
11 then all of a sudden here we got the divide and conquer.

12           Do you feel if the tables were reversed that  
13 gives a warm trust feeling?

14           COMMUNITY MEMBER: Well, what's the best way for  
15 us to fight it? I mean, you work for us, basically. We  
16 he pay your checks. You're not the developer. Give us  
17 some insight on how to stop this. What are your views on  
18 that? I mean, you've been here since June, did you say?  
19 I've been here for 14 years.

20           COMMUNITY MEMBER: Are the decision-makers  
21 elected officials?

22           COMMUNITY MEMBER: Do you know why I know that  
23 your process is a failure already? 'Cause we had a thing  
24 called an NOP that's already come through town. There are  
25 tons of our comments. They're in the appendix of the EIR;

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(cont)

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1           okay? It's like none of those exist. We all said  
2           ingress, egress, traffic, fire, danger, the roads can't  
3           support any more vehicles; okay?

4                         Now we're talking about adding another 200, at a  
5           minimum, vehicles with this project and tons more with the  
6           Esperanza Hills project. The streets that can support  
7           zero more vehicles in the event of an evacuation; okay?  
8           The whole proposal failed there.

9                         So we can talk about the EIR and what color the  
10          houses are going to be, but you're not doing anything to  
11          widen the infrastructure leading to two of those  
12          developers. You're going to be working off the same  
13          streets that we have, the same limited two-lane streets.

14                        And those streets, my wife was on one of them and  
15          she almost burned to death in her vehicle because the  
16          traffic, it was gridlock; okay? When it hits  
17          Yorba Linda Boulevard, there ain't nowhere to go. And she  
18          sat in her vehicle next to a burning house and was really  
19          tossing the idea that, I'm going to have to abandon my car  
20          and get the hell out because the car's going to go.

21                        So when we talk about adding another 200 cars, at  
22          a minimum, from this development to streets that can't  
23          support the cars that we already have getting out of  
24          dodge, it fails. So everything else beyond that is a moot  
25          point, in my book. I don't need to go to a station about

1           what color the houses are going to be or, you know, if  
2           they're going to have three bedrooms or four bedrooms or  
3           this or that or park space or open spaces. All that is  
4           nice, but we're talking about one way in and one way out  
5           of a development that people aren't going to be getting  
6           out of; okay?

7                         Because I'm not -- I'm not going to be yielding  
8           for some joker coming out of that development to endanger  
9           my friends and my family and my neighbors who are also  
10          trying to get out. So as far as I'm concerned, the people  
11          that buy in there do so at their own risk. And I ain't  
12          going to be stopping my car and letting them out while my  
13          friends, 20 cars behind me, burn up in their vehicle.

14                        I don't think you understand, sir, the magnitude  
15          of this fire that we had here in 2008 and the  
16          neighborhoods that it affected; okay? There wasn't time  
17          to decide what to take out of your house. It was just get  
18          in the car and go.

19                        So to me, this development fails on that one main  
20          point. We're talking life and death here. We're not  
21          talking about, you know, somebody just losing property in  
22          the fire, whatever. We're talking life and death issues  
23          here. That's why everybody in this room is so passionate  
24          and heated like I am right now about this.

25                        So, you know, for the county and the developer to

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(cont)

1           come trotting into town and put this out to us and have  
2           experts in the room who can answer our questions, we don't  
3           need experts. Firsthand experience trumps the experts  
4           every time, and we were all there and we all lived this.  
5           And we all know a sixth grader can figure out that the  
6           math ain't going to work. That 200 -- that adding  
7           200 vehicles to the cue of vehicles already trying to get  
8           out is going to cause fatalities; okay?

9                        I -- I was a police officer. I'm retired from --  
10           from that work now, but, you know, I had to look at  
11           evacuations and things like that before and this just  
12           ain't going to work. And you can have -- you can have  
13           experts work it six ways from Sunday, but it's obvious to  
14           everyone in this room who was there that it isn't going to  
15           work.

16                       And I wrote a response to both the NOPs for both  
17           projects, and I read the EIR and it's like it never  
18           happened. These comments that people made about the fire  
19           issue, it's like, oh, it can be mitigated. We'll just put  
20           a signal in at Via del Lago and Yorba Linda and that will  
21           take care of the problem. That ain't going to take care  
22           of the problem. It isn't going to take care of the  
23           problem with thousands of people already on that  
24           evacuation route trying to get out.

25                       So to me, it comes down to that one point. And

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(cont)

1 then you add in -- we don't know yet where that other  
2 development is going to exit. They're having all types of  
3 problems about right of way, getting out of Aspen, getting  
4 out on San Antonio. And the last thing I saw in their  
5 proposal, in their EIR was, oh, we'll just drop everybody  
6 down to Stonehaven along with these other 120 homes.

7 So now we're looking at 460 homes dumping out  
8 onto Stonehaven where there isn't room for one more  
9 vehicle in the event of an evacuation. So that's what it  
10 boils down to. And going to the tables here and  
11 circulating and seeing all these other issues, it's a moot  
12 point to me because the whole thing fails on that one  
13 issue.

14 COMMUNITY MEMBER: I used the process and so did  
15 dozens of other people. And then you look at the EIR and  
16 it says traffic is a mitigatable [sic] issue and it's not.  
17 Unless you're widening streets, it ain't mitigatable,  
18 period.

19 COMMUNITY MEMBER: Let me ask you a question  
20 regarding your process.

21 How many e-mails do you need to see before you  
22 realize, we might have a problem, Houston? You tell me.  
23 Would a hundred hit you? Would 200 hit you? I mean, we  
24 can all get our neighbors to do so. You tell us when you  
25 finally sit there and see the light bulb go on.

1                   COMMUNITY MEMBER: The one thing we haven't heard  
2                   once in the last year and a half as I attended this forum  
3                   is, we exhausted all other options to build arterial roads  
4                   to bring these people in and out of those developments  
5                   without stranding them in the existing roads.

6                   COMMUNITY MEMBER: No one says, okay. We can  
7                   understand people want to develop their property. Anybody  
8                   in this room can understand that. I think the bitch is,  
9                   the concern is we can't absorb any existing roads we have  
10                  today without risking ourselves as well as these new  
11                  folks, who may be in this room, the ones who are going to  
12                  buy those homes might be listening to this.

13                  I don't think anyone's ever done an exhaustive  
14                  study. We've never seen it in any of the documents that  
15                  said, here's a potential set of roads we can build to  
16                  accommodate 500 more homes and perhaps more developments  
17                  after that. Right now it's just, let's just hook onto the  
18                  existing little roads that exist and couldn't handle it  
19                  before. And the sheriff can get a one-way road out.  
20                  That's no answer.

21                  COMMUNITY MEMBER: I think that's everybody's  
22                  concern here. People aren't complaining about your  
23                  developing. It's what you're going to do to the  
24                  thoroughfares and the safety of the people here already  
25                  and those who will be added to it. No one has ever

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1 addressed that adequately.

2 COMMUNITY MEMBER: And, sir, when we were all  
3 watching some of us, our own homes burn, our neighbors'  
4 houses burn -- in fact, the house that the entrance to the  
5 street is burned to the ground. And as you can see, they  
6 left their vehicle. I mean, it looks like they left, as  
7 we all did, with just the shirt on our backs and a dog and  
8 cat in the car and praying that we would come home to  
9 something. And coming back up that street and seeing our  
10 houses burned to the ground and going down the hill hoping  
11 to get out only to be met, as we went down Stonehaven,  
12 only to be met with absolute gridlock. And it was  
13 literally like hell. The smoke, the flames, the absolute  
14 panic and chaos.

15 And, Mr. Spitzer, if you have -- I hope if you  
16 take the time to listen, if you would look at the aerial  
17 footage of what happened and all the people trying to get  
18 out. And with all due respect to the sheriff, and I'm  
19 sure he's doing a great job and has a new plan in place,  
20 I'm sure some other plan was in place at that time, but  
21 people couldn't get out. People -- it was absolute chaos.

22 And the only reason our house is standing is  
23 because we had some neighbors stay and fight it, as  
24 firemen would go up and down the street and just let  
25 houses burn because they were so overwhelmed --- -

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1           COMMUNITY MEMBER: You know, talk about something  
2 simple. The reverse 911 call came four hours after the  
3 homes were burnt.

4           COMMUNITY MEMBER: Complete failure.

5           COMMUNITY MEMBER: After the homes were burnt.

6           COMMUNITY MEMBER: After the homes were burnt,  
7 the first 911 call came to our home.

8           COMMUNITY MEMBER: We never saw them in our  
9 neighborhood.

10           COMMUNITY MEMBER: If we can't execute something  
11 that simple, who's to believe that your strategy to dump  
12 4,000 more cars in our community and get them out safely  
13 is going to make any sense?

14           COMMUNITY MEMBER: We also had a water pressure  
15 issue, and the whole situation is -- first of all, I  
16 understand your process, but we're not going away; okay?  
17 This development was imposed upon us, forced upon us by a  
18 square peg in a round hole after the fact.

19           This isn't in the Yorba Linda sphere of influence  
20 the way you're making it sound because you're just going  
21 to sit there and take the process. We'll address, we'll  
22 send you an e-mail, and it sounds like a rubber stamp  
23 situation; okay.

24           The whole thing is, this is a bad idea. Pure and  
25 simple. If it's a great idea and the developers are

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(cont)

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1 really straightforward, have them build a road outgoing  
2 east. Problem solved.

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(cont)

3 COMMUNITY MEMBER: Esperanza. Esperanza Road.

4 COMMUNITY MEMBER: I think we're missing  
5 criteria. What is their criteria? Go? No go? What is  
6 it that the county wants to see? I mean, is it just the  
7 influx of money from the taxes? I can see where that  
8 would be a good thing.

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9 COMMUNITY MEMBER: I get your process. But the  
10 criteria, when you're planning like, let's say,  
11 San Antonio Road, just -- just for instance, how many --  
12 how many cars is that road designed for today? I called  
13 the City of Yorba Linda. I talked to Planning. They  
14 don't know.

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15 I said, how does Yorba Linda Boulevard differ  
16 from San Antonio Road volume-wise? Why isn't it called,  
17 you know, boulevard? Why is it called road? I couldn't  
18 get an answer from the City of Yorba Linda. Maybe you can  
19 enlighten us.

20 COMMUNITY MEMBER: Let me ask you a question.

21 Does your process -- you love that word; okay?

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22 Does your process take into the complex fire  
23 issue? Where is it in the EIR, written in that? I didn't  
24 see it.

25 COMMUNITY MEMBER: But, sir, you know, you have

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1 all these numbers and all these statistics. We are  
2 talking about the same roads that we all, in real life,  
3 experienced. Because you say these numbers does not make  
4 it true. Just because you say it or said that traffic  
5 won't be a problem does not make it true. We know that it  
6 is a problem. We lived through it. We tried to go down  
7 those streets. We all tried to go onto Yorba Linda  
8 Boulevard.

9 So you may have a formula, but that does not make  
10 it right. Just because, you know, a bunch of people get  
11 in a room and calculate a formula does not make it any  
12 more accessible than it was before. And that was even  
13 before all the other homes up off Casino Ridge and  
14 everything else were inhabited. It's even much worse now  
15 than it was on November 15, 2008.

16 So now, all of a sudden now it's supposed to be  
17 okay. I think it's a very common sense question and  
18 nobody responds how -- we hear all these other things.  
19 But if it didn't work in real life on November 15th in  
20 2008, it's not going to work again.

21 And -- and there's other causes for evacuations.  
22 What if there was a terrible earthquake? I mean, it's  
23 not just --

24 COMMUNITY MEMBER: A railroad accident?

25 COMMUNITY MEMBER: There's so many things. And

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(cont)

1 if it didn't work then, why would it work now?

2 COMMUNITY MEMBER: Forget the report. It  
3 couldn't support it then. Why could it support it now?

4 If you look at the topography, there's only one  
5 street that it's going out to. I mean, this is not rocket  
6 science, sir.

7 There is a hole in the document. All that's  
8 related to fire. If there's a fire coming down, barreling  
9 down on us again, which even the fire authority says it's  
10 not a matter of if, it's a matter of when, when that  
11 happens again, how are these homes going to make it better  
12 for us? How is that?

13 COMMUNITY MEMBER: Well, they'll be burning  
14 first.

15 COMMUNITY MEMBER: That is a good point.

16 COMMUNITY MEMBER: 'Cause they drove a line up  
17 San Antonio and said, a hundred homes. We're not fighting  
18 them. Let 'em go. I live right there.

19 COMMUNITY MEMBER: And I think we all owe it to  
20 the potential homeowners to let them know that. But, you  
21 know, all this will go around in circles. And they're  
22 saying, well, the fire mitigation, blah, blah, blah, blah,  
23 blah. That just doesn't make sense. Forget the report.

24 Just how could that possibly make sense when  
25 you've got 3500 square feet homes that probably have at

1 least two to three cars, maybe a couple teenagers who have  
2 cars. So we're talking about maybe just on one little  
3 track, maybe 4 or 500 more cars trying to get down a  
4 street that couldn't handle it before. How does that make  
5 sense to you?

6 COMMUNITY MEMBER: You can't simple ignore what  
7 happened on November 15, 2008, sir. You can't ignore  
8 that.

9 COMMUNITY MEMBER: I'll comment that nobody has  
10 addressed yet still on the traffic. Here you got a young  
11 community. Two cars possibly in every house. It matures.  
12 Now you got three kids. You got five cars and a pickup  
13 and an SUV to boot. We have that in our neighborhood  
14 right now. And needless to say, we got six motorcycles  
15 also parked in the garage. See you later.

16 (Recess taken)

17 COMMUNITY MEMBER: Is that trust information, who  
18 owns that trust available?

19 COMMUNITY MEMBER: Why is this project being  
20 processed through the county and not through the City of  
21 Yorba Linda?

22 COMMUNITY MEMBER: Mr. Sandzimier, I'm sorry to  
23 interrupt you for one second. This is all news we've all  
24 heard before. Every one of us knows this story. What I'd  
25 like to do right now is take a survey of how many

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(cont)

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1 concerned citizens in a very busy Christmas time frame are  
2 here to object to this property and this development.  
3 Please raise your hands, ladies and gentlemen.

4 (Hands raised)

5 COMMUNITY MEMBER: These are concerned citizens  
6 right here. We've heard all this before.

7 COMMUNITY MEMBER: We've heard it for years.

8 COMMUNITY MEMBER: And I'm sorry -- and I'm sorry  
9 to interrupt. I know it's just your job to be here, but  
10 we're all here in a time we should be spending with our  
11 families right now. And frankly, there's a lot of holes  
12 in this -- in this proposition -- in -- in this  
13 development.

14 Ingress, egress, above all else, more than  
15 anything else. San Antonio, Via del Agua, two-lane roads  
16 to get in and out. It's horrific. It spells disaster.  
17 Not only for the people that are buying the homes in this  
18 project, but for the people who actually live in these  
19 homes.

20 So one more time. Round of applause. Raise your  
21 hands, please.

22 (Hands raised)

23 COMMUNITY MEMBER: Thank you. A lot of concerned  
24 citizens here. We know that the gentlemen from  
25 Esperanza Hills are here from their project. We want them

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(cont)

1 to see we have even more people that would have been here  
2 had this not been at Christmastime. We're united in our  
3 front, and we won't stop.

4 COMMUNITY MEMBER: And to that end, what is going  
5 to be said about the number one issue here, which is  
6 public safety? I live on San Antonio and barely got out  
7 during the fires with my life. As the fire crossed San  
8 Antonio, cars backed up because they couldn't get onto  
9 Yorba Linda.

10 What is being done to address that issue? Which  
11 above all else, I think, separates this from normal  
12 additional housing is public safety. Who's is going to --  
13 what is being done to address that? I don't want to see  
14 people die.

15 COMMUNITY MEMBER: Many of us are very concerned  
16 because this is just a small project, apparently. There's  
17 another project coming down with far many, many more  
18 homes, and I don't see how you can possibly address the  
19 small project without involving a discussion of the larger  
20 project; otherwise (applause) having a meeting here with  
21 just this one small project, why does the county not come  
22 here with the entire project so that we can see what's in  
23 the future what the county is proposing for rather than  
24 doing it piecemeal?

25 That's what I feel is happening right now, that

1 it's a piecemeal approach where basically once we think we  
2 need to settle, it's just a few homes is okay. Then it  
3 becomes even more difficult when the county comes back and  
4 says, well, we want to do a few more homes and a few more  
5 homes. That's the concern, I think, many of us have.

6 COMMUNITY MEMBER: You have to do a study impact  
7 on the whole project, not just this line over here.

8 COMMUNITY MEMBER: Rick, why don't you give us  
9 Spitzer's e-mail address right now to everybody? Is it  
10 online?

11 COMMUNITY MEMBER: I know this is being  
12 videotaped, and you've addressed it earlier that  
13 Mr. Spitzer and all the other board of supervisors are  
14 going to view it since they didn't have enough interest in  
15 being here tonight, but how -- will this videotape be  
16 public so we can see it, post it on YouTube, get it out on  
17 social media so it can be shown to -- or is it just going  
18 to be just for your eyes only, which seems to have been a  
19 lot of things in the last two years?

20 I'm asking about the videotape. I would like  
21 everyone to raise their hand who would like that video --

22 COMMUNITY MEMBER: I'd like that video.

23 COMMUNITY MEMBER: -- so we can post it. Because  
24 you know what? That's what we were -- that's what we were  
25 led to believe, that this was to be viewed just like the



1 city council meetings are taped and viewed. We all  
2 expressed our opinions, and we did not want to all go to  
3 your little tables because we wanted our voices heard.

4 You're taping it. Let -- let us show our  
5 neighbors who are busy working this holiday season, and  
6 it's five days -- a week from Christmas, not everybody can  
7 be here, but this video should be public and we should be  
8 available to circulate it.

9 COMMUNITY MEMBER: Amen, sister.

10 COMMUNITY MEMBER: Can I have your word that that  
11 will be available?

12 COMMUNITY MEMBER: Could you point out  
13 Spitzer's staff here to hear our input? Where is  
14 Spitzer's staff? If they're not here, why aren't they  
15 here? We're here to give them input, not filtered through  
16 the developer, not filtered through the Planning staff.  
17 We'd like to talk to --

18 COMMUNITY MEMBER: Sir, I think we got the wrong  
19 information. I got a postcard buried in Christmas cards  
20 that said that this was a developer meeting. I didn't  
21 know it was going to be an OC Planning meeting.

22 It didn't indicate that. It said, "Cielo Vista."  
23 I understand that, but it should have been presented as a  
24 Planning meeting.

25 And unfortunately, this is at the worst time

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(cont)

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1 possible, the very worst time possible for many of us.  
2 I'm leaving in the morning really early to go on a flight  
3 to Washington. And to get here tonight is just really  
4 tough. You've got people already on Christmas vacation  
5 and winter break, or whatever you want to call it, all  
6 people that are tied up with whatever. This is a really  
7 bad plan to dump it on us shortly around Thanksgiving and  
8 say, hey, it's all due back on the draft EIR by  
9 December 23rd. That's not okay.

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(cont)

10 And then gee, wow. An extension to January 7th.  
11 And then we get hit with EH and so in February you've got  
12 a due date. This whole thing should have been done by the  
13 county together. There's no excuse for having Cielo Vista  
14 and EH separated with separate plans. I agree with the  
15 previous people.

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16 (Applause)

17 COMMUNITY MEMBER: City of Yorba Linda is in the  
18 county of Orange County; right?

19 So you have an obligation to represent our issues  
20 and concerns as a county employee; correct?

21 Do you think that that's the perception that we  
22 have at this point from the Planning Department that seems  
23 to be helping drive this thing to fruition, or are the  
24 issues and concerns that we ask and need from you, as our  
25 employee, are actually being carried forward? I don't

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1 perceive that. My perception is you work for the  
2 developer and you're helping the developer.

3 (Applause)

4 COMMUNITY MEMBER: Okay. So I'll give you my two  
5 cents on what's deficient here. And I'll preface this.  
6 I've lived here for 20 years. I'm not anti-development.  
7 I'm not a tree hugger. I'm not a hill hugger, but I am a  
8 safety person and a quality-of-life person. And it's  
9 amazing to me that this project's safety has been  
10 whitewashed -- whitewashed by the county.

11 There is no way that anybody that lived through  
12 those last fires that was here when there was no firemen  
13 at my door, when there was no one that came to check on  
14 me, when there was no one directing traffic on  
15 Yorba Linda Boulevard, which was clogged, when none of  
16 that happened, and now we're talking about a whitewash  
17 when someone says they're going to put in an emergency  
18 road, an unmaintained emergency road with a chained gate  
19 on it that in the middle a 70-mile-an-hour windstorm and a  
20 firestorm in the middle of the night maybe and my  
21 grandmother is trying to make her way down that road, that  
22 I'm supposed to believe that automatically some magic  
23 person is going to show up and unlock that gate and let  
24 them out.

25 So the only safe thing you can have is an open

1 road that is a well-used and well-maintained road,  
2 and -- and there are none of those roads on this map. You  
3 can't evacuate 500 more homes when you couldn't get out  
4 the existing homes. We're going to put 500 more homes on  
5 the same infrastructure? That's a complete whitewash for  
6 OCFA or anyone else to say, oh, this is safe. This is  
7 okay.

8 And I know that some day you'll be retired and  
9 these developers will be gone and the guys in the  
10 city council will be gone and Todd Spitzer will be in  
11 Washington and someone is going to die on that hill, and  
12 they're all going to say, well, gee, sorry to hear about  
13 that and act like they can whitewash that. But they won't  
14 be able to 'cause they'll have signed their names to it.

15 So I think it's incumbent on you guys to come to  
16 this developer and say, go ahead and make your  
17 development. Let's see your plans, but I want to see the  
18 new ingress and egress points in this road. And yeah,  
19 it's going to cost you some money, but you know what?  
20 We're all over 21 and you made the decision to buy this  
21 property. You want to develop it, you build the roads to  
22 support it.

23 COMMUNITY MEMBER: I want you to comment on what  
24 this gentleman here said. I have yet to hear you say  
25 anything about stopping this development if you were truly

1 on the side of the taxpayer who pays your salary. I  
2 haven't heard you say anything about, tell the developers  
3 to basically leave. We don't want it. But I haven't  
4 heard that from you yet. Why is that?

5 COMMUNITY MEMBER: These are my comments and I'm  
6 making them to the developer because I was not aware you  
7 were going to be the one in charge of it. So bear with  
8 me. My comment are as follows. These are to the  
9 developers and these are my comments because I thought  
10 they were the one that was presenting the meeting here.

11 First, your proposal that is presented in the  
12 draft EIR lacks consideration to our neighborhood context.  
13 Our dwelling units per acre are highly understated in your  
14 documents. It is your net dwelling units per acre that  
15 will be a visible life upon our neighborhood. We will see  
16 -- what we will see is what we will get. We will not  
17 visually see 1.33 gross dwelling units per acre, but we'll  
18 see 2.4 and upwards dwelling units per acre as a result of  
19 the clustering of the homes you propose to build.

20 Our neighborhood is not a cluster concept. Leave  
21 that concept to Vista del Verde, please. We are not that.

22 Second, the property you are attempting to  
23 develop has environmental constraints upon it. The  
24 county's own general plan states, quote, for potential  
25 slope and seismic hazard, constrained development. And

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(cont)

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1 while both conditions settle and preclude development,  
2 they may increase the cost of construction.

3 Your true mitigation measure is to request a zone  
4 modification to 1-B in order to pack an acreage that is  
5 conducive to building thereby attempting to increase or  
6 maintain profit and avoid any increase cost of  
7 construction associated with the land subject to the  
8 environmental constraints you face.

9 We should not be burdened by your investment in  
10 largely unsuitable land. Are you going to be the entity  
11 to build the homes, or are you merely gaining entitlement,  
12 selling the land off to some unknown entity and leaving  
13 town?

14 What design rights for density will an eventual  
15 builder be bound by? Will we be faced with the up-to-18  
16 dwelling units per acre that you assert in your EIR that  
17 could be built with the 1-G designation when it's all said  
18 and done? Those are my comments.

19 (Applause)

20 COMMUNITY MEMBER: Can we have a conversation  
21 directly with the developer, or just you? We're talking  
22 to you. The developer is here. Can we have the  
23 development team in the front? 'Cause they're at the  
24 back.

25 COMMUNITY MEMBER: Give them the mic.

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(cont)

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1 COMMUNITY MEMBER: We'd like to hear from them.

2 (Applause)

3 COMMUNITY MEMBER: Frankly, they're the ones who  
4 are affecting our lives, not you.

5 COMMUNITY MEMBER: Why is it if this is a  
6 development meeting yet the facade is you're representing  
7 them as a county employee up here trying to control the  
8 meeting, maintain the order, collection of the  
9 information, yet we're under the perception we're supposed  
10 to be talking with the developer here. So it's kind of  
11 like a buffer. Like you're running --

12 COMMUNITY MEMBER: Like you're their sock puppet  
13 or something like that.

14 COMMUNITY MEMBER: I would urge those of us here,  
15 we are not the majority of our homeowners, that those of  
16 here not fill these in and turn them in tonight. Take  
17 your time. The draft EIR is available, unfortunately, at  
18 very few places, but the Yorba Linda Public Library --  
19 you're going to have to help me out, those of you are can  
20 recall -- but the Planning Office, City Hall, and they are  
21 available online.

22 COMMUNITY MEMBER: You can download them.

23 COMMUNITY MEMBER: And it's far bigger than these  
24 little couple of lines per copy and it doesn't really  
25 address what your concerns and ours are. Traffic is huge.

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(cont)

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1 Egress, ingress, huge. Earthquake issues, huge. The  
2 whole thing, to say as the kids do, this sucks. Thanks  
3 very much.

4 COMMUNITY MEMBER: One is that the signal at  
5 Via del Agua and Yorba Linda Boulevard will not cure this  
6 problem. It will not fix it.

7 COMMUNITY MEMBER: And conversely, the traffic  
8 gentleman here that I spoke to, when I asked him about  
9 traffic flow studies, he said he didn't take any  
10 consideration in his traffic flow study the evacuation  
11 plan and everybody leaving at one time at all. He just  
12 said it. I was standing here. So that's a huge concern  
13 on video for all of the residents.

14 COMMUNITY MEMBER: Emergency, earthquake, fire,  
15 you name it. I mean, natural disasters, flood. Prado Dam  
16 collapsing. You name it. You've got to get out.

17 COMMUNITY MEMBER: So my issue has been a concern  
18 about you representing the developer in this thing. Could  
19 we ask the county, since it appears that at least  
20 perception-wise is that the developer clearly have an  
21 advocate, or at least my perception is that there's an  
22 advocacy within the county, can we get a county advocate  
23 to carry our flag and be an employee that works for us?  
24 We're county -- cou<sup>55</sup> itizens. We'd like to have  
25 somebody carrying o ag.



1                   How can we get somebody within the  
2                   Planning Department to be that person? I know you have to  
3                   sit on both sides of it, but I'm saying, you know what?  
4                   It really appears that we have a lot of protective  
5                   behavior over what is -- what's going on with this to  
6                   support the developer.

7                   Can we have an advocate within the -- within the  
8                   Planning Commission or the Planning Department that  
9                   carries our flag and carries our concerns?

10                  Can you take that back and say, this -- this  
11                  area, the citizens of Orange County who happen to be  
12                  impacted by this area up here in Yorba Linda would like to  
13                  have an advocate that is dedicated from the  
14                  Planning Commission or the Planning Department?

15                  COMMUNITY MEMBER: I read the traffic portion of  
16                  that DIR and it was extremely long and extremely dull  
17                  because there was so much repetition in it and redundancy  
18                  and the numbers that they took in the study, whenever that  
19                  was done, just seemed very, very general. And they took  
20                  broad guidelines and applied it to our neighborhood,  
21                  which, from I read, wasn't appropriate at all. It wasn't  
22                  specific to our neighborhoods and our streets and our  
23                  situations. And with the potential fire emergency that  
24                  sort of thing, just in my mind, is the wrong conclusion.

25                  They're just saying, well, you can take X number

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1 of cars for this kind of road. Yeah. They can line them  
2 all up, but they're not going to be able to move them  
3 anywhere. So that's pretty specific.

4 COMMUNITY MEMBER: Correct me if I'm wrong, but  
5 my perception so far of this process having gone through  
6 the NOP, now we're dealing with the EIR, is that we have  
7 our comments that we make and the developer has paid boat  
8 loads of money for so-called experts and others to come in  
9 and give their expert opinions on the matter.

10 And like I said earlier, firsthand experience, in  
11 my book, trumps experts opinions every time. We lived it.  
12 We were there. My fear is in the final analysis of this  
13 thing is that the county and the developer are both going  
14 to trot out these experts who say, oh, our conclusion is  
15 that these streets will handle this added traffic based on  
16 this, you know, exercise in numbers that we've done and,  
17 you know, like I said, theories and so forth.

18 But really, a sixth grader can look at this and  
19 just -- just know that the numbers aren't there. It just  
20 isn't going to support it. And like -- like the gentleman  
21 said earlier about a whitewash, I think a whitewash is  
22 going to turn into a railroad, and we're going to be  
23 railroaded right on to the bitter end the way the  
24 developer is going with this.

25 COMMUNITY MEMBER: Yes. Would you ask the

1 developer if they plan to build a school? There's 37 kids  
2 in the classes here. Traffic backs up to Yorba Ranch Road  
3 in the morning. When I get to the parking lot, it takes  
4 me 15 minutes just to get around the parking lot. Adding  
5 more kids to that --

6 Traffic coming down from Via del Agua, it's  
7 difficult to get out. Even if you put a light in, a lot  
8 of times it's backed up to Yorba Ranch Road. And then  
9 even at the pickup line, you're blocking streets.  
10 Via del Esquela is blocked in the pickup lines because  
11 there's so many people there. Adding more cars to that,  
12 that's a safety issue right there.

13 COMMUNITY MEMBER: Just one quick question. Does  
14 the county -- I know like the guy was saying they're  
15 trying piecemeal one development here, one development.  
16 Won't the county take a look at the whole development as a  
17 whole? I mean, I talked to the traffic gentleman back  
18 here, and he said that right now at peak hours there was  
19 maybe 40 cars -- I can't remember -- during the peak time,  
20 and that's fine.

21 But when you build 500 homes behind it, you're  
22 going to have over a thousand cars during that peak hour.  
23 But if they look at this small tract here, it's only a  
24 small portion. You know, maybe there's a hundred homes  
25 and now they're only going to have maybe 200 or 300 more

1 cars. It just escalates. That's why I think the county  
2 should look at it as a whole rather than just one tract  
3 and one tract and one tract.

4 COMMUNITY MEMBER: Where will that be reflected,  
5 your analysis of both developments?

6 COMMUNITY MEMBER: I've got a question about  
7 traffic. I was just talking to the guy that developed the  
8 traffic land. He said they have not analyzed the history  
9 of accidents at Agua and Yorba Linda Boulevard. They had  
10 somebody clicking as cars went by with a clicker, not  
11 using those counter machines, just using a clicker. He  
12 said he didn't analyze the accidents, both the frequency  
13 and severity of the accidents.

14 In Agua are about 54 homes, going up Stonehaven  
15 about another 50. You're talking about doubling the  
16 traffic through the Agua-Yorba Linda Boulevard  
17 intersection. Why was a traffic study not done including  
18 a history of accidents along those roads? I don't  
19 understand.

20 COMMUNITY MEMBER: And along with the traffic,  
21 you're talking about intersections at Stonehaven and  
22 Yorba Linda and San Antonio and Yorba Linda, but what  
23 about the big intersection, Yorba Linda Boulevard and  
24 Imperial and Weir Canyon and La Palma, Weir Canyon and  
25 Santa Ana Canyon?

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1           Have you ever tried to get through those areas  
2           between 5:00 and 6:00 at night? And you're talking about  
3           throwing 500-plus more homes that will impact it also, go  
4           through the major arteries? 4,000 more cars?

5           COMMUNITY MEMBER: It can't handle it. It would  
6           be like Temecula.

7           COMMUNITY MEMBER: So are they looking at that in  
8           the traffic studies, the major arteries, or just the  
9           little capillaries?

10          COMMUNITY MEMBER: We heard all about the  
11          developers and all the analysts that they have hired to do  
12          whatever they've done. What have you, the county, done to  
13          help us know that you've represented us to do the studies  
14          too that would let us know all the facts about it?  
15          Whether that's true or not, have you hired anybody? I  
16          mean, we're paying taxes, high taxes in this county. You  
17          haven't said one thing about what your department or  
18          anybody in the county has done to analyze whether this is  
19          even feasible or even possible.

20          COMMUNITY MEMBER: So you're saying, if I  
21          understand you correctly, you're standing behind these  
22          documents? You're agreeing with what's been prepared to  
23          this point? You're saying you're ready to go with forward  
24          with it if everybody supports it?

25          COMMUNITY MEMBER: I'm back to the traffic again.

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1 I guess I'm really kind of stuck on the whole thing  
2 because seems like this property is landlocked by all  
3 intents -- for all intents and purposes.

4 And to me, I want to know whose responsibility is  
5 it to build the roads in and out? Because y  
6 the City of Yorba Linda, the existing roads that have been  
7 there for like decades; right?

8 So how they expect that -- that -- that they're  
9 going to get people in and out of these properties by  
10 using existing roads? Is it the City of Yorba Linda's job  
11 to widen the road? 'Cause I know they're not going to pay  
12 for it.

13 Is the county going to pay for it? Is the  
14 developer going to pay for it? Who's going to pay to  
15 widen the roads? 'Cause I can safely tell you right now  
16 just from a usability standpoint, analysis aside, you  
17 know, this lady said it best back here, she said, you know  
18 what? Experts said the Titanic wouldn't sink either. And  
19 we all know the end of that story.

20 So experts and people who live here on a daily  
21 basis who understand the ins and the outs of these roads,  
22 I think we're the experts; okay?

23 (Applause)

24 COMMUNITY MEMBER: So I can safely tell you right  
25 now somebody will have to do something about the roads.

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1 And if it's the county, fine. If it's the developer,  
2 fine. But if it's the City of Yorba Linda and our city  
3 council and they approve widening the road, fine. But I  
4 can tell you right now given the current infrastructure,  
5 it won't work. So that's my comment.

6 COMMUNITY MEMBER: Good evening. I'm  
7 Ken Peterson. I live above the Casino Ridge area. It's  
8 Mt. San Antonio HOA. I just want to let everybody know  
9 that it's already been approved for 11 additional lots in  
10 Mt. San Antonio. So our subdivision is increasing by  
11 11 lots, whenever it's going to be.

12 So whatever the impact report is putting together  
13 as far as the cumulative impact, that should be considered  
14 as well because it's a project. It's been there for  
15 years. It's been sort of simmering, if you will. But it  
16 will go forward. And one additional note, traffic is  
17 going to be coming down that road.

18 COMMUNITY MEMBER: How many homes are there  
19 already?

20 COMMUNITY MEMBER: There's 63 right now.

21 COMMUNITY MEMBER: And originally they were  
22 supposed to build how many homes?

23 COMMUNITY MEMBER: I'm not sure.

24 COMMUNITY MEMBER: Yeah.

25 COMMUNITY MEMBER: But in any event, there's

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1 definitely ll more coming down through that area. In  
2 looking at the project from what I can see, it certainly  
3 doesn't look like Yorba Linda. I'm not seeing equestrian  
4 trails. I'm not seeing parks. It just seems like what  
5 you have is a cluster community, as mentioned earlier,  
6 coming into the area having a very negative impact in all  
7 ways as opposed to really bringing something to the  
8 community that would be rather helpful.

9 (Applause)

10 COMMUNITY MEMBER: My question, we sort danced  
11 around it, but the city of Yorba Linda is impacted. The  
12 City of Yorba Linda provides services, ultimately, the  
13 streets.

14 So what rights does the City of Yorba Linda have  
15 vis-à-vis this development's approval if the County of  
16 Orange decides to move forward? Because I understand that  
17 it's currently unincorporated, but eventually it's going  
18 to get annexed into the city and eventually it's going to  
19 be the city's burden.

20 So are there not permits for discretionary  
21 approvals that the City of Yorba Linda would have to grant  
22 before this can move forward?

23 COMMUNITY MEMBER: Or will you do it by imminent  
24 domain?

25 COMMUNITY MEMBER: That's why the developer went

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1 to the county.

2 COMMUNITY MEMBER: Understood. That's why I'm  
3 asking the question.

4 COMMUNITY MEMBER: If the City of Yorba Linda  
5 chooses not to accept the connectivity from this annex,  
6 from this area that you're allowing to develop as the  
7 county representatives, what happens? What happens if we  
8 say, you know what? We don't want this thing. You want  
9 to build that property, build it, but don't connect it to  
10 our city. Don't -- or would that go by imminent domain?

11 COMMUNITY MEMBER: Well, my -- my last comment  
12 would be in my limited understanding, the county is  
13 opposed to island developments and these, Cielo Vista and  
14 Esperanza Hills, and potentially the other developments  
15 that Ken Peterson mentioned and there's some others, those  
16 are totally dependent upon annexation. And if you are not  
17 considering these as one unit, I think we have problems.  
18 I think that you have to consider the entire hillside  
19 project as one thing or it just simply won't work.

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**(DECEMBER 16, 2013)****RESPONSE TRANSCRIPT-1**

The project site is owned by the Virginia Richards Trust (11.1 acres) and the Travis Ranch Trusts (72.85 acres).

**RESPONSE TRANSCRIPT-2**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

The Project is located in unincorporated Orange County. Therefore, the County is the lead agency for purposes of CEQA because it is the public agency which has the principal responsibility for carrying out or approving [the] project." County Board of Supervisors Resolution No. 99-301 (External Restructuring for County of Orange) states that "the County is the local agency with ultimate responsibility for review and approval of development projects in unincorporated territory whether or not they are located in city spheres of influence." The Project Applicant may seek annexation to the City in the future, but annexation is not proposed at this time.

**RESPONSE TRANSCRIPT-3**

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 for a detailed evaluation of the Project's fire evacuation plan and the potential traffic impacts associated with wildfire evacuation events.

**RESPONSE TRANSCRIPT-4**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE TRANSCRIPT-5**

According to the City's website, Yorba Linda started as an agricultural community adjacent to two packing houses along the Pacific Electric Railroad line station. The Main Street area expanded with commercial buildings and houses supporting agricultural uses through the 1950's with significant growth occurring during the 1960's as that area transitioned to a residential community. As such, the City core was not master planned, but master planning of subdivisions did occur as residential communities were built as designed through the latter part of the last century to the present. The Project is a master planned residential community.

**RESPONSE TRANSCRIPT-6**

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

**RESPONSE TRANSCRIPT-7**

The City General Plan sphere of influence designation for this area which may be annexed to the City in the future is Low Density residential (discussed starting on page 4.9-3). Per the City Zoning Maps, the project site is designated as UNC – Unincorporated Area. Thus, the City’s planning efforts do not identify the project site for agricultural uses.

The County General Plan designation for the project area is Suburban Residential and Open Space (discussed in Draft EIR starting on page 4.9-1 of Section 4.9, *Land Use and Planning*). The County’s zoning designation for the site is A1 General Agriculture and A1(O) – General Agriculture with Oil Production Overlay. The A1 zone was established to provide for agriculture, outdoor recreational uses, and those low-intensity uses that have a predominately open space character; it is also intended as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future (i.e., residential uses such as those proposed by the Project). Accordingly, although the Project’s proposed low-density single-family residences would represent a more intensive urbanized use on certain portions of the site relative to existing zoning, the A1 designation allows for such a zone change. As discussed in further on page 4.9-13, based on the analysis contained in the Draft EIR, with approval of the requested discretionary actions (i.e., zone change), the Project would not result in conflicts with the County’s Zoning Code (Chapter 7-9 of the Codified Ordinances of the County of Orange) such that significant physical impacts on the environment would occur. Therefore, impacts regarding consistency with the County’s Zoning Code would be less than significant. Furthermore, given the fact that no agricultural uses occur on the project site, as well as no Williamson Act Contract being applicable to the project site, no loss of existing agricultural uses would occur as a result of the proposed zone change. Development of the proposed project would be an extension of existing single family residential neighborhoods to the west and south along Stonehaven and Via del Agua, respectively. Therefore, the project is not “leapfrogging” any lesser intense land use.

**RESPONSE TRANSCRIPT-8**

Application requests in furtherance of development will be considered for approval by the County’s Subdivision Committee, Planning Commission, and Board of Supervisors (decision-makers) at public hearings during the decision-making process. The public will be provided notice of such hearings and afforded the opportunity to provide input on the Project at the hearings. The Planning Commission will consider certification (approval) of the Final Environmental Impact Report (FEIR) and approval of a general plan amendment, zone change, and area plan for the Project (together comprising applicant initiated requests in furtherance of development) and make its recommendations to the Board of Supervisors which will be the decision-making authority.

**RESPONSE TRANSCRIPT-9**

Planning Director at the time, Richard Sandzimier, and Planning Managers Polin Modanlou and Bea Bea Jimenez attended the meeting.

**RESPONSE TRANSCRIPT-10**

The County of Orange is the lead agency as the project site is within the County's jurisdiction. However, the City is a responsible agency for purposes of the Cielo Vista Project. A "Responsible Agency" is a public agency other than the Lead Agency which has discretionary approval power over the Project. (CEQA Guidelines § 15381.) As indicated on page 2-38, in Section 2.0, *Project Description*, of the Draft EIR the Project may require encroachment and/or grading permits from the City in connection with roads and utilities. The reference to a potential pre-annexation agreement with the City on page 2-38 is a typographical error and has been corrected in the Final EIR.

**RESPONSE TRANSCRIPT-11**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE TRANSCRIPT-12**

Please refer to Response Transcript-1.

**RESPONSE TRANSCRIPT-13**

The County General Plan Land Use Element designates the project site as "1B" Suburban Residential which allows for a density range of between 0.5 to 18 dwelling units per acre, and "5" Open Space, consistent with the open space character of the area. The corresponding Zoning Code designation is "A1(O)" General Agricultural with an Oil Production Overlay which allows for agriculture, outdoor recreational and low-intensity uses and oil drilling and production. The A1 zoning district is also an interim zone which may be designated for more intense uses to correspond with that allowed by the "1B," Suburban Residential Land Use Element designation. A total of 6.4 acres of the project site is proposed for redesignation from "5" to "1B." Approximately 36 acres will remain within the "5" designation as open space. The Planning Area 1 portion of the project site is proposed to be rezoned to "R-1" Single Family Residence, and "R-1 (O)" Single Family Residence with an Oil Production Overlay for a 1.8 acre portion in the event that applications are filed with the County to consolidate the existing on site oil wells. Planning Area 2 is proposed to be rezoned to "R-1." The minimum residential lot size will be 7500 square feet which corresponds to the minimum lot size allowed by the City's "RU" Residential urban zone.

**RESPONSE TRANSCRIPT-14**

Please refer to Response Transcript-1.

**RESPONSE TRANSCRIPT-15**

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the

Cielo Vista Project, but was instead properly considered in the Draft EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

#### **RESPONSE TRANSCRIPT-16**

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

#### **RESPONSE TRANSCRIPT-17**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

Nevertheless, please refer to Response Transcript-8.

Public comments on the Project presented at the community meeting and in writing during the Draft EIR public comment period, as well as to the decision-makers who will consider the project at noticed public hearings, together comprise an effective way to raise public concerns regarding the Project which will be considered by the decision-makers who have the ultimate authority to decide the disposition of the Project.

#### **RESPONSE TRANSCRIPT-18**

Please refer to Response Transcript-8. Members of the Board of Supervisors are elected while members of the Planning Commission are appointed by individual Board members for their Supervisorial District. Appointees are required to live in that District. Members of the Subdivision Committee are management level staff with technical expertise in evaluating subdivision maps such as in the areas of grading and drainage.

#### **RESPONSE TRANSCRIPT-19**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

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

#### **RESPONSE TRANSCRIPT-20**

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

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Also, please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

#### **RESPONSE TRANSCRIPT-21**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

#### **RESPONSE TRANSCRIPT-22**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

#### **RESPONSE TRANSCRIPT-23**

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

#### **RESPONSE TRANSCRIPT-24**

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

**RESPONSE TRANSCRIPT-25**

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

**RESPONSE TRANSCRIPT-26**

The comment is noted and will be provided to the decision makers for review and consideration as part of the decision making process. Because the comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment, no further response is warranted.

**RESPONSE TRANSCRIPT-27**

The commenter questions the naming convention of various roads and road-types, and their maximum volume; however, without specific reference to the analysis in the Draft EIR. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

**RESPONSE TRANSCRIPT-28**

The Draft EIR addressed wildland fire impacts in Section 4.7, *Hazards and Hazardous Materials*, with supporting data provided in Appendix G of the Draft EIR. The analysis is based on the results of the *Cielo Vista Fire Behavior Analysis Report*, prepared by Firesafe Planning Solutions. The Fire Behavior Report considered existing/future vegetative interface fuels, topography, and historical weather conditions during a wildland fire event. The report provided results of computer calculations that measured the fire intensity from a worst case scenario wildfire in both the extreme (Santa Ana- NE wind) and the predominate (Onshore – Southwest wind) conditions. Thus, this worst-case condition includes those conditions that occurred during the Freeway Complex Fire. The results of the fire behavior calculations have been incorporated into the fire protection design built into the Cielo Vista development. Therefore, the results of the Cielo Vista Fire Behavior Report are appropriate for addressing wildland fire impacts resulting from implementation of the Project. As discussed in Section 4.7, wildland fire impacts were concluded to be less than significant with implementation of the prescribed mitigation measures, in addition to the fire protection features (see project design features PDF 7-9 to 7-14) to be included as part of the Project. The commenter is also referred to Topical Response 3 regarding wildland fire impacts.

**RESPONSE TRANSCRIPT-29**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE TRANSCRIPT-30**

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



**RESPONSE TRANSCRIPT-31**

Please refer to Topical Response 3 regarding emergency access.

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

**RESPONSE TRANSCRIPT-32**

Please refer to Topical Response 3 regarding emergency access.

**RESPONSE TRANSCRIPT-33**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-34**

Please refer to Response Transcript-2.

**RESPONSE TRANSCRIPT-35**

Please refer to Topical Response 3 regarding emergency access. Also, the opposition to the Project raised by the meeting attendees is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

**RESPONSE TRANSCRIPT-36**

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

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

Also, please refer to Section 4.12 of the Draft EIR, *Public Services*, which analyzes impacts related to services such as fire protection and emergency medical services.

**RESPONSE TRANSCRIPT-37**

Please refer to Topical Response 1 regarding the separation of Esperanza Hills and Cielo Vista during the CEQA environmental review process, with Esperanza Hills being properly analyzed as a related project for purposes of Cielo Vista's cumulative impacts analysis. Please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

**RESPONSE TRANSCRIPT-38**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-39**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-40**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted. To the extent this commenter expresses his or her concern regarding the adequacy of the public review and comment period for the Draft EIR, as described in Chapter 1.0, *Introduction*, of this Final EIR, the Draft EIR was subject to a public review and comment period of a total of 75 days, which well exceeds the minimum review periods established under CEQA. The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and initially circulated for public review beginning on November 7, 2013, and ending on December 23, 2013. A Notice of Preparation of the Draft EIR was mailed to the appropriate public agencies, special districts, and members of the public prior to the issuance of the Notice of Availability and release of the Draft EIR for public review. The initial 45-day public review and comment period was subsequently extended by the County to 60 days, with the comment period ending on January 7, 2014. This additional extension was granted by the County in response to extension requests from both the public, as well as public agencies, including the City of Yorba Linda's request for a minimum 60 day review period.

Subsequent to the December 16, 2013 meeting at which this comment was provided, a "revised" Notice of Availability was mailed to the appropriate public agencies, special districts, and members of the public to provide notice of the extended public review time on the Draft EIR. A "Second Revised" Notice of Availability was issued on January 2, 2014, extending the public review and comment period on the Draft EIR for an additional 15 days, ending on January 22, 2014. CEQA Guidelines § 15015(a) requires a public review period for a draft EIR of not less than 30 days nor longer than 60 days except in unusual circumstances.

**RESPONSE TRANSCRIPT-41**

Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts. Please note that the Orange County Board of Supervisors approved entitlements for the Esperanza Hills Specific Plan on June 2, 2015.

**RESPONSE TRANSCRIPT-42**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

Nevertheless, the Planning Director is a County employee with the responsibility for planning, organizing and directing physical development and conservation of land resources in the unincorporated areas of the County and to coordinate planning for the unincorporated areas with cities and adjacent counties. It was within this capacity that the County Planning Director attended the community meeting. The information

received by planning staff at this meeting will be summarized to the decision makers who will evaluate and consider them to decide the disposition of the proposed Project.

**RESPONSE TRANSCRIPT-43**

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

**RESPONSE TRANSCRIPT-44**

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

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

**RESPONSE TRANSCRIPT-45**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-46**

The County acknowledges that the commenter is directing a series of comments to the developer and not just to County staff.

**RESPONSE TRANSCRIPT-47**

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

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

development of the most topographically constrained areas, and allows for the preservation of approximately 36 acres, or approximately 43% of the 84 acre project site as open space.

#### **RESPONSE TRANSCRIPT-48**

Section 4.5, *Geology and Soils*, of the Draft EIR discusses the geologic constraints affecting the project site which include the potential for ground shaking and rupture from an earthquake along the Whittier Fault line and the potential for ground failure by earthquake caused liquefaction and soil settlement. The project site is also subject to landslides and expansive soils. The commenter does not assert that the analysis contained in the Draft EIR is inappropriate or invalid.

Mitigation Measure 4.5-1 on pages 4.5-17 and 4.5-18 requires the preparation of a design-level geotechnical report. If areas of development are proposed near or within suspected landslide areas, the design-level geotechnical report is to include a stability analysis to determine what, if any, stabilization measures are necessary. Similarly, assessment of the stability of cut and fill and natural slopes during design, including where cut slopes expose into-slope bedding conditions, would be required to conform to state and local agency requirements and design level recommendations. In general, cut slopes that expose landslide or out-of-slope or natural bedding conditions would be subject to design-level recommendations. Where existing and/or proposed slopes do not potentially adhere to established slope safety factors, the slopes would either need to be setback further from residential pads or mitigation methods implemented to improve the stability of the slopes to prevent failure. Potential methods of mitigation against slope stability issues related to potentially unstable existing and proposed slopes, including existing landslides, would typically include partial or complete landslide removal, excavation and construction of earthen buttresses, and/or shear keys. Landslide removal requirements as well as the locations, depths, widths, and lengths of the buttresses/shear keys would be determined via geotechnical investigation and analysis during the design phase of the Project and confirmed during site grading.

Additionally, the Project's design-level geotechnical report will include further mapping of the Whittier fault trace so that a sufficient safe distance is provided for residences. Also, additional boring and testing would determine slope stability as well as the presence of expansive soils. The project site would be remediated pursuant to the County Grading Code and foundation and structures would be designed to meet Building Code requirements to ensure the safety of the physical site and structures for future residents.

The Project proposes clustering to allow for the preservation of 36 acre of open space. However, even with the limited clustering being proposed, a project density of 1.3 dwelling units per gross acre is very near the minimum density of 0.5 to 18 dwelling units per acre provided by the "1B" General Plan Land Use Element designation. Should the Project be approved, the proposed Project density cannot be increased without subsequent applications and approval by County decision-makers.

#### **RESPONSE TRANSCRIPT-49**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-50**

The Project proposes a density of 1.3 dwelling units per gross acre which is very near the minimum density range of 0.5 to 18 dwelling units per acre provided by the "1B" General Plan Land Use Element designation. Future development of the project site would be limited by any and all entitlements approved for the Project, including, but not limited to, any Area Plan.

**RESPONSE TRANSCRIPT-51**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-52**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-53**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

In addition, geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

**RESPONSE TRANSCRIPT-54**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

In addition, geologic hazards, including seismic hazards, were addressed in in Section 4.5, *Geology and Soils*, in the Draft EIR. As discussed therein, seismic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 4 regarding the mitigation prescribed in the Draft EIR to ensure potentially significant seismic impacts are reduced to a less than significant level.

**RESPONSE TRANSCRIPT-55**

This comment does not raise a substantive issue on the content of the EIR or the impacts of the Project on the environment. Thus, no further response is warranted.

**RESPONSE TRANSCRIPT-56**

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

**RESPONSE TRANSCRIPT-57**

The Draft EIR addressed school impacts in Section 4.12, *Public Services*, with supporting data provided in Appendix J of the Draft EIR." No schools are proposed by the Project. With regards to school fees, pursuant to Senate Bill (SB) 50 (Section 65995 of the Government Code), payment of fees to the PYLUSD is considered full mitigation for Project impacts as declared by the Legislature, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. The payment of such fees by the Project Applicant is included in Mitigation Measure 4.12-3.

The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. Traffic counts utilized in the traffic study were conducted on May 2, 2012, May 20, 2012 and June 5, 2012 on normal operating school days. Per the Placentia-Yorba Linda Unified School District calendar, the last day of instruction was June, 15, 2012. In addition, the Project's trip generation discussed on page 4.14-23 of the Draft EIR accounts for AM peak hour trips associated with school-related trips. As such, the traffic analysis presented in Section 4.14 of the Draft EIR is inclusive of school related traffic during the morning commute period and is reflected in the AM peak hour traffic analysis. Further, as discussed in Section 4.14, the traffic analysis in the Draft EIR acknowledges that impacts at the intersection of Via Del Agua and Yorba Linda Boulevard are currently significant and the addition of the Project's traffic would add to the existing traffic deficiency at this intersection. Thus, the Draft EIR prescribed Mitigation Measure 4.14-2 which requires a traffic signal to be installed at this intersection prior to the issuance of the first occupancy permits for the Project (MM4.14-2 revised per Response City2-249). The addition of a traffic signal would alleviate the existing deficiency such that future traffic conditions would operate at a level acceptable by City of Yorba Linda and County of Orange traffic standards and reduce the Project's potentially significant impact to a less than significant level.

**RESPONSE TRANSCRIPT-58**

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

**RESPONSE TRANSCRIPT-59**

Regarding accidents at the intersection of Via Del Agua and Yorba Linda Boulevard due to cars running the signal, speeding or otherwise; enforcement of existing traffic laws is beyond the scope of the EIR. It would be speculative to predict the extent of future accidents that could occur at this intersection. (see CEQA Guidelines § 15064(d)(3)) (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1061 [foreseeing the unforeseeable is not required, nor is predicting the unpredictable].)

The commenter also suggests that a traffic study including a history of accidents through the intersection of Via Del Agua and Yorba Linda Boulevard should be completed. The Draft EIR takes into account the history or frequency of traffic accidents. As indicated on page 4.14-14, the signal warrant criteria for existing conditions are based upon several factors, including volume of vehicular and pedestrian traffic, frequency of accidents, and location of school areas. To assess the traffic impacts associated with the Project, traffic conditions for the “With Project” and “Without Project” scenarios were compared under the Existing (2012), Opening Year 2015, and Horizon Year 2035 scenarios, to obtain the change in service levels caused by the Project. For the 11 study intersections, these changes were compared to the thresholds of significance to determine whether significant impacts would occur (see page 4.14-17 of the Draft EIR). In order to reduce the potentially significant traffic impacts at the intersection of Via del Agua and Yorba Linda Boulevard, Mitigation Measure 4.14-2 requires the installation of a traffic signal at the intersection of Via del Agua and Yorba Linda Boulevard (see. 4.14-30 of the Draft EIR).

### **RESPONSE TRANSCRIPT-60**

The Draft EIR addressed traffic impacts, including impacts along arterials, in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein, impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. The traffic study did analyze impacts to major arterials in the project vicinity including the major intersections listed on Table 4.14-8 on page 4.14-10 of the Draft EIR. Per the County of Orange Congestion Management Plan (CMP) guidance, a project study area is defined based on intersection locations where the contribution of project traffic results in the intersection capacity utilization (ICU) value increasing by one (1) percent or more. The City of Yorba Linda traffic study guidelines recommends the analysis of study area intersections where the project is anticipated to contribute 50 or more peak hour trips. Neither of these thresholds was met for the intersections at Yorba Linda Boulevard at Imperial, Weir Canyon and La Palma, or Weir Canyon and Santa Ana Canyon. The commenter does not provide any evidence to support a conclusion that the project will result in significant impacts at these intersections. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence. (Pala Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 580; CEQA Guidelines § 15384.) An EIR should focus on significant environmental impacts of a project and omit detailed discussion of insignificant impacts.(CEQA Guidelines, § 15143.) Effects dismissed as clearly insignificant and unlikely to occur need not be discussed further in the EIR. (CEQA Guidelines, § 15143.) Further, the extent of study area intersections were discussed with the City of Yorba Linda and County of Orange, which confirmed the locations of the study area intersections presented in the traffic analysis.

### **RESPONSE TRANSCRIPT-61**

Before release of the Draft EIR, it was independently reviewed and revised by County staff, County Counsel, and an outside peer review consultant, consistent with CEQA standards where an EIR is prepared by outside consultants (see CEQA Guidelines section 15084(d)). The same team will review the Final EIR for accuracy and completeness. The Final EIR consists of the Draft EIR, responses to all comments, and document corrections.

### **RESPONSE TRANSCRIPT-62**

The commenter asserts that there would be traffic impacts but does not provide any evidentiary support or specifically challenge the analysis in the Draft EIR. The Draft EIR addressed traffic impacts in Section 4.14, *Traffic/Transportation*, with supporting data provided in Appendix L of the Draft EIR. As discussed therein,

traffic impacts were concluded to be less than significant with implementation of the prescribed mitigation measures. Please also refer to Topical Response 3 regarding emergency access.

### **RESPONSE TRANSCRIPT-63**

The list of related projects identified in the Draft EIR was prepared based on a review of applications and County records, in addition to consultation with staff at the City of Yorba Linda and County of Orange. Neither the City nor the County identified the 11-unit project referenced in this comment as a past, present, or probable future project during preparation of the Traffic Study (August 2012 original draft). That traffic study was utilized as the basis for the list of related projects identified in the Draft EIR and was generated when the CEQA environmental review process commenced with the release of the Notice of Preparation on July 5, 2012. Under CEQA Guideline Section 15130, only past, present, and probable future projects producing related or cumulative impacts need to be considered for purposes of assessing cumulative impacts using the list of related projects approach. Also, this comment's stated opposition to the Project as currently proposed is acknowledged and will be provided to the decision makers for review and consideration as part of the decision making process.

### **RESPONSE TRANSCRIPT-64**

As indicated on page 2-38, in Section 2.0, *Project Description*, of the Draft EIR, the Project may require encroachment and/or grading permits from the City in connection with roads and utilities. The Project is being processed through the County as the property is located in the City's unincorporated sphere of influence where the County has land use jurisdiction. Should there be interest on the part of the Project Applicant to pursue annexation of the property in the future whereby the City would assume some component(s) of the land use jurisdiction process; Draft EIR page 2-38 references a pre-annexation agreement with the City. The purpose of the agreement is to define the process, timeframe and City approval actions which would be required for annexation of the property to the City along with services to be provided by the City after annexation. The agreement would be a negotiated framework document between the Project Applicant, the County and the City as a prelude to annexation. The next step in this process would be the filing of an application for annexation either in response to a City resolution requesting the annexation, which would include City pre-zoning of the property, or by a petition of registered voters or property owners in the property to be annexed. Such an annexation application along with submittal of a property tax sharing agreement with the County and a plan of municipal services would be the start of the annexation process to be considered for approval by the Local Agency Formation Commission (LAFCO). The environmental impacts of the annexation as a project would be subject to compliance with CEQA either through an addendum or supplement to this Draft EIR or in a separate compliance document prepared for the annexation as a project.

### **RESPONSE TRANSCRIPT-65**

The project site is privately owned and the Project applicant has the right to develop the property. While the Project applicant is requesting discretionary approvals and permits from the City and County, the site has been planned for residential uses by both the City and the County in their respective General Plans. The commenter is referred to Section 4.9, *Land Use and Planning*, in the Draft EIR, for a discussion of land use impacts. As discussed therein, land use and planning impacts would be less than significant. Also, eminent domain refers to the power of the government to take private property for public use. Whether the site is annexed into the City or not, there would not be a need for eminent domain to be implemented by the City or County.



As discussed on page 4.12-16 of Section 4.12, *Public Services*, of the Draft EIR, the Project residents and visitors would utilize and, to some extent, impact the maintenance of public facilities, including roads, as well as other public services, such as street sweeping. The Project would result in a nominal increase to the populations serviced by the City of Yorba Linda and/or County of Orange in the type or frequency of uses of area governmental services and roadways.<sup>1</sup> As such, development of the Project would not significantly increase the use of government services beyond current levels. Further, payment of development fees by the Project applicant and taxes by future Project residents would be utilized by affected government services to offset the incremental increase in service demands created by the Project.

Further, with respect to roadway design, project design feature (pdf) 14-1 on page 4.14-19 of Section 4.14, *Traffic/Transportation*, ensures that street design and size standards will meet the requirements of both the County and City. Because the Project will meet City zoning requirements through compliance with the RU zone and both County and City design standards for roadways, the Project will be fully compatible with adjacent development whether or not the property is annexed to the City.

### **RESPONSE TRANSCRIPT-66**

The Orange County Board of Supervisors approved the Esperanza Hills Specific Plan on June 2, 2015. Please refer to Topical Response 1 for a detailed explanation as to why the Esperanza Hills Project is not part of the Cielo Vista Project, but was instead properly considered in the EIR as a related project for cumulative impacts purposes and in the Draft EIR's analysis of growth inducing impacts.

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<sup>1</sup> According to the US Census Bureau, the population estimate for the City of Yorba Linda was approximately 67,000 people. The population for Orange County in 2012 was approximately 3,090,000 persons. Thus, the Project's population of 358 residents would represent approximately 0.5% of the City's population, or 0.01% of the County's population. Data obtained from the US Census Bureau website: <http://quickfacts.census.gov>, accessed October 17, 2013.

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