SECTION 1.0: INTRODUCTION

1.1 Purpose

The City of Orange Community Development Department, Planning Division (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared a Final Environmental Impact Report (Final EIR) for the proposed Rio Santiago Specific Plan (State Clearinghouse No. 2009051072) within the City. The Final EIR contains all of the required contents as outlined in Section 15132 of the State CEQA Guidelines, including the following:

- The Draft EIR or a revision of the Draft EIR.
- Comments and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the Draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Any other information added by the Lead Agency.

This volume of the Final EIR consists of the public and agency comments on the Draft EIR, City responses, and a Mitigation Monitoring and Compliance Program. Pursuant to Section 15088 of the State CEQA Guidelines, the City has reviewed all comments received on the Draft EIR. Responses to these comments are presented in Chapter 2.0, *Master Responses* and Chapter 3.0, *Comments and Responses*, of this volume of the Final EIR. Any revisions to the Draft EIR based on these comments are contained in Chapter 4.0, *Errata to the Draft EIR*, of this volume of the Final EIR in revision mode text (i.e., deletions are shown with ~~strikethrough~~ and additions are shown with *italics*).

Public and agency comments on the Draft EIR and City responses to these comments are an important part of the CEQA process because they allow:

- Agencies and the public the opportunity to review and comment on the methods and analyses contained in the Draft EIR.
- The ability to detect any omissions that may have occurred during the preparation of the Draft EIR.
- The ability to check for accuracy of the analysis of the Draft EIR and make any necessary revisions.
- The ability to discover and respond to public concerns.

1.2 Recirculation Consideration

In responding to public and agency comments, information has been added to clarify and expand upon the impact discussions contained in the Draft EIR. In some cases mitigation measures have been added or revised.

In light of the information provided in response to public review comments, the City considered the need to recirculate the EIR pursuant to CEQA. CEQA Section 15088.5(e) requires that an EIR which has been made available for public review, but not yet certified, be recirculated whenever significant new information has been added to the EIR. The entire document need not be recirculated, if revisions are limited to specific portions of the document. The recirculated portions or document must be sent to responsible and trustee agencies for consultation and fresh public notice must be given in the manner provided for a draft EIR. New information is not presumed to be significant simply because it is new. Indeed, pursuant to State CEQA Guidelines Section 15088.5:

> New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect . . . that the project's proponents have declined to implement.

State CEQA Guidelines, § 15088.5(a):

In order to be "significant," the new information must constitute one of the following:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponent decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(State CEQA Guidelines, §15088.5(a)(1)-(4); *Laurel Heights II*, 6 Cal.4th at 1120.)

Neither the additional analyses provided in the Section 2.0, *Master Responses*, and Section 3.0, *Response to Comment*, nor any mitigation measures discussed or amplified in the responses to comments results in new or substantially increased significant impacts, and therefore no recirculation is required. It is common, and in most cases necessary, for responses to comments to amplify and elaborate on the analysis of an EIR. Such amplification, however, does not constitute significant new "information" unless it triggers one of the four categories described in State CEQA Guidelines Section 15088.5(a). State CEQA

Guidelines Section 15088.5(b) provides that "recirculation is *not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications* in an adequate EIR." [emphasis added]. The responses to comments and associated analysis properly fall within State CEQA Guidelines Section 15088.5(b) and do not implicate State CEQA Guidelines Section 15088.5(a).

Some commenters expressed the opinion that recirculation of the Draft EIR was required based on an assumption that mitigation measures and additional information would be "added" to the Draft EIR. However, the discussions in added to each section of this response to comments document merely serve to clarify or slightly modify the mitigation that would be already explicitly or implicitly implemented in the Draft EIR.

However, in order to clarify that these additional measures would be implemented, they would be incorporated into the EIR." This type of clarification is exactly what State CEQA Guidelines Section 15088.5(b) contemplates when it states that no recirculation is required when the new information "merely clarifies" the analysis of the EIR.

A concern was expressed that these new measures and PDF's could be construed as "significant new information" requiring recirculation. However, simply adding mitigation measures and PDF's does not trigger recirculation. Instead, the test is whether new information added to an EIR changes the document in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project. None of the mitigation measures, PDF's, or the analysis in the responses to comments comes close to meeting that standard. Therefore, recirculation is not required.

1.3 Process

As the Lead Agency for the project, the City took several steps to ensure that all interested parties had an opportunity to comment on the Draft EIR, in accordance with Article 7, EIR Process, of the State CEQA Guidelines (Section 15087 et. seq.). The Draft EIR was submitted to the Governor's Office of Planning and Research, State Clearinghouse, which established a 45-day public review period from May 16, 2013 to July 1, 2013. The Draft EIR and its Appendices were available for public review online at http://www.cityoforange.org/depts/commdev and at the following locations during the public review period:

City of Orange
Community Development Department
Planning Division
300 East Chapman Avenue
Orange, California 92866

City of Orange
City Clerk
300 East Chapman Avenue
Orange, California 92866

Orange Public Library & History Center
407 East Chapman Avenue
Orange, California 92866

El Modena Branch Library
380 South Hewes Street
Orange, California 92866

Charles P. Taft Branch Library
740 East Taft Avenue
Orange, California 92866

The Notice of Availability (NOA) of the Draft EIR was posted at the City of Orange Clerk's office during the public review period. The site was also posted in six perimeter locations and posting also occurred at Linda Vista Elementary School. The NOA was mailed to various agencies and organizations and to individuals that had previously requested such a notice. Additionally, the NOA was published in the following newspaper publication on the following dates:

Orange City News *May 16, 2013*

1.4 Organization of the EIR

The contents of this volume of the EIR include the information required to be in compliance with CEQA. In addition to this Introduction section, the remainder of the document is organized into the following main sections individually described below. This document contains the following chapters:

Chapter 2.0: Master Responses

This section contains master responses to comments received during the public/agency review period.

Chapter 3.0: Comments and Responses

This section contains comments and responses to comments received during the public/agency review period.

Section 4.0: Errata to the Draft EIR

This section identifies changes to the Draft EIR as a result of comments or corrections.

Section 5.0: Mitigation Monitoring and Compliance Program

This section provides the mitigation program that may be adopted by the City Council as part of the Final EIR, pursuant to Public Resources Code Section 21081.6.